Kevin L. Colosimo

Partner

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501 Grant Street, Suite 800
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Industries

Energy

Oil, Gas & Minerals

Practice Areas

Business & Commercial Litigation

Alternative Dispute Resolution

Construction

Corporate Law

Litigation

Mergers & Acquisitions

Bar Memberships

Ohio

Pennsylvania

Texas

Kevin's practice spans the areas of oil and gas litigation, energy law, and business, contract and real property law. He has provided counsel to clients on a wide range of legal matters including risk management alternatives, claims assessment, and litigation strategy. Kevin was drawn to practice energy law by the entrepreneurial spirit and potential of the burgeoning oil and gas industry in Appalachia. He is formerly the Partner-in-Charge of FBT Gibbons' Pittsburgh office and currently co-leads the firm's Oil, Gas & Minerals Team.

Kevin is a frequent author and speaker on legal issues facing the oil and gas industry, having presented at the EMLF's Annual Institute, Kentucky Mineral Law Conference, CAIL's Institute for Energy Law and Law of Shale Plays Conference and numerous other bar and industry sponsored conferences. He is a regular advocate for the oil and gas industry at the State Capitol in Harrisburg. He served as a Member and Committee Co-Chair of the Marcellus Shale Roundtable sponsored by the University of Pittsburgh's Institute of Politics. He serves as an officer and trustee for the Energy and Mineral Law Foundation. Kevin is a member of the United Way of Allegheny County's Tocqueville Society and the Advisory Board of the Salvation Army of Greater Pittsburgh, in addition to involvement with various local universities and charities.

Kevin's Relevant Experience

Energy & Environmental Representation

Representation of oil and gas exploration and production company in first ever application for compulsory unitization in furtherance of

unconventional well development under Pennsylvania's Oil and Gas Conservation Law. (Pa. Dept. of Environmental Protection/Pa. Environmental Hearing Board).

Representation of oil and gas exploration and production company in action by coal operator to recover damages for coal allegedly rendered inaccessible by virtue of unconventional well pad development. (U.S. District Court for the Middle District of Pennsylvania).

Representation of midstream company in a dispute brought by a coal operator for allegedly sterilized coal. (Belmont County Ohio Court of Common Pleas)

Representation of midstream company in connection with construction disputes stemming from natural gas processing facilities.

Representation of oil and gas exploration and production company in substantive validity challenge to zoning ordinance and zoning permit challenge before municipal zoning hearing board. (Middlesex Twp., Butler Co., PA Zoning Hearing Board, affirmed, Court of Common Pleas of Butler County, Pennsylvania).

Represented an exploration and production company in evaluating and defending allegations from citizens that its drilling activities had caused contaminants, including possibly chemicals used in hydraulic fracturing, and methane migration to adversely impact their residential private drinking water supplies; and in evaluating the company's pre- and post-drilling environmental investigations, including providing legal advice with respect to those practices.

Representing oil and gas exploration and production company in class action litigation brought by putative lessors seeking to enforce terms of non-binding lease offers (U.S. District Court for the Western District of Pennsylvania).

Representing oil and gas exploration and production company in oil and gas lease litigation brought by landowner coalition (Jefferson County, Ohio Court of Common Pleas).

Representing oil and gas exploration and production company in defense of action seeking equitably enforce purchase and sale agreement following termination (Private Arbitration, Pittsburgh, PA).

Represented an oil and gas exploration and production company in private water well contamination disputes (various Courts of Common Pleas).

Representation of metals producer and tier one automotive supplies in vendor dispute (Private Arbitration, Pittsburgh, PA).

Represented oil and gas lessees in royalty and lease avoidance litigation (U.S. District Court for the Western District of Pennsylvania and various Courts of Common Pleas).

Representing oil and gas exploration and production company in contractual dispute involving drill pipe failure (Courts of Common Pleas Beaver County).

Represented an oil and gas exploration and production company in land use and zoning disputes (Court of Common Pleas Butler County).

Represented an oil and gas exploration and production company in the settlement of a class action royalty dispute (Court of Common Pleas Westmoreland County).

Represented a quarry products manufacturer in a warranty and misrepresentation action brought by a quarry operator to recover alleged lost profits; unanimous jury verdict May 2011 (Court of Common Pleas Lawrence County).

Represented an environmental testing laboratory and laboratory personnel in an action brought by a homeowner alleging the laboratory's error and omission in its performance of asbestos abatement testing (Court of Common Pleas Allegheny County).

Construction Representation

Represented an architect in a premises liability claim involving allegations of architectural design defects at a hospital professional building resulting in personal injury to a hospital patron (Court of Common Pleas Cambria County).

Represented an architect in a dispute involving a municipal owner and consulting HVAC engineer in a claim arising from alleged design specification errors in the geothermal heating system for an intermodal transportation center (Private Arbitration, Erie, PA).

