



Jonathan Baughman

Partner

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Jonathan represents clients in a wide variety of complex civil litigation matters. Jonathan also serves as Partner-in-Charge of the Firm's Houston office and chairs the Oil & Gas Practice Group. He has substantial experience in civil litigation, ranging from commercial contract disputes to matters involving real estate, construction, products liability and insurance disputes. Jonathan's practice is particularly strong in oil and gas disputes.

Prior to practicing law, Jonathan worked as a certified public accountant for a major public accounting firm, and later, as an internal auditor for a major natural gas pipeline company. With this experience he has a knack for understanding his clients' business operations which has been instrumental in developing evidence for use at trial.

From the initial case assessment through closing argument at trial. Jonathan is able to hone in on the core issues despite thousands of documents, multiple witnesses and complicated issues. Jonathan has taken and defended depositions of witnesses, ranging from chief executives and chief financial officers of publicly-traded companies to operational personnel, geologists, geophysicists, computer programmers, accountants and retained experts.

He was elected to the Council for the Oil, Gas and Energy Resources Law Section of the State Bar of Texas and now serves as the Vice-Chair for the Council. Jonathan also previously served as the Chair of the Houston Bar Association's Oil, Gas & Mineral Law Section (2008-2009). He is the Chair of the Advisory Council for the Louisiana Mineral Law Institute. Jonathan is also an active member of the Rocky Mountain Mineral Law Foundation where he also served as a trustee-at-large. Jonathan has written articles and spoken on numerous litigation

Practice Areas

Litigation
Complex Business Litigation
Oil & Gas Litigation
Oil & Gas

Education

Loyola University New Orleans School of Law, J.D., 1995 (*magna cum laude*; Managing Editor, *Loyola Law Review*; Moot Court)

Louisiana Tech University, B.S., 1988 (*magna cum laude*)

Judicial Extern: Chief Justice Pascal Calogero, Louisiana Supreme Court (Spring 1994)

Certified Public Accountant, Louisiana and Texas

Admissions

BAR

Texas
Louisiana

COURT

United States Court of Appeals for the Fifth Circuit

United States District Courts for the Eastern, Northern, Southern, and Western Districts of Texas



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topics as well as oil and gas issues before the Rocky Mountain Mineral Law Foundation and the Louisiana Mineral Law Institute as well as other organizations. Jonathan is a member of the National Institute for Trial Advocacy, the International Association of Defense Counsel, and the Garland Walker American Inn of Courts, Master. He has been AV-Rated by Martindale-Hubbell® since 2005.

Jonathan has been an elected member of the Firm's Management Committee since 2009.

United States District Courts for the Middle and Western Districts of Louisiana

United States District Courts for the Eastern and Western Districts of Arkansas

Experience

Complex Business Litigation

Jonathan has substantial experience with complex commercial matters ranging from contract disputes to unfair trade practice actions.

Examples of his experience include:

- Lead trial counsel in a federal court suit where the firm represented clients who imported genuine products from Mexico into the United States that were seized under the Lanham Act. Plaintiffs claimed that the goods were allegedly counterfeit goods under the Lanham Act. The firm's clients filed counterclaims against the Plaintiffs under the Lanham Act for wrongful seizure which allows a successful party to recover damages, lost profits, damage to goodwill/reputation, punitive damages and attorney's fees. The case was resolved.
- Lead trial counsel for former CEO of company where company claimed violations of restrictive covenants in employment agreement and alleged trade secret violations. The firm's client brought suit against the company and founder for fraud related to misrepresentations made in recruiting the former CEO. After substantial motion practice and discovery, the case was resolved.
- Lead trial counsel for company selling gluten free noodles in defeating preliminary injunction sought in federal court for alleged trademark and Lanham Act violations after three-day evidentiary hearing involving multiple witnesses.
- Lead trial counsel for a City in a significant lawsuit involving a Gas Purchase Contract where a natural gas company is attempting to charge the City over \$8 million for gas delivered to the City during

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Winter Storm Uri. The City's contract has a first of the month pricing provision that controls the pricing of natural gas. The natural gas company initially sought to invoke force majeure as well as other contractual theories in an attempt to charge the City for these excessive prices. The City filed a motion for partial summary judgment which was granted by the Court in December 2021. The parties are engaged in additional motion practice.

