

# GA BIBIKOS LLC

relentless. advocacy. period.



## George A. Bibikos | Managing Member

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## Overview

George is the founder and managing member of GA BIBIKOS LLC and has practiced law since 2003. George has a unique talent of using his legal skills - whether in litigation, regulatory compliance settings, or during transaction wars - to solve business problems of all varieties in a way that is at once intellectual, innovative, and practical. George has represented business of all shapes and sizes - from global corporations to sole proprietors - in litigation, transactional, and regulatory matters. His practice spans a variety of disciplines, including oil and gas law, environmental law, administrative law, litigation and appeals, and alternative dispute resolution.

Over the course of his career, George has represented exploration and production companies, interstate pipeline companies, midstream companies, energy investors, public utilities, alternative energy producers, oilfield services companies, construction equipment rental companies, major land developers, biotech companies, telecom companies, pharmacies, health care facilities, large non-profit organizations, state legislators, legislative caucuses in the Pennsylvania House and Senate, major food corporations, government contractors, numerous business and industry trade organizations, and other commercial clients in various market sectors.

A *magna cum laude* graduate of Widener Commonwealth Law School and Editor-in-Chief of the law review, George practiced oil and gas law as a partner at a national law firm and a global law firm before starting his own practice. He is licensed in Pennsylvania and practices in all state and federal trial and appellate courts and administrative agencies in the Commonwealth. He began his career in 2003 as a law clerk to Honorable Dan Pellegrini of the Commonwealth Court of Pennsylvania.

## Practice Areas

### oil + gas

George has practiced oil and gas law on behalf of industry clients since 2005, primarily in the Appalachian Basin region that includes the Marcellus and Utica/Point Pleasant shale plays.

#### Education

- Widener University Commonwealth Law School, J.D., magna cum laude, 2003; Widener Scholar; Editor-in-Chief, Widener Law Journal
- Shippensburg University, B.S., 2000

#### Prior Experience

- Law Clerk to Dan Pellegrini (2003-2005)
- K&L Gates LLP (2005-2015)
- Cozen O'Connor (2015-2018)
- Widener Commonwealth Law School (Adjunct Professor 2011-present)

#### Awards & Honors

- 2015 Lawyer on the Fast Track by The Legal Intelligencer
- 2015 Central Penn Business Journal's "Forty Under 40"
- Pennsylvania Super Lawyers® magazine Rising Stars, 2010 - 2018
- Pro Bono Award from the Pennsylvania Bar Association, 2009
- Outstanding Recent Alumni Award from Widener University School of Law, 2007

#### Bar Admissions

- Pennsylvania

#### Court Admissions

- Pennsylvania Supreme Court
- U.S. Supreme Court
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court -- Middle District of Pennsylvania
- U.S. District Court -- Eastern District of Pennsylvania (pro hac vice)
- U.S. District Court -- Western District of Pennsylvania (pro hac vice)

#### Affiliations

- Energy & Mineral Law Foundation
- Shale Energy Law Committee, Pennsylvania Bar Association
- Barrister, James S. Bowman American Inns of Court (2010)
- Appointed Council Member, Administrative Law Section, Pennsylvania Bar Association
- Appellate Advocacy Committee, Pennsylvania Bar Association
- Judge, Annual Widener Law Moot Court Competitions
- Faculty, Annual Widener Law Intensive Trial Advocacy Program

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George has a unique understanding of the oil and gas industry from a legal, land, technical, environmental, regulatory, policy, and operations perspective. He is well-known as an authority on oil and gas issues in Pennsylvania, serving as an adjunct professor of Oil and Gas Law at Widener Commonwealth Law School and writing frequently on emerging issues and trends in the oil and gas industry.

