



Matt Warnock

Partner



Matt Warnock is a partner and chair of Bricker & Eckler's Oil & Gas practice area. Matt focuses his practice on a wide range of energy issues, including upstream and midstream transactional matters; energy policy initiatives; oil and gas litigation, including appellate work; title curative matters, including the resolution of mineral rights disputes under the Ohio Dormant Minerals Act; and serving as local counsel for producers, pipeline companies and energy generation facilities. He is available for mediations in pipeline and oil and gas matters.

Matt also appears before state and regulatory agencies, including the Public Utilities Commission of Ohio (PUCO), Ohio Power Siting Board (OPSB), and Ohio Department of Natural Resources (ODNR).

Professional & Community Activities

- Member, Ohio Oil and Gas Leasing Commission, 2017-present
- Adjunct Professor, Capital University Law School, 2013-present

Presentations & Published Works

- Author, Oil and Gas Chapter of Ohio Real Estate Law (Baldwin's Ohio Practice), 2012-present
- Lead contributor, Bricker & Eckler LLP's Marcellus and Utica Shale blog, 2011- present
- Regular Contributor, Bricker & Eckler Energy Exchange
- Speaker, "What the Frack? An Update on All Things Oil and Gas in Ohio," Ohio State Bar Association Environment, Energy and Resource Law Seminar, April 2018
- Speaker, "Managing Risk in Shale Development," OHIO Shale Policy and Technology Symposium, April 2018
- Panel Moderator, "Careers in Energy Law," Capital University Law School (hosted by the EMLF), November 13, 2017
- Speaker, "Litigation Update—Hot Topics and Future Disputes," 8th Law of Shale Plays Conference, September 2017
- Presenter, "Utilizing RUMAs Across Ohio," Ohio Township Association Winter Conference, January 2017
- Speaker, "Arguing – Corban: How We Got There; Where Are We Going?" EMLF Special Institute on Ohio's Dormant Minerals Act, December 2016
- Speaker, "Road Use Maintenance Agreements," Ohio Township Association Township Law Directors' Group Meeting, December 2016
- Speaker, "Ohio Dormant Mineral Act Update," EMLF Webinar, October 2016
- Speaker, "Ohio Dormant Minerals Act Update," Ohio State Bar Association's Environmental, Energy and Resources Law Seminar, April 2016

CONTACT INFORMATION

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INDUSTRIES & PRACTICES

Energy
Litigation
Oil & Gas
Environmental Law

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Matt Warnock served as a voice of reason in a contentious issue. His understanding of complex policy and uncanny ability to rationalize issues that often are only viewed from a subjective lens proved very effective in finding compromise. Bricker client as quoted in Best Law Firms, 2019



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- Speaker, "Pipeline Rights of Way and Related Issues," Ohio State Bar Association, November 2015
- Speaker, "Oil and Gas Law 101," Columbus Bar Association Real Estate P.R.E.P. Series, November 2015
- Speaker, "Mineral Rights in 60 Minutes Flat," Conestoga Title Seminar, November 2015
- Speaker, "Ohio Dormant Mineral Act Update/Overview," Ohio State Bar Association Environment, Energy and Resource Law Seminar, April 2015
- Speaker, "Title Issues Relating to Oil and Gas Development in Ohio," First American Title Insurance Seminar, November 2014
- Speaker, "Oil and Gas Law Update," Columbus Bar Association, October 2014
- Speaker, "Title Issue and Recent Case Law Developments in Ohio Dealing with Oil and Gas," the Ohio State Bar Association (OSBA) Real Property Seminar at the OSBA Annual Meeting, May 2014
- Speaker, "Hot Topics in Oil and Gas Development," Ohio Township Association Annual Meeting, February 2014
- Speaker, "Oil and Gas Leases – Be Cautious," The Ohio State Bar Association's 20th Annual Bradley J. Schaeffer Real Property Institute, Winter 2012-2014
- Speaker, "Interplay Between the Ohio Dormant Minerals Act and the Ohio Marketable Title Act," Ohio State Bar Association CLE, August 2013
- Speaker, "Natural Gas Pipeline Issues," County Commissioners' Association of Ohio, December 2013
- Speaker, "Practical Issues of Working with Title Abstractors," Ohio State Bar Association CLE, and Ohio Association for Justice Annual Meeting, Fall 2013
- Speaker, "Oil and Gas Leases in Ohio," Ohio State Bar Association Webcast, September 2013
- Speaker, "Recent Trends in Oil & Gas Leasing: An Ohio Perspective in the Marcellus and Utica Shale Plays," YPE Energy Industry Training Conference, June 2013
- Speaker, "Next Generation Shale Issues: Infrastructure, Infrastructure and More Infrastructure," 28th Annual Ohio State Bar Association Environment, Energy and Resources Law Seminar, April 2013
- Speaker, "Ohio's Marketable Title and Dormant Mineral Acts," Energy and Mineral Law Foundation Title and Development Issues in the Utica Shale – Ohio, April 2013
- Speaker, Introduction to the Ohio Power Siting Board, Dayton Bar Association, January 2013
- Speaker, "Oil and Gas Leasing 101, Utica Shale: Issues in Law, Practice and Policy," Cleveland Marshall College of Law, September 13, 2012
- Speaker, "What the Frack? Oil and Gas Leasing 101," Ohio State Bar Association Annual Meeting, May 2012
- Speaker, "The Shale Revolution," 16th Annual MEC Ohio Energy Management Conference, February 2012
- Speaker, "Welcoming Marcellus and Utica Shale Development in Ohio," Ohio Association for Career and Technical Education presentation, December 2011 and Ohio Prosecuting Attorney's Association, June 2011.



