



C. Peck Hayne Jr.

Member

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Overview

Peck Hayne's practice centers on oil and gas, pipeline and other energy-related transactions and regulation and on appellate litigation in energy- and property-related matters.

Peck regularly negotiates, drafts and advises clients on complex purchase and sale agreements, operating agreements, mineral leases, right-of-way agreements, master service agreements, master time charters, transportation and interconnection agreements, gas storage agreements and production payments as well as settlement agreements in complex litigation and other disputes. He also frequently renders title opinions on complex petroleum titles in Louisiana and on the Outer Continental Shelf (OCS) and assists both lenders and borrowers in the financing of onshore and offshore oil and gas properties. He also frequently represented trustees, debtors-in-possession and creditors in oil and gas bankruptcy cases.

He has represented hundreds of clients in the oil, gas, energy and transportation industries before the BOEM, BSEE, LPSC, and Louisiana Department of Natural Resources among other federal and state agencies. This advice and representation includes transportation, gathering, sale, tariff and pipeline safety issues for both oil and gas; LNG, gas and liquid hydrocarbon storage; accounting audits; audits of unclaimed mineral proceeds; and operations on the OCS for offshore leases and rights-of-way. He has also given expert testimony in federal and state courts on Louisiana title issues. He helped draft the Louisiana Public Service Commission's general order for oil pipelines.

Peck is the Director of Testing for the Louisiana Supreme Court's Committee on Bar Admission and had been its Examiner for Civil Code I on persons and property. Peck drafted the post-conviction habeas petition that ultimately led to the United States Supreme Court's setting aside

the death penalty for Kevan Brumfield. He is also brushing up on many of Chopin's preludes to play this upcoming summer in Mallorca, where Chopin composed them.

Practices

- Appellate
- Bankruptcy, Restructuring and Creditors' Rights
- Business Transactions and Entity Formation and Governance
- Commercial Financing and Secured Transactions
- Mergers, Acquisitions and Divestitures
- Oil, Gas and Energy Litigation and Arbitration
- Oil, Gas and Energy Regulatory
- Oil, Gas and Energy Transactions
- Oilfield Service Company Transactions and Litigation
- Pipeline, Storage and Transmission
- Real Estate and Commercial Leasing
- Title Services

Industries

- Banking
- Energy and Natural Resources
- Industrial, Chemical and Manufacturing
- Real Estate
- Telecommunications and Utilities
- Transportation

Admissions

- Louisiana
- Texas
- New York
- U.S. Supreme Court
- U.S. Court of Appeals, 5th Circuit
- U.S. Court of Appeals, D.C. Circuit
- U.S. District Court, Eastern District of LA
- U.S. District Court, Middle District of LA
- U.S. District Court, Western District of LA

Education

- New York University, J.D. 1987

- Yale University, B.A. *summa cum laude* 1984

Clerkships

- Honorable Charles Schwartz Jr., U.S. District Court, Eastern District of LA, 1987-1988
- Honorable Patrick E. Carr, U.S. District Court, Eastern District of LA, 1988-1991

Experience

- Represented scores of buyers and sellers (including publicly traded companies, privately held companies, start-up companies, master limited partnership, special purpose entities owned by private equity interests and otherwise) in over several billion dollars of purchases and sales of mineral leases and other exploration and production assets (including through asset sales, asset exchanges, stock transfers, mergers and otherwise)
- Negotiation of leases, rights-of-way and related agreements, and provide regulatory advice, for numerous pipeline systems and hydrocarbon storage projects in Louisiana
- Represented oil and gas company owned by a private equity firm in a Rule 144A offering secured by mineral leases in Louisiana and on the OCS offshore Louisiana and Texas
- Borrower's counsel to numerous oil and gas companies
- Lender's counsel for numerous oil and gas financings
- Title opinions for myriads of federal OCS leases and tracts throughout Louisiana
- Drafted and negotiated hundreds of master service agreements and master time charters
- Represented numerous regulated companies for tariff approvals, tariff exceptions and other matters before the Louisiana Public Service Commission (including the first successful application for converting transportation service from tariff service to a tariff exception)

REPRESENTATIVE CASES

- *TOTAL E&P USA, INC. v. Kerr-McGee Oil & Gas Corp.*, Nos. 09–6644, 10–0160, 2014 WL 5500308 (E.D. La. Oct. 30, 2014)
- *Clovelly Oil Co., LLC v. Midstates Petroleum Co., LLC*, 2012-2055 (La. 3/19/13); 112 So.3d 187
- *Haspel & Davis Milling & Planting Co. v. Board of Comm'rs of Orleans Levee Dist.*, 493 F.3d 570 (5th Cir. 2008)
- *CLK Co. v. CXY Energy Inc.*, 2007-834 (La. App. 3 Cir. 12/19/07); 972 So.2d 1280, *writ denied*, 2008-0140 (La. 3/14/08); 977 So.2d 932, *and writ denied*, 2008-0207 (La. 3/14/08); 977 So.2d 937

