

Travis L. Brannon

Partner

Pittsburgh
+1.412.355.7443

travis.brannon@klgates.com

OVERVIEW

Travis Brannon is an Energy partner in the firm's Pittsburgh office and focuses his practice on commercial matters with an emphasis on energy litigation. Travis represents companies focused on modern energy solutions in multiple areas, including business disputes, royalty disputes, class actions, and project development. Also, Travis counsels energy clients on legislative and regulatory developments at both the state and federal level.

Travis's energy experience includes complex commercial matters, insurance coverage litigation, lease analysis, royalty class actions, toxic tort class actions, nuisance/trespass, government enforcement (e.g. Clean Air Act), eminent domain, and construction. His experience includes every facet of litigation, including a wide array of oral and written advocacy. Travis also has trial and arbitration experience including first chair experiences in state and federal court.

PROFESSIONAL BACKGROUND

Travis was a summer associate in the firm's Pittsburgh office in 2012.

During law school, he served as a research assistant at the WVU College of Law - Center for Energy and Sustainable Development performing energy and environmental public policy work. Travis also previously interned with the U.S. Mine Safety and Health Administration and former U.S. Senator from Virginia, Jim Webb.

ACHIEVEMENTS

- Recognized by *The Legal 500 United States* as a Recommended Lawyer for Energy Litigation: Oil & Gas – Mid-Market ($0-500m), 2026
- Recognized in *The Best Lawyers in America*® in Pittsburgh, PA:
  - Oil and Gas Law, 2024-2027
  - Energy Law, 2025-2027
  - "Ones to Watch" for Energy Law, 2021-2023

PROFESSIONAL / CIVIC ACTIVITIES

- Energy and Mineral Law Foundation (EMLF)
  - Travis currently serves on the EMLF Executive Committee and Board of Trustees as a trustee-at-large. EMLF is a national nonprofit educational organization which fosters the study of laws and regulations related to natural resources development and energy use.
- Landforce
  - Travis serves as a member of the Landforce Board of Directors. Landforce is a non-profit organization helping Pittsburgh organizations restore and maintain land and green assets by providing professionally skilled crews who can assist in environmental management. At the same time, Landforce supports crew members' passion to become strong and capable employees for Landforce and future employers.
- National Kidney Foundation (NKF) (Serving the Alleghenies)
  - Travis currently serves on the NKF (Serving the Alleghenies) Board of Directors. The NKF is the largest, most comprehensive and longstanding patient-centric organization dedicated to the awareness, prevention and treatment of kidney diseases in the US.
- National Energy and Sustainability Moot Court Competition - WVU College of Law
  - Travis regularly serves as a judge for this annual moot court competition focused on the development of energy attorneys from law schools across the United States.
- The West Virginia State Bar

SPEAKING ENGAGEMENTS

- Considerations for What Your Lease Doesn't Say: An Update on Implied Covenants in the Appalachian Basin, EMLF Annual Institute Conference, Washington, D.C., June 9-11, 2019.
- A Year in the Courtroom for Oil and Gas - Litigation Update, EMLF Kentucky Mineral Law Conference, Lexington, KY, October 18-19, 2017.
- Competing Surface Uses for Oil and Gas Development, EMLF Kentucky Mineral Law Conference, Lexington, KY, October 21-22, 2015.

EDUCATION

- J.D., West Virginia University College of Law, 2013 *(West Virginia Law Review - Article Selection and Symposium Editor; Pro Bono Distinction)*
- B.A., University of Virginia's College at Wise, 2010 *(magna cum laude; Darden Society)*

ADMISSIONS

- Bar of Ohio
- Bar of Pennsylvania
- Bar of West Virginia
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Northern District of Ohio
- United States District Court for the Northern District of West Virginia
- United States District Court for the Southern District of Ohio
- United States District Court for the Southern District of West Virginia
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP *POWERED BY HUB*

- 22 February 2023, Litigation Minute: Ethylene Oxide—Could Your Company Be a Litigation Target?
- 26 September 2022, The $363 Million Dollar Question: Are Your Ethylene Oxide Emissions a Litigation Target?
- 20 September 2021, Certified Question: Will West Virginia Take Another Bite At the Tawney Apple?
- 14 April 2021, Navigating Ohio's Wild *West*: Exceptions to the Marketable Title Act
- 17 March 2021, Class Dismissed: Ohio Court Strikes Class Action Allegations in a Quiet Title Dispute
- 23 September 2020, ReNEWS Southeast - Volume 17
- 25 June 2020, ReNEWS Southeast - Volume 16
- 21 April 2020, ReNEWS Southeast - Volume 15
- 25 March 2020, COVID-19: There’s No Place Like Home: What GCs Need You to Remember While Working Remotely
- 11 March 2020, ReNEWS Southeast - Volume 14
- 7 February 2020, ReNEWS Southeast - Volume 13
- 17 January 2020, Power Purchase Amendment? West Virginia House Bills Introduced With Hope of Spurring Power Purchase Agreements in Renewable Energy Development
- 14 January 2020, Common Sense: Ohio Court of Appeals Further Illuminates Production in Paying Quantities Analysis for Oil and Gas Wells Metered in Common

