

Snell & Wilmer



Nathan K. Davis

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Main Bio

For nearly 20 years, Nathan K. Davis has represented both plaintiffs and defendants in business litigation, including oil & gas, product liability and commercial disputes. He has tried numerous cases to verdict in multiple state and federal courts, as well as before the American Arbitration Association. Davis also counsels clients on litigation avoidance and risk reduction strategies, as well as on regulatory issues. He is:

- A **trusted advisor**;
- A **skilled negotiator**; and
- An **experienced trial lawyer**.

Oil & Gas. Davis has dedicated his legal career to achievements in the energy field, receiving recognition for his commitment and litigation prowess from Colorado Super Lawyers[®], as well as an AV-Preeminent peer rating from Martindale-Hubbell[®]. He has assisted energy companies as an attorney, expert witness and arbitrator. Davis has led litigation for E&P and midstream companies in Colorado, Oklahoma, New Mexico, Texas, Kansas, Utah, California and Arizona. His representative work includes: royalty disputes, purchase agreement disputes, service contract disputes, lease disputes, environmental matters and regulatory compliance. Most recently, he tried a high-profile declaratory judgment lawsuit raising significant questions about the proper way to calculate natural gas royalties under the Marketable Condition Rule. Davis has also acted as lead counsel in numerous oil & gas class action lawsuits.

Product Liability. Davis has defended Fortune 500 companies in significant product liability matters for nearly two decades. He has represented global manufacturers and distributors in high-stakes lawsuits in multiple state and federal courts.

Commercial Disputes. Davis has nearly two decades of experience advising public and private clients in connection with a wide variety of business disputes, including corporate, contract, trade secrets, business torts, construction, real estate, employment and other complex matters.

Leadership. Davis is an Administrative Partner in Snell & Wilmer's Denver office. He also is a member of the firm's Executive Committee and Chair of the firm's Energy Litigation subgroup.

Representative Matters

Oil & Gas Cases

- Defended oil & gas companies in royalty disputes in multiple states, including state-wide class actions
- Represented oil & gas company in connection with claims against mineral owners for alleged breach of lease option agreements covering millions of acres of mineral rights
- Advised oil & gas company regarding federal royalty payments and unbundling strategies
- Advised oil & gas companies regarding natural gas purchase contracts
- Represented midstream oil & gas company in connection with claims for breach of natural gas purchase contract
- Defended oil & gas companies against claims for alleged breach of implied lease covenants
- Defended oil & gas companies against claims by surface owners, including claims for alleged ground water contamination and conflicts with current and planned surface operations
- Represented oil & gas company in connection with claim against working interest partner for failing to convey agreed-upon assignment of thousands of acres of mineral rights
- Represented oil & gas company in connection with claim against surface owner for breach of gas supply contract
- Represented oil & gas company in connection with claim against other energy companies for breach of joint operating agreement
- Defended oil & gas company in lien foreclosure lawsuit
- Defended oil & gas company against claims by working interest partner for alleged breach of express and implied obligations in farmout agreement and joint operating agreement
- Defended oil & gas company against claim by working interest partner for alleged breach of preferential right to purchase clause in joint operating agreement
- Defended oil & gas company against claims for alleged breach of settlement agreement and fraudulent inducement

Product Liability Cases

- Defended manufacturer of mining equipment in jury trial in product liability lawsuit arising out of accident in underground coal mine that resulted in serious personal injuries
- Defended manufacturer of flow meter and associated electronic equipment in product liability lawsuit arising out of natural gas pipeline explosion that resulted in serious personal injuries
- Defended manufacturer of ladders and other climbing products in product liability lawsuits in multiple state and federal courts, including several jury trials
- Defended manufacturer of consumer and industrial refrigeration equipment in fire and explosion investigations and product liability lawsuits
- Defended manufacturer of industrial tools in product liability lawsuit arising out of fatal pipeline explosion
- Defended manufacturer of gas valve in product liability lawsuit arising out of carbon monoxide poisoning
- Defended manufacturer of thermal protector in product liability lawsuit arising out of house fire
- Defended manufacturer of natural gas and propane regulators in fire, explosion and carbon monoxide investigations and product liability lawsuits

- Defended industrial truck manufacturer in product liability lawsuit arising out of vehicle fire
- Defended manufacturers of consumer and industrial gas valves in fire, explosion and carbon monoxide investigations and product liability lawsuits

Commercial Disputes

- Defended general contractor in construction arbitration against claims of alleged breach of contract and unjust enrichment by subcontractor
- Represented international franchisor in franchise termination arbitration involving counterclaims for race discrimination
- Defended construction company at trial in employment dispute with former salesman
- Defended principal of international technology company at preliminary injunction hearing
- Represented international franchisor at preliminary injunction hearing in franchise termination lawsuit
- Represented pharmaceutical company in breach of contract dispute involving counterclaims of fraud and negligent misrepresentation
- Represented start-up technology company at trial in dispute between company principals for control of company
- Represented company at trial in breach of contract dispute involving allegations of unfair competition
- Defend lender in mechanic's lien foreclosure lawsuit

Education

- University of Denver College of Law (J.D., 1999)
 - Top 10 percent of class
- University of Chicago Law School, Visiting Student (1998)
- Wabash College (B.A., Cum Laude, 1996)

Professional Memberships & Activities

- Colorado Petroleum Association
 - Government Affairs Committee (Present)
- Colorado Oil & Gas Association
 - Legal, Legislative & Regulatory Committee (Present)
- Denver Petroleum Club
 - Emerging Leaders Council (Present)

Representative Presentations & Publications

- "[Kansas Limits Oil & Gas Producers' Implied Duties under the Marketable Condition Rule](#)," Author, S&W Environmental & Natural Resources Law Blog (August 7, 2015)
- "Selecting Your Jury and Handling Your Voir Dire," Co-Presenter, Colorado Bar Association CLE (August 3, 2011)
- "[The Disappearing Jury Trial](#)," Co-Author, Law Week Colorado (April 26, 2010)
- "Admissibility of Subsequent Remedial Measures: Bad Law Lurking in the 10th Circuit," Author, Law

Journal Newsletters Product Liability Law & Strategy, Volume 23, Issue 5 (November 2004)

- "Applicability of C.R.E. 407 in Federal Court," Author, The Colorado Lawyer, Volume 34, Issue 1 (January 2005)

Professional Recognition & Awards

- Denver Business Journal, Who's Who in Energy (2017)
- Martindale-Hubbel, AV Preeminent[®] rated (2017)
- Colorado Super Lawyers[®], Rising Stars Edition, Environmental Litigation (2010-2011); Business Litigation (2010-2011, 2013); Personal Injury Defense: Products (2010-2012)

Community Involvement

- University of Denver Sturm College of Law Professional Mentoring Program
- Denver Metro Chamber of Commerce
 - Impact Denver
 - Colorado Energy Coalition
- Denver Public Schools Educational Outreach Program
- Denver Scholarship Foundation
 - Development Committee
 - Special Event Committee
- Junior Achievement
- Legal Night at Mi Casa
- Metro Volunteer Lawyers

Other Professional Experience

- First Judicial District Court, State of Colorado, Law Clerk to the Honorable Leland P. Anderson

Bar Admissions

- Colorado

Court Admissions

- Supreme Court of Colorado
- United States District Court, District of Colorado
- United States District Court, Southern District of Texas
- United States Court of Appeals, Seventh Circuit
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Tenth Circuit