

KING & SPALDING

Energy Newsletter



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U.S./Canada

Environmental Tort Class Actions

Douglas A. Henderson and Nicholas H. Howell

Following plant explosions, air emissions and groundwater releases from industrial facilities, and other environmental events, the filing of class actions by nearby property owners and businesses has become a near legal certainty. Increasingly, plaintiffs file suit within hours of an event, well before the smoke clears or the facts are known, seeking to certify personal injury, property damage classes, business loss classes, and—increasingly, it seems—“medical monitoring” classes. In hundreds of environmental tort class actions filed over the past forty years, while the legal lines for certifying environmental tort class actions are not always bright, they are well established—environmental class actions are generally not certified. But that may be changing. Based on an analysis of cases over the past three years, while many classes are not certified based on the predominance of individual issues, numerous courts have certified environmental tort class actions, with a significant



number certifying “medical monitoring” classes where plaintiffs admit they have no physical injuries. [More »](#)

PROJECT DEVELOPMENT & FINANCE

LNG – Global

Private Investment Opportunities in LNG-to-Power

Monica Hwang and Nikhil Markanday

On July 14, King & Spalding partners Monica Hwang and Nikhil Markanday hosted a webinar regarding private investment opportunities in the LNG-to-Power sector. This webinar discussed: (i) the case for private investment in the LNG-to-power space, (ii) case studies of successful private investment in the LNG-to-power market, and (iii) the challenges and financing of LNG-to-power. [More »](#)

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ESG Teams are Growing

Richard Fields

There are markedly more ESG professionals at asset managers according to a recent study by the Financial Times. Dedicated stewardship teams responsible for overseeing ESG issues at portfolio companies doubled in the last three years. [More »](#)

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HCM Disclosures Reaches Tipping Point

Richard Fields

Many boards, including those of energy companies, have devoted additional time to human resources in recent years as investors and other stakeholders have demanded greater board involvement with “human capital management.” [More »](#)

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IN THE NEWS

Laurent Bensaid, Aurelia de Viry, Ruxandra Lazar, Anne Vrignaud, Alexis Early and Christine Savage represent ENVEA, which sold a majority equity interest to The Carlyle Group. ([Global Legal Chronicle](#), [PE Hub](#), [Le Monde du Droit](#), [Zonebourse](#) and [Environmental XPRT](#))

Ruth Byrne, Charity Kirby and Kabir Bhalla advise Unión Fenosa Gas before the High Court of Justice, which ruled in favor of the gas company in its award dispute with Egypt. ([Law360](#) and [Energy Voice](#))

Additional coverage of K&S advising Sapec in its dispute with Spain over the reduction of premiums for renewable energy. ([Global Arbitration Review](#))

Jamieson Greer explains the U.S.-Mexico-Canada Agreement. ([Law360 6.29](#) and [Law360 6.30](#))

Naana Frimpong comments on the rise of arbitration in Africa. ([Law.com International*](#))

Additional coverage of K&S opening the Northern Virginia office to focus on M&A, Emerging Companies & Venture Capital, Technology Transactions and Outsourcing, and Government

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NATURAL RESOURCES / OIL & GAS - Global

Challenging Executive Compensation Environment

Richard Fields

The COVID-19 pandemic and related economic disruption had a wide range of effects on public companies and their pay programs. Although there are no easy “one size fits all” solutions for executive pay, this year has scrambled virtually every pay strategy and rulebook, leaving compensation committees and their advisors in uncharted waters. [More »](#)

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Contracts practices. ([Technical.ly](#), [Fairfax County Times](#) and [ICLG](#))

Jim Bowe explains why all the factors that are required for the construction of a hydrogen economy have started to fall into place. ([Petroleum Economist](#))

“Private Credit Adapts to Uncertain Market Climate” by Todd Holleman, Jennifer Daly, and Michelle Tang ([Bloomberg Law](#)) [More »](#)

“Better get EU-sed to it: the “new normal” for investors navigating intra-EU dispute resolution” by Kateryna Frolova ([Practical Law Arbitration Blog](#)) [More »](#)

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