

Energy - Mining

Since inception, Bailey Glasser has served many different stakeholders in the mining industry. Given that we have been on all sides of nearly every issue that can arise in the mining business, we bring a unique perspective to bear on our mining client's problems.

Bailey Glasser's two most long-standing clients have been the Cline Group and the West Virginia Department of Environmental Protection. We have been privileged to serve as counsel to the Cline Group in every significant litigation matter and transaction as the company operations expanded from West Virginia, to Illinois, to Canada, and beyond.

We have also represented West Virginia DEP in its most significant issues, including litigation over whether its mining program complies with federal law and, more recently, in enormous bankruptcies in which we helped ensure West Virginians were not stuck with the bill for costly reclamation projects.

Bailey Glasser has a deep bench of lawyers with mining experience, especially handling the following types of matters.

- mining finance
- corporate governance
- purchase/supply and transportation agreements
- land use, leasing, and mineral rights
- vendor and equipment supply agreements
- environmental, health and safety
- internal investigations
- premises and off-premises liability

Even our former opponents in mining transactions or litigation have seen the value we provide our clients, and we have a track record of making clients out of our former adversaries. Our team has negotiated, drafted, and litigated billions of dollars in mining transactions for more than 20 years, and we continue to serve as go-to advisors when a mining company, land company, or regulator is facing existential crises.

Of Note

Best Law Firms in America Commercial Litigation and Bet-the-Company Litigation (2020)

Experience

- Settled dispute over \$320 million coal royalty agreement in bet-the-company litigation involving allegations of breach of a complex sale-leaseback transaction and of veil piercing of multiple layers of a Master Limited Partnership
- Advising limited partnership interest holders through multiple in- and out-of-court restructurings of mining limited partnerships
- Represented senior secure lender in billion-dollar coal mining bankruptcy facing emergency motions for priming loans; work involved detailed review of future business plans and value of collateral as component of ongoing business
- Obtained an over \$2 million verdict in breach of coal sales agreement governed by Uniform Commercial Code
- Represented state permitting agency in multiple billion-dollar bankruptcy proceedings in which we sought to protect West Virginia taxpayers from funding reclamation projects of bankrupt mining companies
- Settled multimillion-dollar arbitration over breach of mineral development agreement involving in-depth analysis of coal markets and mineability and merchantability
- Represented coal sales company in \$30 million breach of contract claim arising out of failure to deliver coal under transportation agreement
- Represented a group of heirs and successors to a partnership that proved up a 200-million ton coal-reserve, resulting in a \$6.5 million judgment for breach of a royalty agreement
- Advised on over \$800 million in coal reserve sale-leaseback transactions
- Litigated dozens of appeals of permits necessary to operate mining businesses including Surface Mine and Reclamation Control Act (SMCRA) Permits, National Pollutant Discharge Elimination System (NPDES) Permits, and Clean Water Act Section 404 Dredge and Fill Permits
- Negotiated reclamation and other cleanup agreements for multiple multimillion-dollar projects

News & Insights

Nick Johnson & Jonathan Deem Speaking at 2020 SME Conference
02.24.2020

Bailey Glasser Successfully Defends Coal Refuse Disposal Permit
02.16.2017

Federal Mine Safety and Health Review Commission Decision on Pattern of Violations
10.05.2015