George's law reviews, book chapters, articles, and other publications on oil and gas topics, including *A Primer on Oil and Gas Law in the Marcellus Shale States*, *A Review of the Implied Covenant of Development in the Shale Gas Era*, *The Law of Oil & Gas in Pennsylvania* (Implied Covenants, Chapter 6) and *Environmental Law & Practice* (Water Resources, Chapter 7), have been cited with approval by the Pennsylvania Supreme Court (on two occasions), the Ohio Supreme Court, the Texas Supreme Court, the Second and Ninth Circuit Courts of Appeal, various federal district courts, state courts, and numerous law reviews and treatises. George has testified before the Pennsylvania General Assembly's Senate Committee on Environmental Resources and Energy regarding oil and gas royalties in Pennsylvania and has been interviewed and quoted by publications such as Law360, Central Penn Business Journal, and the Pittsburgh Post-Gazette regarding developing issues in oil and gas law.

For more than 13 years, George has provided litigation, regulatory, and transactional services to upstream, midstream, and downstream clients. He has advised on virtually every significant legal issue in Pennsylvania - whether in the context of litigation, regulatory compliance, or transactional matters - involving the oil and gas industry, including:

- oil and gas ownership
- the law of capture
- all major oil and gas lease terms
- royalty and bonus payments
- post-production costs
- fractured ownership of oil and gas and other mineral interests
- surface use
- voluntary and forced pooling
- seismic testing rights
- physical and seismic trespass
- gas migration and water pollution allegations
- lease drafting
- well site development on private and government owned lands
- streambed oil and gas ownership
- due diligence on leasehold acquisitions
- continuous drilling obligations and drilling commitments
- assignments
- joint operating agreements
- farmouts
- service agreements
- ORRI agreements
- NRI agreements
- NPRI agreements
- gas purchase agreements

## environmental

George helps clients in the oil and gas and other industries with environmental regulatory matters, including assistance with environmental permitting applications, environmental compliance, regulatory advice,

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responding to notices of violations, negotiating consent assessments of civil penalties, and litigation before the Environmental Hearing Board. Services include:

- Article I sec. 27 advice and compliance
- Pennsylvania Oil and Gas Act and Chapter 78a advice and compliance
- advice on additional statutory and regulatory programs applicable to oil and natural gas development
- permit application reviews for statutory and regulatory compliance
- advice on technical guidance/policy documents issued by PADEP
- advice on oil and gas methane emission regulation
- advice on pending legislation and rulemakings
- assistance with NOV responses
- assistance with negotiating CACPs and consent decrees
- litigation before the Environmental Hearing Board
- appeals to Commonwealth Court from EHB decisions

## litigation + appeals

A litigator and appellate lawyer by trade, George has litigated more than 100 cases and appeared in more than 75 appeals on behalf of principal parties, intervenors, and amici in the Pennsylvania appellate courts, the Third Circuit Court of Appeals, and the United States Supreme Court. He has argued cases orally before the Commonwealth Court of Pennsylvania, the Pennsylvania Superior Court, the Third Circuit Court of Appeals, and numerous courts of common pleas and administrative agencies throughout Pennsylvania. He has considerable experience in the Commonwealth Court of Pennsylvania, one of two intermediate appellate courts that has substantial original jurisdiction in cases brought by and against the Commonwealth government and appellate jurisdiction over appeals from decisions of administrative agencies. His experience includes:

- post-trial motions and briefing
- initiating appeals (by right and by permission)
- intervention procedures and related matters involving third parties to appeal
- amicus representation of stakeholders and industry groups in matters of significance
- pre-briefing and pre-argument motions practice, including all procedural motions and dispositive motions to quash premature appeals
- briefing and oral argument
- reargument requests and responses
- requests for discretionary review and responses

## administrative law

George also practices extensively in the area of state constitutional law and state and local administrative law. He has represented clients before a variety of state licensing boards and commissions and local zoning hearing boards all the way through the appellate process and has long-advised clients on rulemaking proceedings and related issues. More recently, he has assisted entrepreneurial clients in the growing medical marijuana industry in Pennsylvania with permit applications, challenges to decisions by the state department of health, and advice on regulatory and legislative initiatives. His services include:

