

KING & SPALDING

Energy Newsletter



May 2020

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LITIGATION, PROJECT DEVELOPMENT & FINANCE, TRANSACTIONS

OIL & GAS – U.S./CANADA

Energy Explosion: 10 Trends to Watch in Energy Restructuring

Matthew Warren, Sarah Primrose and Taylor Armstrong

The onset of the novel Coronavirus pandemic and a price war between Saudi Arabia and Russia have driven the oil and gas industry into an economic crisis, with several producers already filing for bankruptcy. This article provides some key trends to watch and events to take note of as the energy industry turns to restructuring advisors to address the current crisis. [More »](#)

LITIGATION

U.S./CANADA



King & Spalding LLP

PETROLEUM ECONOMIST AWARDS 2019

Two-time winner, five-time finalist – “Energy Advisory Firm of the Year: Legal” Award (2014-2019)

The **LEGAL 500**

Ranked Tier 1 in twelve energy-related practices (2019)

LAW360 FIRM OF THE YEAR

KING & SPALDING

- » Automotive
- » Construction
- » Environmental
- » Healthcare
- » Life Sciences
- » Product Liability
- » International Arbitration

A Corporate Deponent May Designate Prior Testimony as Responsive to Topics in a Corporate Deposition Notice in Lieu of Having to Produce a Witnesses to Answer the Same Questions Again

Amy Eikel

A corporation facing repeated corporate deposition notices that seek testimony on the same topics covered by corporate representatives in previous cases has the option to designate prior testimony on duplicative topics rather than tendering a live corporate witness to cover areas that have been covered before. Federal courts have approved the procedure of allowing corporations to designate previously given testimony as responsive Rule 30(b)(6) testimony. Corporate parties have successfully argued that certain noticed 30(b)(6) topics have already been addressed and that prior depositions may be deemed to be the organization's response. In conjunction with this designation, the corporation may also seek a protective order to limit the notice by excluding the topics on which the company's corporate representative has already testified in other cases. [More »](#)

REGULATORY, ENVIRONMENTAL, TRANSACTIONS, PROJECT DEVELOPMENT & FINANCE

POWER / RENEWABLE / ALTERNATIVE ENERGY

Facilitating Energy Sustainability: Procurement of Renewable or Certified Sustainable Natural Gas

Monica Hwang and Chelsea Vernon

A decade ago, individual and corporate consumers who sought to reduce their carbon footprint would purchase carbon offset credits, whereby their carbon footprint would be offset by activity undertaken by the issuer of the carbon credit to reduce emissions. With the growing energy sustainability movement, consumers are increasingly demanding more direct means to control their carbon footprint – they want to consume natural gas that is “green” and appear willing to pay a premium for such gas. [More »](#)

REGULATORY, GOVERNMENT RELATIONS

OIL & GAS – LATIN AMERICA

UPCOMING EVENTS

Defending Against Punitive Damages

When: May 12, 2020, 12:00 pm (ET)

Where: Webinar

[More Information »](#)

Legislative, Regulatory and Enforcement Activity Involving PFAS and Ethylene Oxide

When: May 19, 2020, 12:00 pm (ET)

Where: Webinar

[More Information »](#)

IN THE NEWS

Mergermarket ranks K&S among top 10 firms on Q1 M&A deals by value ([The Global Legal Post](#)).