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- Speaker, "Ohio House Bill 133: New Opportunities for Oil and Gas Development on State Lands," National Association of Royalty Owners, Appalachia Chapter, September 2011
- Co-author, "Property Assessed Clean Energy (PACE) Financing: The Ohio Story," published by *Electricity Journal*, December 2010
- Speaker, "Documenting Leadership: A Symposium on Public Executive Records in the 21st Century," *Executive Records: Access and Disclosure*, May 2010
- Speaker, "The U.S. EPA's Renovation, Repair & Painting Rule," March 2010
- Contributor, "ABA Climate Change, Sustainable Development, and Ecosystems," *Annual Report*, 2009, 2010
- Author, "What an Ohio Oil and Gas Producer or Affiliated Industry Company Needs to Know About an OSHA Inspection," September 2009
- Contributor, "Municipal Electric Aggregation: A Valuable Tool to Enhance Residential and Small Customer Access to Retail Markets," *Capturing the Power of Electric Restructuring*, American Bar Association, July 2009
- Author, "Stifling Gubernatorial Secrecy: Application of Executive Privilege to State Executive Officials," 35 *Cap. U.L. Rev.* 893, September 2007

Awards & Recognitions

- Listed, *Best Lawyers in America* (Energy Law; Oil and Gas Law), 2016–2019
- Recognized, *ChambersUSA*, Natural Resources & Environment with a Band 4 ranking, 2018; Up and Coming Ranking, 2016–2017; Associate to Watch ranking, 2014–2015
- Rising Star, *Ohio Super Lawyers* (Energy & Natural Resources; Utilities), 2014–2018
- Recipient, "Graduate of the Last Decade" (G.O.L.D.) Award, Capital Law School, 2017
- Listed, "Who's Who in Energy," *Columbus Business First*, 2013–2015

Bar Admissions & Activities

- Participant, Ohio Supreme Court Mentoring Program, 2015-present
- Member, Ohio State Bar Association, Natural Resources Law Committee, 2013-present
- Member, Energy & Mineral Law Foundation, 2012-present
- Member, Ohio Oil and Gas Association, 2012-present
- Member, National Association of Royalty Owners, 2011-2014
- Member, Chief Justice Thomas J. Moyer American Inn of Court, 2010-2014
- Admitted, State of Ohio; U.S. District Court, Northern District of Ohio and Southern District of Ohio
- Extern, Legal Office of former Ohio Governor Strickland and the Criminal Division of the U.S. Attorney's Office

Education

- Ohio Wesleyan University (B.S. with honors, history, *summa cum laude*, 2004); Phi Beta Kappa; Mortar Board
- Capital University (J.D., *summa cum laude*, 2007); Staff Member, *Capital University Law Review*



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Experience

Energy generation facility counsel

Represent Apex Power Group before the Ohio Power Siting Board (OPSB) for the proposed Guernsey Power Station, a 1650-megawatt, natural gas-fired energy generation facility. In 2017, the project received approval to construct and operate the facility. Our team continues to provide substantial regulatory, tax, permitting and real estate counsel. In addition, we resolved issues involving interconnection with the local transmission company and the Ohio Department of Natural Resources.

