

Thomas G. Ciarlone Jr.

DIRECTOR

Thomas G. Ciarlone, Jr., focuses his practice on oil-and-gas litigation and general commercial litigation and dispute resolution. Tom has over fifteen years of complex litigation experience in trial and appellate courts across the country, and his practice broadly reaches all forms of contentious business disputes.

When royalties and other mineral interests are hotly contested, Tom is known for his thoughtful treatment—in the courtroom and on the papers—of the many intricacies that drive title controversies and deed-construction cases to successful conclusion. He frequently represents operators in high-stakes lease disputes involving allegations of the underpayment and miscalculation of royalties; violations of continuous drilling and development obligations; and improper deductions for transportation, processing, and other post-production expenses. His diverse industry background also includes representing operators and pipeline companies in mineral trespass and surface-use disputes, and in related proceedings for emergency and preliminary injunctive relief.

In addition, Tom often assists both operators and oil field service providers with sophisticated matters implicating the breach of supply, service, and confidentiality agreements and the theft and misappropriation of trade secrets. When mineral owners are impossible to find, or when they finally emerge after long absences, Tom helps oil-and-gas companies establish, administer, and wind down mineral receiverships, to ensure that time-sensitive operations are never impeded by missing or emerging interest owners. And, in the event business relationships sour, Tom has earned a reputation for diplomatically—and, when push comes to shove, aggressively—resolving disagreements among joint interest partners and other collaborators in the oil patch. Tom's practical experience in the energy sector is simultaneously broad and deep, encompassing title issues, seismic-related disputes, drilling operations and surface damages, royalty underpayments, offset drilling and development, bad-faith pooling, cessation of production, and lease termination.

Beyond oil and gas, Tom has played a significant role in litigating and ultimately settling many nationwide class actions, including matters involving allegations of securities and consumer fraud at Big Four auditing and accounting firms and at a wide range of prominent publicly traded companies.

Tom always operates with an eye toward the business objectives of his clients and their bottom line. He makes it a top priority to formulate creative, cost-effective strategies for defusing his clients' legal problems outside the courtroom. In this way, Tom helps his clients avoid or at least abbreviate litigation, conserve resources, and preserve valuable business relationships.



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LAW SCHOOL

Cornell University Law School, J.D.,
2001

UNDERGRADUATE

New York University, B.A., *magna cum laude*, 1998

Every week, you can listen to Tom's podcast, available at www.energylawroundup.com, which is devoted exclusively to breaking legal news and developments in the energy industry.

Scope of Practice:

Energy litigation, complex commercial and business litigation, class actions, trade secret litigation, partnership disputes, contract disputes, securities and investor fraud, consumer fraud, general civil litigation.

Practice Focus

Energy, Oil and Gas, Investment Fraud, Litigation, Complex Commercial Litigation

Honors

- Texas Rising Stars, Thomson Reuters (2015-2016)
- "Who's Who in Energy," San Antonio Business Journal, 2014

Associations

- State Bar of Texas
- American Bar Association Energy Litigation Journal, Board of Editors
- Houston Bar Association
- Dallas Bar Association
- Cornell International Law Journal, Former Member of Board of Editors

Admissions

- State Bar of Texas, 2011
 - United States District Courts for the Western, Southern, Eastern, and Northern Districts of Texas
- State Bar of Connecticut, 2001
 - United States District Court for the District of Connecticut
- State Bar of New York, 2002
 - United States District Courts for the Southern and Eastern Districts of New York
 - District of Columbia Bar (2002)
- United States Court of Appeals for the Fifth Circuit

Experience

- Following a week-long federal jury trial, secured a take-nothing judgment for an international oil field services company accused of breaching a multimillion-dollar sales and supply agreement
- Obtained summary judgment, in a challenging South Texas venue, for a leading Texas operator facing the loss of dozens of producing wells and mineral leases covering 15,000 acres
- Defended a major operator against a seismic broker and processor's allegations of breach of contract and misappropriation of trade secrets
- Represented multiple operators in jurisdictions across Texas with respect to the formation, administration, and full and partial dissolution of mineral receiverships

