



## Earl E. DeBrine, Jr. Shareholder

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### OVERVIEW

Earl DeBrine concentrates his practice in oil and gas, railroad, product liability and commercial litigation. For over 35 years, he has represented major energy companies, railroads and manufacturers in lawsuits and negotiations ranging from preferential purchase rights and other disputes under joint operating agreements, environmental and title disputes to oilfield wrongful death claims. He also regularly advises oil and gas producers concerning development transactions and appears before the Oil Conservation Division and Commission in a variety of regulatory matters pertaining to oil and gas development. He serves as the firm's Secretary-Treasurer, and is Chair of the Oil and Gas Practice Group and Co-Chair of the Railroad Practice Group. Earl joined Modrall Sperring in 1987 after receiving his law degree from Georgetown University Law Center.

*Best Lawyers in America*® has named Earl Oil and Gas Law "Lawyer of the Year" in Albuquerque four times – in 2016, 2018, 2020 and 2024, and as Railroad Law "Lawyer of the Year" in Albuquerque in 2014; only a single lawyer in each practice area in each community is selected Lawyer of the Year. Earl has achieved the highest rating possible from *Martindale-Hubbell* based on a peer review, and is among those listed in *Southwest Super Lawyers*®.

Earl was raised in the middle Rio Grande valley north of Socorro, New Mexico. He maintains an interest in his family's farm in Lemitar and with his wife Joanna, owns The **Capitol Bar & Brewery**, a historic saloon on the Socorro plaza built in 1896 listed on the National Register of Historic Places.

### Education

Georgetown University Law Center, J.D., 1987, *cum laude*

University of New Mexico, B.B.A. in Finance and Accounting, 1984, with distinction

### Bar Admissions

New Mexico

U.S. District Court for the District of New Mexico

U.S. Court of Appeals for the Tenth Circuit

United States Supreme Court

### EXPERIENCE

- Represented a coal company in an arbitration with utility purchasers over costs under a long-term coal supply agreement, successfully defeating claim that utilities were entitled to a refund of operating costs of approximately \$13.9 million and



prevailing on a counterclaim for approximately \$5 million of additional costs.

- After assisting with OSHA investigation involving the death of a worker and injury to 8 others when a scaffold collapsed, obtained summary judgment for the employer in suit brought by a catastrophically injured employee for willful injury exception to worker's compensation statute. *Camarena v. Superior Contracting Corp.*, 2023-NMCA-0143, 534 P. 3d 186
- Represented a geothermal power producer in successfully resisting a special motion to dismiss filed under New Mexico's Anti-SLAPP (Strategic Lawsuits Against Public Participation) statute. *Los Lobos Renewable Power v. Americulture, Inc.*, 885 F. 3d 659 (10th Cir. 2018)
- Obtained Rule 12(b)(6) dismissal of personal injury suit brought by the employee of an oil and gas drilling company for willful injury against his employer. *Anchondo v. Basic Energy Services, Inc.* 14-CV-0624 MCA/SMV (D. N.M. March 18, 2015)
- Achieved dismissal of claims for increased premiums, losses due to an increased ratings modifier and lost profits resulting from unsuccessful bids on new jobs brought against the owner of a building by a roofing company whose employees were injured in an accident. *Nat'l Roofing, Inc. v. Alstate Steel, Inc.*, 2016-NMCA-020, 366 P.3d 276, 277
- Negotiated the sale of railroad right-of-way to the State of New Mexico for commuter rail service and successfully defended suit by union challenging the sale. *Brotherhood of Maint. of Way Empls. v. Burlington Northern Santa Fe Railway Co.*, 596 F.3d 1217 (10th Cir. 2010)
- Represented BP America and argued before the New Mexico Supreme Court in a case establishing the proper venue for suits against foreign corporations. *Baker v. BP America Production Co.*, 2005-NMSC-011, 110 P.3d 1071
- Obtained summary judgment for an operator who had commenced drilling on an adjacent surface tract prior to the expiration of an oil and gas lease, defeating ownership claims of a lessee who had acquired a top lease. *Manzano Oil Corp. v. Chesapeake Operating, Inc.*, 178 F. Supp. 2d 1217 (D.N.M. 2001)
- Lead counsel who wrote the successful brief on behalf of several oil and gas producers that further clarified venue rules for suits against registered foreign corporations. *Bank of America v. Apache Corp.*, 2008-NMCA-054, 184 P.3d435, cert. denied.
- Succeeded in sustaining federal jurisdiction over a railroad crossing wrongful death suit in which plaintiffs sought to bring as a complaint in intervention in a pending state court lawsuit involving a different accident at the same crossing. *Stark-Romero v. Amtrak*, 763 F.Supp.2d 761 (D.N.M. 2011)
- Successfully excluded an expert report and obtained summary judgment in favor of BNSF Railway Co. in a railroad grade crossing wrongful death suit. *Henderson v. National Railroad Passenger Corp*, 412 Fed. Appx. 74 (10th Cir. 2011)
- Successfully excluded expert testimony concerning train event recorder data under *Daubert* and Fed.R.Civ.P 26(a) and obtained partial summary judgment dismissing various claim based upon federal preemption. *Vigil v. Burlington Northern & Santa Fe Ry.*, 521 F.Supp.2d 1185 (D.N.M. 2007)
- Obtained rare summary judgment for railroad in FELA personal injury suit holding that railroad was not negligent as a matter of law. *Thornton v. Atchison, Topeka & Santa Fe Ry. Co.*, 11 F. Supp. 2d 1311 (D.N.M. 1997)
- Successfully enjoined the prosecution of a railroad grade crossing accident suit filed in tribal court based on a lack of tribal court jurisdiction. *Chiwewe v. Burlington Northern & Santa Fe Ry. Co.*, 239 F.Supp.2d 1213 (D.N.M. 2002)

## ACTIVITIES

### Professional Activities

- National Association of Railroad Trial Counsel, 1995-present



- New Mexico State Bar Civil Trial Specialization Committee, 2012-2017
- New Mexico Oil and Gas Association Legal Committee, 2019-present

### Civic Activities

- University of New Mexico's Robert O. Anderson School of Management Foundation Board of Trustees, 2019-2023
- Rocky Mountain Mineral Law Foundation Board of Trustees Audit Committee, 2011-2015

### HONORS

- *Best Lawyers*<sup>®</sup> Oil and Gas Law "Lawyer of the Year" in Albuquerque, 2016, 2018, 2020, 2024
- *Best Lawyers*<sup>®</sup> Railroad Law "Lawyer of the Year" in Albuquerque, 2014
- *Best Lawyers in America*<sup>®</sup>, in Oil & Gas Law and Railroad Law, 2007-present
- *Martindale-Hubbell AV*<sup>®</sup> Preeminent Peer Review Rated
- *Southwest Super Lawyers*<sup>®</sup> (derived from a lawyer survey), 2007-2016

### RELATED PRACTICES

#### Energy, Environment and Natural Resources

- Air Quality
- Energy
- Environment
- Oil and Gas
- Public Lands
- Water Rights and Water Quality

#### Litigation

- Alternative Dispute Resolution
- Torts / Personal Injury

#### Native American Law

### RELATED INDUSTRIES

#### Construction and Design

- Energy
- Manufacturing
- Railroads