



## Robert S. Safi

Partner

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### Overview

Rob Safi has achieved exceptional results for plaintiffs and defendants in a wide variety of business disputes and other civil matters before judges, juries, and domestic and international arbitration tribunals. In recent years, his practice has focused on energy litigation, including upstream oil and gas, midstream, marketing, trading, wind, solar, and renewable fuels.

Safi has been repeatedly recognized for his track record of success in this area. He has been named a Lawyer on the Rise by *Texas Lawyer* (one of only twenty-three lawyers that received this recognition), an Energy Rising Star by *Law360*, and a Recommended Lawyer in Energy Litigation: Oil and Gas by *The Legal 500*. Safi has also been included on *Benchmark Litigation's 40 and Under Hot List* and *Lawdragon's* inaugural list of the country's 500 Leading Litigators.

### Notable Representations

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#### Energy

- **Midstream Participation Disputes.** Safi has led the prosecution of a series of litigations against various operators in North Dakota's Williston Basin that arise from his clients' contractual rights to participate in midstream facilities. To date, Safi has obtained favorable merits rulings and netted his clients over \$60 million on these claims by way of pretrial settlements.
- **AMI/Upstream Disputes.** Safi led the defense of a subsidiary of a Fortune 100 exploration and production company against claims for alleged breaches of an area of mutual interest in North Dakota's Williston Basin. In this matter that *Law360* described as a "tangled case," plaintiffs claimed over \$400 million in damages. Safi conducted most key depositions, directed motions practice that substantially reduced the

amount of the plaintiffs' claimed damages, obtained an early partial summary judgment that dismissed what remained of plaintiffs' multi-hundred-million-dollar damage claim, obtained a complete summary judgment on the remaining claims, and argued and won the appeal in the Tenth Circuit. This work culminated in a victory in the Tenth Circuit following Safi's oral argument (which can be heard [here](#)).

- **Producer-Gatherer Disputes.** Safi has represented both producers and gatherers in contract disputes over leasehold/wellbore dedications, rights of first refusal, rates, and quality specifications. In 2022, Safi was brought in to quarterback an intractable dispute between his gatherer client and its formerly affiliated producer that grew out of Sanchez Energy Corporation's bankruptcy. The commercial arbitration had been pending for months before Safi became involved. Following depositions, the matter settled on favorable terms comprising \$10 million in cash and other business accommodations to Safi's client. In approving the settlement, the Bankruptcy Court found that the settlement promoted America's energy independence.
- **Offshore Southeast Asia Disputes.** Safi has twice represented global exploration geologists in proceedings to enforce overriding royalty interests in major offshore oil and gas fields that his clients discovered in offshore Indonesia and Vietnam. One of those matters arose from a project that fell victim to the geopolitics of China's territorial claim to the South China Sea. These disputes involved commercial claims against both independent and state-owned oil companies as well as bilateral investment treaty claims. In one of these matters, before the respondents agreed to pay every cent of the millions of dollars owed to Safi's clients. The other matters were settled on favorable, multi-million-dollar terms.
- **Confidential Wind Power Purchase Agreement Dispute.** Safi defended an electric utility against claims asserted by one of the world's "major" energy companies. The claims arose from a wind power purchase agreement. The claimant sought millions of dollars for power production losses associated with curtailments that were ordered by the regional grid operator. The case was tried to a panel of three arbitrators. Safi cross-examined the claimant's liability expert and presented most of our client's fact witnesses on direct. In a unanimous decision, the panel rejected all claims asserted against his client – and awarded his client all of its attorneys' fees.
- **Nicaragua Solar Project Dispute.** After years of litigation, Safi was hired within months of trial to defend against nine-figure fraud and other claims asserted by a solar project developer based on allegations that tens of thousands of solar panels delivered to the project did not comply with contract specifications. Safi promptly obtained dismissal of all claims asserted against his client.
- **Biofuel Dispute.** Second-chairing Steve Susman, Safi obtained a unanimous jury verdict in favor of a fuel marketing and trading company

that hired us to prosecute claims for breach of a letter agreement for the sale of biodiesel. The defendant repudiated the agreement after one of its investors, Goldman Sachs, decided it didn't like the deal. Safi gave the opening statement and cross-examined key witnesses at an initial trial on whether the letter agreement was binding. The jury found for our client. All jurors who responded to a post-verdict questionnaire rated Safi to be as persuasive as Steve Susman. Following the initial trial, Safi single-handedly developed the claim against Goldman for interference with contract. He handled all depositions and briefed, argued, and defeated Goldman's motion for summary judgment. The case settled for a confidential sum on the eve of a second trial.

- **Gilsonite Antitrust Case.** Safi represented Chemject, as plaintiff, on claims against a rival for monopolization and tortious interference with contract in connection with the South American supply of a sought-after bitumen used in drilling fluid additives. The case reached a favorable settlement before trial.
- ***Pennington v. Alta Mesa.*** As lead counsel, Safi represented an executive-level exploration geologist as a plaintiff in a dispute arising from the breach of various employment agreements and unpaid oil and gas net profits interests. Safi was retained to take over as after the case had been underway for years, and within two months obtained a settlement more than 10 times the defendant's last settlement offer before Safi appeared.

