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TOM BAYKO

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✉ Email Tom Bayko (<mailto:tbayko@pfalawfirm.com>)

Tom Bayko has extensive trial and arbitration experience in a wide range of matters, including successfully prosecuting and defending claims involving derivatives, futures, financial, off balance sheet, and commodities trading; expropriations; offshore well blowouts and explosions; tortious interference with contractual and prospective contractual relationships; production sharing agreements; joint operating agreements; royalty agreements; pipeline and other transportation agreements; theft of technology and other trade secrets; all forms of fraud; all forms of defamation and business disparagement; construction claims; and other commercial disputes.

Tom has tried cases or arbitrations under the applicable laws of Afghanistan, Antigua, Argentina, Australia, Belgium, Canada, China, Colombia, England, France, Germany, Guatemala, Hong Kong, Iran, Iraq, Italy, Kuwait, Mexico, Nigeria, Pakistan, Panama, Qatar, Russia, Saudi Arabia, Scotland, Spain, Switzerland, Taiwan, Turkmenistan, many states in the United States, Uruguay, Venezuela, and Yemen.

Chambers Global recognized Tom as one of the 58 best active trial lawyers in the United States.

Chambers Global wrote: “Tom Bayko has a successful energy and commercial litigation practice and is commended by sources as ‘an excellent lawyer with an uncanny ability to build credibility and understanding with the judge and jury.’ He is noted for handling ‘monstrous international matters’ and currently represents the government of Antigua and Barbuda in work arising from the Stanford fallout. Tom Bayko is a Houston-based trial and arbitration expert [and] ... is renowned as a leading authority in energy sector-related cases, and for his in-depth experience of cross-border and international litigation.”

Chambers USA: America’s Leading Business Lawyers wrote that “Bayko is praised as a ‘real

gentleman, with the brains and organizational skills to tackle any case” and described as a “Senior litigator [who] impresses clients with his ‘good analysis, knowledge of the law and superior advocacy skills.’ Peers praise his ‘warrior-like approach to disputes and his skills as a trial lawyer.’ Tom Bayko has a formidable reputation in trials and arbitrations. Clients value his ‘excellent leadership skills.’ Clients appreciate his responsive service and noted his ‘vast credibility in court with both judges and juries.’ Clients spoke highly of senior litigation partner Tom Bayko who is ‘calm and compelling in his argument.’ He excels in international litigation and arbitration matters in a range of energy-related matters including construction claims, tortious interference and trade secrets theft.”

The Legal 500 wrote that Tom “is described by clients as an ‘astute negotiator’ and ‘fantastic’” and that Tom “makes use of what clients describe as his ‘captivating oratory skills’ and ‘supreme credibility in international courts.’” PLC: Which Lawyer? describes Tom as “an excellent commercial litigator, recognized for his international experience in energy and construction-related matters.”

Tom was selected as one of the top business trial lawyers in the United States in the inaugural issue (and later issues) of Super Lawyers — Corporate Counsel Edition. Tom also has been selected repeatedly as a “Texas Super Lawyer.”

Representative Experience

Currently representing the trustee for multiple owners of artworks of Francis Bacon, Michelangelo, da Vinci, Picasso, Warhol, Raphael, Rubens, Van Gogh, Van Dyck, Batoni, Manet, Degas, del Sarto, Titian, etc. in matters in Italy, Switzerland, Germany, and England.

Successfully defended the Government of Antigua and Barbuda in four class actions over that Government’s alleged involvement in the R. Allen Stanford \$7.2 Billion Ponzi scheme which has attracted worldwide media coverage, including articles in The Wall Street Journal, The New York Times, The Washington Post, The Los Angeles Times, and The Financial Times. Three of the class actions against the Government were dismissed – one by the Fifth Circuit and the two by the federal district court. The Fifth Circuit also dismissed all tort-based claims against the Government in the 4th class action, leaving potential damages at trial of \$71 million, instead of the previous potential of \$7.2 billion plus punitive damages. The 4th class action was settled for 0.023% of the claimed damages.

Successfully defended a \$15 billion lawsuit against Delta Oil Company of Saudi Arabia and Unocal involving the rights to construct the “Peace Pipeline” from Turkmenistan through Afghanistan into Pakistan that attracted extensive worldwide media coverage, including articles in The Wall Street Journal, The New York Times, The Washington Post, The Los Angeles Times, The Financial Times, The Independent, and The Upstream International Oil and Gas Newspaper; the court returned a complete defense verdict for the clients.

Successfully defended a \$2.43 billion lawsuit brought against Chinatrust Commercial Bank, one of Taiwan’s largest commercial banks, involving alleged tortious interference with another company’s contract to purchase the controlling interest in the Shenzhen Development Bank of China that attracted extensive media attention throughout Asia and the United States because

this was the first time the Chinese government permitted a foreign company to purchase a controlling interest in a Mainland Chinese bank; the client paid \$0 in damages.

