



Kathryn

Kathryn Gonski

Shareholder, New Orleans
D 504.556.4029
kzgonski@liskow.com

Hancock Whitney Center
701 Poydras Street
New Orleans, Louisiana 70139

Overview

Kathryn Gonski is a litigator whose appellate practice regularly includes cases before the Louisiana courts of appeal, the Louisiana Supreme Court, and the United States Fifth Circuit Court of Appeal. Her practice focuses on complex litigation, including environmental, energy, employment, and oil and gas matters. Based on her experience, Kathryn is also frequently retained to write amicus briefs on behalf of businesses and trade organizations in matters of industry-wide significance.

Experience

Significant representation in appellate, business, and energy matters by Kathryn include:

- Represented Hess Corporation in the United States Fifth Circuit Court of Appeals and obtained a unanimous opinion affirming the application of Louisiana's subsequent purchaser doctrine to bar a plaintiff's claims against Hess for pre-purchase property damage. *Guilbeau v. Hess Corp.*, 854 F.3d 310 (5th Cir. 2017).
- Assisted trial team in securing: (i) a \$1.16 million judgment in favor of Red Willow Offshore, LLC and Medco Energi US, LLC, finding that a processing facility operator breached its Production Processing Agreement by failing to properly compensate Red Willow and Medco for its unauthorized diversion of their processed gas for use as lift gas in its own wells; and (ii) a unanimous opinion from the Fourth Circuit Court of Appeal affirming the judgment. *Red Willow Offshore, LLC v. Palm Energy Offshore LLC*, 2015-0512 (La. App. 4 Cir. 2/3/16), 185 So. 3d 293.
- 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 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 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. 8, 2015), 193So. 3d 1110.

Practice Areas

Appellate
Business Litigation
Energy Litigation

Bar Admissions

Louisiana, 2010

Education

Loyola University New Orleans College of Law, J.D., *summa cum laude*, 2010

- Practicum Editor, *Loyola Law Review*; Recipient of 2010 Best Comment Award
- William L. Crowe Scholar
- 2010 Spirit of St. Ignatius Award Recipient

Louisiana State University, B.S., *summa cum laude*, 2007

Clerkship

Law clerk to the Honorable Ivan L.R. Lemelle, United States District Court for the Eastern District of Louisiana

- Represented ExxonMobil in a legacy case and secured (i) unanimous opinion from the Louisiana First Circuit Court of Appeal affirming the dismissal of the Plaintiff-landowner's claims based on the subsequent purchaser doctrine, *Global Mktg. Solutions, L.L.C. v. Blue Mill Farms, Inc.*, 2013-2132 (La. App. 1 Cir. 9/19/14), 153 So. 3d 1209, and (ii) denial of Plaintiff-landowner's writ application to the Louisiana Supreme Court, 2014-2592 (La. 4/23/15), 173 So. 3d 1164.
- Assisted trial team in obtaining writ grant from the Louisiana Supreme Court, reversing decision of First Circuit Court of Appeal, and reinstating trial court judgment dismissing suit brought by landowners in Haynesville Shale area as an improper use of a declaratory judgment proceeding in an effort to invalidate unit-wide orders of the Louisiana Commissioner of Conservation. *Gatti, et al. v. State of Louisiana, through the Office of Conservation, et al*, 2014-863 (La. 8/25/14), 146 So. 3d 540.
- Retained as appellate counsel for Shell Oil Company in a legacy case and secured (i) unanimous opinion from the Louisiana Third Circuit Court of Appeal reversing that portion of a trial court judgment which had awarded Plaintiffs-landowners \$34 million, holding that the Plaintiffs-landowners were not entitled to a private money judgment for the cost of remediation of their property to state regulatory standards, *Savoie v. Richard*, 13-1370 (La. App. 3 Cir. 4/2/14), 137 So. 3d 78, and (ii) denial of the Plaintiff-landowners' writ application to the Louisiana Supreme Court, 2014-1283 (La. 11/14/14), 152 So. 3d 880.
- Represented BP in a legacy case and secured (i) unanimous opinion from the Louisiana Third Circuit Court of Appeal affirming a jury verdict in favor of BP, *Houssiere v. ASCO USA*, 12-791 (La. App. 3 Cir. 1/16/13), 108 So. 3d 797, and (ii) denial of Plaintiff-landowners' writ application to the Louisiana Supreme Court, 2013-0694 (La. 5/17/13), 118 So. 3d 377. The Houssiere plaintiffs brought breach of contract and tort claims against BP under Act 312 for alleged contamination of property caused by historic oil and gas operations. The jury rejected Plaintiffs' claims, finding that BP did not cause environmental damage to Plaintiffs' property. The Third Circuit affirmed the jury's findings and also held that the trial court properly applied Act 312 to Plaintiffs' claims as presented at trial.
- Represented Monsanto in seeking appellate review of denial of enforcement of an arbitration agreement. After the Louisiana Second Circuit Court of Appeal denied Monsanto's writ application, Ms. Gonski assisted in obtaining a writ grant from the Louisiana Supreme Court with an order that the Second Circuit issue a decision on the matter. *Hanlon v. Monsanto AG Prods., LLC*, 2013-0169 (La. 3/1/13), 108 So. 3d 781. Following remand from the Louisiana Supreme Court, the Second Circuit reversed the trial court and ruled in favor of Monsanto, finding the arbitration clause valid and enforceable. *Hanlon v. Monsanto AG Prods., LLC*, 48,010 (La. App. 2 Cir. 10/ 9/13), 124 So. 3d 535.
- Represented Dow Chemical Company as appellate counsel 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.
- Represented Cimarex Energy Company against a claim by a lessor seeking profits from the financial trading activities Cimarex used to hedge against price fluctuations of its oil and gas production as royalties under the lease. The United States District Court for the Western District of Louisiana granted summary judgment in favor of Cimarex, and the United States Fifth Circuit Court of Appeals affirmed. *Cimarex Energy Co. v. Chastant*, 2012 WL 6652360 (W.D. La. Dec. 18, 2012), affirmed by 537 Fed. Appx. 561 (5th Cir. Aug. 2, 2013). This decision is believed to be the first of its kind expressly recognizing that royalty owners have no claim on profits made from financial trading activities used to hedge against price fluctuations.

