

JUSTIN P. LEMAIRE

Member

New Orleans

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OVERVIEW

Justin Lemaire concentrates his practice on business litigation. He assists clients with a wide variety of business issues, including state and local tax disputes, products liability litigation, oil and gas litigation, public bid law cases and government procurement cases.

His experience ranges from defending independent oil and gas companies in legacy oilfield site lawsuits to representing a large chemical corporation in a multimillion dollar arbitration over a chemical distribution agreement. Justin has a strong background in representing businesses through products liability claims, lease and defamation claims, as well as wrongful termination claims.

REPRESENTATIVE MATTERS

- Obtained dismissal of oil and gas company from royalty litigation for lack of personal jurisdiction. *Libersat v. Sundance Energy, Inc.*, 978 F.3d 315 (5th Cir. 2020)
- Represented oil and gas operating companies in regulatory disputes before the Interior Board of Land Appeals
- Represented an insurance company in defending direct action claims under a professional liability policy in several related cases arising out of the bankruptcy of a public liability trust
- Represented businesses in various industries, including petrochemical refining, oil and gas exploration and production, and rent-to-own, in tax disputes with the state of Louisiana and local governments
- Defended major oil and gas producing company in multimillion dollar gas royalty and tort case tried in Vermilion Parish, Louisiana.
- Represented a group of investors asserting securities law claims to recover losses incurred due to accounting fraud at Cendant Corp.
- Represented a national insurance company in antitrust action alleging violations of the Louisiana Monopolies Act relating to claims asserted on behalf of policyholders. *Louisiana ex rel. Caldwell v. Allstate Ins. Co.*, 536 F.3d 418 (5th Cir. 2008).
- Represented Albemarle Corporation in a multimillion dollar arbitration over a chemical distribution agreement.
- Represented a trading company in an international arbitration against German and Israeli entities resulting in an award in the client's favor for the full amount claimed, plus interest, costs and attorney fees.
- Represented a major North American salvage auto auction company in multiple matters, including securing a unanimous Louisiana Supreme Court opinion holding that there is no tort cause of action for negligent spoliation of evidence. *Reynolds v. Bordelon*, 2014-2362 (La.

PRACTICE AREAS

Tax and Tax Controversy

Business Litigation

INDUSTRIES

Energy & Natural Resources

BAR ADMISSIONS

United States Fifth Circuit Court of Appeals

Louisiana State and Federal Courts

United States District Court for the District of Colorado

EDUCATION

University of Notre Dame Law School, J.D., *magna cum laude*, 2005

- Executive Editor, *Notre Dame Law Review*

University of Louisiana at Lafayette, *summa cum laude*, B.A. in History, 2002

- Debate Team
- Phi Kappa Phi
- University Honors Program

6/30/15), 172 So. 3d 589. *Private Connection Property, Inc. v. Fox Cars, LLC*, 2008-1129 (La. App. 4 Cir. 2/10/09), 6 So. 3d 866.

- Represented a former state contractor asserting claims against the State government for wrongful termination of a contract awarded following a competitive procurement process. *Client Network Services, Inc. v. State*, 2013-2118R (La. App. 1 Cir. 4/29/15).
- Litigated a products liability claim in the U.S. District Court for the Southern District of Ohio on behalf of a business that experienced a chemical spill due to an equipment failure.
- Represented an animal feed manufacturer defending a products liability claim based on animal deaths in central Florida.
- Represented independent agents of a financial services company in defending breach of lease and defamation claims brought by their former landlord.
- Represented a state contractor in obtaining cancellation of a procurement under the Louisiana Procurement Code based on irregularities in the scoring of the proposals by the procuring agency.
- Defended legacy oilfield site lawsuits for major and independent oil and gas companies.
- Represented claimants and respondents in arbitrations and litigation concerning claims of breach of fiduciary duty and violations of the federal and state securities laws by brokers and investment advisors.
- Successfully advocated on behalf of several clients in matters involving issues under the Federal Arbitration Act and the Louisiana Binding Arbitration Law, including motions to stay proceedings and/or compel arbitration and motions to modify or vacate arbitration awards. *Rain CII Carbon, LLC v. ConocoPhillips Co.*, 2012-0203 (La. App. 4 Cir. 10/24/12), 105 So. 3d 757; *Hannie Development, Inc. v. Colonial Oaks Assisted Living Lafayette, LLC*, 2019 U.S. Dist. LEXIS 130648.

PROFESSIONAL AND CIVIC ACTIVITIES

- Louisiana State Law Institute Alternative Dispute Resolution Committee member.
- American Bar Association member.
- Louisiana State Bar Association member.
- New Orleans Bar Association member.
- Federal Bar Association member.
- The Bar Association of The Fifth Federal Circuit member.
- Carrollton Boosters youth sports organization President of the Board.

HONORS & AWARDS

- *Louisiana Super Lawyers* Rising Star 2012 – 2020.
- *New Orleans Magazine* "Top Lawyer" 2012 – 2022.

PRESENTATIONS

Speaker, "Suits Against the State for Breach of Contract," Louisiana State Bar Association Historic Charleston CLE seminar, February 26, 2018.

Speaker, "Maximizing Arbitration: Advance Planning, Key Issues and Effective Presentation," Association of Corporate Counsel, Louisiana Chapter CLE presentation, October 26, 2017.

PUBLICATIONS

- Co-Author with Andrew D. Mendez, "Is a Cause of Action Against a Product Manufacturer for Negligent Training Barred by the LPLA?", 54 *LA. B.J.* 182 (Oct./Nov. 2006)
- Author, "Can Witnesses Be Excluded from Depositions of Other Witnesses?", Article for ABA Section of Litigation, Products Liability Committee Website "Products Liability Practice Tips" Section (2006)
- Note, "Unmixing a Jurisprudential Cocktail", 79 *N.D. L. Rev.* 1613 (2004)