



Katie

Katie Seegers Roth

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Overview

Katie Roth is an appellate and energy litigator, serving clients primarily in the oil and gas industry. She handles appeals and writes in the Louisiana Court of Appeal, the Louisiana Supreme Court, and the United States Courts of Appeals. Her clients regularly seek her advice on appellate procedural issues and her expertise in preparing appellate briefs and writ applications. She has been retained to assess the likelihood of success on appeal. Katie has also handled administrative appeals, including numerous appeals to the Interior Board of Land Appeals.

Her oil and gas practice includes litigation under environmental statutes and regulations, including the Groundwater Act, and Act 312. Often this work involves resolving issues of first impression at the trial and appellate levels. In addition to legacy litigation, she focuses on coastal land loss matters, landowner/mineral lease disputes, interpretation of joint operating agreements, and royalty disputes.

Katie served as a law clerk to the Honorable Tom Stagg, District Judge, United States District Court for the Western District of Louisiana, from 2002–2003.

Experience

Her accomplishments include:

- Represented BP America Production Company in securing unanimous opinion from Louisiana Third Circuit Court of Appeal affirming application of Louisiana's subsequent purchaser doctrine to dismiss current landowner's claims for pre-purchase property damage. *Grace Ranch LLC v. BP America Production Company*, 2017-1144 (La. App. 3 Cir. 7/18/18), -- So. 3d --.
- Part of the appellate team that obtained full reversal of summary judgment against a client in a case involving the enforcement of contractual restrictions on the use of the client's unpatented products. *Luv n' care, Ltd. v Grupo Rimar, a.k.a. Suavinex*, 844 F.3d 442 (5th Cir. 2016).
- Retained as appellate counsel by Louisiana Association of Business and Industry and Louisiana Midcontinent Oil & Gas Association to submit amicus brief to the Louisiana Supreme Court. In this case in which the Supreme Court addressed the proper application of the manifest error

Practice Areas

Appellate
Energy Litigation

Bar Admissions

Louisiana, 2002

Education

Southern Methodist University, Dedman School of Law, J.D., *cum laude*, 2002

- Order of the Coif
- SMU Law Review Association

Louisiana State University, B.A., *summa cum laude*, 1999

- Phi Beta Kappa

Clerkship

Law clerk to the Honorable Tom Stagg, District Judge, United States District Court for the Western District of Louisiana, from 2002–2003

standard of appellate review, the Court agreed with the position of the amici and reversed a decision of the Louisiana Third Circuit Court of Appeal, reinstating the district court judgment for defendant-operators which had rejected a claim for lost hydrocarbons due to alleged imprudent operations. *Hayes Fund for the First United Methodist Church of Welsh, LLC v. Kerr-McGee Rocky Mt., LLC*, 2014-2592 (La. Dec. 12/8/15), 193 So. 3d 1110.

- Retained as appellate counsel after an adverse judgment in a Louisiana district court regarding the proper interpretation of Louisiana Mineral Code articles pertaining to surviving spouse usufructs and the open mine doctrine. After oral argument, the Louisiana Fifth Circuit Court of Appeal reversed the district court's judgment, and the Louisiana Supreme Court denied writs. *Quantum Res. Mgmt. L.L.C. v. Pirate Lake Oil Corp.*, 2012-256 (La. App. 5 Cir. 11/13/12), 105 So. 3d 867.
- Part of the appellate team retained by The Dow Chemical Company to assist trial counsel in seeking discretionary review by the Louisiana Supreme Court of an intermediate appellate court decision that had reversed a district court judgment dismissing class action plaintiffs' claims for punitive damages. The Louisiana Supreme Court granted the writ application and, with an accompanying order, reinstated the district court decision. *Thomas v. A. Wilbert & Sons, Inc.*, 2012-1534 (La. 10/12/12), 98 So. 3d 879.
- As trial and appellate counsel, represented a producing company in a matter asserting land damage/remediation claims arising from historical operations on the property. The matter was dismissed by the state district court on exceptions, and the dismissal was completely affirmed by the appellate court. *Kinder Gas, Inc. v. Reynolds*, 2011-1012 (La. App. 3 Cir. 02/01/12), 84 So. 3d 395.
- With other firm lawyers, represented an oil and gas producing company in an arbitration brought by landowners seeking an increase in the valuation of overriding royalties based on allegations with respect to the unenforceability of a decades-old agreement setting a cap on such valuation. After proceedings in the Louisiana state court to compel arbitration and a multi-day arbitration occurring during 2010–2011, the claims were dismissed in their entirety.
- Part of the appellate team that secured reversal, in part, by the Louisiana Supreme Court of a multi-million dollar jury verdict against an oil and gas operator for land contamination, breach of contract, tort, misrepresentation, and wanton and reckless conduct. *Marin v. Exxon Mobil Corp.*, 2009-2368 (La. 10/19/2010), 48 So. 3d 234.
- With other firm attorneys, secured dismissal on summary judgment of two multi-million dollar claims in international arbitration that arose from the construction of an offshore oil and gas production facility. (2010)
- Second chair in four day trial involving commercial lease and issues of liability, causation, and damages. (2007)
- Part of the appellate team that secured an important decision by the Louisiana Supreme Court on the re-perfection of creditor's security interest under the Louisiana Commercial Code. *First Nat'l Bank of Picayune v. Pearl River Fabricators, Inc.*, 2006-2197 (La. 11/16/07), 971 So. 2d 302.
- With other firm attorneys, successfully defended the former president of one of Louisiana's largest health maintenance organizations against multiple civil actions brought by the company's Receiver. (2006)
- Assisted in obtaining summary judgment on behalf of a non-profit medical center, entitling the client to a refund of ad valorem taxes paid under protest. The judgment was affirmed in full on appeal. *Willis-Knighton Med. Ctr. v. Edmiston*, 39,374 (La. App. 2 Cir. 4/6/05), 899 So. 2d 736.
- With other firm attorneys, secured dismissal of malpractice claims against a major law firm arising from a corporate merger transaction. (2004)

