



## Thomas G. Ciarlone Jr.

Director

direct 713.425.7428

main 713.425.7400

fax 713.425.7700

[tciarlone@krcl.com](mailto:tciarlone@krcl.com)

**With over two decades of general commercial litigation experience in trial and appellate courts across the country, Tom focuses on large, complex, and high-stakes cases. Although his broad practice encompasses nearly all forms of contentious business disputes, Tom frequently advocates on behalf of operators and service companies in oil-and-gas litigation.**

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 conclusions. He represents clients in matters 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 advising E&Ps 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 operators and oilfield service providers navigate disputes surrounding 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, he 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 brings to his practice both broad and deep practical experience in the energy sector, which encompasses helping clients with 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. He previously worked at a large New England law firm and a New York class-action boutique, where he gained a wealth of courtroom experience and faced off against tenacious litigators from some of the largest and best-known firms in the country.

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

Tom and his team are frequently told by judges, opposing counsel, and colleagues that their brief writing skills are exceptional, and Tom believes that they rank among those of the very best appellate practices in the country.

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

## Away from the Office

Outside of his practice, Tom reads extensively and stays in shape by running and playing tennis. He's also busy keeping up with his three kids and their activities.

## Bar 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 (2002)
- United States Court of Appeals for the Fifth Circuit

## Education

---

Cornell University Law School, J.D., 2001

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

- Phi Beta Kappa

## Practice Focus

---

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

## 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

---

- Energy Law Today, "VIDEO: "Oil and Gas Law: In 5 Minutes or Less," October 2020
- Energy Law Today, "SCOTX to Review Mineral Lease Boundary Dispute," October 2020
- Energy Law Today, "PODCAST: Three New Important Oil-and-Gas Cases," September 2020
- Energy Law Today, "Oil-and-Gas Class Actions: A Cautionary Tale," August 2020
- Energy Law Today, "The Troubling Intersection of Division Orders, Joint Tenancies, and Estoppel," July 2020
- Energy Law Today, "PODCAST: Interview with In-House Counsel at Encore Permian," July 2020
- Energy Law Today, "Texas Supreme Court Addresses Interpretation of Oil-and-Gas Contracts," July 2020
- Energy Law Today, "Oil and Gas Law: In 5 Minutes or Less," June 2020
- Energy Law Today, "KRCL Oil-and-Gas Litigation Partner Interviewed on "The Crude Life" Podcast," June 2020
- Energy Law Today, "VIDEO: COVID-19 and the Oil Patch — Lease Litigation Pitfalls," April 2020
- Energy Law Today, "PODCAST: Interpreting Oil-and-Gas Contracts, The Rule of Capture and Mineral Trespass, and Class Action Developments for Operators," August 2019
- Energy Law Today, "Sixth Circuit Fans the Flames of Class Certification Against Operators," August 2019
- Energy Law Today, "Rule-of-Capture Showdown: Pennsylvania v. Texas," August 2019
- Energy Law Today, "SCOTX Issues Another Key Decision for Interpreting Oil-and-Gas Contracts," July 2019
- Energy Law Today, "Podcast: Royalty Underpayment Class Actions; Duties of the Mineral Executive; and Anti-Pooling Clauses," June 2019