Successfully defended in Scotland a National Oilwell Varco subsidiary in the second longest civil trial in the history of the world in which \$500 million in damages resulted from an offshore blowout and subsequent drilling rig explosion; obtained a complete defense verdict for the client (and settled the related lawsuits in the United States for 1/10th of 1 percent of the actual damages) (this case was the subject of many newspaper articles and television and radio broadcasts throughout the United Kingdom).

Successfully defended Apache Corporation, Chevron Corporation and International Paper regarding allegations that they improperly drained a hydrocarbon reservoir in the Gulf of Mexico; after securing a complete dismissal of the case by the federal district court, the clients settled for less than 1% of the claimed damages after the Fifth Circuit remanded a small part of the case for trial.

Successfully defended Apache Corporation in a class action brought by 30,000 royalty owners in Texas and New Mexico; the court denied the class action.

Successfully defended Apache Corporation and its Australian subsidiaries in two consolidated lawsuits regarding gas supply issues in Western Australia which attracted worldwide media coverage; obtained dismissals of the lawsuits on the ground of forum non conveniens, and the lawsuits settled favorably for the clients after the lawsuits were transferred to Australia.

Assisted the Department of Justice and the US Attorney's Office in the successful criminal prosecution of R. Allen Stanford and his co-conspirators regarding Stanford's \$8 Billion Ponzi scheme; Stanford was sentenced to 110 years in prison; his conspirators were sentenced to 20 years in prison.

Prosecuted a case on behalf of the Emperor of Japan against an individual who defrauded the Imperial Family; the individual was captured and sent to prison.

Successfully defended Dyna-Drill Technologies against allegations that it and its chief metallurgist stole trade secrets from its largest competitor in the energy industry; the jury returned a complete defense verdict in favor of the clients.

Successfully defended an individual in an investment fraud case; the jury returned a complete defense verdict in favor of the client.

Successfully represented Chevron in a pipeline rate dispute against another major international integrated energy company; obtained a multimillion dollar award for the client.

Successfully prosecuted breach of contract claims on behalf of Apache Corporation and its subsidiaries against Pioneer National Resources and its subsidiaries regarding the sale of Pioneer's Argentine oil and gas assets to Apache; the case settled.

Successfully prosecuted a declaratory judgment action for Apache Corporation regarding the right of Apache under SEC Rule 14a-8(i)(7) to exclude a shareholder's proposal from Apache's proxy materials.

Successfully represented Union Pacific, the nation's largest railroad, in a trademark infringement,

defamation, and fraud lawsuit against several major companies in the entertainment industry; obtained an injunction prohibiting them from distributing and broadcasting a music video that portrayed the railroad in a defamatory light (this case was the subject of several newspaper and magazine articles, including one in The New York Times).

Successfully represented Eni S.p.A., a major international integrated energy company, against another major international oil company in a lawsuit over the sale of oil and gas producing properties; obtained a 100 cents-on-the-dollar settlement for the client for less than \$25,000 in legal fees.

Successfully defended oil field equipment manufacturers, one a Halliburton subsidiary and the other a subsidiary of National Oilwell Varco, sued for \$300 million under the Texas Deceptive Trade Practices Act regarding the sale of their equipment for incorporation into three offshore drilling rigs; obtained a complete defense verdict for the clients.

Successfully defended Halliburton in a \$46.4 million international arbitration; the client paid \$0 in damages and recovered its attorneys' fees, expert witness fees, and costs (this case was featured in Mealey's International Arbitration Report).

Successfully prosecuted a construction claim for KBR, a major international engineering and construction firm, against a Nigerian subsidiary of a major international integrated energy company, resulting in a multimillion dollar settlement for the client.

Successfully prosecuted claims for Occidental Petroleum, a major international oil company, in an international arbitration and obtained an award for the client declaring the adverse party to be in default of a joint operating agreement and related agreements, declaring that the adverse party has thus forfeited all of its participating interest in a producing block in Yemen and ordering the adverse party to assign its interest to the client, declaring that the adverse party had to pay all outstanding cash calls and other damages to the client. In addition, the arbitration panel ruled that adverse party remains liable to pay its proportionate share of certain future costs and expenses and had to pay all costs and expenses of the proceeding, including paying the client its reasonable and necessary attorneys' fees and expenses and prejudgment interest.

Successfully prosecuted construction claims for a Halliburton subsidiary, a major international engineering and construction firm, in a \$53 million international arbitration involving an offshore production platform; obtained a 90 cents-on-the-dollar settlement for the client for less than \$35,000 in legal fees.

Successfully defended a Halliburton subsidiary, an oil field services company, in a \$265 million antitrust lawsuit; the client paid only \$10,000 in settlement.

Successfully represented Sinopec, a vertically integrated Chinese energy and chemical company, in a \$50 million suit alleging breach of an exclusive dealing arrangement; the client paid less than 1/10th of 1 percent of the alleged damages to settle.

Successfully defended the London market, led by Youell & Companies, in a \$65 million bad faith lawsuit involving indemnities, anti-indemnity statutes, contractual liability insurance, alleged additional assured status, broad as primary riders, and notice requirements.

Successfully defended a consortium of 17 foreign banks in a \$200 million lender liability suit; the

banks paid \$0 in damages.

