

Marty Truss

Member

San Antonio

Weston Centre
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Areas Of Practice

Litigation
Intellectual Property Litigation
Real Estate

Industries

Energy Industry Group
Energy Litigation & Appeals
Oil & Gas

Bar Admissions

Texas

Court Admissions

U.S., Supreme Court
U.S. District Court, Northern,
Southern, Western and Eastern
Districts of Texas

Education

St. Mary's University School of
Law, J.D., *summa cum laude*,
Executive Editor, *St. Mary's Law
Journal*, 1996

The University of Texas at San
Antonio, B.A., Humanities, 1992

An experienced trial lawyer working principally in the energy industry, Marty Truss brings a committed and tough, yet practical, approach to solving clients' problems in complex commercial litigation. Whether charting a strategic course through pre-litigation controversies to first-chair courtroom advocacy in "bet the company" litigation, high net-worth individuals and businesses of varying size and sophistication routinely turn to Marty for his creative, results-oriented approach to dispute resolution. Marty has represented clients in state and federal courts and arbitrations of complex business disputes throughout Texas, Colorado, Oklahoma, Wyoming, Utah, North Dakota, Louisiana, Arkansas and New York. Marty frequently handles partnership and other business disputes involving contemplated or consummated mergers and acquisitions, theft of trade secrets, litigation involving mineral title, surface use and royalty issues, joint operating agreements, farmout agreements, pipeline agreements, IADC contracts, and securities fraud. He is the Co-Leader of the Firm's Energy Industry Team and serves as the Office Managing Member of Dykema's San Antonio office. According to clients quoted in *Chambers USA 2021*, Marty is "well regarded for his experience in litigation relating to the energy sector."

Experience

Marty Truss has represented major and independent producers, operators and other mineral interest owners, as well as oil field service companies, drilling contractors, pipeline companies and refiners in a wide variety of business litigation.

His experience includes:

Mining Dispute

Represented the defendant in a McMullen County jury trial, obtained a directed verdict, re-aligned the parties mid-trial and obtained a favorable verdict from the jury on defendant's counterclaims.

Pipeline Dispute

Following extended complex litigation culminating in a summary judgment and successful bench trial, forced a pipeline company to relocate 20-inch NGL pipeline from client's mineral lease and obtained an award for the client of more than \$1,000,000 in attorneys' fees and expenses.

Royalty Litigation

Successfully defended a publicly-traded exploration and development company in arbitration involving claims for \$300,000,000 in royalty damages. Net award was a small fraction of pre-suit settlement offer.

Marty Truss (Cont.)

Trade Secrets Litigation

Served as trial counsel to TXCO Resources Inc., a publicly-traded exploration and production (E&P) company in successful prosecution of trade secret misappropriation claims against Peregrine Petroleum, LLC. Following a 41-day trial, the court awarded a multimillion judgment in favor of Reorganized TXCO, Inc. (reorganized through Chapter 11) on its claims for misappropriation of trade secrets. The court found that Peregrine solicited, obtained and misappropriated a substantial amount of TXCO's trade secret information and data, both through its meetings with TXCO under a confidentiality agreement and through additional, improper channels.

Mineral Title Dispute

Obtained a multimillion dollar recovery in litigation involving a mineral title dispute.

Partnership Dispute

Obtained a multimillion dollar recovery in litigation involving partnership dispute and ownership of oil-producing properties.

Following multi-year complex litigation involving portfolio of successful trucking and oilfield service businesses, obtained a multimillion-dollar settlement in the middle of a week-long arbitration immediately after cross-examination of defense witnesses.

Obtained a favorable seven-figure settlement for a non-operating party in a complex dispute with operator over deficiency fees in throughput contract.

Trial and Appeal in Mineral Rights Case

Favorably resolved, through trial and appeal, a dispute involving title to thousands of mineral acres in South Texas.

Class Action Resolved

Obtained favorable resolution for multiple publicly-traded and privately-owned oil and gas operating companies in a class action lawsuit filed in the Eastern District of Texas, Marshall Division.

Defense of Drilling Company – Claims of Catastrophic Damage

Obtained favorable resolution for a publicly-traded drilling company in suit filed in south Texas by fourteen plaintiffs asserting causes of action for negligence, trespass and nuisance. Claims included catastrophic damage, including property damage to residences and personal injuries allegedly caused by drilling operations. He obtained a take-nothing judgment on the merits, dismissing all causes of action by all plaintiffs against client and paying no settlement money.

Breach of Confidentiality and Non-Circumvention Agreement – Dispute Resolved

Obtained favorable resolution for publicly-traded drilling company in lawsuit filed in Oklahoma, alleging breach of confidentiality and non-circumvention agreement. Obtained judgment dismissing all causes of action against client and paying no settlement money.

Defense of Claims of Fraud, Breach of Fiduciary Duty

Obtained favorable resolution for a publicly-traded refining company against claims for fraud, fraudulent inducement, and breach of fiduciary duty; obtained dismissal and paid no settlement money.