- Energy Law Today, "SCOTX Hands Down Decision on Mineral Executive's Obligations to Non-Executives," May 2019
- Energy Law Today, "Lessor's Acceptance of Royalty Payments Did Not Waive Anti-Pooling Clause," May 2019
- Energy Law Today, "The Troubling Intersection of Royalty Disputes and Consumer Protection Laws," March 2019
- Energy Law Today, "Podcast: Royalty Class Actions and Farmout Agreements," January 2019
- Energy Law Today, "Texas Supreme Court to Mineral Purchasers: Buyer Beware!" December 2018
- Energy Law Today, "Can Consent Be Withheld Arbitrarily in the Oil Patch?" December 2018
- Energy Law Today, "Fifth Circuit Sets Dangerous Precedent for Oil-and-Gas Class Actions," November 2018
- Energy Law Today, "Complimentary Energy Law Breakfast Seminar," October 2018
- Energy Law Today, "Offset Wells and the Ongoing "Fixed"-Versus-"Floating" Royalty Saga," October 2018
- Energy Law Today, "Solid Drilling Waste Management and Recycling in the Oil Patch," September 2018
- Energy Law Today, "The Neverending Story: "Fixed" vs. "Floating" Royalties in Texas," August 2018
- Energy Law Today, "SCOTX: When An "Offset Well" Is Not An Offset Well," June 2018
- Energy Law Today, "Oil and Gas Law: 2Q18 Update," May 2018
- Energy Law Today, "KRCL Energy Law Breakfast Seminar: Video Preview," May 2018
- Energy Law Today, "SCOTX: Term Royalty Interests Survive the Rule Against Perpetuities,"
- Energy Law Today, "Pennsylvania Departs from Texas on Trespass by Hydraulic Fracturing," April 2018
- Energy Law Today, "Oil and Gas Law: 2018 Thus Far," February 2018
- Energy Law Today, "Oil and Gas Law: 2017 Year in Review," December 2017
- Energy Law Today, "BREAKING: Texas Oil and Gas Regulators Face Off at Public Meeting,"
- Energy Law Today, "The Tension Between Executives and Non-Executives in Mineral Leases," September 2017
- Energy Law Today, "Harvey's Aftermath For The US Oil And Gas Sector," September 2017
- Energy Law Today, "Acreage Release Clauses in Mineral Leases: An Often Overlooked Pitfall for Operators," August 2017
- Energy Law Today, "The Battle Between Horizontal and Vertical Wells," August 2017
- Energy Law Today, "KRCL's Energy Practice Group Featured in New Law360 Series," August 2017
- Energy Law Today, "KRCL Energy Law Podcast: iOS and Android Apps Available for Download," August 2017
- Energy Law Today, "A Cautionary Tale for Operators," August 2017
- Energy Law Today, "Everything You Need to Know About Oil and Gas Law—2Q17 Edition," July 2017
- Energy Law Today, "Oil and Gas Law: 2017 Midyear Update (Complimentary Whitepaper)," July 2017
- Energy Law Today, "Oil-and-Gas Law Update: July 11, 2017," July 2017
- Energy Law Today, "Class Action Certification In the Oil Patch: Red Herrings Often Abound," July 2017
- Energy Law Today, "Drilling on Federal Lands: Department of Interior Issues Order to Curb Delays," July 2017
- Energy Law Today, "Seeing Double: Operator Must Pay Royalties To Multiple Units, Says Texas Supreme Court," June 2017
- Energy Law Today, "Jury Returns Defense Verdict for Operator That Deducted Affiliate Fees from Royalties," June 2017
- Energy Law Today, "Texas Supreme Court Upends Traditional Rules of Construction for Mineral Deeds," June 2017
- Energy Law Today, "Eighth Circuit Makes It Easier For Plaintiffs To Take Fracing Contamination Claims To Trial," May 2017
- Energy Law Today, "BREAKING: Texas Supreme Court Upholds Validity of County-Wide Mineral Deeds," May 2017
- Energy Law Today, "New Guidance for Noise and Pollution Claims in the Oil Patch," May 2017
- Energy Law Today, "BREAKING: Horizontal Drilling Across Neighboring Tract Not Trespass, Says Texas Supreme Court," May 2017
- Energy Law Today, "The Texas Railroad Commission Will Not Ride Off Into The Sunset," May 2017

