



Justin W. Ross

Partner

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Location

250 West Main Street
Suite 1600
Lexington, KY 40507

Education

2008 - J.D., University of Kentucky
2005 - M.A., Savannah College of Art and Design
2002 - B.A., Economics, Wake Forest University

Honors



John Todd Shelby Scholarship
Recognized by his peers as a *Kentucky Super Lawyers®* Rising Star, 2016-2018

Admissions

Kentucky

Justin Ross is a member of the Firm's Natural Resources and Environmental Service Team. He concentrates his practice in complex litigation matters and has extensive experience litigating and arbitrating disputes relating to coal transactions, particularly coal sales. Mr. Ross regularly writes and speaks on issues relating to coal supply agreements and the commercial laws that govern them.

Representative Matters

- Represented a publicly held coal producer throughout a long-running dispute with Allegheny Energy (now FirstEnergy) over a long-term coal supply agreement. Case settled favorably in 2015 after two trials and two appeals.
- Represented Oxford Mining in a lawsuit against Big Rivers Electric Cooperative over the termination of a coal supply agreement. Achieved a \$19.5 million settlement on behalf of Oxford Mining.
- Represented an Indiana coal producer in arbitration against utility customer over termination of coal supply agreement. Achieved favorable decision from panel of arbitrators after extended hearing.
- Represented a publicly held coal producer in price reopener negotiations and baseball arbitration with large public utility. Arbitrator selected higher price submitted on behalf of coal producer client.
- Represented two publicly held coal producers in coal supply and transportation dispute with utility customer, achieving successful result on behalf of coal clients.
- Represented coal broker in lawsuit against two producers over the breach of coal purchase order.
- Represented oil and gas producer in arbitration proceeding against seller of oil and gas assets over issues arising out of asset purchase agreement, achieving a favorable settlement.
- Represented Arkansas private housing builder in federal lawsuit over failed real estate transaction, achieving summary judgment and award of attorney's fees on behalf of client.
- Consulted with various clients on coal contract issues, including price re-openers, quality disputes, force majeure claims, tonnage shortfalls, and wrongful terminations.

Presentations

- "Coal Supply Agreements, Long and Short Term," NBI Kentucky Coal Law Seminar, June 8-9, 2015
- "Boiling Down the Boilerplate in Coal Supply Agreements," Kentucky Mineral Law Conference, October 22-23, 2014.
- "Blame it on the (Acid) Rain: Environmental Force Majeure Clauses in Coal Supply Agreements," Ecology & Environment Coal Issues Seminar, September 14-17, 2014.
- "Re-opening Pandora's Box: Market Price Re-Openers in Volatile and Uncertain Times," EMLF Annual Institute, June 16-18, 2013, 34 *Energy & Min. L. Inst.* 553 (2013).
- "Buyer's Remorse: The Battle for Flexibility in Coal Supply Agreements," Ecology & Environment Coal Issues Seminar, October 17-20, 2012.
- "Remedial Remedies – Or How I Learned to Stop Worrying and Love the U.C.C.," EMLF Annual Institute, May 15-17, 2011, 32 *Energy & Min. L. Inst.* 733 (2011).

Professional Activities and Memberships

- Energy and Mineral Law Foundation, Trustee
- Fayette County Bar Association, Board of Directors, 2012-2014
- Kentucky Bar Association

Civic Involvement

- Big Brothers/Sisters of the Bluegrass, Board of Directors