

Jon Bergman has substantial experience representing an array of resource companies, including upstream entities engaged in oil and gas development and downstream refiners. Mr. Bergman's work in this area includes disputes between operators and working interest owners, and defending companies facing claims from individual property owners for property torts (trespass, nuisance and negligence, etc.) based upon alleged releases of asbestos, hydrocarbons, and other substances.

REPRESENTATIVE MATTERS

- Represents a Fortune 500 company facing claims in North Dakota federal court regarding the amount of surface damage payments for oil and gas development on the subject property
- Represents an operator involved in a lawsuit in North Dakota federal court regarding the acquisition of oil and gas leases in the Fort Berthold Reservation in North Dakota. After determining that the underlying mineral leases for subject parcels had segregated and expired as a matter of law, Mr. Bergman's client acquired the subject leasehold interests. The adverse party disputes the rights acquired, including determinations by the Bureau of Indian Affairs that such interests were lawfully acquired.
- Represents a Fortune 500 company that formally owned an oil refinery in Montana. The successor to the initial purchaser contends that Jon's client is liable under an asset purchase agreement for certain environmental conditions at the subject refinery. Mr. Bergman's client disputes such claims, which are pending in arbitration.
- Represented an operator in a jury trial in North Dakota federal court over a disputed AFE for drilling and horizontal oil well. The parties disputed whether an approval of the AFE and agreement to participate in the oil well was binding on the non-operator in the light of the formation targeted by the operator for completion. The trial involved testimony from lay and expert witnesses regarding the drilling proves and completion and geological intervals.
- Represented a Fortune 500 company in Montana federal court facing claims made by hundreds of property owners based on alleged impacts from releases of hydrocarbons and other substances that intruded upon their properties (e.g. vapor intrusion).
- Represented a Fortune 500 company in Colorado state court for allegedly causing harmful substances to be deposited on numerous properties dispersed over hundreds of miles. Plaintiffs obtained class action status and advanced claims for negligence, nuisance, trespass, and punitive damages.
- Represented an owner of mineral interests in Colorado state court concerning claims brought by an owner of overriding royalty interests concerning the pace of oil and gas development. The adverse party claimed that Mr. Bergman's client breached the covenants of exploration and development, but the jury quickly rejected such claims after a week-long trial.
- Represented an operator of CBM wells in a Wyoming state court facing claims brought by a surface owner concerning surface damage payments and reclamation obligations.
- Represented a petroleum engineering firm facing professional negligence claims brought by the operator of a well. When the well failed to produce in paying quantities, the operator filed a lawsuit claiming deficiencies in the operational engineering and field coordination for the project.
- Represented an operator of CBM wells in Wyoming facing substantial personal injury claims brought by a third-party contractor engaged pursuant to MSA.
- Represented an owner of mineral interests in North Dakota state court over a dispute about whether an AMI clause contained in an historical agreement after a chain of transactions required Mr. Bergman's client to grant overriding royalty interests within the AMI and in other areas.
- Represented the owner of mining claims in an arbitration that involved disputes under an exploration agreement, including the scope and extent of an area of interest, the terms of an earn-in, the adequacy of a bankable feasibility study, and other matters. The matter went through an arbitration hearing and involved testimony from numerous fact and expert witnesses who addressed, among other things, block modeling and optimization of resource development.

- Represented holders of senior secured notes in a failed investment relating to clean energy technologies.
- Represented the former Chairman of the Board of a publicly traded clean-coal technology company that became insolvent and filed for bankruptcy. The Chapter 7 Trustee brought claims against Mr. Bergman's client for, among other things, fraud, negligent misrepresentation, breach of fiduciary duty, fraudulent transfers, and preferential transfers.
- Represented an owner of interests in coal mined, removed and sold in Wyoming state court concerning the amount of funds due and owing to various other owners and heirs claiming interests in such funds.
- Represented gas producer in state court proceedings concerning disputes under a gas gathering and transportation agreement, including whether such agreements terminated due to the failure of a condition subsequent.
- Represented gas producer against gas pipeline concerning disputes about gas quantities delivered, adequacy of measurement equipment and measurement practices.
- Represented a group of non-operators and working interest owners against an operator concerning disputes under a joint operating agreement, the assignment and recordation of working interests, and the development of oil resources.