

In The News

Force Majeure Remains Hot Topic for Natural Gas Industry

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In a new Texas Lawbook article, Akerman litigation partner James Rogers and associate Sofia Colorado highlight the need for natural gas buyers and sellers to review their force majeure clauses. In the article, the lawyers note that while the Uniform Commercial Code establishes that the increased or unforeseen cost of selling a good alone does not excuse performance, recent case law puts a finer point on the issue and may require lawyers to refine their form natural gas purchase and supply contracts to redefine force majeure in certain circumstances.

“In a recent case, *Mieco, LLC v. Pioneer Natural Resources, Inc.*, the Northern District of Texas held that a force majeure provision actually excused a seller of gas from making gas deliveries during Winter Storm Uri, which brought unprecedented low temperatures and ice storms in Texas, even though the seller could obtain replacement natural gas from alternative sources at a higher price,” Rogers and Colorado write.

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