Energy Litigation
Eversheds Sutherland’s energy litigation attorneys represent national and international energy companies in jurisdictions that span the United States.

Energy is among the world's most complicated, highly regulated business sectors. Eversheds Sutherland has the energy industry experience to handle any dispute.

The Eversheds Sutherland Energy Litigation team guides, negotiates, arbitrates, litigates and resolves the legal needs of energy companies, integrated majors, producers, pipelines, drillers, developers, operators and businesses that finance and insure the industry. We have extensive litigation experience, knowledge of the industry, a focus on client business goals, and willingness to take matters to trial. We are members of industry groups and regularly speak at energy conferences.

With focus on client business drivers and goals, our energy litigation attorneys try cases and argue before federal and state courts at the trial and appellate levels, and before regulatory agencies and arbitrators. Our dedicated energy sector team recognizes the importance of client resources, and we quickly develop strategies with our clients to devote the right mix of attorney experience and skills to achieve optimal results.

Our lawyers try business disputes for the country’s leading energy corporations. Matters include creditors’ rights, commodity contract disputes, energy construction litigation, liquefied natural gas (LNG) and regulatory litigation and investigations. We also help clients navigate through media attention and other public relations challenges that often accompany disputes. Whenever the situation demands, our energy litigation attorneys can call on colleagues firm-wide, including more than 100 attorneys who comprise our Litigation team, as well as those in our Energy practice.

**Why Eversheds Sutherland**

**Energy-specific knowledge.** Our attorneys possess a wealth of experience with the array of lawsuits and disputes that arise in the energy area.

**Real trial experience.** Our attorneys try cases before courts across the country, including U.S. Courts of Appeals and the Supreme Court of the United States. We handle matters in all 50 states and are licensed to practice in 24 states and the District of Columbia.

**Regulatory focus.** A number of lawyers devote their practice to administrative litigation for our energy clients, and we represent energy
marketing companies, utilities and trade groups before both state and federal regulators, including the Federal Energy Regulatory Commission (FERC) and the Commodity Futures Trading Commission (CFTC). Our attorneys are involved in litigating rate cases, stranded costs, certificate proceedings, direct gas connections, LNG issues and complaint proceedings before FERC.

**Crisis management skills.** In the world of 24/7/365 media coverage and the explosion of social media, the fallout from litigation can be worse than the actual lawsuits or investigations. We guide clients through the minefields, including advising on public relations strategies and mitigating reputational risk. When necessary, our lawyers can provide testimony and evidence in connection with government investigations.

**Nuts and Bolts**
We advise and litigate on behalf of clients involved in complicated commercial, commodity and regulatory energy disputes relating to:

- Liquefied natural gas projects
- Investigations arising from energy trading activities
- Pre-emptive effect of federal jurisdiction over energy companies
- Power plant construction contracts and permits
- Environmental and local compliance for energy projects
- Personal injury suits related to electromagnetic field (EMF) claims
- Territorial disputes for electric cooperatives
- Franchise fees and occupation taxes for utilities
- Nuisance complaints by landowners
- Efforts by government authorities and citizens groups to block utility projects
- Joint use contracts involving utility poles and facilities
- Antitrust issues
- Restructuring of the retail electric markets
- Terminating, liquidating and valuing forward physical and financial trading positions
- Long-dated tolling agreements
- Creditworthiness, insolvency and bankruptcy
- Federal Energy Regulatory Commission (FERC) and the Commodity Futures Trading Commission (CFTC) investigations
- Direct connections and bypasses by industrial end users and generators to interstate natural gas pipelines
- The enforceability of one-way termination provisions in master agreements
- Whether contracts and transactions qualify as forward contracts and/or swap agreements under the Bankruptcy Code
• Strict products liability
• Toxic tort and mass tort
• Shareholder claims and breach of fiduciary duties
• Market manipulation and price fixing allegations
• Contract termination and valuation

Take Action
Our energy litigation and dispute resolution practice involves the full range of litigation, arbitration, mediation and negotiation activities on behalf of energy companies, with the knowledge of lawyers who have been working with participants in the energy markets for many years.

Experience
Served as lead counsel in the BP oil spill litigation and guided the drilling contractor through crisis management and regulatory issues following the Deepwater Horizon oil spill.

Defended a London energy package policy in a $100-plus million claim involving complex multiparty coverage issues.

Defended an offshore drilling manufacturer against claims of breach of contract, breach of warranty, negligence and declaratory relief following a volcanic eruption that damaged the client's equipment.