Seminars & Speeches

Upstream Energy Forum

May 24, 2016

Publications

"Litigation Management: Results-Oriented Leadership," ABA Section of Litigation

February 15, 2017

James M. "Marty" Truss & Reagan M. Marble, *Texas Oil and Gas Case Law Update*, 2 Tex. A&M L. Rev. 353 (2015).

"Oil Slowdown Won't Stop Enviro Fights Over Eagle Ford," Marty Truss and Rene Ruiz Interviewed by Law360

February 12, 2015

Marty Truss (Cont.)

“Eagle Ford Attys Gear Up For Gush Of Lease Disputes,” Marty Truss Interviewed by Law360
February 11, 2015

“Sinking Oil Prices Drive Fresh Legal Work in Eagle Ford,” Katy Moore and Marty Truss Interviewed by Law360
February 10, 2015

Katy Moore, David Roth, Marty Truss and Corey Wehmeyer Named Among “2014-2015 Who's Who in Energy” by San Antonio Business Journal
December 5, 2014

James M. “Marty” Truss & Benjamin Robertson, Texas Oil and Gas Case Law Update, 1 Tex. A&M L. Rev. 347 (2014).
April 1, 2014

Tobin Olson, David Roth and Marty Truss Named to San Antonio Business Journal’s 2013-2014 Who’s Who in Energy List
November 25, 2013

James M. “Marty” Truss & Benjamin Robertson, Texas Oil and Gas Case Law Update, 19 Tex. Wesleyan L. Rev. 575 (2013)
April 1, 2013

“Oil and Gas Case Law Update,” Authors Marty Truss and David Vanderhider, San Antonio Association of Professional Landmen 2011 Mid-Winter Seminar
February 12, 2011

News

Dykema Pays Tribute to Alumnae Who Helped Shape Our Firm
March 8, 2021

33 Dykema Attorneys Listed as “2020 Top Attorneys” by *San Antonio Magazine*
November 16, 2020

Texas Lawyer Announces Pro Bono Case Victory for Ruiz, Truss, West, and Galván
August 15, 2017

Marty Truss Reflects on South Texas Oil Recovery in *San Antonio Express-News* and *Laredo Morning Times*
June 21, 2017

Marty Truss Comments on Oil Price Slump in *San Antonio Business Journal*
June 28, 2016

Marty Truss Comments on Fracking Rule Challenge in *Law360*
June 13, 2016

Marty Truss Quoted in *Law360* Article
May 6, 2015

Memberships & Involvement

- San Antonio Bar Association
 - President, 2015
 - President-Elect, 2014
 - Vice President, 2013-2014
 - Secretary, 2012-2013
 - Treasurer, 2011-2012
 - Board of Directors, 2009-2011

Marty Truss (Cont.)

- State Bar of Texas
 - District 10 Grievance Committee, Chair, 2014-2016
 - District 10 Grievance Committee, Panel Chair, 2011-2015
 - Oil, Gas & Energy Resources and Litigation Sections, Member
- American Bar Association Section of Litigation
 - Division Director, 2014-2015
 - Co-Chair, First Chair Press
 - Co-Chair, Content Management Committee, 2011
 - Co-Chair, Energy Litigation Committee, 2007-2010
- St. Mary's Law Alumni Association, Board of Directors and President, 2013-2014
- Texas Accountants and Lawyers for the Arts, Board of Directors, 2017

Community/Civic Activities

- Greater San Antonio Chamber of Commerce, Leadership San Antonio, Class XXIX
- North San Antonio Chamber of Commerce Leadership Lab, Alumnus
- Family Service Association Board of Directors, Board Member and Past Chairman

Awards & Recognition

- Named a Leading Lawyer in General Commercial Law by *Chambers USA*, 2020-2021
- Recognized by *San Antonio Magazine* in "San Antonio's Top Attorneys" for Oil & Gas, 2019 and 2020
- Named a Distinguished Law Graduate by St. Mary's University School of Law, 2016
- Named as "Lawyer of the Year" in Oil and Gas Law by *The Best Lawyers in America*® 2018, 2020
- Named as "Lawyer of the Year" in Energy Law by *The Best Lawyers in America*® 2022
- Recognized in *The Best Lawyers in America*® for Commercial Litigation, Environmental and Real Estate Litigation, Energy Law and Oil and Gas Law, 2010-Present. Copyright 2015 by Woodward/White, Inc., Aiken, SC
- Recognized in *Texas Super Lawyers*® for Business Litigation and Energy & Natural Resources, 2007-Present
- Recognized in *San Antonio Business Journal* and *Houston Business Journal's* Who's Who in Energy, 2012, 2014-2016
- Recognized by *S.A. Scene* in "San Antonio's Best Lawyers" for Business Litigation & Energy: Oil & Gas
- *San Antonio Business Journal*, "Outstanding Lawyer of the Year – Litigation," 2011
- Martindale-Hubbell® AV® Preeminent™ Peer Review Rating