Oil and gas transactions and disputes

Provide Ohio-specific legal counsel to Gulfport Energy Corporation on a variety of transactional and litigation matters primarily involving title issues and oil and gas lease disputes, including several appeals.

International manufacturer facility in central Ohio

Retained by an Italian-based company to provide all legal services in the construction and development of a 1.4 million-square-foot manufacturing facility in central Ohio. One of the main aspects of the site selection involved the environmental conditions of the site and environmental permitting issues in the project's development. In this engagement, the firm assisted with various real estate, environmental and tax matters, including the negotiation of a variety of easements. The PUCO has approved energy efficiency rebates for the company's combined heat and power systems which will result in significant cost savings and operational benefits.

Security of school bonds

Assisted an Ohio school district in the issuance of bonds in which the perceived security for the bonds was threatened by the financial woes of the county's largest employer and taxpayer. Our attorneys provided timely and critical information to the bond rating agency and investors regarding how oil and gas leases and mineral rights are valued for property tax purposes and the potential impact of a bankruptcy filing on the payment of property taxes for the bonds.



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Multiple lawsuits filed in Ohio Courts of Common Pleas to obtain survey access under Ohio law for \$2

Obtained injunctive relief for pipeline company client as trial counsel in 11 Ohio courts of common pleas in proceedings against landowners and organized opposition, allowing client access to property to conduct civil, cultural, environmental and cultural survey activities required for FERC application process in conjunction with the client's construction of a \$2 billion, 256-mile interstate natural gas pipeline originating in Ohio. The complexity of issues in these matters required sophisticated organization, detailed planning, and fine-tuned litigation management skills.

Cases:

NEXUS Gas Transmission, LLC v. Haubert, Columbiana C.P. No. 2015CV275 (June 2, 2015)
NEXUS Gas Transmission, LLC v. Sprague, Erie C.P. No. 2015 CV 0349 (Oct. 29, 2015)
NEXUS Gas Transmission, LLC v. Sean S. Shinaberry Trust, Fulton C.P. No. 15CV000154 (July 17, 2015)
NEXUS Gas Transmission, LLC v. Snyder, Fulton C.P. No. 16CV128 (July 7, 2016)
NEXUS Gas Transmission, LLC v. Patricia A. Wolf, Trustee, Huron C.P. No. CVH20150491 (July 21, 2015)
NEXUS Gas Transmission, LLC v. Karen M. Fridenstein & Kristin H. McDonough, Trustees, Lorain C.P. No. 15CV186926 (July 15, 2015)
NEXUS Gas Transmission, LLC v. Pandy Farm, LLC, Lorain C.P. No. 15CV186926 (Sept. 4, 2015)
NEXUS Gas Transmission, LLC v. Hozakski, Lorain C.P. No. 16 CV 189911 (July 5, 2016)
NEXUS Gas Transmission, LLC v. Lonnie Perry Farms Ltd., Lucas C.P. No. CI201503111 (June 25, 2015)
NEXUS Gas Transmission, LLC v. Houston, Medina C.P. No. 15CIV0636 (Oct. 6, 2015)
NEXUS Gas Transmission, LLC v. Ohms Acres LLC, Sandusky C.P. No. 15CV535 (June 15, 2015)
NEXUS Gas Transmission, LLC v. Scott L. Rathfelder, Trustee, Sandusky C.P. No. 15CV908 (Sept. 17, 2015)
NEXUS Gas Transmission, LLC v. Scott L. Rathfelder, Trustee, Sandusky C.P. No. 15CV908 (Sept. 29, 2015)
NEXUS Gas Transmission, LLC v. Destefano, Stark C.P. No. 2015CV01586 (July 31, 2015)
NEXUS Gas Transmission, LLC v. Camelback, Ltd., Stark C.P. No. 2015CV01586 (Sept. 2, 2015)
NEXUS Gas Transmission, LLC v. Linhart, Stark C.P. 2015CV02073 (Oct. 7, 2015)
NEXUS Gas Transmission, LLC v. Srock, Wayne C.P. No. CVC-H 000304 (Aug. 10, 2015)
NEXUS Gas Transmission, LLC v. Adkins, Wayne C.P. No. CVC-H 000304 (Oct. 14, 2015)
NEXUS Gas Transmission, LLC v. North, Wayne C.P. No. 2016 CVC-H 000327 (July 6, 2016)
NEXUS Gas Transmission, LLC v. Griffith, Wood C.P. No. 15 CV 330 (July 14, 2015)
NEXUS Gas Transmission, LLC v. Sprague, 6th Dist. Erie No. E-15-069, 2016-Ohio-4901 (July 7, 2016)

