

# KELLY HART

ATTORNEYS AT LAW

## AIMEE W. HEBERT Partner

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New Orleans



### BIOGRAPHY

Aimee Hebert helps clients in the energy business solve their challenging legal problems. Her experience includes disputes that involve mineral royalties, mineral lease termination, implied obligations, mineral servitude maintenance, operating agreements, production handling agreements, blowouts, and oilfield environmental issues. She represents both individuals and businesses and gets excellent results.

*U.S. News and World Reports* has included Ms. Hebert on *The Best Lawyers in America*® ranking every year since 2016. Since 2015, Ms. Hebert was named a Louisiana Super Lawyer by Thomson Reuters. Ms. Hebert was also voted by her peers as among the city's best attorneys in polls conducted by *New Orleans Magazine*, and *New Orleans CityBusiness*.

Ms. Hebert's involvement in energy law extends beyond the courtroom. She is a member of the Advisory Council of Louisiana Mineral Law Institute and has been appointed to serve on the Louisiana Law Institute's newly formed Mineral Law Committee, which studies and develops new legislation. She teaches basic oil and gas law at Tulane Law School as an adjunct Assistant Professor in Law. She is also a frequent speaker for industry groups, including the Rocky Mountain Mineral Law Foundation, CAIL's Institute for Energy Law, the Louisiana Mineral Law Institute, and the Women's Energy Network. Her goal is to stay on the forefront of developments in energy law to help her clients achieve their goals.

Having clerked for the Honorable W. Eugene Davis, United States Court of Appeals for the Fifth Circuit, Ms. Hebert also handles appeals for clients in other industries. As appellate counsel, she handles cases that have been tried by Kelly Hart but also provides a fresh review for cases tried by other law firms.

### EXPERIENCE AND HIGHLIGHTS

- Represented clients in dozens of matters involving aspects of energy law
- Trial counsel in a two week jury trial in which clients claimed the right to an assignment of overriding royalties, resulting in a full recovery for the clients
- Trial counsel for defendant in trial of claim for breach of the implied obligation to protect from drainage, resulting in no recovery for plaintiff
- Trial counsel in trial to declare property boundary, resulting in favorable decision for clients
- Member of the appellate team involved in securing United States Fifth Circuit decision that pre-suit demand is required in royalty class action

- Appellate counsel for clients in the seminal case involving the constitutionality of Louisiana Act 312 of 2006
- Secured numerous dismissals of claims against clients through preliminary motion practice
- Represented clients in matters before the Louisiana Mineral Board, Louisiana Department of Natural Resources, and other regulatory agencies
- Represented clients in numerous mediations involving oil and gas issues such as interpretation of contracts, property boundaries, and insurance coverage, resulting in favorable settlements for clients

#### Representative Cases

- *Ritchie Grocer Co. v. 2 H Inc.*, 2018 WL 1319211 (W.D. La. 2018) (dismissing oilfield environmental lawsuit on motion for summary judgment).
- *Enable Mississippi River Transmission LLC v. Linn Energy Holdings, LLC et al.*, 3:15-CV-01625 (W.D. La. 2016) (dismissing claims brought under Natural Gas Act).
- *Meaux v. Hilcorp Energy Co.*, 26 So.3d 875 (La. 3d Cir. 2009) (affirming jury verdict finding no environmental damage to plaintiffs' property).
- *M.J. Farms, Ltd. v. Exxon Mobil Corp.*, 998 So.2d 16 (La. 2008) (declaring constitutional application of Louisiana Act 312 in environmental lawsuits).
- *CLK Company, L.L.C. v. CXY Energy, Inc.*, 972 So.2d 1280 (La. 3d Cir. 2007)(affirming verdict on claim for overriding royalty after jury trial).
- *Eagle Lake Estates, L.L.C. v. Cabot Oil & Gas Corp.*, (E.D. La. 2006) (dismissing claim for breach of implied covenant after trial on the merits).

## AFFILIATIONS AND HONORS

### AFFILIATIONS

- Adjunct Assistant Professor in Law, Tulane Law School
- Mineral Law Committee, Louisiana Law Institute
- Advisory Council, Louisiana Mineral Law Institute
- Louisiana Oil and Gas Association, Member and former Board Member
- Institute for Energy Law, Advisory Board Member
- Women's Energy Network, Member

### HONORS

- AV Rated by Martindale-Hubbell
- Listed in *The Best Lawyers in America*®, 2016-2021
- Louisiana Super Lawyers, Thomson Reuters, 2015-2021
- Women of the Year, *New Orleans CityBusiness*, 2015, 2020
- Top Lawyer in Oil and Gas Law, *New Orleans Magazine*, 2013-2017, 2020
- Top Lawyer in Energy Law, *New Orleans Magazine*, 2018, 2020
- Leader in Law, *New Orleans CityBusiness*, 2016
- Up-and-comer in the area of Energy and Natural Resources Law, *Chambers USA*, 2012-2013

## EDUCATION

- Louisiana State University, Paul M. Hebert Law Center, J.D., 1998
- Louisiana State University, B.G.S., 1995

## **ADMISSIONS**

- State Bar of Louisiana, 1998
- United States Supreme Court
- United States Court of Appeal for the 5th Circuit
- United States District Court, Middle District of Louisiana
- United States District Court, Eastern District of Louisiana
- United States District Court, Western District of Louisiana
- United States District Court, Southern District of Texas

## **SPEECHES & PUBLICATIONS**

- From North to South: A Comparison of Key Oil and Gas Issues in Appalachia and Texas/Louisiana, Institute for Energy Law, Energy Litigation Conference, 2017
- The Operator's Duty to Market on Behalf of Lessors and Non-Operators, 62nd Annual Institute of the Rocky Mountain Mineral Law Foundation, 2016
- Preemption of Local Government Regulation of Fracking, Tulane Summit on Environmental Law & Policy, 2015
- Classifications and Consequences, Chapter 7, Oil and Gas Leases Louisiana Mineral Law Treatise, 2012
- PLANO Executive Night Seminar, Moderator, 2010, 2011
- Participation Agreements and Joint Operating Agreements, PLANO Executive Night Seminar, 2009
- Restrictions on Assignment (Consent to Assign, Preferential Right to Purchase and Maintenance of Uniform Interest Provisions), 49th Annual Institute on Mineral Law, 2007
- A Review of Selected Lease Clauses, 54th Annual Institute on Mineral Law, 2002
- Class Actions in Oil and Gas Litigation, LAPL Spring Seminar, 1999