- Representing municipally owned utility and electric cooperative in Multi-District Litigation involving various claims arising from Winter Storm Uri.
- Lead trial counsel for former executive sued by energy company claiming executive stole trade secrets and misused company's confidential information. After significant discovery and motion practice, parties entered into favorable confidential settlement.
- Representing an environmental company against former employee and shareholder who misappropriated confidential and trade secret information for use in competing business. Matter was favorably settled after computer forensics examination conducted.
- Serving as co-counsel in a two-week jury trial for a large commercial tenant against a commercial real estate company relating to overcharges for five commercial office buildings located in the Greenspoint area of North Houston. A judgment in favor of the client was obtained after a jury trial in Harris County, Texas.
- Successfully defending (as co-counsel) a major corporation against a suit brought by a commercial real estate developer, seeking multi-million dollar damages for breach of contract, interference with contract, conspiracy and other claims. After a five-week jury trial in Texas state court, a judgment was obtained in the client's favor. Judgment was affirmed on appeal.
- Representing a client in defense of a federal qui tam lawsuit brought against the client and an international consulting firm, relating to billing and reimbursement under a Medicaid-funded program. The court dismissed major parts of the relator's case based on motions, and the relator voluntarily dismissed the suit against the client following extensive discovery.
- Representing what is now the nation's second-largest residential alarm company in defense of a federal lawsuit brought by a competing national alarm company under the Lanham Act, claiming unfair competition/unfair business practices related to alleged widespread marketing practices.
- Acting as co-counsel for an electric cooperative in a suit filed in Marshall, Texas, related to a pipeline explosion that caused millions of dollars in property damage to a power plant.
- Representing an out-of-state electric cooperative in a class action suit filed in Texas by plaintiffs alleging manipulation of prices. The suit was voluntarily dismissed by the plaintiffs before hearing was held on motion filed for clients.
- Representing the insured in federal court against insurers and brokers regarding losses suffered from Tropical Storm Allison at more than 120 locations throughout Harris County, Texas, based on breach of contract and statutory duties. The case was favorably settled.
- Serving as lead counsel for a trucking company in an alleged breach of contract action filed in the United States District Court for the Southern District of Texas. Jonathan successfully had the action transferred to federal court in Arkansas.

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- Representing shareholders and partners in various shareholder/partnership disputes related to the dissolution of partnership and operations. The Court of Appeals affirmed the summary judgment in favor of the clients.
- Defending a pipe manufacturer in a product liability suit alleging design and manufacturing defects. The case was favorably settled.
- Representing an employer in the enforcement of a non-competition agreement. The court enforced the agreement.

Representing a general contractor in a dispute with a property owner over construction. Bankruptcy court granted the contractor a preferred priority claim following the property owner's bankruptcy filing. The contractor recovered 100 percent of the claim.

Oil & Gas/Energy Litigation

Jonathan's expertise in this area includes handling disputes involving joint operating agreements, gas processing agreements, gas purchase contracts, leases and surface issues. He has also litigated many issues related to title, lease covenants, implied and express covenants to pool, and royalty payments. Jonathan has experience with the Council of Petroleum Accountants Societies, Inc. (COPAS) accounting issues, as well as matters relating to alleged reservoir damage and well blowouts. Other energy-related experience includes power generation/distribution and natural gas trading disputes.

Noteworthy experience includes:

- Representing oil and gas company in defense of claims by nearby operator claiming "frack hits" from fracking operations.
- Representing oil and gas company seeking to recover decommissioning costs incurred for offshore platform and wells.
- Lead counsel on dispute between competing oil and gas companies involving operatorship of oil and gas properties in the Eagle Ford Shale area. Case was ultimately resolved favorably.
- Jonathan represented an oil and gas company in a breach of warranty and products liability case against a manufacturer of casing. Jonathan's client purchased steel casing to be used in the drilling and completion of oil and gas wells in the Bakken Field in North Dakota. Six wells containing the pipe failed during the completion process. As a result, the client was forced to perform costly repairs on the six failed wells, and performed preventative repairs on 16 additional wells. After extensive written discovery and depositions, including extensive expert discovery, the client was able to reach a confidential settlement on the eve of trial.
- Jonathan represented a non-executive mineral interest owner for the allegedly wrongful actions of the executive mineral owner. The Plaintiffs filed suit against Jonathan's client seeking recovery of more than \$8 million in royalties which the Plaintiffs claimed should have been paid to them as competing non-executive mineral owners. The district court granted summary judgment dismissing all of the Plaintiffs' claims. The Plaintiffs appealed to the Thirteenth Court of Appeals in Corpus Christi. Jonathan argued the case in the appellate court in October, 2016 which was affirmed on August 10, 2017. The Plaintiff has sought review by

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the Texas Supreme Court.