- advice on proper rulemaking procedures in Pennsylvania under the Commonwealth Documents Law and Regulatory Review Act
- review, analysis, and preparation of comments of stakeholders during the regulatory review process

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- administrative agency litigation before state and local agencies
- government contracts
- bid protests and related litigation
- Board of Claims disputes
- Right to Know Law requests and proceedings before the Office of Open Records
- appeals from decisions of administrative agencies

## oil + gas dispute resolution

In addition to his practice, George is offering oil and gas arbitration and mediation services at GA BIBIKOS LLC. Oil and gas disputes are often subject to arbitration agreements or the parties elect to pursue mediations in an effort to reach a compromise. Given his oil and gas experience in Pennsylvania, George is well-positioned to serve as a neutral party when litigants elect to pursue alternative ways to resolve their oil and gas disputes involving (as between landowners and companies) oil and gas ownership issues, oil and gas lease terms, surface use issues, and royalty disputes; and (as between E&P companies and joint operators, contractors or other parties) disputes involving assignments and acquisitions, joint operating agreement obligations, farmout obligations and similar arrangements, disputes over master service agreements, and other contractual disputes involving industry participants.

## Representative Experience

- Represented oil and gas production companies in major cases resulting in precedent-setting decisions for the industry in Pennsylvania, including *Belden & Blake v. DCNR*, 969 A.2d 528 (Pa. 2009) (successful affirmation of surface use rights of oil and gas owners/lessees); *Range Resources v. Salem Township*, 964 A.2d 869 (Pa. 2009) (successful challenge to local ordinance regulating oil and gas activities); and *Kilmer v. Elexco Land Services*, 990 A.2d 1147 (Pa. 2010) (successful defense of natural gas leases challenged by landowners under the Pennsylvania Minimum Royalty Act).
- Represented amicus parties in *Butler v. Charles Powers Estate*, 65 A.3d 885 (Pa. 2013), regarding ownership of oil and natural gas in shale formations.
- Defended a major oil and gas production company in *Humberston v. Chevron U.S.A. Inc.*, 75 A.3d 504 (Pa. Super. 2013), in precedent-setting decision regarding operator's right to construct a water-storage impoundment on leased property for shale-gas development on the property and other properties within a drilling unit.
- Represent Marcellus Shale Coalition as *amicus* in *Briggs v. SWN* regarding rule of capture and claims of trespass by hydraulic fracturing.
- Serve as Pennsylvania regulatory counsel to oil and gas production companies on environmental and regulatory permitting requirements, including erosion and sedimentation controls for well pad and gas pipeline projects, blasting permits for seismic activities, road use and bonding matters, local zoning matters, and statutory pooling and unitization issues
- Advised and represented a natural gas operator on WV and PA environmental regulations applicable to oil and natural gas wells in connection with various matters, including advice on protection of water supplies of landowners, oil and gas leasing provisions regarding environmental protections, and compliance advice regarding the preparation for and commencement of drilling of natural gas wells.

