

## **Douglas K. Eyberg** Partner/Retired



Douglas Eyberg, a retired partner of Foley's Energy Industry Team, combines a broad corporate/securities and M&A background with an energy transactions practice. He has served as lead counsel for many transactions, including many multibillion-dollar deals.

In his corporate practice, Doug has extensive experience assisting clients with mergers and acquisitions, stock and asset acquisitions and divestitures, joint ventures, partnerships, limited partnerships, strategic alliances, private equity and venture capital transactions, corporate finance, business structuring, and general corporate and contract matters involving public and private companies in various industries.

In his energy transactions practice, Doug has extensive experience as lead transaction attorney in upstream, midstream and downstream transactions in the oil and gas industry; in generation, distribution and renewable transactions in the power industry; in various transactions in the energy service sector; and in project development and project finance transactions. He has represented a variety of multinational energy companies, exploration and production companies, pipelines, midstream and downstream facilities, project developers, service providers, utilities, independent power producers and energy private equity funds.

Doug has been based in Houston since 1976, and from 1998 through 2004, he was a member of a major New York-based international law firm.

### **Representative Experience**

#### Upstream

- Lead corporate counsel for Marcellus producer in credit facility arrangement.

- Lead counsel for major energy company in sale of interests in Gulf of Mexico oil and gas properties for in excess of \$5.5 billion.
- Lead counsel for multinational energy company in divestiture of oil and gas properties in Wyoming for in excess of \$1 billion.
- Lead counsel for major oil company in sale of oil and gas properties in Louisiana for in excess of \$100 million.
- Lead counsel for multinational energy company in divestiture of oil and gas properties in Texas for in excess of \$3 billion.
- Lead counsel for major energy company divestiture of oil and gas properties and midstream facilities in Wyoming.
- Lead counsel for multinational energy company acquisition of Gulf of Mexico oil and gas interests in an exchange transaction valued in excess of \$1 billion.
- Lead counsel for major energy company acquisition of oil and gas properties in Woodford Shale in Oklahoma for in excess of \$1 billion
- Lead counsel for major energy company acquisition of oil and gas properties in Fayetteville Shale in Arkansas for in excess of \$1 billion.
- Lead counsel for multinational oil company in acquisition, divestiture, and exchange of exploration and production properties and pipeline in the United States, Gulf of Mexico, and Pakistan.
- Lead counsel for the major oil company purchaser of equity interests in \$1 billion oil and gas exploration and production joint venture in Texas and Oklahoma.
- Lead counsel for major oil company in the formation of a \$1 billion oil and gas exploration and production joint venture.
- Lead counsel for controlling participant in the formation of a strategic alliance for retail marketing of natural gas.
- Lead securities counsel for issuer in the formation of an oil and gas working interest program involving tight gas sands in Wyoming.

## Midstream

- Lead counsel for energy company in substantial Marcellus/Utica to Gulf Coast natural gas liquids pipeline joint venture, with fractionation plant and marine export terminal in Louisiana.
- Lead counsel for energy company in disposition of two natural gas processing facilities in Texas.
- Lead counsel for pipeline company in acquisition of two substantial natural gas storage facility complexes in Mississippi for \$550 million.
- Lead counsel for energy company in sale of large natural gas processing facility in Denver-Julesburg Basin in Colorado for \$575 million.
- Lead transaction counsel for interstate natural gas pipeline company in \$1.5 billion multistate pipeline expansion project in United States.
- Lead transaction counsel for interstate natural gas pipeline company in \$1.5 billion new, multistate pipeline project.

- Lead counsel for private equity firm in sale of gas storage facility in Alabama.
- Lead counsel for energy private equity fund in multiple debt and equity transactions involving midstream businesses, including NGLs and gas storage projects.
- Lead counsel for energy private equity fund in purchase of controlling stock interest in propane company in Oklahoma.
- Lead counsel for interstate gas pipeline company in various joint ventures.
- Lead counsel for multinational major oil and gas company in sale of oil pipeline.
- Lead corporate counsel for purchaser of a natural gas pipeline company and related assets in Texas for \$900 million.