Cynthia Stroman discusses the EPA assuring three types of businesses that they will not be fined for failing to add their names to a list of companies on the hook for sharing \$27M in chemical risk evaluation fees. ([Bloomberg Law*](#)) Cynthia also explains why chemical manufacturers cannot blame the coronavirus if they miss regulatory deadlines or deadlines to comment on EPA plans. ([Bloomberg Law*](#))

Jeffrey Bucholtz, Holmes Hawkins, Joshua Mitchell and Russell Blythe counsel Atlanta Gas before the Supreme Court, which granted the company's petition in its infringement dispute with Bennett Regulator Guards ([Law360](#))

Craig Ledet Named to Law360's

Q1 2020: Latin America Enforcement Review

Brandt Leibe, Grant Nichols, Joel Crespo, Rafaela Cálcena

Enforcement authorities throughout the United States and Latin America continue to grapple with the impact of the COVID-19 pandemic, which is dramatically changing the economic landscape and is sure to change the enforcement landscape as well. This article highlights several recent enforcement updates in Latin American enforcement actions, with more changes sure to come. [More »](#)

GOVERNMENT RELATIONS, INTERNATIONAL TRADE, PROJECT DEVELOPMENT & FINANCE, TRANSACTIONS

RENEWABLE / ALTERNATIVE ENERGY / POWER / LNG / OIL & GAS - GLOBAL

Beyond COVID-19: How to Plan for the Future of Energy Transition

Marcella Burke and Simon Maynard

At a time of such profound uncertainty, how can corporate counsel help their businesses plan and achieve their energy sustainability goals for the future? What risks should corporate counsel be looking out for and how should they seek to manage them? This article suggests some answers. [More »](#)

CONSTRUCTION, PROJECT DEVELOPMENT & FINANCE

Power – Latin America

Preparing for Investments in Mexico's Upcoming Energy Infrastructure Plan

Monica Hwang and Silvia Martin in Collaboration with Ritch Mueller (Gabriel del Valle Mendiola and Marco Portillo Diaz)

Mexico's energy infrastructure plan may offer foreign investors investment opportunities ranging from downstream to power. Such opportunities may prove valuable to Mexico to revitalize its economy following the downturn created by COVID-19. In preparation for any such investment, a foreign investor would be well served to consult legal advice to carefully consider the scope and ramifications of force majeure and contractual protections that may be available. [More »](#)

Construction Editorial Board ([Law 360](#)).

Reggie Smith, Cedric Soule and Lorna Maupilé advise Woodside Petroleum in its arbitration settlement with FAR over a stake in a \$4.2B oil project in Senegalese waters. ([Global Arbitration Review](#))

Jeanie Cogill discusses the employment takeaways from the CARES Act. ([Law360](#))

Peter Hays, Marcella Burke and Matt Warren discuss initial reactions of companies and lenders in the energy industry and short-and-long term strategies being used to navigate the coronavirus and manage financial distress. ([PESA](#))

Scott Greer quoted in a profile on the questions facing the Texas construction industry during the coronavirus. ([Law360](#))

"Guest Comment: COVID-19 and City Regulators – The Limits of Forbearance" by Rob Dedman ([Legal Business](#))

Joseph Eisert counsels Porsche before the Ohio Supreme Court, which agreed to hear the automakers challenge a recently revived emission lawsuit by the state of Ohio. ([Law360](#))

Additional coverage of David Kiefer, James Berger and Viren Mascarenhas advising the Republic of Turkey in its arbitration dispute with Cascade. ([Law360](#))

Jim Woolery discusses the coronavirus pandemic's impact on corporate deal making. ([The Wall Street Journal*](#))

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Steve Orava, Daniel Schneiderman and Clinton Long counsel gasoline engine manufacturer Briggs & Stratton before the International Trade Commission. ([Law360](#))

Dick Walker discusses the SEC giving public companies extra time to file annual reports and other major disclosures due to the coronavirus pandemic. ([The Wall Street Journal](#))

Grant Nakayama comments on the EPA's sweeping relaxation of environmental rules in response to the coronavirus pandemic. ([The New York Times](#))

Sarah Borders explains why companies are waiting to file for bankruptcy during the coronavirus pandemic. ([Bloomberg](#))

Todd Holleman discusses the impact the coronavirus is having on M&A activity. ([Law360](#))

Cal Smith discusses why clients are paying more attention to reputational risks—as well as environmental, social and governance issues—when they're considering a big deal. ([The American Lawyer*](#))

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