- Defended an Eagle Ford operator in subsurface trespass litigation involving salt water disposal and injection wells
- Represented an Oklahoma-based gas gatherer and processor in a high-profile gas allocation arbitration against a multinational energy conglomerate
- Represented the seller of an oil field services company in a multimillion-dollar “earn-out” dispute with a private equity firm
- Defended a large Canadian operator in several breach-of-contract actions brought by transportation and water-supply service companies
- Represented an oil field supply company in a contract dispute with a wholesale equipment seller
- Advised an exploration and production (E&P) company on various insurance-related issues stemming from a well blowout
- Advised a regional E&P in connection with purported breaches of an oil-and-gas lease purchase agreement and related failures to maintain mineral leases
- Advised an E&P in a force majeure dispute with a gas processor
- Prosecuted online defamation claims on behalf of a Fortune 500 technology company in one of the nation’s first ever “cybersmear” cases
- Represented high net-worth European investors in a dispute with an overseas hedge fund, recovering their entire initial subscription
- Defended a prominent advertising agency and its executive officers in a partnership dispute, settling the case on terms highly favorable to the agency and its executives
- Defended a startup software firm in bet-the-company trade secret litigation brought by a multinational competitor
- Represented thousands of investors in the first ever securities fraud action in which a class was certified against a foreign sovereign under Rule 23 of the Federal Rules of Civil Procedure
- Arbitrated a nationwide class action involving allegations of fraudulent tax assessments by a major online travel website
- Represented members of a Texas limited liability company in a long-running partnership dispute and related buyout negotiations
- Litigated in state trial and appellate courts groundbreaking lawsuits challenging structured settlement practices in the insurance industry
- Closely involved in approximately a dozen lawsuits against feeder funds, investment managers, and outside auditors and administrators seeking the recovery of monies lost in the multibillion-dollar Bernard Madoff and Thomas Petters Ponzi schemes
- Litigated several cases involving purported violations of the Employment Retirement Income Security Act (ERISA) by S&P 500 member companies and their executive officers
- Litigated a wide variety of product design and manufacturing defect mass actions, including cases involving motor vehicles, software, computers and other business machines, health and beauty aids, cellular telephones and other handheld devices, and component electronic parts
- Litigated several related lawsuits involving allegations of fraud, conspiracy, and conflicts of interest between the underwriting and research divisions of a large Wall Street investment bank
- Litigated dozens of class actions involving violations of the federal securities laws and their state law equivalents

Publications

- Host of Energy Law Roundup, a podcast devoted exclusively to breaking legal news and developments in the energy industry
- “Harvey’s Aftermath For The US Oil And Gas Sector,” *Law360* (6 September 2017)
- “What I Learned In My 1st Year: Lessons From Willy Wonka,” *Law360* (17 August 2017)

- "Recent Developments in Oil-and-Gas Law," *Headnotes*, Dallas Bar Association (August 2017)
- "Texas High Court Ruling Sows Confusion On Mineral Deeds," *Law360* (18 July 2017)
- "Oil-and-Gas Class Actions in Texas," American Bar Association, Energy Litigation Section (April 2013)
- "Leasing the Mineral Owner Who's Gone AWOL," American Bar Association, Energy Litigation Committee Newsletter (Summer 2012)
- "Mineral Receiverships in Texas," presented as faculty at Half Moon Seminars, Agreements and Disputes in Oil-and-Gas Production, Midland, Texas (July 2012)
- "Mineral Receiverships: The Cure for Missing Mineral Owners," *Landman Magazine* (May/June 2012)
- "Legal Challenges to Traditional Structured Settlement Business Practices," presented as speaker-panelist at Society of Settlement Planners Fourth Annual Meeting, Washington, D.C. (March 2006)
- "Cybersmear May Be Coming to a Website Near You: A Primer for Corporate Victims," *Defense Counsel Journal* (January 2003)
- "Medical Malpractice Cases in Connecticut: Infertile Grounds for Bystander Emotional Distress Claims," *Quinnipiac Health Law Journal*, Vol. 6 (2002/2003)

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- "Mineral Receiverships in Texas," presented as faculty at Half Moon Seminars, Agreements and Disputes in Oil-and-Gas Production, Midland, Texas (July 2012)
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