



## Weston O'Black Partner

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### Overview

Weston O'Black is a trial lawyer who has successfully represented plaintiffs and defendants in state and federal courts across the country. Originally from Houston, Weston joined Susman Godfrey in 2010 after a two-year federal clerkship. Weston has won victories on both sides of the docket. He regularly represents plaintiffs but has also successfully defended clients in cases where plaintiffs demanded millions. He has managed cases in Texas, Arkansas, Louisiana, Ohio, Oklahoma, Oregon, Puerto Rico, and South Carolina to name a few.

Weston's practice spans a wide variety of subject matters. He has considerable experience with contract disputes, the midstream industry, energy trading, exploration and production, large construction projects, mortgage lending, and products liability.

Whether representing plaintiffs or defendants, Weston's focus is the same: preparing the case to win at trial. That focus creates efficiencies for clients and also provides benefits during pre-suit or pre-trial negotiations. Weston is regularly retained by clients to negotiate settlements of complex disputes before a lawsuit is filed. He also is regularly retained to take over pending cases headed to trial.

In a [2023 article in Texas Lawbook](#), CenterPoint discussed how Weston and his partners from Susman Godfrey resolved disputes worth hundreds of millions of dollars with the company's gas suppliers after the winter storm that hit Texas in February 2021:

**“We hired Susman Godfrey to show suppliers that we were not fooling around when we demanded those contracts be enforced . . . . As a result, nearly every one of those suits was resolved before we even filed a lawsuit.”**

In 2021, Weston was named [Litigator of the Week](#) by *The American Lawyer* for securing a landmark [summary judgment for Vitol](#) in a case valued at \$4 billion, win. Read more in about the matter in [Law360 and Texas Lawbook](#). Additionally, Weston's work in nabbing a win for Vitol in a [\\$4 billion dollar litigation with Puerto Rico Utility](#) helped secure Susman Godfrey's recognition by Benchmark Litigation as [Texas Law Firm of the Year](#) in 2023.

Weston encourages potential clients to contact him for references of current clients, former clients, former local counsel, and former opposing counsel.

### Education

- University of Texas at Austin (B.S.M.E., 2005)

- University of Houston Law Center (J.D., *summa cum laude*, 2008)

## Clerkship

Law Clerk to the Honorable Ewing Werlein, Jr., United States District Court for the Southern District of Texas (2008 — 2010)

## Notable Representations

### Current Matters:

- Representing operating company regarding claims by prior operator where alleged damages exceed \$200 million
- Representing one of the world's leading energy trading companies in multiple complex commercial cases, including one case where alleged damages exceed \$3 billion.
- Representing leading midstream company in various commercial disputes.
- Representing one of the world's leading retailers in products liability cases in jurisdictions across the United States.

### Previous Cases:

#### Midstream

- ***Plains Gas Solutions v. Targa Liquids Marketing and Trade*** (April 2015) – I (along with Geoff Harrison and Alex Kaplan) successfully represented Targa Liquids Marketing & Trade against Plains Gas Solutions' multi-party Texas state court lawsuit involving allegations regarding gas supply and pipeline transportation from the Gulf of Mexico to onshore processing and fractionation facilities. Plains sued Targa seeking a declaration that it could declare *force majeure* to avoid its obligations under the parties' agreement. In addition, Plains threatened to add claims seeking over \$100 million in damages. The parties settled on confidential terms although Plains filed a post-settlement amended petition against the remaining defendants alleging they "cause[d] Plains to owe millions in deficiency fees to Targa."
- ***PSI Midstream Partners LP v. Targa Midstream LLC*** (Nov. 2015) – I (along with Geoff Harrison, Alex Kaplan, and Andres Healy) represented Targa Midstream LLC against antitrust claims regarding pipeline transportation and fractionation supply. PSI filed the lawsuit and sought a temporary restraining order and preliminary injunction, which required an immediate ramp up with depositions. After two weeks of intense discovery leading to a preliminary injunction hearing, PSI dismissed its claims.
- ***Targa Midstream LLC v. EnLink Processing LLC*** (2016) – I (along with Geoff Harrison and Alex Kaplan) represented Targa Midstream LLC in a dispute regarding the terms of a joint operating agreement for a gas processing plant in Louisiana. The case was filed in Louisiana state court, removed to federal court, and remanded back to state court. The case settled on confidential terms shortly after the state court denied EnLink's motion to dismiss Targa's Amended Petition.

#### Exploration and Production

- ***David E. Cameron, et al. v. Hess Corporation, et al.***, No. 2:12-CV-00168 (S.D. Ohio) (2014) – I (along with Thomas Paterson and Abigail Noebels) represented Hess Ohio Resources in a suit brought by a mineral lessor in Jefferson County, Ohio, who claimed that the oil and gas lease he signed in 2008 terminated in 2010. After a bench trial in April 2014, the Court ruled for our client and held that the lease was still in effect and that the lease's primary term was equitably tolled since the day that the plaintiff-lessor filed suit. It was a complete victory. Click [here](#) and go to page 9 to read my opening statement at trial.
- ***Kelich v. Hess Corp.***, No. 14-3411, 2014 WL 7331014 (6th Cir. Dec. 23, 2014) – I (along with Thomas Paterson and Abigail Noebels) represented Hess Ohio Resources in two suits brought by oil and gas

lessors with property near St. Clairsville, Ohio. The lessors claimed that their oil and gas leases, which they signed in 2006, had terminated after a five-year primary term. Susman Godfrey was retained in 2013 to persuade the two federal district courts in Ohio to reconsider their rulings that the leases had terminated. Ultimately, the two federal district courts reached different conclusions, so we consolidated both cases for appeal to the Sixth Circuit. The Sixth Circuit agreed with our position that (1) the leases had two consecutive five-year primary terms and (2) the leases had not terminated at the end of the first five-year term.