- Energy Law Today, "Everything You Need to Know About Oil-and-Gas Law So Far This Year," May 2017
- Energy Law Today, "Federal Regulators Get Closer to Abandoning Stringent New Fracing Rules," May 2017
- Energy Law Today, "A Shortsighted Discovery Ruling That Could Leave the Dakota Access Pipeline Vulnerable to Terror Attacks," April 2017
- Energy Law Today, "Trump Executive Orders Target the Expansion of Drilling—Onshore and Off," April 2017
- Energy Law Today, "The Nation's First Legislative Fracking Ban Is On The Books," April 2017
- Energy Law Today, "March News and Developments in Energy Law," March 2017
- Energy Law Today, "Defamation Claims in the Oil Patch: A Victory for the Industry," February 2017
- Energy Law Today, "February News and Developments in Energy Law," February 2017
- Energy Law Today, "2017 Litigation Toolkit: For the Energy Industry and Beyond," February 2017
- Energy Law Today, "Oil-and-Gas Case Law Round Up: January 2017," January 2017
- Energy Law Today, "Earthquake Fracing Lawsuits Coincide With Renewed Scrutiny Of Texas Railroad Commission," November 2016
- Energy Law Today, "Texas Railroad Commission Proposes Rule Changes to Generate Efficiencies and Cost Savings in the Oil-and-Gas Industry," August 2016
- Energy Law Today, "The (Missing) Link Between Fracing and Earthquakes: The Texas Railroad Commission Weighs In," November 2015
- Energy Law Today, "Post-Production Deductions and Affiliate Sales: A Potential Minefield for Unwary Operators," September 2015
- Energy Law Today, "When Damage Control Is Damaging: A Cautionary Tale for Publicly Traded Energy Companies," September 2015
- 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)

## Honors

---

- Texas Rising Stars, Thomson Reuters (2015-2016)
- Best Lawyers in America®, U.S. News & World Report
- "Who's Who in Energy," San Antonio Business Journal, 2014
- Top Lawyers, *Houstonia Magazine* (2019)

## 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

## Presentations

---

- "Cessation of Production and Production in Paying Quantities: A Primer for Operators," presented speaker at Dallas Bar Association Energy Section Meeting (December 2021)
- "Mineral Receiverships in Texas," presented as faculty at Half Moon Seminars, Agreements and Disputes in Oil-and-Gas Production, Midland, Texas (July 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)

## Insights

---

- Thomas Ciarlone to present at the Dallas Bar Association Energy Section Meeting on Cessation of Production and Production in Paying Quantities
- VIDEO: "Oil and Gas Law: In 5 Minutes or Less"
- SCOTX to Review Mineral Lease Boundary Dispute
- PODCAST: Three New Important Oil-and-Gas Cases
- Oil-and-Gas Class Actions: A Cautionary Tale
- The Troubling Intersection of Division Orders, Joint Tenancies, and Estoppel
- PODCAST: Interview with In-House Counsel at Encore Permian
- Texas Supreme Court Addresses Interpretation of Oil-and-Gas Contracts
- Oil and Gas Law: In 5 Minutes or Less
- KRCL Oil-and-Gas Litigation Partner Interviewed on "The Crude Life" Podcast
- VIDEO: COVID-19 and the Oil Patch — Lease Litigation Pitfalls
- PODCAST: Interpreting Oil-and-Gas Contracts, The Rule of Capture and Mineral Trespass, and Class Action Developments for Operators
- Sixth Circuit Fans the Flames of Class Certification Against Operators
- Rule-of-Capture Showdown: Pennsylvania v. Texas
- SCOTX Issues Another Key Decision for Interpreting Oil-and-Gas Contracts
- Podcast: Royalty Underpayment Class Actions; Duties of the Mineral Executive; and Anti-Pooling Clauses
- SCOTX Hands Down Decision on Mineral Executive's Obligations to Non-Executives
- Lessor's Acceptance of Royalty Payments Did Not Waive Anti-Pooling Clause
- The Troubling Intersection of Royalty Disputes and Consumer Protection Laws
- Podcast: Royalty Class Actions and Farmout Agreements
- Texas Supreme Court to Mineral Purchasers: Buyer Beware!
- Can Consent Be Withheld Arbitrarily in the Oil Patch?
- Fifth Circuit Sets Dangerous Precedent for Oil-and-Gas Class Actions
- Complimentary Energy Law Breakfast Seminar
- Offset Wells and the Ongoing "Fixed"-Versus-"Floating" Royalty Saga
- Solid Drilling Waste Management and Recycling in the Oil Patch
- Indemnity and Access Agreements in Environmental Investigations in the Oilfield and Beyond
- The Neverending Story: "Fixed" vs. "Floating" Royalties in Texas
- SCOTX: When An "Offset Well" Is Not An Offset Well
- Oil and Gas Law: 2Q18 Update