#### Downstream

- Lead counsel for major energy company in refinery acquisition.
- Lead counsel for energy private equity fund in debt and equity transactions involving refinery.
- Lead counsel for sale of special chemicals manufacturing businesses.

#### Energy Service

- Lead counsel for oilfield services company in sale of minority interest to private equity firm.
- Lead counsel for oilfield services company in divestiture by stock transaction.
- Lead M&A counsel for stock acquisition of multinational service business.
- Lead counsel for energy company in negotiating \$1 billion long-term operations and maintenance agreement with respect to facilities in 10 states.
- Lead counsel for energy private equity fund in debt and equity transaction involving energy service business.

#### Power

- Lead transaction counsel in development of petroleum coke-fired power plant and related terminal facility in Texas.
- Lead counsel for sale of power plant in Texas.
- Lead counsel for energy company in three-party tolling arrangement involving power facility in Texas.
- Lead counsel in sale of power plant in Indiana for \$225 million.
- Lead counsel in sale of power plant in Ohio for \$220 million.
- Lead transaction counsel in purchase of power plant located in Texas for \$250 million.
- Lead corporate finance counsel for lessee in a \$200 million project finance lease transaction involving underwater electric transmission cable and lead counsel in formation of a related joint venture.
- Lead counsel for seller of a development stage power plant in Rhode Island.
- Lead counsel for sellers of retail electric and gas contracts in various states.
- Lead counsel for purchaser in acquisition of power plants in Connecticut for \$300 million.
- Lead counsel for seller in a sale of power plants in Illinois and New York.

- Lead counsel for purchaser in the acquisition of electrical generating assets in Montana for \$2 billion.
- Lead counsel for purchaser in the acquisition of electrical generating assets in Maine for \$225 million.

#### Renewables

- Lead counsel for energy company in divestiture of U.S. solar assets.
- Lead counsel for utility in purchase of solar facility in Texas.
- Lead counsel for utility in purchase of solar facility in development in Texas.
- Lead counsel for multinational energy company in major M&A joint venture transaction involving wind energy projects in various states.
- Lead counsel for major multinational energy company in development and project financing of solar energy projects in various states.
- Lead counsel for major energy company investor in wind energy project in Idaho.
- Lead counsel for major energy company investor in solar energy project.

#### Other

- Lead counsel for sellers in stock sales and mergers in stevedoring and port operations businesses in Texas and Louisiana.
- Lead corporate counsel for bidders in numerous energy industry asset auctions.
- Lead counsel for purchaser in the acquisition of major industrial and utility tree trimming business in Indiana.
- Lead counsel for numerous corporate finance transactions.

#### Awards and Recognition

- Recognized, *Chambers USA: America's Leading Lawyers for Business* (Tom Wicker ed., Chambers & Partners)
  - Energy: Oil & Gas (Transactional) (Nationwide) (2013-2017)
- Selected by his peers for inclusion in *The Best Lawyers in America*® in the fields of:
  - Energy Law (2014-2022)
  - Corporate Law (2013-2022)
- Recognized, Texas Super Lawyers®, a Thomson Reuters business, as published in *Texas Super Lawyers Magazine*
  - Mergers & Acquisitions (2006, 2013, 2014, 2016-2018)
- Recognized, The Lawdragon 500 Leading Lawyers in America, *Lawdragon Magazine* (2013)
- Recognized, AV Preeminent® 5.0 out of 5 Peer Review Rated, Martindale-Hubbell® Peer Review Ratings™

#### Affiliations

- State Bar of Texas

- Member, American Bar Association
- Member, Houston Bar Association
- Fellow, Texas Business Law Foundation

### **Community Involvement**

- Member, Museum of Fine Arts, Houston
- Member, Museum of Natural Science, Houston
- Member, Shepherd Society

### **Education**

- Southern Methodist University Dedman School of Law (J.D., 1976)
  - Editor, *Journal of Air Law and Commerce* (1975-1976)
  - Member, Order of the Coif
  - Member, The International Legal Fraternity of Phi Delta Phi
- Duke University (A.B., cum laude, 1973)

### **Admissions**

- Texas (1976)