- Serving as lead trial counsel for clients involving royalty interests in the Eagle Ford Shale Play. Jonathan argued and won summary judgment in the 81st District Court in Karnes County, Texas. The judgment also granted attorneys' fees in favor of the clients. The losing party appealed. Jonathan argued the case before the Texas Fourth Court of Appeals which affirmed the judgment in favor of clients. The Texas Supreme Court denied the losing party's request for review.
- Lead counsel for an oil and gas exploration company in defending a lawsuit brought in Louisiana state court by 10 separate oil and gas companies related to an alleged breach of a contract concerning the acquisition of 3-D seismic. The case also involved trade secret claims brought on behalf of client. The case was tried before a judge in a two week trial in Beauregard Parish, Louisiana in late 2011. The Plaintiffs originally sought over \$270 million dollars in alleged damages. Ultimately, the trial judge dismissed all of the Plaintiffs' claims except for one of the Plaintiffs whereby a judgment for lost royalties of \$16 million was entered. This portion of the judgment was later reversed on appeal by the intermediate court of appeal. The Louisiana Supreme Court later reversed other portions of the judgment related to breach of contract claims. Ultimately, the Plaintiff's judgment after all appeals was reduced to \$2.6 million. After the appellate court's judgment became final, the Plaintiffs filed a motion in district court seeking to recover certain court costs including expert fees totaling over \$1.4 million. The court held an evidentiary hearing whereby testimony from three separate experts used by the Plaintiffs were cross-examined. In a written ruling issued on October 31, 2016, the district court denied or substantially reduced the costs sought by the Plaintiffs whereby the Plaintiffs were only able to recover \$90,783 against client. A final judgment was entered on December 3, 2016.
- Serving as lead trial counsel for a pipeline company in obtaining a preliminary injunction (after evidentiary hearing) in East Texas against a landowner who was interfering with a pipeline easement.
- Acting as lead counsel for an oil and gas operator in Texas state court in a dispute with another exploration company over competing joint-operating agreements, covering different depths and alleged relinquishment of rights. A summary judgment was obtained in the client's favor.
- Acting as co-counsel for clients in Duval County, Texas, in a dispute concerning royalty interests in 1927 deeds and issues over fractional royalty. Judgment was granted in trial court in favor of client and affirmed on appeal.
- Representing an oil and gas operator in defense of a lessor's lawsuit alleging bad faith pooling. The lessor voluntarily dismissed the lawsuit against the client. .
- Representing an oil and gas company in a dispute with a large natural gas plant operator involving complex accounting issues related to a natural gas processing plant and issues related to reallocation of volumes.
- Representing a natural gas trading company in Texas state court in defense of a contract dispute and fraud claims involving alleged contractual commitments for three manufacturing plants. The suit was favorably resolved.
- Serving as co-counsel in a two-week jury trial in federal court for a well service company and an individual in a lawsuit against an oil and gas company for personal and property damages caused by a well blowout and fire. A favorable jury verdict was obtained and affirmed by the U.S. Court of Appeals for the Fifth Circuit.

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- Representing individuals and companies in state and federal courts in Louisiana and Arkansas involving a disputed agreement to acquire oil and gas-producing properties located in the Arkansas Smackover Field. The suit was favorably resolved following extensive hearings, discovery and pre-trial motions in various venues.
- Representing two individuals and their company in a dispute against a publicly-traded company arising out of a joint-operating agreement for the largest coal-bed methane gas field in Australia. A confidential settlement was reached.
- Representing an oil and gas company in defense of claims brought by mineral lessors claiming alleged drainage of hydrocarbons and failure of the lessee to protect the leasehold.
- Representing working interest owners in a dispute with an operator over operations. The dispute was favorably settled.
- Representing an oil and gas company in an attempt by a landowner to invalidate a lease in Jefferson County, Texas.
- Representing an operator in a dispute with a well-service company over damages caused to a reservoir. The dispute was favorably settled.

News

10 McGinnis Lochridge Attorneys Recognized as 2021 Super Lawyers
01.13.2022

Led by McGinnis Lochridge Team, Austin-Based SP Global Defeats Preliminary Injunction Bid In Fight Over Gluten Free Noodle Trademark
November 9, 2020

McGinnis Lochridge Attorneys Recognized in Benchmark Litigation Rankings
September 25, 2019

McGinnis Lochridge Attorneys Recognized As 2019 Texas Super Lawyers
September 3, 2019

McGinnis Lochridge Growth Leads to New Office Space in Houston
August 27, 2019

McGinnis Lochridge Welcomes William K. Grubb in Houston
August 12, 2019

Partner Jonathan Baughman Quoted by Bloomberg on Houston Chemical Blaze
March 21, 2019

