

# DBL's Win at Court of Appeals for the Federal Circuit Restores Oil & Gas Breach Case Against the U.S. Government

VIENNA, VA, UNITED STATES, September 13, 2024

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(DBL), a renowned veteran-owned law firm, is proud to announce a significant legal victory in the case of Petro Mex, LLC against the United States.

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We were gratified that this appellate victory finally brings them (Petro Mex) close to the justice they deserve for clear (and now admitted) violations of their oil and gas lease.”

*Robert Greenspoon*

On September 12, 2024, Dunlap Bennett & Ludwig, PLLC won an important oil and gas victory in the United States Court of Appeals for the Federal Circuit for its client Petro Mex. The appeals court reversed-in-part, vacated, and remanded an adverse bench trial judgment from 18 months earlier, issued by the Court of Federal Claims—the tribunal that hears claims for damages against the United States Government.

This victory was years in the making. Petro Mex holds a federal oil and gas lease covering natural gas wells in

Colorado. For over a year starting in 2009, the Government (through the Bureau of Land Management) forced Petro Mex to shut in its wells entirely and purported to terminate the underlying mineral lease. The government based its decision on a shifting array of pretexts, none of which qualified for “shut-in”-level action against a private oil and gas company. One federal employee triggered such Government action by sending knowingly false information to superiors at the BLM’s Colorado State Office about Petro Mex’s willingness to remediate any site problems. This prompted the Government to “terminate” in 2009, without going through the necessary judicial process spelled out in the lease document and federal statutes and regulations. Petro Mex sued the Government in 2014.

The appeals court outright reversed the trial court’s decision throwing the case out for being too late, holding that the statute of limitations did not apply since the contract claim accrued in 2009 (not 2008 as the Government had successfully argued to the trial court). Thus the 2014 filing of the lawsuit was timely. The appeals court also determined that the trial court erred by refusing to give preclusive effect to internal agency findings from a 2011 agency appeal—where an internal BLM administrative law judge already ruled in favor of Petro Mex, that the Government

violated the mineral lease contract through its pretextual and unlawful “termination.” The appeals court remanded the case to the trial court, for correct application of issue preclusion and further proceedings consistent with its opinion.

Appealing an adverse judgment after a full trial on the merits is the most difficult type of appeal to win since trial outcomes receive the highest level of deference on review. DBL brought home the victory for Petro Mex despite these obstacles. Back at the trial court, Petro Mex will present its damages case for the first time and will demonstrate the millions of dollars in damage the Government caused through its wrongful termination.

DBL appellate partner Rob Greenspoon led the Federal Circuit team, assisted by Brent Newton (of counsel). Doug Reynolds of the Reynolds Law Group represents Petro Mex at the Court of Federal Claims. Commenting on the victory, partner Rob

Greenspoon stated: “Our client has been fighting for its rights under its Government mineral lease for 15 years. We were gratified that this appellate victory finally brings them close to the justice they deserve for clear (and now admitted) violations of their oil and gas lease.”

Dunlap Bennett & Ludwig is a veteran-owned law firm with outcome-focused attorneys advising and representing clients in national and international legal matters. DBL prides itself on prioritizing practical and effective outcomes by offering a full array of legal services and investing in long-term relationships with its clients. To learn more about how Dunlap Bennett & Ludwig can assist you with trademarks and patents, contact us by calling 800-747-9354 or emailing [clientservices@dbllawyers.com](mailto:clientservices@dbllawyers.com).

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#### INFORMATION ON THE EXACT CASE:

United States Court of Appeals  
for the Federal Circuit

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PETRO MEX, LLC,  
Plaintiff-Appellant

v.

UNITED STATES,



Robert Greenspoon

Defendant-Appellee

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2023-1848

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Appeal from the United States Court of Federal Claims  
in No. 1:14-cv-01024-MBH, Senior Judge Marian Blank  
Horn.

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