Represented an architect in a claim by a general contractor for delay and disruption arising out of the construction of an athletic sports complex at a high school in Erie County, Pennsylvania (Private Arbitration, Erie, PA).

Represented an architect in a claim by a school district alleging error/omission in connection with project change orders (private arbitration).

Represented an engineering firm in a breach of contract claim brought by a municipality stemming from the failure of ductile iron piping at a water treatment facility; the case involved multiple party defendants and allegations of improper design specifications and negligent workmanship (Court of Common Pleas Allegheny County).

Represented a structural engineer in an error/omission claim following the collapse of a structure caused by excavation subsidence (Court of Common Pleas Allegheny County).

Represented a commercial real estate developer in a successful challenge to the public bidding process and award of contract for the sale of school property; the case is reported at *Fedorko Properties, Inc. v. Millcreek Twp. School Dist.*, 755 A.2d 118 (Pa. Commw. 2000), allocator denied, 771 A.2d 1289 (Pa. 2001).

Represented a commercial real estate developer in an easement and boundary line injunction action involving construction of a multimillion-dollar shopping center facility; the case is reported at *Fedorko Properties, Inc. v. C.F. Zurn and Associates*, 720 A.2d 147 (Pa. Super. 1998).

Business Representation

Represented an international commodities broker in a contractual procurement dispute with a purchaser over anti-dumping tariff and import duty obligations (U.S. District Court for the Western District of Texas (El Paso)).

Represented an international commodities broker in an economic loss and product contamination claim brought by a petrochemicals manufacturing compounder following a warehouse shipment error (Private Arbitration, Ontario, Canada).

Represented a business owner in a partnership dispute and business separation (private arbitration).

Law Firm Representation

Represented Mississippi asbestos personal injury lawyers in a legal malpractice class action brought on behalf of a class of approximately 3,600 asbestos clients in Pennsylvania, Ohio, and Indiana.

Other Representation

Represented a manufacturer in products liability/toxic tort litigation involving alleged exposure to silica-containing products (Kanawha County, West Virginia).

Represented the County of Allegheny pro bono in an action challenging the constitutionality of the Ten Commandments display at the Allegheny Courthouse; the case is reported at Modrovich v. Allegheny County, 385 F.3d 397 (3rd Cir. 2004) (U.S. Court of Appeals for the Third Circuit).

Other Info About Kevin

Education

Duquesne University, J.D., 1997

Pepperdine University Caruso School of Law, Straus Institute for Dispute Resolution, Masters of Laws (LL.M.) in Dispute Resolution, 2020

Indiana University of Pennsylvania, B.A., magna cum laude, 1994

Courts

Supreme Court of the United States

U.S. Court of International Trade

U.S. Court of Appeals for the Third Circuit

Supreme Court of Pennsylvania

U.S. District Court for the Southern District of Ohio

U.S. District Court for the Middle District of Pennsylvania

U.S. District Court for the Western District of Pennsylvania

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Western District of Texas

U.S. District Court for the Southern District of New York (Pro Hac Vice)

U.S. District Court for the Eastern District of Virginia (Pro Hac Vice)

U.S. Bankruptcy Court for the Northern District of California (Pro Hac Vice)

U.S. Bankruptcy Court for the District of Delaware (Pro Hac Vice)

U.S. Bankruptcy Court for the Western District of Kentucky (Pro Hac Vice)

U.S. Bankruptcy Court for the Western District of Pennsylvania

Recognition

Chambers USA, Energy & Natural Resources, 2021-2026

The Best Lawyers in America®, Construction, 2024-2027; Corporate, 2026-2027; Energy, 2021-2027; Oil and Gas, 2024-2027

AV® Rated, Martindale-Hubbell®

Named to "Who's Who in Energy," 2011, 2012, 2014 by the *Pittsburgh Business Times*

Selected for inclusion in *Pennsylvania Super Lawyers®*, 2013-2026

Selected for inclusion in *Pennsylvania Rising Stars®*, 2005-2007; 2010-2012

Selected for inclusion in Top 50: 2024 Pittsburgh *Super Lawyers*®

Professional Affiliations

Pennsylvania Bar Association

Ohio State Bar Association

State Bar of Texas

Allegheny County Bar Association

Erie County Bar Association

U.S. Court of International Trade Bar Association (inactive)

Energy and Mineral Law Foundation, President, 2020-2021; Vice President/President-Elect, 2019-2020

University of Pittsburgh Institute of Politics, Marcellus Roundtable Member

Leadership Pittsburgh XXII Graduate

Civic Activities

Salvation Army of Greater Pittsburgh, Advisory Board Member, Chair

Seton Hill University, Board of Trustees, 2013-2019

Allegheny County Parks Foundation, Board of Directors, 2008-2013

United Way of Allegheny County, Tocqueville Society

Erie County Board of Viewers, Former Chairman

Presentations

Presenter, "Understanding the Alternatives in ADR," Association of Corporate Counsel, Western Pennsylvania Chapter, May 2021.