#### Energy Trading and Class Actions

- ***Pedro Santiago Mendez v. Autoridad de Energía Eléctrica de Puerto Rico*** (Aug. 2016) – I (along with Neal Manne, Alex Kaplan, and Michael Kelso) defended Vitol, Inc. and Vitol S.A. against antitrust claims in a class action filed in Puerto Rico state court. We removed the case to federal court under the Class Action Fairness Act, and, one week later, filed a motion to dismiss under Federal Rule 12(b)(6). The next week, the plaintiffs dismissed their claims against our clients with prejudice.

#### International Arbitration

- ***British Arbitration of Business Interruption Insurance Claim*** (2011–2012) – I (along with Vineet Bhatia and Alex Kaplan) represented a petrochemical manufacturer and oil refining company in an ad hoc British arbitration arising from \$450 million in business interruption losses caused by Hurricane Ike. I was involved in all aspects of the case relating to nine different chemical lines, each of which had individual coverage issues and complex accounting issues. The case settled on confidential terms the day before the final arbitration hearing in London.

#### Construction

- ***Houston Refining LP v. Deep South Crane & Rigging Co.***, No. 2008-59257 (113th Judicial District Court, Harris County, Texas) (2010–2011) – I (along with Geoffrey Harrison and Alex Kaplan) represented Houston Refining LP (HRO), a subsidiary of LyondellBasell Industries N.V., in a \$48 million negligence suit against the owner and operator of one of the largest cranes in the world, whose crane collapsed on HRO's refinery. Before Susman Godfrey was hired, the trial judge granted partial summary judgment for the crane company, holding that the economic loss rule barred our client from recovering lost profits or any other non-property damages—a ruling that eliminated over 95% of the damages our client sought. After we were hired, we persuaded the trial judge to overturn his prior summary judgment order on the economic loss rule, restoring our client's right to seek 100% of its damages. The case settled on confidential terms.
- ***Total Petrochemicals USA, Inc. v. Team Industries, Inc.***, No. 4:10-CV-3213 (S.D. Tex.) (2010–2012) – I (along with Eric Mayer and Brian Melton) represented French-based TOTAL Petrochemicals in a dispute against Wisconsin-based Team Industries, a subcontractor who fabricated pipe for TOTAL's multi-billion dollar expansion of its petrochemical facility in Port Arthur, Texas. TOTAL accused Team of improper billing for pipe fabrication on a \$120 million contract, and Team accused TOTAL of underpaying on the contract. The case involved novel issues about how prices for labor and materials should be calculated under a "list and discount" pricing structure. The case also involved the interpretation and application of a "most favored nation" clause in the parties' contract. The case settled on confidential terms.

#### Residential Mortgages

- ***In Re: RFC and ResCap Liquidating Trust Litigation*** (2015–2016) – I (along with Neal Manne and Erica Harris) represented a nationwide home mortgage lender in a dispute with RFC. RFC purchased loans from our client, "pooled" those loans with loans purchased from other mortgage originators, and sold the pools of loans to securitization trusts. The securitization trusts filed claims against RFC, which sought bankruptcy protection. RFC then filed dozens of lawsuits in federal district court in Minnesota against mortgage originators. The case settled on confidential terms.

#### Products Liability

- ***Thatcher v. Wal-Mart Stores, Inc., et al.*** (Arkansas) (2016) – I (along with Neal Manne, Katie Sammons,

Chanler Langham, and Matt Allen) defended Wal-Mart in a products liability lawsuit in state court in Benton County, Arkansas. During trial in November 2016, I examined four witnesses and handled numerous oral arguments. After a two-week trial, the jury deliberated for a little over an hour and returned a take-nothing verdict which found that Wal-Mart was not liable for any claim.

## Honors and Distinctions

- Future Star, *Benchmark Litigation* ([2023](#) Euromoney)
- [Litigator of the Week](#), *American Lawyer* (2021, ALM)
- Super Lawyer, *Super Lawyers Magazine* (2019, 2020 Thomson Reuters)
- Rising Star, *Super Lawyers Magazine* (2016 – 2018, Thomson Reuters)
- Fellow, Texas Bar Foundation (2016)
- Articles Editor, *Houston Law Review* (2008)
- Beirne, Maynard & Parsons Award for Best Exemplifier of a Trial Lawyer (2007)
- Garland Walker Inn of Court Award for Excellence in Trial Advocacy (2007)
- Order of the Barons

## Professional Associations and Memberships

- State Bar of Texas
- State Bar of Arkansas
- United States District Court, Southern District of Texas
- Federal Circuit
- American Bar Association
- Federal Bar Association
- Houston Bar Association
- Houston Young Lawyers Association
- United Way, Young Leaders