

# Snell & Wilmer

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## Nathan K. Davis

Partner | Denver

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### Main Bio

For more than 20 years, Nathan K. Davis has represented businesses in commercial matters, focusing on oil & gas, royalty, contract, real estate, land, and tort disputes. Nathan has assisted clients and businesses as an attorney, expert witness, arbitrator and advisor. He has tried numerous cases in multiple state and federal courts, as well as before the American Arbitration Association and similar organizations. Nathan also routinely advises clients on litigation avoidance and risk reduction strategies, as well as on regulatory issues. Nathan is:

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

**Oil & Gas.** Nathan has dedicated his legal career to achievements in the energy field, receiving recognition for his commitment and litigation prowess from Colorado Super Lawyers<sup>®</sup>, as well as an AV-Preeminent peer rating from Martindale-Hubbell<sup>®</sup>. He has assisted energy companies as an attorney, expert witness and arbitrator. Nathan 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 and sale agreement disputes, service contract disputes, lease disputes, environmental matters and regulatory compliance. Most recently, Nathan tried a high-profile declaratory judgment lawsuit raising significant questions about the proper way to calculate natural gas royalties under the Marketable Condition Rule. Nathan has also acted as lead counsel in numerous oil & gas class action lawsuits.

**Tort & Product Liability.** Nathan has defended Fortune 500 companies in significant tort and product liability matters for more than two decades. He has represented global manufacturers and distributors, as well as equipment rental companies, in high-stakes lawsuits in multiple state and federal courts.

**Commercial Disputes.** Nathan has more than 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. Most recently, he litigated two controversial land use appeals at the Colorado Supreme Court.

**Leadership.** Nathan is a member of Snell & Wilmer's Executive Committee and is an Administrative Partner in the Denver office. Nathan also chairs the firm's Energy Litigation Group and Denver Litigation Training Committee, and he is the past Chair of the Denver Associate Hiring Committee.

### Representative Matters

## **Oil & Gas Cases**

- Advise oil & gas companies regarding payment of private royalties, marketing contracts, leases, joint operating agreements, and various other upstream and midstream issues
- Advise oil & gas companies regarding regulatory issues concerning valuation and reporting of federal royalties, unbundling strategies, and doing business on federal lands
- Defended oil & gas companies in numerous royalty disputes, including state-wide and multi-state class actions in CO, OK, and KS
- Defended oil & gas companies at trial and on appeal in high-profile lawsuit about the scope of duties associated with the implied duty to market and marketable condition rule
- Represented oil & gas midstream company in dispute concerning natural gas purchase agreement, buildout of midstream infrastructure, "economic out" clause, and flaring
- Represented oil & gas company in quiet title dispute involving complicated title and probate issues
- Represented oil & gas companies in multiple breach of lease option agreement lawsuits covering millions of acres of mineral rights
- Defended oil & gas companies against claims of breach of implied lease covenants
- Defended oil & gas companies in disputes with surface owners, including claims for alleged ground water contamination, conflicts with current and planned surface operations, and alleged surface and subsurface trespass
- Represented oil & gas companies in disputes with service companies, such as water haulers, pipeline construction companies, surveyors, and other contractors
- Represented oil & gas companies in disputes concerning farmout agreements, joint operating agreements, and purchase and sale agreements
- Defended manufacturers in multiple product liability lawsuits arising out of natural gas pipeline explosions resulting in serious burns and a fatality
- Expert witness for oil & gas company in personal injury lawsuit arising out of natural gas explosion
- Arbitrator in dispute about services performed by wireline service company

## **Tort & 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
- Defended heavy equipment rental companies in tort and product liability investigations and lawsuits

### **Commercial Disputes**

- Represented developer of mountain coaster in two controversial land use appeals before the Colorado Supreme Court
- 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.)
  - Top 10 percent of class
- University of Chicago Law School, Visiting Student
- Wabash College (B.A., Cum Laude)

### **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**

- ["The Apex Rule and Protecting Your Client's Management Team When Conducting Deposition Discovery,"](#) Co-Author, Foundation for Natural Resources & Energy Law (May 2022)
- ["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

- The Best Lawyers in America®, Commercial Litigation (2023-2024)
- Denver Business Journal, Who's Who in Energy (2017)
- Martindale-Hubbell, 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

## Previous 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 Court of Appeals, Ninth Circuit
- United States Court of Appeals, Seventh Circuit

- United States Court of Appeals, Tenth Circuit
- United States District Court, District of Colorado
- United States District Court, Northern District of Oklahoma
- United States District Court, Southern District of Texas