



## Robert Vartabedian

Partner

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### *Related Services*

Litigation ■ Commercial ■ Appellate ■ Environment, Land Use & Natural Resources ■ Oil & Gas ■ Land Use ■ Oil & Gas Litigation

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Rob Vartabedian focuses his practice on energy litigation, with an emphasis on upstream oil and gas. He represents clients in matters including lease termination suits, contract interpretation issues, royalty disputes, claims of breaches of implied covenants to oil and gas leases, surface use disputes, breaches of joint operating agreements, and a wide variety of other disputes related to the energy industry. He has tried 18 cases to verdict and handled multiple dispositive appeals, and his clients ultimately prevailed in all. In addition, Rob has experience in commercial litigation in other industries.

Rob has been recognized for his work in oil and gas litigation by *Chambers USA: America's Leading Lawyers for Business*, *The Best Lawyers in America*<sup>®</sup>, and *The Legal 500*. He has also been named to the "40 & Under Hot List" by Benchmark Litigation, *Texas Super Lawyers*, and *Fort Worth, Texas* magazine "Top Attorneys" list.

### *Representative Experience*

- Secured a unanimous defense verdict from a Borden County, TX, jury as lead counsel for an oil company and their equity provider sued for over \$20 million in a dispute over a sale of mineral rights.
- Obtained summary judgement in Tarrant County, TX, as lead counsel for the defendant, a private equity-backed oil company, sued for an alleged breach of a right of first refusal related to a nine-figure transaction.
- Obtained a highly favorable settlement on the eve of trial as lead counsel representing a large oil company in an \$85 million contract dispute in Denver.
- Lead counsel in a Midland County, TX, lease termination jury trial representing a Fort Worth-based oil and gas company against a Fortune 500 drilling company. Secured a unanimous finding that the lease terminated for failure to produce in profitable quantities and also terminated based on a total cessation of production without timely qualifying operations.
- Lead trial and appellant counsel securing a summary judgment win in an Andrews County title dispute later affirmed by the Court of Appeals. *Double Eagle Andrews v. King Operating, et al.*, No. 11-19-00336-cv (Tex. App.).
- Lead counsel in the retrial of a seminal Texas oil and gas case. In the original trial – when a different firm represented BP – the jury unanimously found that its lease terminated for failure to turn a profit. The Texas Supreme Court remanded for a new trial. As lead counsel in the retrial, Rob secured a unanimous jury verdict in BP's favor with a finding that the lease produced in paying quantities. *BP America v. Laddex*, No. 15-0248 (Tex.).

- Lead appellant counsel securing a favorable reversal in a dispute over ownership over royalty interest. The Texas appeals court applied the historical 1/8 and estate misconceptions when interpreting a 1951 deed stating the client owned all of a disputed interest. This reversed the trial court's decision that the client did not own any fraction of the disputed interest. *WTX Fund v. Holt, et al.*, No. 08-17-00104-CV (Tex. App.).
- Lead counsel for a Dallas-based water company that prevailed with a unanimous jury verdict in a saltwater lease termination dispute in Martin County, TX.
- Lead counsel for a Midland-based operator that defeated a lease termination challenge on an almost 5,000-acre lease in Reeves County, TX, by filing suit and securing ratifications from the defendants without payment of any settlement.
- Secured summary judgment for the primary defendant, a Fort Worth-based oil and gas company, in a lease termination dispute involving 4,000 gross mineral acres in the heart of the Delaware Basin.
- Obtained summary judgment as lead counsel for the defendant oil company facing a damages' claim for over \$50 million on an oil and gas lease in Loving County, TX.
- Secured summary judgment as lead counsel for the plaintiff in an ownership dispute over a lease in Scurry County, TX.
- Co-lead counsel at trial over claims for the termination of a multimillion-dollar oil and gas lease, resulting in a jury finding that the lease in question produced in paying quantities. Later obtained a full take-nothing judgment when the Texas Supreme Court held that the only material question asked of the jury was the one answered in favor of the client. *BP America v. Red Deer Resources*, No. 15-0569 (Tex.).
- Represented a Dallas-based oil company in resolving in a high-value lease dispute in Reeves County, TX.
- Obtained a favorable settlement for an Oklahoma-based operator in a lawsuit alleging the multimillion-dollar lease termination was due to an improper invocation of the shut-in royalty clause.
- Obtained a dismissal without payment for a Colorado-based operator and a supermajor in a lawsuit alleging lease termination and breaches of the implied covenant to reasonably develop the lease.
- Represented the CEO of an oil company in a \$3.5 million lawsuit and secured a dismissal without payment.
- Lead counsel for a Fort Worth-based oil company in a dispute over the ownership of multiple square miles of valuable mineral acreage in the heart of the Midland Basin that ended in a favorable settlement.
- Represented a Texas-based operator in a dispute with a contractor over a failed fracking attempt, resulting in a favorable settlement.
- Counseled a Texas-based operator through an acquisition of a leasehold in the Permian Basin with a potential title dispute, resulting in a substantially lower than market value price, resolution of all rival claims without litigation, and the sale of the property one year later for a \$40 million profit.
- Represented the prevailing party, Unit Petroleum, in an appeal in one of only two Texas cases to define the rights, limitations, and meaning of a wellbore-only lease. *Unit Petroleum v. David Pond Well Service*, No. 07-12-00359-cv (Tex. App.).
- Won a defense verdict following a two-week trial in a lease termination dispute in Moore County, TX, representing the largest working interest owner in an oil and gas lease.

## **Publications & Presentations**

### **Presentations**

- “The Force Majeure Made Me Do It: Excusing Nonperformance in a Pandemic,” Texas General Counsel Forum December Meeting, December 3, 2020.

## *Professional & Community Engagement*

- Opportunity School, board of directors (2008–2015); president (2011)
- Lone Star Runners Club
- American Heart Association, Amarillo Chapter, board of directors (2006–2008)

## *Court Admissions*

- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Oklahoma
- U.S. Court of Appeals, Fifth Circuit

## *Education*

- University of California, Berkeley (J.D., 2005)
- Texas Tech University (B.A., 2002)

## *Admitted to Practice*

- Texas
- Oklahoma
- New Mexico