Federal eminent domain proceeding to construct \$450 million natural gas pipeline

Obtained a temporary restraining order and preliminary injunction on an expedited timeline authorizing a natural gas pipeline company to access property subject to acquisition by eminent domain to conduct tree clearing activities in advance of moratoriums imposed on such activities in order to protect migratory birds and endangered bat species; contempt orders against property owners refusing to honor the order permitting access for tree clearing activities; and immediate injunctive relief against landowners refusing to permit access to their property via eminent domain for construction of a 75-mile natural gas pipeline in eastern Ohio. Also, negotiated settlements with landowners who permitted access and complex, technical settlements with public utilities to resolve overlapping easement situations.

Oil and gas lease negotiation in southeastern Ohio

Formed and worked with the Southeastern Ohio Landowners Association (SEOLA) to combine the acreage of landowners in five southeastern counties in order to negotiate oil and gas leases with multiple energy companies. SEOLA blossomed into the longest-lasting and most successful landowners group in Ohio with a dozen deals closed with eight different oil and gas companies, involving approximately 70,000 acres and more than \$300 million in upfront, per-acre bonus payments to SEOLA landowners.



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Representation of purchaser in acquisition of rural natural gas pipeline system

Represented a natural gas utility in the negotiation and acquisition of a rural natural gas pipeline system in eastern Ohio. The transaction involved the completion of due diligence and negotiation of a complicated asset purchase agreement and corresponding escrow agreement.

Oil and gas transactional assistance

Provided representation to a bank trustee controlling nearly 4,000 acres of mineral rights in eastern Ohio. Beginning with the negotiation of an above-market-value oil and gas lease, which resulted in an initial payment to the trust of tens of millions of dollars, we provided related legal services, including the completion of title curative work, lease maintenance activities and the negotiation of ancillary agreements.

Oil and gas class action

Successfully obtained complete relief for a client through settlement by intervening in an appeal of a certified class action to relieve the client from any obligations under an expired oil and gas lease at issue in the case and to avoid application of the trial court's tolling order against landowners with the form oil and gas lease at the heart of the class action.

Construction and operation of an 800 MW natural gas-fired combined-cycle power plant

Provided comprehensive legal counsel to Clean Energy Future regarding the construction and operation of an 800 MW natural gas-fired combined-cycle power plant in northeast Ohio (Lordstown, Mahoning County, Ohio). We successfully represented the client through all phases of the Ohio Power Siting Board, including public hearings, OPSB staff investigations and an adjudicatory hearing, which resulted in the issuance of a certificate from the OPSB. In addition to the regulatory work, the firm served as Ohio counsel responsible for assisting with a closing in excess of \$890 million of debt and equity financing for the construction of the project. This transaction involved extensive counsel on real estate, environmental and tax issues, including: real estate due diligence; title curative work; property acquisition and easement negotiations; document preparation; and work with lenders, equity investors, oil and gas companies, and the title insurer on title commitment and title insurance policy matters. Bricker continues to serve as Ohio counsel on the project, providing advice on all state regulatory, environmental and real estate matters.

API government affairs and lobbying activities

Represent API-Ohio, a state affiliate office of the American Petroleum Institute in governmental affairs and lobbying activities before the Ohio General Assembly, the Governor's Office and related statewide executive agencies. The firm has participated in high-profile and successful lobbying efforts regarding proposed legislative changes to the oil and gas severance tax and other oil and gas statutes in Ohio. In addition, we played an active role in numerous rule-makings before the Ohio Department of Natural Resources, including the horizontal well-site construction rules and emergency/incident notification rules. The firm has also been involved in negotiating various rule packages before Ohio EPA, the Ohio Department of Commerce and the Public Utilities Commission of Ohio relating to incident notifications, air emissions from compressors and other facilities, and call before you dig procedures.