- 21 October 2019, May the Force Be with You: North Dakota Supreme Court Affirms that Force Majeure Clause Applies to Primary Term of Oil and Gas Leases
- 20 June 2018, New General Air Permits Target Methane Emission Reductions in Pennsylvania
- 22 January 2018, The Ohio Supreme Court Refuses to Impose an Independent Duty on Oil and Gas Operators to Develop Deeper Strata
- 18 September 2017, Fourth Circuit Concludes that West Virginia State Law Preempts Local Ordinance Banning Oil and Natural Gas Wastewater Storage
- 28 June 2017, West Virginia Confirms its Adherence to the Contract Theory for Pooling of Non-Participating Royalty Interests
- 1 July 2015, When Actual Notice isn't "Actual Notice" - The *Harvilchuck* Case
- 24 April 2015, *Lone Pine* Loss: Supreme Court of Colorado Says State Rules Don't Allow Use of *Lone Pine* Orders in Natural Gas Drilling Case

OTHER PUBLICATIONS

- Considerations for What Your Lease Doesn't Say: An Update on Implied Covenants in the Appalachian Basin, 40th Annual Energy & Mineral Law Institute / The Energy & Mineral Law Foundation, 40 Energy & Min. L. Inst. (*forthcoming*)
- "West Virginia is Not the Best Comparison for Proposed Pennsylvania Tax," *The PIOGA Press*, May 2015
- Lone Pine or Folk Lore? A Survey of Case Developments Regarding Lone Pine Orders in Oil and Gas Litigation, 35th Annual Energy & Mineral Law Institute / The Energy & Mineral Law Foundation, *35 Energy & Min. L. Inst. § 5*, 2014
- Marcellus Shale Drilling Comparative White Paper: The Regulatory Approaches of New York, Ohio, Pennsylvania, and West Virginia, *(Co-author) WVU College of Law - Center for Energy and Sustainable Development*, Spring 2012

NEWS & EVENTS

- 19 December 2023, Ethics for the Rise of Artificial Intelligence in Practice, Hosted by Energy & Mineral Law Foundation (EMLF)
- 8 September 2022 , 13th Appalachia Energy Law Conference, Hosted by Institute for Energy Law
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 March 2022, K&L Gates Names Nearly 40 New Partners, Of Counsel, and Government Affairs Advisors Across Firm

- 23 February 2022, Tips and Tricks for Navigating the Energy Transition, Hosted by Energy & Mineral Law Foundation
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch

AREAS OF FOCUS

- Commercial Disputes
- Environment and Energy

INDUSTRIES

- Energy
- Oil and Gas
- Power

REPRESENTATIVE EXPERIENCE

- Counsel to oil and gas exploration companies defending against permit appeals filed by environmental advocacy organizations before the Pennsylvania Environmental Hearing Board (EHB), including objections related to water, air, and public health
- Represented major oil and gas mineral owner against class action claims regarding breach of contract and fraud claims in the Northern District of West Virginia
- Secured an Ohio jury verdict in favor of an oil and gas well services company relieving it of past rent obligations as a commercial tenant and awarding it counterclaim damages against the landlord entity
- Counsel to major oil and gas producer in advising on transactional structures and associated litigation risk
- Represented national chemical corporation in pursuing insurance coverage and bad faith claims against multiple insurance companies related to an industrial chemical release in West Virginia state court (business court division)
- Successfully defended polymer manufacturer in federal medical monitoring class action related to environmental emissions of ethylene oxide by excluding plaintiff's lead expert and obtaining dismissal on Article III Standing grounds at summary judgment
- Represented international energy company in pursuing claim against rail terminal operator for contamination of polypropylene product in the Western District of North Carolina
- Counsel to international engineering company in development of city energy master plan project

- Represented major oil and gas company in oil and gas royalty class action in the Northern District of West Virginia
- Represented international energy company in obtaining dismissal of oil and gas royalty class action in the Northern District of Ohio
- Represented major oil and gas producers in class action royalty litigation in Northern District of Ohio and Ohio state courts with regard to Marcellus and Utica shale assets
- Briefed and argued on behalf of major oil and gas producer and obtained dismissal of oil and gas lessor claims at preliminary objection stage in Pennsylvania state court
- Represented major oil and gas producer in obtaining dismissal of oil and gas lease challenges in West Virginia state court and the Northern District of West Virginia
- Represented and successfully negotiated amicable resolution of multiple nuisance claims in West Virginia state court on behalf of oil and gas midstream company
- Following an 18-month federal Grand Jury Investigation of alleged Clear Air Act violations, obtained a declination of prosecution on behalf of a publicly traded energy company
- Counsel to publicly-traded energy company in connection with dispute against prime contractor for natural gas processing facilities in Pennsylvania and West Virginia
- Represented publicly-traded energy company in claim for defective design and construction of one of the largest retaining walls in the Eastern United States
- Counsel to major oil and gas midstream company with regard to real property negotiations and acquisitions in West Virginia
- Counsel to renewable energy company with regard to wind, solar, and micro-grid projects
- Represented national religious organization in arbitration with local congregation seeking property and dismissal from the organization
- Represented homeowner in dispute with contractor and subcontractor with regard to deficient construction, which successfully settled on the eve of a jury trial in Allegheny County Court of Common Pleas