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Partner Jonathan Baughman Quoted in Law360 “Texas Cases to Watch in 2019”
January 2, 2019

Seventeen McGinnis Lochridge Attorneys Named 2018 Texas Super Lawyers and 2018 Rising Stars
September 10, 2018

Partner Jonathan Baughman Talks with Law360 About Two Cases Before Texas Supreme Court
September 7, 2018

Presenter, “Discussion of Selected Federal Court Jurisdiction Issues in Oil and Gas Disputes”, 64th Mineral Law Institute, Louisiana State University Law Center, Baton Rouge, Louisiana
March 10, 2017

Benchmark Litigation Recognizes 4 McGinnis Lochridge Attorneys as Local Litigation Stars in 2017 Guide
November 1, 2016

Jonathan Baughman to Speak at Upcoming CAIL Conference in November
August 29, 2016

High Court Declines Review of Dispute Over Oil Deed Interpretation: Jonathan Baughman, Partner and Chris Halgren, Associate of McGinnis Lochridge featured in an article in Texas Lawyer.
October 14, 2015

Partner Jonathan Baughman and Associate Austin Brister published in Law360 forecasting rise in royalty and lease termination litigation amidst prolonged oil slump.
September 25, 2015

Eleven McGinnis Lochridge Attorneys Named to 2015 Texas Super Lawyers List
September 9, 2015

Jonathan Baughman elected to the SBOT Section Council
June 21, 2015

Eleven McGinnis Lochridge Attorneys Named to 2014 Super Lawyers list, a Thomson Reuters Service
September 5, 2014

McGinnis Lochridge Partner elected as Rocky Mountain Mineral Law Foundation Trustee-at-Large
August 14, 2014

Speaker and Co-author, *Legal Update: Recent Developments in Non-Regulatory Oil & Gas Law*, American Association of Professional Landmen, Southwest Land Institute
American Association of Professional Landmen, Southwest Land Institute
May 6, 2014

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Nine McGinnis Lochridge Attorneys Named to 2013 Texas Super Lawyers List, a Thomson Reuters service
September 9, 2013

McGinnis Lochridge Attorneys Obtain Judgment for Clients in Eagle Ford Play
October 22, 2012

Twelve McGinnis Lochridge Attorneys Named to 2012 Texas Super Lawyers list
September 10, 2012

McGinnis Lochridge Partner Joins Louisiana Mineral Law Institute Advisory Council
August 6, 2012

Jonathan Baughman to Speak at Advanced In-House Counsel Seminar
May 21, 2012

Houston Attorney Jonathan Baughman Honored by Texas Bar Foundation
February 24, 2010

Nine McGinnis Lochridge Attorneys Named to the 2007 Texas Rising Stars List
March 9, 2007

Publications

McGinnis Lochridge Oil & Gas Newsletter: Producer's Edge, Vol. 3, Issue 1
04.27.2021

McGinnis Lochridge Oil & Gas Newsletter: Producer's Edge, Vol. 2, Issue 2
May 12, 2020

Partner Jonathan Baughman Provides Context to Law360 on Contracts in Pipeline Deal
January 31, 2020

Co-Chair, Institute of Energy Law, 18th Annual Energy Litigation Conference, Spring, Texas
November 14, 2019

Quoted in Law360 Article "6 Texas Supreme Court Oil and Gas Cases To Watch"
September 16, 2019

Partner Jonathan Baughman Quoted by Bloomberg on Houston Chemical Blaze
March 21, 2019

Moderator, *Trying the Oil and Gas Case*: Texas Bar CLE, Oil and Gas Disputes Course
January 2019

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Partner Jonathan Baughman Quoted in Law360 "Texas Cases to Watch in 2019"
January 2, 2019

Co-chair, 17th Annual Energy Litigation Conference, Institute for Energy Law, Houston, Texas
November 8, 2018

Partner Jonathan Baughman Talks with Law360 About Two Cases Before Texas Supreme Court
September 7, 2018

Presenter, "Discussion of Selected Federal Court Jurisdiction Issues in Oil and Gas Disputes", 64th Mineral Law Institute, Louisiana State University Law Center, Baton Rouge, Louisiana
March 10, 2017

Co-Author, Discussion of Selected Federal Court Jurisdiction Issues in Oil and Gas Disputes
March 10, 2017

Speaker, *COPAS Accounting Procedure, and Legal and Practical Considerations*, Oil & Gas Joint Operations And The New APPL Form 610-2015 Model Form Operating Agreement, Rocky Mountain Mineral Law Foundation, Houston, Texas
November 4, 2016

