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## EXPERTISE

Litigation & Trial, Commercial Litigation, Securities Litigation, Construction & Real Estate Litigation

## EDUCATION

University of Notre Dame Law School, J.D., *cum laude*, 1991

Washington University in St. Louis, B.S., 1988

## ADMITTED IN

Colorado and North Dakota

Jon Bergman represents a wide range of resource companies—from upstream entities engaged in oil and gas development to downstream refiners—in numerous jurisdictions, including Colorado, North Dakota, Montana, and Wyoming. Mr. Bergman's work for his clients includes litigating disputes between operators and working interest owners, and defending companies facing claims brought by individual property owners for property torts based upon alleged releases of asbestos, hydrocarbons and other hazardous substances.

## REPRESENTATIVE MATTERS

Mr. Bergman has led litigation teams on the following matters:

- Defended the seller of an oil refinery in Montana against claims brought by the buyer for environmental indemnity under an asset purchase agreement, CERCLA, and RCRA. This matter entailed two arbitration hearings conducted over a period of weeks in San Francisco before an experienced arbitration panel. After hearing testimony from more than 15 fact and expert witnesses, the arbitration panel ruled in favor of Mr. Bergman's client, rejecting all claims for money sought by the other side, which amounted to approximately \$20 million.
- Pursued claims brought by an operator of gas wells in Wyoming against a wireline service provider for deficient work, which included unintentional releases of tools in the wellbore, and breaches of a master service agreement. This matter was resolved on terms favorable to the operator.
- Defended an operator of oil wells in North Dakota against claims brought by a surface owner for surface damage payments relating to oil and gas development. This matter resolved favorably for Mr. Bergman's client.
- Represented an operator of oil wells in North Dakota regarding disputed ownership rights in oil and gas leases in the Fort Berthold Reservation, and in related disputes concerning determinations made the Bureau of Indian Affairs about the validity of such interests.
- Represented an operator of wells in North Dakota in the pursuit of claims against a working interest owner in regard to disputed AFE charges for drilling a horizontal oil well.
- Defended an operator of a tank farm in Montana against claims brought by hundreds of property owners based on alleged impacts from releases of hydrocarbons and other substances. This matter was resolved on terms favorable to the operator.
- Represented a former operator of oil wells in Colorado against claims for environmental remediation relating to historical operations. This matter resolved favorably in favor of the operator.

- Defended a pipeline company in a class action lawsuit brought by hundreds of property owners in Colorado alleging that releases of harmful substances on properties dispersed over hundreds of miles diminished property values. This matter was successfully resolved.
- Represented an operator of gas wells in Colorado against claims brought by an owner of overriding royalty interests for alleged breaches of the covenants of exploration and development. After a short deliberation, the jury ruled in favor of Mr. Bergman's client.
- Defended an operator of CBM wells in Wyoming against claims brought by homeowners claiming that the CBM operations caused certain domestic water wells to fail. This matter was successfully resolved.
- Represented an operator of CBM wells in Wyoming with regard to claims brought by a surface owner for surface damage payments and reclamation obligations. Mr. Bergman's client reached a favorable resolution to this matter.
- Defended a petroleum engineering firm faced with claims brought by an operator for professional negligence.
- Defended an operator of CBM wells in Wyoming against personal injury claims brought by a contractor performing work under an MSA. This matter was resolved by agreement on terms favorable to Mr. Bergman's client.
- Defended an owner of mineral interests in North Dakota regarding the scope of an AMI clause.
- Represented the owner of mining claims in Nevada concerning disputes under an exploration agreement, including the scope and extent of an area of interest, the terms of an earn-in, and the adequacy of a bankable feasibility study.
- Represented holders of senior secured notes in a failed investment relating to clean energy technologies.
- Defended the former Chairman of the Board of a publicly traded clean-coal technology company that became insolvent and filed for bankruptcy against claims brought by a Chapter 7 Trustee for fraud, negligent misrepresentation, breach of fiduciary duty, fraudulent transfers, and preferential transfers. After significant litigation, these claims were successfully resolved in favor of Jon's client.
- Represented an owner of interests in coal mined, removed, and sold in Wyoming in disputes about the amount of funds due and owing to various other owners and heirs claiming interests in such funds.
- Represented a gas producer in Wyoming concerning disputes under a gas gathering and transportation agreement, including whether such agreements terminated due to the failure of a condition subsequent.
- Represented a gas producer in Wyoming against a pipeline company in 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 of oil wells concerning disputes under a joint operating agreement, the assignment and recordation of working interests, and the development of oil resources.