



## Matthew J. Salzman

Partner

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**Oil and gas and other companies rely on Matt to handle royalty, operational, and environmental disputes so they can focus on efficiently running their business.**

Known for his industry-savvy counsel, Matt is a trusted advisor to exploration and production, midstream, pipeline, and refining companies on a range of large and small disputes that can disrupt operations or the bottom line. Matt helps clients evaluate risks, costs, and operational impacts of litigation to develop efficient solutions that meet their business objectives.

Matt has decades of experience successfully defending numerous royalty class actions in state and federal courts throughout the country protecting the financial interests of producers and working interest owners.

He also helps companies in the industry navigate virtually all disputes that can interfere with operations at every stage of the production-transportation-processing/refining lifecycle.

In addition, Matt handles environmental litigation involving spills, surface damage, contamination, nuisance claims, and class actions for several industries, including oil and gas companies, waste management companies, rendering companies, and other natural resources and agricultural companies.

Matt works remotely in Kansas City, Kansas.

### PRACTICES

Environmental Litigation

### INDUSTRIES

Oil and Gas Litigation  
Energy and Resources  
Oil and Gas

### EDUCATION

Northwestern University, J.D., 1995

*cum laude*

University of Notre Dame, B.A.,  
Philosophy, 1992

*magne cum laude*

### BAR ADMISSIONS

Kansas  
Missouri  
Indiana

### EXPERIENCE

#### Royalty Issues

- Royalty owner and overriding royalty owner class actions collectively alleging more than \$2.5 billion of damages
- Multiple antitrust royalty class actions
- Numerous individual royalty and overriding royalty claims
- Assist production companies respond to royalty payment federal and state audits
- Draft or revise oil and gas lease forms and midstream contracts

#### Oil & Gas Disputes

- Lease termination and title disputes
- Right-of-way disputes
- Surface damage disputes
- Operator/non-operator AMI issues
- Oilfield service overbilling disputes

- Fraud investigations
- Trespass and sub-surface trespass issues
- Gas plant construction claims
- Gathering, transportation, and wellhead sales contracts
- Purchase and sale of leasehold interests and E&P assets
- Contested and non-contested hearing before state oil & gas regulatory agencies

### Environmental Litigation

- Torts, including nuisance and odor nuisance litigation and class actions
- Environmental enforcement actions relating to spills, emissions, and contamination

### CLIENT RESULTS

Matt's litigation experience before joining Holland & Hart includes:

#### Oil & Gas Royalty Litigation

Took over a royalty class action case on appeal for a production company and a gathering company. Obtained certiorari from the US Supreme Court, which ultimately resolved a removal issue in clients' favor, leading to a favorable settlement. *Dart Cherokee Basin Operating Co. LLC v. Owens* (2014)

Lead counsel for two of the five consolidated royalty class actions and obtained favorable ruling from the North Dakota Supreme Court rejecting claim for oil royalties and resulting in dismissal of over a dozen putative class actions. *Blasi v. Bruin E&P, LLC* (N.D. 2021).

Obtained dismissal of a class action brought by mineral rights owners, which is one of the few cases premised on antitrust claims concerning an AMI, and also successfully represented other clients defending four other antitrust royalty owner class actions.

Obtained dismissal of a class action for the largest oil and gas producer at the time in the Williston Basin concerning royalties on the value of the flared gas from all of its wells in North Dakota. Obtained dismissal of a class action disputing the ownership of mineral rights based on the ordinary high water mark in North Dakota.

Tried, and won an arbitration, of one of the rare cases taken to judgment concerning the reasonableness of actual costs or deductions taken into consideration when calculating oil and gas royalties. Obtained a federal court judgment confirming and adopting the ruling that the gas was in a marketable condition at the well and all post-production costs were reasonable.

Defended pipeline company in the seminal oil and gas royalty owner class action settlement case, which included antitrust claims, in the Federal

District Court of Colorado. The approval of the settlement agreement was vigorously contested on appeal to the Tenth Circuit, and ultimately the U.S. Supreme Court denied certiorari. *Rutter & Wilbanks Corp. v. Shell Oil Co., et al.* (10th Cir. 2002), cert. denied (2003).

Defeated class certification for a client in two multi-defendant royalty and overriding royalty interest owner class action cases in Texas state court (which court certified the classes against other defendants) and later favorably settled the cases.

Tried and won a multi-defendant class arbitration in New Mexico and obtained a contested federal court judgment in favor of a pipeline company, defending it against claims that it had breached a class action settlement agreement in the calculation of its tariff, which was a factor in the determination of royalty and other payments to the class.

Assist lessees in responding to federal and state audits concerning proper payment of royalties for production from federal and state leases.

### **Oil & Gas Disputes**

Retained in an ongoing gas plant construction case to be lead trial counsel and developed a trial strategy resulting in the exclusions of adverse evidence and, then, a favorable settlement.

Represented multiple E&P companies in overbilling and fraud investigations of oilfield service providers and recovered millions of dollars in unwarranted charges.

Defend E&P companies in numerous lease termination and/or quiet title actions.

Successfully defended a client in a regulatory hearing before the Kansas Corporations Commission (KCC) and obtained an industry-favorable ruling that the current lessee or working interest owner did not have responsibility for plugging hundreds of abandoned wells.

Represent E&P, midstream, and pipeline companies in right-of-way and easement claims concerning drilling, well and pipeline maintenance, and pipeline construction.

Assist both E&P and midstream clients structure affiliated and unaffiliated wellhead sales contracts and gathering, transportation and processing contracts.

Represent refining company in acquiring technology, equipment, and real estate for refining operations.

Regularly represent and assist unregulated interstate CO<sub>2</sub> pipeline company on common carrier, tariff methodology, pricing, capacity, expansion, and reporting issues.

### **Environmental Litigation**

Lead counsel in three separate odor nuisance class actions for 1) refining company, 2) landfill owner, 3) rendering company. Developed a defense strategy resulting in voluntary dismissal of one case and an early favorable settlement and significance costs savings for the other two clients.

Represented E&P, pipeline, and refining companies in environmental, contamination, surface damage, and livestock claims resulting from spills, ruptures, or leaks.

### **SPEAKING ENGAGEMENTS**

"Taking a Natural Resources Case to Trial," *The Foundation for Natural Resources and Energy Law, Webinar Speaker, December 6, 2022*

"Preparing Your Case for Trial," *Litigating an Energy, Natural Resources, or Environmental Case Special Institute, The Foundation for Natural Resources and Energy Law, Presenter, May 5-May 6, 2022*

"Current Landscape of Royalty Dispute Litigation Webinar," *Rocky Mountain Mineral Law Foundation, Moderator and Presenter, October 13, 2021*

"Royalty Clauses – What Is Everyone Fighting About (and How Do I Avoid it)?," *Denver Association of Petroleum Landmen, Presenter, September 15, 2021*

"Shotguns, Locked Gates & Indignation: Litigating Temporary Restraining Orders & Injunctive Relief in Surface Use Disputes," *Kansas Bar Association 7th Annual Spring Oil, Gas & Mineral Law CLE, Presenter, March 2, 2018*

### **PROFESSIONAL AND CIVIC AFFILIATIONS**

- The Foundation for Natural Resources Energy Law Foundation:
  - Annual Institute Section Co-Chair, 2022
  - Board of Directors, 2018-2021
  - Trustee-at-Large, 2016-2018
  - Regional Annual Institute, Chair, 2017-2021
  - Enhanced Oil Recovery Special Institute, Co-Chair, 2015
  - Special Institutes Committee, 2012-2022
- Institute for Energy Law, Advisory Board Member, 2011-present