



## Clay K. Keller

Member

### Akron Office

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**Clay K. Keller is a Member in the Commercial Litigation Group, with an emphasis on business litigation, oil and gas, and real estate matters. He practices out of the Firm's office in Akron, Ohio.**

Clay has a broad array of experience in counseling and representing individuals and businesses as trial counsel in commercial disputes and tort matters. A significant portion of his practice involves representing upstream and midstream companies operating in Ohio in litigation and regulatory matters relating to the exploration and development of oil and gas.

Clay also regularly represents clients in transactional and litigation matters involving real estate including handling real estate transactions, drafting and negotiation of solar land leases, easement agreements, deeds and commercial land leases. For real estate litigation, he has represented clients in numerous cases involving a wide variety of matters including disputes over ownership of mineral rights, eminent domain cases, trespass claims, boundary disputes and disputes involving right-of-way agreements and temporary workspace agreements.

He is a frequent speaker on topics related to general litigation and oil and gas law. He has received a peer review rating of AV Preeminent from Martindale-Hubbell.

Clay enjoys collaborating with clients, and he is proficient in the industries in which he regularly represents companies. He believes that being able to adapt, being focused on practical solutions, and creativity are critical aspects to successfully practicing law and meeting the needs of clients.

In his spare time, Clay enjoys spending time traveling with his family. Clay is also an avid pilot and holds his commercial certificate with an instrument rating and is a member of several general aviation organizations.

## Awards

- Martindale-Hubbell: AV Preeminent Rating

Each AV Preeminent badge

## Notable Legal Experience

- Representation of an E&P company involved in a lawsuit over interpretation and operation of
- Obtaining injunction on behalf of E&P company preventing defendants from interfering with use of township road for access to well pad site being constructed
- Defending E&P company in multiple lawsuits throughout play involving Dormant Mineral Act claims
- Defending E&P companies in landowner lease lawsuits of all different varieties throughout the play. Such lawsuits include claims for improper notarization of lease, fraud, failure to consent to assignment, failure to pay delay rentals,

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lease amendment and ratification issues, lack of production claims (HBP issues), location approval disputes and surface damage claims

- Defending operator against adjacent landowner asserting claims for trespass, nuisance and water well contamination
- Defending Midstream company in matters involving surface owners prohibiting ROW access and/or making claims for surface damages
- Actions involving injunctive relief on behalf of Midstream company to access property for tree clearing before return of Indiana Bat from hibernation
- Addressing mineral title curative matters
- Working with E&P companies for statutory unitization process with ODNR for completion of unit with non-consenting parcels in unit
- Represented client prosecuting trademark infringement claims to protect its business and industry reputation
- Represented oil and gas producer in joint venture with another producer for over 250 wells located in Western Pennsylvania involving disputes over operation of the wells and the Form 610 Model Operating Agreement
- Represented owners of closely held company involved in multiple lawsuits with other owners of closely held companies
- Multiple cases involving a business divorce among owners of closely held company
- Defended individuals against claims asserted for unfair competition, misappropriation of trade secrets, fraud, tortious interference with business and contractual relationships
- Prosecuting claims on behalf of companies for misappropriation of trade secret, unfair competition, fraud, tortious interference with business and contractual relationships

## Work History

- Jackson Kelly PLLC (2014-Present)
- Babst, Calland, Clements & Zomnir, P.C. (2012-2014)
- Buckingham, Doolittle & Burroughs, LLP (2000-2012)

## Practices

- Class Action & Complex Litigation
- Commercial Litigation
- Litigation

## Industries

- Energy
- Manufacturing
- Oil & Gas

## Education

- Notre Dame Law School (J.D., 2000)
- University of Wisconsin - Lacrosse (B.S. in Political Science, 1997)

## Admissions

- Ohio (2000)
- U.S. Court of Appeals, Sixth Circuit (2002)
- U.S. District Court, Northern District of West Ohio (2001)
- U.S. District Court, Southern District of Ohio (2000)

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## Professional Organizations

- Federal Bar Association
- Akron Bar Association
- Stark County Bar Association
- Ohio Oil and Gas Association
- Southeastern Ohio Oil and Gas Association
- Builder's Exchange of North Central Ohio
- The Lawyer-Pilots Bar Association

## Speaking Engagements

### Speaking Engagements

- Speaker, Energy & Mineral Law Foundation 34th Annual Institute (2014)
- Speaker Energy & Mineral Law Foundation, "Title and Development Issues in the Utica Shale," (2013)
- Speaker, Kentucky Mineral Law Conference (2012)
- Speaker, Energy & Mineral Law Foundation, Special Institute—Ohio Dormant Mineral Act, 2016
- Panel speaker, Marcellus Shale Coalition, Shale Insight 2017 Conference
- Speaker, Ohio Buckeye Chapter of International Right of Way Association Law Day Seminar, *Trending Legal Issues—Pipeline Acquisition and Mineral Rights*

### Writings and Publications

- Author, "Ohio's Dormant Mineral Act: Addressing a Potential Title Problem Created by Severed Mineral Estates," 35 Energy & Min. L. Inst., § 10 (2014)