

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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San Antonio, Texas 78205-3037



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FOR IMMEDIATE RELEASE
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Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, March 21, 2019, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Beth Watkins, and Justice Liza A. Rodriguez.

The following case will be presented:

Margaret Ann Strickhausen v. Petrohawk Operating Company n/k/a BHP Billiton Petroleum (TxLa) Operating Company; Petrohawk Properties, LP n/k/a BHP Billiton Petroleum Properties (N.A.), L.P.; Segundo Navarro Drilling, Ltd.; First Rock I, LLC; EF Non-Op, LLC; and CEU Hawkville, LLC n/k/a South Texas Shale, LLC - This is a permissive appeal of an amended order on motions for summary judgment which identifies the controlling question of law as “Plaintiff’s ratification of 1) the pooled units and/or 2) Defendants’ breach of the no pooling clause of the lease.” In her brief, appellant Margaret Ann Strickhausen presents four issues, asserting: (1) her depositing of royalty checks for production from the improperly pooled unit did not constitute a ratification given express language in the lease that (a) contractually eliminates any form of implicit ratification; and (b) sets out the only procedure by which she can make an express ratification; (2) she is not estopped from denying she ratified the pooled unit because she would have been entitled to royalties on production from the property in which she owned a mineral interest; (3) she was required to deposit the royalty checks in mitigation of her damages, precluding such acts from constituting a ratification; and (4) she could not have made an unintentional, implicit ratification in light of the “duty of utmost good faith and fair dealing” the appellees owed her under the Lease.

The oral arguments will be held in the Fourth Court’s Courtroom, Caden-Reeves Justice Center, Third Floor, 300 Dolorosa, San Antonio, Texas.