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## Class Actions/Complex Litigation

- ***In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation.*** Safi played a critical role in this high-profile, billion dollar case that included helping to design and execute a phase of discovery and motion practice dedicated to choice of law, conducting a far-reaching discovery program related to Toyota's marketing and sales practices, presenting discovery matters to the Court and Special Masters, assembling and coordinating a team of experts, and handling numerous key depositions, including the depositions of a senior officer of Toyota and one of Toyota's key experts on class certification. The litigation resulted in a settlement valued at approximately \$1.4 billion net to the class.
- ***Farneth v. Walmart Stores, Inc.*** Safi is on the Susman Godfrey team representing Walmart in a certified class action pending in Allegheny County, Pennsylvania challenging Walmart's collection of sales tax on certain in-store transactions.
- ***Langer, et al. v. CME Group, Inc.*** Safi is on the Susman Godfrey team representing plaintiffs, individually and as representatives of a proposed class of certain Class B shareholders in CME Group, Inc. ("CME") and certain Class B members of CME's subsidiary, The Board of Trade of the City of Chicago, Inc. ("CBOT"). The lawsuit alleges that CME and CBOT breached their obligations under their respective corporate charters with

respect to the exchanges' Globex electronic trading platform. Additional information about the case is available at [cmelawsuit.com](http://cmelawsuit.com).

- ***In re Cathode Ray Tubes (Circuit City)***. Safi was on the Susman Godfrey team that represented, as a class action opt-out plaintiff, the Liquidating Trustee of the Estate of Circuit City Stores on antitrust claims against various defendants who engaged in a global conspiracy to fix the price of cathode ray tubes ("CRTs"), causing Circuit City to pay more for products containing CRTs (televisions and computer monitors) than it otherwise would have had to pay. In large part to Safi's significant contributions to the case, the team achieved cumulative settlements in excess of \$130 million.
- **Confidential Wage Dispute**. Safi and a team from Susman Godfrey defended one of the world's largest companies against a preliminarily certified collective action under the Fair Labor Standards Act for alleged violations of wage and hour laws. Safi briefed and argued a key motion that resulted in our client obtaining discovery from hundreds of plaintiffs. The case settled for a nominal amount that was far less than plaintiffs had originally demanded.

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## Public Interest

- ***Texas Health & Human Services Commission v. United States of America et al.*** Safi served on the Susman Godfrey team defending the International Rescue Committee ("IRC") against a lawsuit brought by the Texas Health and Human Services Commission that seeks to restrict the federal government's and IRC's ability to resettle Syrian refugees in Texas. SG obtained denial of a preliminary injunction and a subsequent dismissal of all claims asserted against IRC.
- ***Rodriguez v. City of Houston***. Safi and a team from Susman Godfrey obtained a unanimous jury verdict for George Rodriguez in a federal civil rights action against the City of Houston arising from the much-publicized scandal in the Houston Police Department crime laboratory. Mr. Rodriguez was wrongfully convicted in 1987 and spent 17 years in prison until he won his freedom in 2004 with pro bono assistance from Susman Godfrey and The Innocence Project. A federal jury returned a verdict for Rodriguez and the district court entered judgment in excess of \$9 million. While the case was on appeal, the Parties settled for \$3 million – and a public apology from the Mayor of Houston.

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## Insurance

- **Multi-million Private Transportation Matter**. Safi was hired to represent a private transportation company against its insurer for bad-faith failure to settle. Safi was engaged after a South Texas jury returned a \$25+ million verdict on personal injury claims against the client, far in excess of the

insurance policy limits. The matter was resolved without the need to file a lawsuit, and without the client paying anything out of pocket on the verdict.

- ***Skipper et al. v. ACE Property & Casualty Insurance Company***. Safi defended a major property and casualty insurer against claims for bad-faith failure to settle personal injury claims. The South Carolina Supreme Court decided a key issue in the client's favor, which effectively thwarted the insureds' and the personal injury plaintiffs' attempt to manufacture a bad-faith claim through a confession of judgment.
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## Other

- ***Scarborough v. METRO***. Safi and a team from Susman Godfrey represented the Metropolitan Transit Authority of Harris County ("METRO") in a lawsuit arising from METRO's plan to build a light rail line in Southwest Houston. The plaintiff claimed that the route violated a voter referendum that authorized METRO to expand its light rail system. Safi's team persuaded the trial court to dismiss all of the plaintiff's claims. The dismissal was later affirmed on appeal.

## Honors & Distinctions

- *Lawdragon* 500 Leading Litigator (2022, 2023)
- Recommended Lawyer in Energy Litigation: Oil & Gas by *The Legal 500* (2020, 2021 Legalease Ltd.)
- *Energy Rising Star* by *Law360* (2018)
- *On the Rise* by *Texas Lawyer*. Click [here](#) for the announcement article. (2018, ALM)
- *40 and Under Hot List* (2018, Benchmark Litigation)
- Rising Star, Texas Super Lawyers (2000 – 2018, Thomson Reuters)
- Trial Lawyer of the Year Finalist, Public Justice in 2014 for work on *Toyota Unintended Acceleration Litigation*

## Clerkships

Honorable Vaughn R. Walker, United States District Court for the Northern District of California

## Education

**The University of Texas School of Law** (J.D., with High Honors, 2005)

- *Texas Law Review*
- Chancellors
- Order of the Coif

**The University of Texas** (B.A., , 2002)

- Plan II
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## *Admissions*

### **Court Admissions**

- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court for the District of Colorado
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas

## *Wins*

Two Pro Bono Victories In One Day For Susman Godfrey Co-Managing Partner Neal Manne

Susman Godfrey Wins Unanimous Jury Verdict for Northville Product Services

Susman Godfrey Wins Federal Civil Rights Jury Trial – Houston Jury Finds City of Houston Liable for \$5,000,000 In Wrongful Conviction Lawsuit