Successfully defended Saudi Aramco, the world's largest oil and gas company and the owner of a gas compression station that exploded at startup, and successfully prosecuted breach of warranty, negligent design and manufacture, and products liability claims, resulting in full recovery for the client.

Obtained a \$2 million plus settlement for NL Industries, a chemical company, in a fraud suit involving the nuclear waste industry.

Obtained a \$32 million judgment for NL Industries in a real estate suit. The case was the subject of several newspaper articles, including one in The Wall Street Journal.

Successfully defended a pipe inspection company, Moody Tottrup International, in a pipeline explosion case in which the pipe inspection company paid \$0 in damages and the other defendants paid \$27 million.

Successfully defended Prudential Insurance Company in a fraudulent transfer-leveraged buyout, lender liability suit in which the insurance company paid \$0 in damages and the other defendants were hit with a \$63 million jury verdict.

Successfully defended NL Industries in a \$62.5 million contractual indemnity suit; the client paid \$0 in damages (this suit was the subject of an article in the Texas Lawyer entitled "The Best of the Big Suits in 1991").

Obtained a writ of mandamus for TH. Goldschmidt AG, a German chemical company, in a case of first impression under The Hague Evidence Convention (this case was the subject of an article in the American Lawyer).

Overtaken a summary judgment against Olin Corporation, a chemical company, on appeal in a case of first impression under the Texas Solid Waste Disposal Act (Texas' version of CERCLA).

Successfully defended Neal Adams International, an international oil field fire fighter, in a trial involving putting out the fires in Kuwait in the aftermath of the Gulf War; the jury returned a complete defense verdict.

Successfully defended Georgia-Pacific, a Fortune 25 forest products company, in a defamation and age discrimination trial; the jury returned a complete defense verdict.

Successfully prosecuted for a subsidiary of Shell Oil Company a breach of a gas transportation agreement that was tied to a long-term take or pay gas purchase agreement; obtained a multimillion settlement for the client.

Argued several cases before appellate courts, including the Penn Central Bankruptcy on behalf of a subsidiary of Deutsche Bank before the Third Circuit.

In addition to his trials involving oil and gas and sophisticated financial products, Tom has successfully prosecuted and defended over 400 lawsuits involving breach of contract; Deceptive Trade Practice Act; fraud and securities fraud; antitrust; insurance coverage; defamation; trade disparagement; personal injury and wrongful death; UCC articles 2, 3, 4, and 9; corporate takeover; shareholder derivative; trademark, copyright, and patent infringement; and covenant

not to compete and employment-related matters.

Rankings and Honors

- Chambers USA – Ranked as a leading lawyer in both Energy and Natural Resources Disputes Resolution 2004-2017 and Litigation: General Commercial 2009-2017
- Chambers Global – Ranked as leading U.S. Trial Lawyer, 2011- 2013
- The Legal 500 United States, Energy Litigation, 2008-2013, 2018
- Super Lawyers, Corporate Counsel Edition: Business Litigation, 2008-2018
- Texas Super Lawyers, Business Litigation, 2004-2018
- PLC Which Lawyer?, Construction Litigation and Arbitration, 2009-2012
- Who's Who in America
- Who's Who in American Law

Events and Speaking Engagements

- “International Commercial Arbitration,” New York City
- “Arbitrating and Litigating For and Against State Owned Enterprises,” Beijing and Colorado
- “Cross Border Arbitration and Litigation of Disputes in the ‘Oil Patch’,” Bangkok
- “Litigating the Busted M&A Deal,” The Asian M&A Forum 2005, Hong Kong

WHAT WE DO

INTELLECTUAL PROPERTY (/WHAT-WE-DO/INTELLECTUAL-PROPERTY-LITIGATION-ATTORNEYS/)

Intellectual property is increasingly one of the most valuable assets any company can possess. We help to ensure your intellectual property rights are protected.

STRATEGIC PLANNING (/WHAT-WE-DO/STRATEGIC-PLANNING-FOR-INTELLECTUAL-PROPERTY/)

From short-term business needs to a long-term vision for growth, we have in-depth experience providing strategic planning and insight for businesses.

COMMERCIAL LITIGATION (/WHAT-WE-DO/COMPLEX-COMMERCIAL-LITIGATION-ATTORNEYS/)

Litigation is often a necessary part of doing business. We know what it takes to effectively represent business needs in these situations.

PRODUCTS LIABILITY (/WHAT-WE-DO/PRODUCT-AND-SERVICE-PERFORMANCE-LIABILITY/)

Suffering injuries caused by a defective or dangerous product can be devastating. Let us help you fight for the compensation you need.

[LEARN MORE \(/WHAT-WE-DO\)](#)

OUR EXPERIENCE

With more than 85 years of combined legal experience, we are confident in our ability to effectively represent your rights and interests.

[LEARN MORE \(/OUR-EXPERIENCE\)](#)

OUR PEOPLE

Our team has an impressive amount of experience in both the legal field and various professional fields, giving us the breadth of knowledge and understanding you need for your case.

[LEARN MORE \(/OUR-PEOPLE\)](#)

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