



Harvey Cohen

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BIOGRAPHY

Harvey Cohen has more than 30 years of experience as a trial lawyer and has tried more than 70 cases in state and federal courts in Texas and other states. He has represented both plaintiffs and defendants in contract and commercial litigation in the energy industry. His cases have involved representation of exploration and production companies in all manner of disputes with landowners and venture partners, including operations and accounting issues. Outside the energy industry, he has tried major cases involving trademark infringement, lender liability, insurance coverage, and director and officer liability under federal and state securities laws. He also has experience in securities fraud and consumer and royalty owner class action litigation.

REPRESENTATIVE EXPERIENCE

Mr. Cohen has successfully represented many clients in trial and appeal in both state and federal courts. In addition to reported cases, Mr. Cohen has successfully represented clients in reaching fast and cost-effective settlements of major cases.

- Lead counsel for Chesapeake Energy in successful arbitration case seeking recovery of several million dollars for working interest share of expenses against joint owner of multi-well project. Arbitration award for all drilling and completion expenses in favor of Chesapeake; award confirmed by U.S. District Court.
- Lead trial counsel for Brocade Communications, successor to McData Services, in *Kevin M. Ehringer Enterprises, Inc. v. McData Services, Inc.*, involving successful defense of \$60 million claim for breach of distributorship agreement for connectivity equipment used in data centers. 646 F.3d 321.
- Lead trial and appellate counsel for El Paso Natural Gas in a usury case arising from the sale of the site of a proposed LNG plant on the Gulf Coast. *El Paso Natural Gas v. Berryman*, 858 S.W.2d 362 (Tex. 1992).
- Trial and appellate counsel for energy company in two cases in which the doctrine of repudiation was successfully used to overcome a lessor's claim of lease termination. *NRG Exploration v. Rauch*, 671 S.W.2d 699 (Tex.App. – 1989) and 905 S.W.2d 405 (Tex.App. – 1995).
- Represented the former CEO and CFO of an insolvent aviation insurer against criminal and civil charges brought by the State of Texas and was successful in obtaining dismissals of three consecutive indictments, after which no further criminal charges were brought, and a civil settlement for less than 2% of the State's claim against those individuals.

- Successfully negotiated substantial settlements for exploration and production clients in take-or-pay litigation and cases involving gas plant accounting.

PRACTICE AREAS

- Energy Litigation
- Intellectual Property

MEMBERSHIPS

- American Bar Association
- Austin Bar Association
- State Bar of Texas

COURT ADMISSIONS

- Fifth Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- Eleventh Circuit Court of Appeals
- United States District for Southern District of Texas
- United States District Court for the Eastern District of Texas
- United States District Court for the Northern District of Texas
- United States District Court for the Western District of Texas

EDUCATION

- J.D., The University of Texas School of Law
- B.A., in Political Science (with honors), Swarthmore College