- KRCL Energy Law Breakfast Seminar: Video Preview
- SCOTX: Term Royalty Interests Survive the Rule Against Perpetuities
- Pennsylvania Departs from Texas on Trespass by Hydraulic Fracturing
- Oil and Gas Law: 2018 Thus Far
- Oil and Gas Law: 2017 Year in Review
- BREAKING: Texas Oil and Gas Regulators Face Off at Public Meeting
- The Tension Between Executives and Non-Executives in Mineral Leases
- Harvey's Aftermath For The US Oil And Gas Sector
- Acreage Release Clauses in Mineral Leases: An Often Overlooked Pitfall for Operators
- The Battle Between Horizontal and Vertical Wells
- KRCL's Energy Practice Group Featured in New Law360 Series
- KRCL Energy Law Podcast: iOS and Android Apps Available for Download
- A Cautionary Tale for Operators
- Everything You Need to Know About Oil and Gas Law—2Q17 Edition
- Oil and Gas Law: 2017 Midyear Update (Complimentary Whitepaper)
- Oil-and-Gas Law Update: July 11, 2017
- Class Action Certification In the Oil Patch: Red Herrings Often Abound
- Drilling on Federal Lands: Department of Interior Issues Order to Curb Delays
- Seeing Double: Operator Must Pay Royalties To Multiple Units, Says Texas Supreme Court
- Jury Returns Defense Verdict for Operator That Deducted Affiliate Fees from Royalties
- Texas Supreme Court Opens Traditional Rules of Construction for Mineral Deeds
- Eighth Circuit Makes It Easier For Plaintiffs To Take Fracing Contamination Claims To Trial
- BREAKING: Texas Supreme Court Upholds Validity of County-Wide Mineral Deeds
- New Guidance for Noise and Pollution Claims in the Oil Patch
- BREAKING: Horizontal Drilling Across Neighboring Tract Not Trespass, Says Texas Supreme Court
- The Texas Railroad Commission Will Not Ride Off Into The Sunset
- Everything You Need to Know About Oil-and-Gas Law So Far This Year
- Federal Regulators Get Closer to Abandoning Stringent New Fracing Rules
- A Shortsighted Discovery Ruling That Could Leave the Dakota Access Pipeline Vulnerable to Terror Attacks
- Trump Executive Orders Target the Expansion of Drilling—Onshore and Off
- The Nation's First Legislative Fracking Ban Is On The Books
- March News and Developments in Energy Law
- Defamation Claims in the Oil Patch: A Victory for the Industry
- February News and Developments in Energy Law
- 2017 Litigation Toolkit: For the Energy Industry and Beyond
- Oil-and-Gas Case Law Round Up: January 2017
- Earthquake Fracing Lawsuits Coincide With Renewed Scrutiny Of Texas Railroad Commission
- Texas Railroad Commission Proposes Rule Changes to Generate Efficiencies and Cost Savings in the Oil-and-Gas Industry
- The (Missing) Link Between Fracing and Earthquakes: The Texas Railroad Commission Weighs In
- Post-Production Deductions and Affiliate Sales: A Potential Minefield for Unwary Operators
- When Damage Control Is Damaging: A Cautionary Tale for Publicly Traded Energy Companies