Presenter, "Legal Ethics and American Political Scandal: Pennsylvania's Recent Supreme Court Scandal Explored Through the Lens of the Historical Development of American Legal Ethics," Energy & Mineral Law Institute.

Moderator, "Litigation Update – Hot Topics and Future Disputes," IEL's 6th Law of Shale Plays Conference, Pittsburgh, PA, September 10-11, 2015.

Presenter, "Recent Developments in Oil and Gas Law," Energy & Mineral Law Foundation's 36th Annual Institute, Amelia Island, FL, June 21-23, 2015.

Presenter, "IEL Forum," IEL's 66th Annual Oil & Gas Law Conference, Houston, TX, February 2015.

Presenter, "This Year's Hot Issues in Leasing," IEL's 5th Law of Shale Plays Conference, Pittsburgh, PA, September 2014.

Presenter, "Landman at the Door," EMLF's 2014 Kentucky Law Mineral Law Conference, Lexington, KY, October 2014.

Presenter, "Marcellus Shale Development," St. Barnabas Health System's CEO Leadership Conference, Gibsonia, PA, September 2014.

Presenter, "Defensible Title: Curative Requirements and Waiver in Acquisitions and Title Certifications," Energy & Mineral Law Foundation's 35th Annual Institute, White Sulphur Springs, WV, June 1-3, 2014.

Presenter, "Lessors' Remorse: Lease Bustin in Appalachia," Noble Energy Land Forum, December 2013.

Presenter, "Jurisdictional Considerations for the Oil and Gas Practitioner," EMLF Kentucky Law Mineral Conference, October 2013.

Presenter, "Pooling and Unitization in the Marcellus and Utica Shales: Pennsylvania's Challenges and Opportunities," Chevron Land Symposium, October 2013.

Presenter, "Recent Developments in Oil and Gas Law," IEL's Annual Oil and Gas Conference, February 2013.

Presenter, "2012 United States Oil and Gas Law Update," IEL's 64th Annual Oil and Gas Law Conference, February 2013.

Presenter, "Lessors' Remorse – Lease Bustin' in the Appalachia," EMLF Kentucky Mineral Law Conference, October 2012.

Presenter, “Developing an Oil and Gas Infrastructure CLE,” Allegheny County Bar Association, May 2012.

Presenter, “Infrastructure Issues in Oil and Gas Development CLE,” Pennsylvania Bar Association Institute, March 2012.

Presenter, “Developing Jurisprudence in the Marcellus Shale,” EMLF at 32 Energy & Min. L. Inst. 269-301, 2011.

Presenter, “Marcellus Shale Oil and Gas Case Update,” EMLF Kentucky Mineral Law Conference, September 2011.

Presenter, “Oil and Gas Related Litigation CLE,” Washington County Bar Association, May 26, 2011.

Presenter, “Importer Security Filings and Additional Carrier Requirements (a.k.a. 10+2) – Flexible Enforcement Draws to a Close, and Customs Publishes New Guidelines for the Mitigation of Penalties,” Communiqué, August 2009.

Presenter, “International Unfair Trade Practice Remedies in Tough Economic Times,” Thorp Reed & Armstrong seminar, June 2009.

Major Publications

Co-author, “Legal Ethics and American Political Scandal: Pennsylvania’s Recent Supreme Court Scandal Explored Through the Lens of the Historical Development of American Legal Ethics,” Energy & Mineral Law Institute, Volume 37, 2017.

Co-author, “Recent Decisions in Oil and Gas Jurisprudence,” Energy & Mineral Law Institute, Volume 36, March 2016.

Author, “John Kasich’s proposed tax increase on the oil, gas, industry likely to be crippling,” Cleveland Plain Dealer, February 12, 2015.

Author, “Fracking is making the state and Phil. Energy leaders,” Philadelphia Inquirer, February 2, 2015.

Author, “Don’t Kill the Golden Goose,” Pittsburgh Post Gazette, June 1, 2014.

Author, “Modernize Pa.’s Oil and Gas Conservation Law,” Pittsburgh Business Times, January 11, 2013.

Author, “Compulsory Pooling and Unitization in the Marcellus Shale, Pennsylvania’s Challenges and Opportunities, Pennsylvania Bar Association Quarterly, Vol. 83, No. 2, April 2012.

Featured Articles

EPA Unveils 2023 Methane Emissions Rule for Oil and Gas Operations

Ohio Supreme Court Shuts Down ODNR Ability to Nullify Surface Damage and Support Waivers

The Search for Holders Under the ODMA: The 5th District Says You Don’t Always have to Use the Internet for ODMA Due Diligence

Commonwealth Court Rejects ERA Challenge, Affirms Ordinance Allowing Unconventional Wells in Residential and Agricultural Areas

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