Holland & Hart



PRACTICES

Business Litigation
Environmental Litigation

INDUSTRIES

Energy and Resources
Oil and Gas
Oil and Gas Litigation
Oil and Gas Regulatory

EDUCATION

Northwestern University, J.D., 1995

cum laude

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

magne cum laude

BAR ADMISSIONS

Kansas
Missouri
Indiana

Matthew J. Salzman

Partner

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

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.

In addition to also doing general commercial litigation, 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 partners with clients to learn their business and find ways to add value. Several clients rely on him to manage their relationship with the firm and to bring in various other specialties or resources when needed to efficiently and effectively resolve issues.

Matt works remotely in Kansas City.

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 and midstream 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

Commercial Litigation

- Numerous breach of contract and business tort claims, including intentional interference and fraud
- Successor liability claims
- Insurance brokerage and coverage litigation claims
- Federal court jurisdiction and removal jurisdiction issues

CLIENT RESULTS

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.
- Work with clients conducting internal audits of their own royalty payment practices.

Oil & Gas Disputes

- Obtained dismissal of a RICO claim based on alleged violations of a right of first refusal related to the sale of a gathering system. Obtained dismissal of all fraud claims asserted against client (one of four defendants) in the refiled state court action. Then developed the strategy and obtained summary judgment against over two dozen remaining caused of action against all defendants, and upheld the ruling on appeal.
- Obtained dismissal of claims that a lease in a producing spacing unit terminated so that the Lessor could become an unleased MIO and claim 100% of revenues less expenses. Defeated claims of failure to produce in paying quantities, failure to timely commence drilling or reworking operations, and breach of the implied duty to develop. Also successfully handled several other lease termination and quiet title claims.
- 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, including one developing a substantial record and trial strategy resulting in a multi-million dollar jury verdict for client.
- Successfully defended a client in a regulatory proceeding and

obtained an industry-favorable ruling that the current lessee or working interest owner did not have responsibility for plugging hundreds of abandoned wells. Also successfully represented multiple client in various other disputed commission regulatory proceedings in North Dakota and Kansas.

- 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_2 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 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 agricultural and livestock claims resulting from spills, ruptures, or leaks.

Commercial Litigation

- Took over a case on appeal, and successfully appealed an adverse successor liability ruling against client to the Indiana Supreme Court, pointing out that the Court of Appeals ruling would have effectively allowed the exception to swallow the rule and distinction between stock and asset sales. *New Nello Operating Co., L.L.C. v. CompressAir* (Ind. 2021)
- Obtained dismissal of state court fraud claims by former members of the ownership group who left the company and claimed it was undervalued.
- Successfully resolved several E&O claims against insurance brokers and numerous insurance coverage claims.

SPEAKING ENGAGEMENTS

"When is Enough, Enough? PPQ Claims, Duty to Develop, and Unleased MIO in Spacing Units," Presenter, *NADOA 2024 Annual Institute*, Oklahoma City, OK, October 3-4, 2024

"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

"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

RECOGNITION

- *Chambers USA*, USA – Nationwide, Oil & Gas Litigation, 2026

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