



Partner

## Nicholas S. Johnson

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Nicholas Johnson skillfully litigates complex commercial and environmental disputes throughout the country. Prior to joining Bailey Glasser, he distinguished himself as a trusted in-house lawyer for the some of the country's largest publicly traded mining and energy companies.

Nick's diverse practice includes complex litigation over large "deals gone wrong," including mineral development agreements, sale-leasebacks, financial derivatives, insurance contracts, recoupment agreements, LLC or partnership agreements, and UCC sales contracts, to name a few. He is one of the few lawyers who can also pivot from litigation and just as artfully craft complex commercial documents to ensure a business runs smoothly.

Notably, in July 2021, Nick led a trial team that won a federal jury verdict of approximately \$32.7 million on behalf of Ramaco Resources Inc. against Chubb-related insurance companies for breach of contract in a denial of insurance coverage case. That matter is on appeal.

He also solves complex environmental and reclamation compliance and permitting issues for energy clients, having recently negotiated favorable groundwater restoration agreements with the State of Illinois and worked on intricate mixing zone applications for discharge of surface waters.

Nick is a regular speaker on issues of interest to mining and energy companies. He is a repeat presenter at the Energy & Mineral Law Foundation, having also served as the co-chair of its fall program. Nick has also been invited to speak to the National Council of Coal Lessors and the Society for Mining Metallurgy and Engineering (SME)'s Annual Conference and Expo as well as the Current Trends in Mining Finance.

### Awards & Accolades

*Chambers USA*, District of Columbia; Litigation: Mainly Plaintiffs (2022)

**Government Service / Previous Employment**

Assistant General Counsel, Foresight Energy (2014 - 2015)

Assistant General Counsel, Alpha Natural Resources (2011 - 2014)

Corporate Counsel, Massey Coal Services, Inc. (2010 - 2011)

**Practice Areas**

Appellate and Supreme Court Practice

Arbitration & Dispute Resolution

Business Valuation

Commercial Litigation

Energy - Mining

Energy - Oil & Gas

Environmental

Product Liability

**Education**

J.D., West Virginia University College of Law, 2006, Order of the Coif; Publication Editor, *West Virginia Law Review*

B.A., West Virginia University, 2003, *magna cum laude*, Phi Beta Kappa, University Honors Scholar

**Admissions**

District of Columbia

Missouri

West Virginia

Virginia

U.S. District Court, Northern District of West Virginia

U.S. District Court, Southern District of West Virginia

## Case Studies

Ramaco Resources, LLC v. Chubb INA Holdings, Inc. et al  
07.10.2021

## Representative Matters

- Obtained, as lead counsel, a unanimous jury verdict on behalf of Shonk Land Company, proving five separate breaches of Shonk's contractual rights of first refusal, awarding the plaintiff over \$4.1 million in damages. As a result of those verdicts, Shonk will be restored as the rightful owner of 16,000-plus acres of valuable oil & gas property. In addition, the trial team proved intentional trespass, slander of Shonk's title, tortious interference, and unjust enrichment.
- Obtained, as co-trial counsel, a verdict on behalf of Ramaco Resources Inc. of approximately \$32.7 million against Chubb related insurance companies for breach of contract in a denial of insurance coverage case. The trial court subsequently reduced the verdict. The matter will be appealed.
- Resolved dispute over complex financial derivative products governed by an ISDA Master Agreement in the Lehman Brothers bankruptcy case in New York 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
- Settled dispute over interpretation of the recoupment provision in a \$320 million royalty agreement
- Successfully resolved \$100 million dispute over failure to develop mineral properties
- Defense of hundreds of product liability cases over the safety of personal protective equipment
- Prosecution of injunction actions against competitors in a trade secret and non-solicitation dispute
- Prosecution of a federal court action over the misuse and misapplication of federal grant money and former federal property in Utah

## News & Insights

Bailey Glasser Announces Partner Elevations for 2022  
01.05.2022

Bailey Glasser Secures \$32.7M Jury Verdict on Behalf of Ramaco Resources  
07.20.2021

Bailey Glasser Achieves Favorable Settlement in Constitutional Claim Against the Commonwealth of Kentucky

12.03.2020

Bailey Glasser Obtains Favorable Ruling from Appellate Court on Behalf of Williamson Energy, LLC and Colt, LLC

08.26.2020

US Supreme Court Issues New Rules on NPDES Permitting Requirements

04.23.2020

Nick Johnson Speaking at 2020 SME Conference

02.24.2020

Bailey Glasser Clients Achieve Favorable Settlement in Long-Running Sale-Leaseback Disputes

11.06.2018

Bailey Glasser's Nick Johnson to Speak at Energy & Mineral Law Foundation Annual Institute

06.14.2018

Bailey Glasser Successfully Defends Coal Refuse Disposal Permit

02.16.2017

SD Gas LLC Seeks Enforcement of Arbitration Ruling

02.19.2016

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

10.05.2015

Author, "Deals Gone Wrong in the Coal Industry," White Paper, Energy & Mineral Law Foundation, 2018