Involvement

Professional

- American Bar Association, Section of Litigation, Appellate Practice Committee
- Louisiana State Bar Association – Member, Appellate Section
- New Orleans Bar Association – Member, Appellate Practice Area
- Law Clerk to the Honorable Tom Stagg, District Judge, United States District Court for the Western District of Louisiana, 2002–2003

Community

- Junior League of New Orleans
- Former board member for the Council on Alcohol and Drug Abuse for Greater New Orleans

Recognition

- New Orleans Magazine's List of "Top Lawyers," 2017-2018
- *Louisiana Super Lawyers*, Rising Star, 2017
- Benchmark Litigation Future Star Attorney, 2009

Presentations

- "The Louisiana Supreme Court: Civil Writ Trends in the 2016-2017 Term"
- "Real World Tactics in 2013," National Business Institute's Louisiana Appellate Workshop

Publications

- Louisiana's Third Circuit (Again) Affirms the Applicability of the Subsequent Purchaser Doctrine to Mineral Leases
- "Initial Civil Appeals: Louisiana," Practical Law State Q&A, Thomson Reuters, May 25, 2018
- "Additional Civil Appeals: Louisiana," Practical Law State Q&A, Thomson Reuters, May 25, 2018
- Federal Circuit Holds U.S. Army Corps of Engineers Not Liable for Hurricane Katrina Flood Damage
- Third Circuit Affirms Trial Court's Refusal to Adopt DNR's Most Feasible Plan in Sweet Lake Land & Oil Co. v. Oleum Operating Compan
- "Kimel and Beyond: Fifth Circuit Tackles Sovereign Immunity and the Family and Medical Leave Act in *Kazmier v. Widmann*," 54 SMU L.Rev. 453 (2000)

After Hours

"My free time revolves around my three children, two boys and one girl. I enjoy long distance running, snow skiing, dining out, and being involved in my local community – through the Junior League of New Orleans, the Krewe of Iris, Children's Hospital's Sugarplum Ball, Audubon Nature Institute's Zoo-to-Do Kids, Preservation Resource Center's Holiday Home Tour, and the Council on Alcohol and Drug Abuse for Greater New Orleans."

News/Insights

NEWS

11.9.18

Thirty-Eight New Orleans Liskow Lawyers Named "Top Lawyer" by New Orleans Magazine

INSIGHTS

6.5.18

Liskow's Appellate Team Published a Q&A Guide to Appealing from a Trial Court of General Jurisdiction in Louisiana

INSIGHTS

6.5.18

Liskow's Appellate Team Published a Q&A Guide to Appealing from an Intermediate Appellate Court to the Court of Last Resort in Louisiana

INSIGHTS

4.25.18

Federal Circuit Holds U.S. Army Corps of Engineers Not Liable for Hurricane Katrina Flood Damage

NEWS

11.3.17

Forty Liskow Lawyers Named “Top Lawyer” by *New Orleans Magazine*

NEWS

12.29.16

Forty-One Liskow Lawyers Selected to *Louisiana Super Lawyers, Thomson Reuters 2017*