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- Represented oil and gas production companies and oilfield services companies as defendants in various litigation matters alleging that the client's natural gas well drilling and hydraulic fracture operations caused environmental harm and contaminated private water supplies of landowners.
- Represented a client in negotiations with Pennsylvania Department of Conservation and Natural Resources, including drafting road-use agreements, easement agreements, and a coordination agreement for access to public lands overlying privately held oil and gas estates.
- Represented a client in disputes with Pennsylvania Department of Conservation and Natural Resources over ownership of oil, gas, and minerals underlying streambeds.
- Represented and advised a client in the acquisition of oil and gas leases in Pennsylvania, including drafting and review of purchase and sale agreement, oil and gas leases, lease ratifications, lease extensions, and related transaction documents.
- Represented and advised a non-operator in connection with the acquisition and operation of oil and gas leases in Pennsylvania and West Virginia, including drafting a joint operating agreement and amendments, advising on area of mutual interest agreements (AMIs), and drafting assignments of overriding royalty interests.
- Represented and advised an operator in connection with a bid to purchase oil and gas leases in New York in bankruptcy proceedings, including negotiating with a non-operator and drafting a joint operating agreement, area of mutual interest agreement, purchase and sale agreement, assignment agreements, and assignments of working interests and overriding royalty interests.
- Represented a client in its first major acquisition of oil and gas leases in West Virginia and Pennsylvania, including drafting and reviewing of a purchase and sale agreement, assignment agreement, oil and gas leases, and related transaction documents; assisted and advised the client with drafting form of oil and gas lease and form of oil and gas deed as part of acquisition of Pennsylvania and West Virginia assets; and assisted the client in the acquisition of road-way and easement agreements for oil and gas operations as part of acquisition in West Virginia.
- Represented an oil and gas production company in a dispute over payment of a state impact fee associated with natural gas wells.
- Advised a major oil and gas producing company regarding a national water resource management program and regulatory programs governing water withdrawal and use requirements.
- Represented oil and gas operators in challenges to well permits issued by Department of Environmental Protection.
- Advise clients regarding notices of violations issued by Department of Environmental Protection.
- Counsel to well operators and midstream companies regarding regulatory changes to erosion and sedimentation controls for oil and gas activities in Pennsylvania.
- Counsel to well operators regarding well site restoration and reclamation requirements.

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- counsel to well operators regarding regulatory changes to erosion and sedimentation controls for oil and gas activities in Pennsylvania.
- Advise oil and gas production companies and oilfield services companies regarding liens and bankruptcy issues in down markets.
- Advise bond issuers on state and federal oil and gas well reclamation bond regulations.
- Advise frac sand mining clients on a sale of interests in frac sand mines.
- Advise and represent oil and gas well operators in well site crisis management, including managing all aspects of internal investigations into well site accidents, engaging private investigators to assist in well site management and evidence preservation, interviewing witnesses, serving as point person for contacts with state and federal environmental and workplace safety agencies, advising on contract obligations among well operators and their contractors, and advising on insurance coverage matters.
- Represent midstream companies in disputes involving rights of way and easements.
- Representation of clients in various oil and gas lease arbitrations
- Serve as third-party arbitrator in oil and gas lease disputes
- Representation of land developer in dispute over extension of public wastewater service to proposed land development.
- Assist in representation of water utilities in rate cases.
- Representation of pipeline companies in PUC certification proceedings.
- Advise midstream clients regarding “public utility” status in Pennsylvania.
- Advise midstream clients regarding natural gas pipeline construction and safety regulations for gathering and transportation lines.
- Representation of oil and gas production company in dispute over payment of state impact fee associated with natural gas wells.
- Representation of a major manufacturer of chocolate in dismissal of lawsuit alleging public nuisance.
- Representation of major fresh produce company in commercial lease dispute.
- Representation of pharmacy services provider in commercial contract disputes.
- Appellate representation of local land developer in land development dispute with municipality.
- Appellate representation of worldwide industrial biotechnology company in commercial contract dispute.
- Appellate representation of trade association in defense of agency order regarding milk price premiums.

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- Appellate representation of contractors in bid protests challenging award of contracts by Pennsylvania Department of Public Welfare.
- Appellate representation of telecommunications company on appeal from order enjoining unlawful award of telephone services contract for local prison.
- Appellate representation of public officials challenging Governor's line item veto power.
- Appellate representation of public officials in taxpayer litigation challenging constitutionality of legislative enactments and legislative appropriations.
- Appellate representation of amicus parties in the United States Court of Appeals for the Third Circuit and in Supreme Court of the United States regarding legislative immunity issues.
- Pro bono appellate representation of habeas petitioners in the United States Court of Appeals for the Third Circuit and in Supreme Court of the United States alleging ineffective assistance of prior counsel.