Panelist, *View from the Bench*, 15th Annual Energy Litigation Conference, Institute for Energy Law, Houston, Texas
November 3, 2016

High Court Declines Review of Dispute Over Oil Deed Interpretation: Jonathan Baughman, Partner and Chris Halgren, Associate of McGinnis Lochridge featured in an article in Texas Lawyer.
October 14, 2015

Co-Author, "Lessor-Lessee Relations After Shale's Honeymoon Period," *Law360*
September 25, 2015

Speaker and Co-author, *Legal Update: Recent Developments in Non-Regulatory Oil & Gas Law*, American Association of Professional Landmen, Southwest Land Institute
American Association of Professional Landmen, Southwest Land Institute
May 6, 2014

Speaker, *Texas Homestead and Probate Law*, Institute for Energy Law, Texas Mineral Title Course, Houston, Texas
May 2, 2013

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Co-author, *COPAS Accounting Procedures: Legal Issues in the Past and Legal Issues that Might Arise in the Future*, Section Report of the Oil, Gas & Energy Resources Law Section of the State Bar of Texas, Vol. 37, No. 1, pp. 68-85

Section Report of the Oil, Gas & Energy Resources Law Section of the State Bar of Texas
October 1, 2012

Attorney-Client Privilege and its Impact on the In-House Client Relationship, State Bar of Texas 11th Annual Advanced In-House Counsel Course, TexasBarCLE

State Bar of Texas 11th Annual Advanced In-House Counsel Course, Texas Bar CLE
August 2, 2012

Speaker, *The Prudent Operator Standard in the 21st Century*, 58th Annual Rocky Mountain Mineral Law Institute, Rocky Mountain Mineral Law Foundation, Newport Beach, California

58th Annual Rocky Mountain Mineral Law Institute, Rocky Mountain Mineral Law Foundation
July 20, 2012

Speaker, *COPAS Accounting Procedures: Legal Issues in the Past and Legal Issues that Might Arise In the Future*, Special Institute on Oil & Gas Agreements: Joint Operations, Rocky Mountain Mineral Law Foundation, Santa Fe, New Mexico (May 2007), Hou

Special Institute on Oil & Gas Agreements: Joint Operations, Rocky Mountain Mineral Law Foundation
March 1, 2008

Speaker, *Navigating the Pooling Clause Waters: New and Recurring Issues*, Rocky Mountain Mineral Law Foundation's Annual Institute, Vancouver, Canada (July 2007), 22nd Annual Energy Law Institute, South Texas College of Law

22nd Annual Energy Law Institute, South Texas College of Law
July 1, 2007

Speaker, *Oil & Gas Class Actions in Louisiana and the Class Action Fairness Act of 2005*, 54th Louisiana Mineral Law Institute, Baton Rouge, Louisiana

54th Louisiana Mineral Law Institute
April 1, 2007

Speaker, *COPAS Accounting Procedures — Legal Issues*, University of Houston, Advanced Oil & Gas Short Course

January 2007

Speaker, *COPAS 2005 Accounting Procedure for Joint Operations — Significant Changes — Practical and Legal Considerations*, AAPL Texas Land Institute and AAPL Santa Fe Land Institute

September 2006

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Co-author, *COPAS and the 2005 COPAS Accounting Procedure — Significant Changes for Changing Times*, Texas State Bar Section Report: Oil, Gas and Energy Resources Law, Vol. 29, No. 3, pp. 16-37
Texas State Bar Section Report: Oil Gas and Energy Resources Law
March 1, 2005

Honors & Recognition

- *Benchmark Litigation*, Local Litigation Star, General Commercial (2017-2022)
- Texas Super Lawyers list, a Thomson Reuters service, Energy & Natural Resources (2012-2022)
- Texas Super Lawyers Rising Stars list, a Thomson Reuters service, Energy & Natural Resources (2006-2007)

Community & Professional

- State Bar of Texas: Litigation Section; Oil, Gas, and Energy Resources Section (Council Member, 2015-2018, Vice-Chair, 2021-2022)
- Texas Bar Foundation (Life Fellow)
- Louisiana State Bar Association
- Houston Bar Association: Litigation Section; Oil, Gas & Mineral Law Section (Chair 2008-09)
- Bar Association of the Fifth Federal Circuit
- Garland Walker American Inn of Courts, Master
- Rocky Mountain Mineral Law Foundation (Trustee-at-Large, 2014-2015)
- Louisiana Mineral Law Institute (Chair, Advisory Council)
- International Association of Defense Counsel
- National Institute for Trial Advocacy