- *In re Biloxi Casino Belle Inc. (First American Title Insurance Co. v. First Trust National Ass'n)*, 368 F.3d 491 (5th Cir. 2004)
- *Simmons v. Templeton*, 96-0592 (La. App. 4 Cir. 11/27/96); 684 So.2d 529, *writ denied*, 96-3089 (La. 2/7/97); 688 So.2d 508, *appeal after remand*, 97-2349 (La.App. 4 Cir. 11/10/98); 723 So.2d 1009, *writ denied*, 98-3050 (La. 2/5/99); 738 So.2d 4, *and writ denied*, 98-3060 (La. 2/5/99); 738 So.2d 5 (La. App. 4th Cir. 1998), *writs denied*, 738 So.2d 4-5 (La. 1999), *appeal after further remand*, 1999-1978 (La.App. 4 Cir. 4/12/00); 762 So.2d 63.
- *In re Cajun Electric Power Cooperative, Inc.*, 69 F.3d 746 (5th Cir. 1995), *on reh'g*, 74 F.3d 599 (5th Cir.), *cert. denied*, 117 S. Ct. 51 (1996)

Affiliations

- Professional Landmen's Association of New Orleans (PLANO)
- Peck regularly represents clients through The Pro Bono Project.

Recognition

- Louisiana Supreme Court Committee on Bar Admissions – Director of Testing; former Civil Code I Examiner
- AV Rated by Martindale-Hubbell
- American Bar Foundation (since 2015)
- Special Award by Petroleum Landmen's Association of New Orleans (2016)
- Pro Bono Century Award by the Louisiana State Bar Association (2011)
- Pro Bono Publico Award by the Louisiana State Bar Association (2003)
- New Orleans Magazine "Top Lawyers" – Energy Law; Oil and Gas Law (since 2013)
- Best Lawyers in America – Energy Law; Oil and Gas Law (since 2008)
- Chambers USA – Energy & Natural Resources (since 2012)
- Louisiana Super Lawyers – Energy & Natural Resources (2007, 2008, 2010-2018); Rated as among top 50 lawyers in Louisiana (2015)

Publications

- *Wading Through the OCS*, Presenter, AAPL Gulf Coast Land Institute, October 2019
- *U.S. 5th Circuit Rejects OCSLA-Based Criminal Charges Against Contractors*, Drill Deeper Blog, 2017
- *BSEE Finally Allows Pipeline ROWs To Be Co-Owned*, Drill Deeper Blog, 2017
- *BSEE Extends Time OCS Lease Remains in Effect after Cessation of Operations or Production*, Drill Deeper Blog, 2017

- *UPDATE: BOEM Withdraws Sole Liability Orders Issued Under NTL 2016-01*, Drill Deeper Blog, 2017
- *BOEM Delays NTL 2016-01 for Non-Sole Liability Properties*, Drill Deeper Blog, 2017
- *Protecting Operators Who Act In Reliance on an Order of the Commissioner of Conservation*, Drill Deeper Blog, 2016
- *Proposed Changes to Louisiana State Lease Form*, Presenter, Gordon Arata Annual Duck Lunch and Seminar, October 2016
- *BOEM Issues NTL Implementing Major Changes to Its Financial Security Requirements for the OCS*, Drill Deeper Blog, 2016
- *Louisiana Supreme Court Denies Writs*, Drill Deeper Blog, 2016
- *Approval of New State Lease Form Delayed*, Drill Deeper Blog, 2015
- *BOEM Proposes Major Changes to its Financial Security Requirements for the OCS*, Drill Deeper Blog, 2015
- *5th Circuit Slaps Down Another Oil and Gas Insurer for Denying Coverage*, Drill Deeper Blog, 2015
- *5th Circuit Broadens Insurance Coverage for Many E&P Companies*, Drill Deeper Blog, 2014
- *Outer Continental Shelf Leases and Operating Regulations (Ch. 25)* in *Law of Federal Oil and Gas Leases* (Rocky Mtn. Min. L. Found. and LexisNexis)
- *Oil and Gas*, 34 Texas Tech L. Rev. 819, 2003
- *5th Circuit Symposium: Oil and Gas*, 46 Loyola L. Rev. 1199, 2000
- *5th Circuit Symposium: Oil and Gas*, 44 Loyola L. Rev. 519, 1998
- *State Regulation of Pipelines (Ch. 6)* in *Energy Law and Transactions* (Matthew Bender)