



PROPANE AND NATURAL GAS LITIGATION

Since 1979, attorneys with Conner & Winters have represented the propane and natural gas industries in defense of personal injury and large property damage suits throughout the United States. Our attorneys have been lead defense counsel in over 250 personal injury lawsuits in 35 different states. Although the Conner & Winters' propane and natural gas defense group practices out of the Tulsa, Oklahoma office, nearly all of the litigated cases were defended in states and federal courts outside of Oklahoma.

Conner & Winters attorneys have defended all segments of the propane industry, including multistate propane dealers, smaller regional or independent propane dealers, propane marketers, and equipment manufacturers. We have acted as national defense counsel for the largest propane tank manufacturer and a large midstream propane marketer and transportation company, as well as counsel for the National Propane Gas Association and the Propane Education & Research Council. Our attorneys are regularly retained by insurance companies who offer specialty retailer marketer programs in various states. The firm's attorneys have also represented natural gas utilities in connection with personal injury and property damage claims.

In addition to our experience with propane related litigation, Conner & Winters attorneys have also provided counsel regarding a wide range of issues involving business operations, from supply agreements, operations of propane terminals, consumer education, employee training and employment matters, and Consumer Product Safety Commission recall programs.

Propane and Natural Gas Litigation

Conner & Winters' attorneys are well versed regarding the fact patterns, technology, and industry standards/procedures in the large damage exposure cases that propane and natural gas defense work presents. By litigating

ATTORNEYS

Melodie Freeman-Burney

Jed W. Isbell

Timothy T. Trump

RELATED PRACTICES

Alternative Dispute Resolution

Appellate Litigation

Class Actions

Commercial Litigation

Construction Litigation

Environmental Litigation

Insurance and Personal Injury Defense Litigation

Litigation

Product Liability Litigation

Rental Car Industry Litigation

Transportation and Logistics Litigation

White Collar Criminal Defense

Propane and Natural Gas Litigation

throughout the United States and being continuously involved in defense work, Conner & Winters has developed knowledge of and good working relationships with leading experts who have specialized knowledge of propane and natural gas cause and origin investigations, chemistry associated with “odor fade claims,” equipment operation and design, and industry practices and standards. Conner & Winters attorneys have repeatedly litigated provisions of the Liquefied Petroleum Gas Code (NFPA 58), National Fuel Gas Code (NFPA 54), and Guide for Fire and Explosion Investigation (NFPA 921), as well as DOT regulations concerning Hazmat operation of propane transports. Many states have adopted as part of their state statutes or regulations various editions of the National Fire Protection Association (NFPA) codes. Others have adopted their own statutes or gas regulations which either supplement or supplant sections of the NFPA codes. Our attorneys are familiar with the various versions of the NFPA codes and have dealt with multiple state regulations and variations on those codes. Our expertise and knowledge of variations in codes and industry standards allows us to provide a more effective defense for our propane clients. In many cases, part of that defense includes dealing with local or state investigators or regulatory officials, and responding to and contesting citations issued to the propane retailer in the aftermath of a propane-related accident.

Through our extensive involvement in propane and natural gas litigation, the firm has developed close working relationships with numerous expert witnesses and investigators around the country. As a result, we can quickly assemble a well equipped team of attorneys, experts and investigators to respond quickly to an accident anywhere in the country. Attorneys in the propane and natural gas practice group are members of the Propane Gas Defense Association and the Natural Gas Claims and Litigation Association. Relationships our attorneys have developed with members of those organizations allow us to quickly assemble an experienced defense team whenever and wherever an accident occurs.

Conner & Winters attorneys have defended multiple cases involving the following recurring circumstances and technical issues involving propane and/or natural gas operations:

- Proper installation and testing of propane delivery system and appliances
- Adequacy of employee training, including compliance with CETP, internal training programs, and various state certification requirements

INDUSTRIES

Propane

Propane and Natural Gas Litigation

- Compliance with GAS Check or other similar company prescribed programs
- “Out-of-gas” calls
- Equipment components of gas delivery system, including regulator, valves, and tanks
- Initial customer orientation and education, point-of-sale education and warning materials, and customer education and warning materials
- Adequacy of content and proof of delivery of consumer education materials and education and warning materials between segments of the propane industry
- Retailer’s response to complaints of odor
- Cylinder certification and filling operations
- LP technician and consumer actions in the lighting of appliances
- Operation and storage of portable propane-fueled heaters
- Claimed defects and maintenance of propane-fueled appliances
- Leak testing and pressure testing of propane systems by propane retail servicemen
- “Odor fade” cases alleging that the ethyl mercaptan odorant in propane was oxidized in the tank or after a leak losing its ability to provide an effective warning
- Carbon monoxide exposure and death cases
- Installation and information provided to consumers concerning the use of gas and carbon monoxide detectors
- Below grade propane system installations
- Underground propane storage tank installation and warning material
- Operation of propane delivery vehicles, including compliance with Department of Transportation regulations
- Installation of equipment and maintenance of propane-fueled motor vehicles and the filling of tanks for propane-fueled motor vehicles, including RVs
- Installation and maintenance of safety equipment on propane delivery vehicles
- Installation and maintenance of equipment at retail propane distribution facilities
- Operation and equipment related to pipeline terminals, truck terminals, and underground storage facilities
- Propane odorant injection equipment, and proof and verification of odorization
- Training and warning materials provided by propane retailers to representatives of building and home service industry
- Training material provided to firefighters concerning propane emergencies including the danger of BLEVE (Boiling Liquid Expanding Vapor Explosion)

Propane and Natural Gas Litigation

In addition, we are regularly called upon to represent manufacturers, retailers, or wholesalers in cases involving allegations of defects involving propane equipment, including regulators, appliance controls, piping, pumps, valves, venting, relief devices, and propane tanks; as well as claims alleging failure to comply with applicable industry and ASME standards.

Business and Industry Counseling

Conner & Winters has also represented fuel retailers and suppliers in general business matters, including acquisitions of independent propane retailers, drafting supply contracts for wholesale propane sales, negotiation of supplier contracts, contracts for operation of pipeline terminals, and key employee compensation agreements. Our attorneys have also provided counsel regarding product recalls with the Consumer Product Safety Commission.

Members of Conner & Winters have provided presentations to various state organizations, including the Alabama Propane Gas Association, Arkansas Propane Gas Association, Florida Propane Gas Association, Georgia Propane Gas Association, New England Propane Gas Association, Oklahoma Propane Gas Association, and the Western Propane Gas Association. Our attorneys have also provided legal advice to the NPGA concerning various NPGA activities, principally the activities of the Technical & Standards Committee and the Safety & Education Committee. Our attorneys served in an advisory capacity to the Propane Energy Research Council ("PERC") as part of its Liability Task Force, and were also retained by PERC as its principal outside legal consultant in connection with the publication of Propane Emergencies, a training text as well as video provided to fire departments and first responders throughout the United States.

Publications & Events

Propane and the Law: Overfilling in the OPD Age
SCPGA News, 09.24.2019

Understand Liabilities with Underground Tanks - article by Mark E. Dreyer
Iowa Propane Gas News, 08.12.2019

Putative Class Action Could Require That Gas Retailer Provide Gas Detectors
South Carolina Propane Gas Association News, 07.2019

CW attorney Mark Dreyer shares "Training and Telltales"
Alabama Propane Gas Association, 06.26.2019