Involvement

Professional

- Women's Energy Network
- New Orleans Bar Association
- Louisiana State Bar Association
- American Bar Association
- Chair, Liskow & Lewis' Paralegal Committee

Community

- Young Friends of St. Andrew's Village

Recognition

- Recognized by *New Orleans CityBusiness* as "One to Watch" In Law, 2018
- *New Orleans Magazine's* List of "Top Lawyers," 2017-2018
- *Louisiana Super Lawyers* "Rising Star", 2017-2019
- Practicum Editor, *Loyola Law Review*; Recipient of 2010 Best Comment Award
- William L. Crowe Scholar
- 2010 Spirit of St. Ignatius Award Recipient



Presentations

- "Writs to the Courts of Appeal and the Louisiana Supreme Court", Louisiana Appellate Workshop: Real World Tactics, National Business Institute, June 21, 2013
- "Professionalism: Why Should I Bother When Winning is the Only Thing?" New Orleans Bar Association, November 21, 2011

Publications

- Louisiana's Third Circuit (Again) Affirms the Applicability of the Subsequent Purchaser Doctrine to Mineral Leases
- "Initial Civils 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
- Louisiana Third Circuit Issues Decision on the Procedure for Settlements in Cases Governed by Act 312
- "Louisiana Supreme Court Grants Writs from Second Circuit Decision Finding Holder of Mortgage Encumbering a Mineral Lease Solidarily Liable with Mineral Lessees for Damages Resulting from the Mineral Lessees' Breach of Contractual and Statutory Obligations," Liskow & Lewis' The Energy Law Blog, December 18, 2017
- "U.S. Fifth Circuit Affirms Application of the Subsequent Purchaser Doctrine in Oilfield Contamination Case," Liskow & Lewis' The Energy Law Blog, April 19, 2017
- "Fifth Circuit Holds that Unpatented Products Can Be Given Patent-Like Protections by Contract," Liskow & Lewis' The Energy Law Blog, April 10, 2017
- "Louisiana First Circuit Finds Appellate Jurisdiction Lacking, Declines to Address Merits of Appeal Involving Claims Related to Deepwater Horizon Response Operations," Liskow & Lewis' The Energy Law Blog, June 6, 2016
- "Louisiana Appellate Court Unanimously Dismisses Cross-Appeals in Legacy Case," Liskow & Lewis' The Energy Law Blog, April 29, 2016
- "Louisiana Supreme Court Denies Plaintiff-Landowner's Writ Application in Legacy Case Dismissed on the Basis of the Subsequent Purchaser Doctrine," Liskow & Lewis E-Newsletter, May 2015

After Hours

“Growing up in one of the great culinary cities of the world, I am a dedicated foodie-in-training. And to compensate, I’m an avid runner. My favorite race was a half-marathon from Napa Valley to Sonoma—the perfect convergence of my interests.”

News/Insights

NEWS

12.27.18

Thirty-Nine Liskow Lawyers Selected to 2019 *Louisiana Super Lawyers*, Thomson Reuters

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

NEWS

4.13.18

New Shareholder Kathryn Gonski Recognized as One to Watch in Law

NEWS

1.2.18

Liskow & Lewis Announces Three New Shareholders

NEWS

12.27.17

Forty-Four Liskow Lawyers Selected to 2018 *Louisiana Super Lawyers*, Thomson Reuters

NEWS

11.3.17

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

EVENTS

03.31.17 - 04.01.17

1st National Young Energy Professionals' Law Conference

NEWS

12.29.16

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

INSIGHTS

4.29.16

Louisiana Appellate Court Unanimously Dismisses Cross-Appeals in Legacy Case

NEWS

6.5.15

Louisiana Supreme Court Denies Plaintiff-Landowner's Writ Application in Legacy Case Dismissed on the Basis of the Subsequent Purchaser Doctrine

INSIGHTS

5.4.15

Louisiana Supreme Court Denies Plaintiff-Landowner's Writ Application in Legacy Case Dismissed on the Basis of the Subsequent Purchaser Doctrine