



***Jon Indall, BA, JD
Advisory Board***

Education

1971	Juris Doctorate University of Kansas Law School
1973	BA University of Kansas

Litigation Experience

1978 - Present	United States Attorney Litigator
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- Litigation experience has been focused in the natural resources and environmental areas
- Involved in complex commercial cases arising out of the patenting and development of mining claims
- Litigated cases relating to antitrust, contract law and commercial torts
- Representative cases include:
 - *Vermejo Park Corporation v. Pacific Lumber Company*
 - Represented plaintiff in commercial tort case involving timber cutting practices. After approximately three months of non-jury trial, the case was settled.
 - *Bokum Resources Corporation v. Long Island Lighting Company*
 - Represented plaintiff in adversary bankruptcy proceeding involving claims of economic coercion and the existence of a mining partnership. After a two week non-jury trial, judgment was rendered on behalf of defendant.

Litigation Experience, cont'd

- *United Nuclear Corporation v. United States of America*
- Represented plaintiff in Fifth Amendment regulatory takings case in U.S. Claims Court arising from the failure of the Department of Interior to approve a mining permit for uranium mine located on the Navajo reservation. The case was tried for two weeks in March, 1988. The United States Court of Appeals for the Federal Circuit reversed the Claim's Court decision for the United States on liability and remanded the case for trial on damages. After presenting plaintiff's damage case, United States settled paying UNC high eight figure settlement.
- *Coleman Drilling Company v. Hill*
- Represented plaintiff in breach of contract involving the drilling of a gas well in northwest New Mexico. Case was settled on day of trial.
- *Homestake Mining Company v. MII*
- Represented plaintiff in a suit on non-payment of promissory note. Defendant counterclaimed for actual and punitive damages. Case was settled prior to trial after discovery.
- *Crescent Porter Hale Foundation v. Bureau of Land Management* (Interior Board of Land Appeals)
- Represented plaintiff in suit on percentage of overriding royalty held by plaintiff. Royalty interest was resolved.
- *Smith v. Pennzoil Corporation*
- Represented defendant in personal injury suit alleging damages occurred during paraplegic elk hunt at Vermejo Park ranch. Case settled for low four figures prior to trial and after discovery.
- *Marchiondo v. Homestake Mining Company*
- Represented defendant in a partition and breach of lease action involving uranium mining claims on federal land. Judgment for defendant was granted at the end of a five day trial and upheld by the Tenth Circuit.

Litigation Experience, cont'd

- *Senguepta v. United Nuclear Corporation*
- Represented defendant in employment discrimination case settled prior to trial after discovery.

- *Stearns-Roger v. Bokum Resources Corporation*
- Represented defendant in breach of contract adversary bankruptcy proceeding involving the construction of a \$25 million uranium mill at Marquez, New Mexico. Defendant counterclaimed for cost overruns and poor construction. Case was settled prior to trial after discovery.

- *Holly v. Homestake Mining Company*
- Represented defendant in case where plaintiff claimed that his property and water had been damaged by windblown uranium mill tailings and seepage from mill tailings pile. Case was settled prior to trial after discovery.

- *In the Matter of HRI, Inc. G-11 Water Application*
- Represent applicant HRI, Inc. in its water rights transfer for 650 acre feet of water to its section operations. State Engineer approved water rights transfer over protest of Navajo Nation. Case established new State Engineer procedure on diversion rights, recognizing that in situ process recycled water thus diminishing diversion requirements.

- *Farley v. Kerr-McGee*
- Represented defendant in a toxic tort wrongful death case brought on behalf of two Navajo women claiming their deaths were caused by uranium mill operations in Shiprock, New Mexico. The case was initiated in tribal court. After establishing that this type of case could only be brought in federal court, defendants achieved diminimus settlement.

- *Questar Southern Trails Pipeline v. 4.86 Acres of Land*
- Represented pipeline company in a condemnation case in New Mexico federal court. After five day jury trial, jury awarded landowner \$12,500.00 rather than \$600,000.00 sought.

Litigation Experience, cont'd

- *Uranium Producers of America v. Department of Energy*
- Represented UPA in action in Wyoming federal court attempting to overturn Department of Energy's transfer of 72 million pounds of uranium to USEC. Court ruled UPA did not have standing to bring case and matter was dismissed.

1974 - **Assistant City Attorney, City Prosecutor**
1978 City of Ottawa, KS

1974 - **Municipal Judge**
1978 Townships of Wellsville and Pomona, KS

Lobbying Experience

1985 - **Uranium Producers of America**
Present

- Drafted and successfully assisted in lobbying Title X of the Energy Policy Act of 1992
- Title X provided over \$500 million for federal reimbursement of costs related to reclamation of uranium and thorium mill tailings sites
- Worked with Title X claimants to achieve appropriations authorized by the legislation
- Assisted claimants in successfully obtaining additional funds and extensions of time to complete eligible reimbursements
- Represented the uranium industry during negotiations concerning the privatization of the enrichment enterprise
- This negotiation resulted in the 1996 Privatization Act, amending the Atomic Energy Act
- Instrumental in the revitalization of the UPA in 2005
- Has been active in negotiations with the Department of Energy regarding sales of their excess uranium inventories

Memberships

1974 **American Bar Association**
Natural Resources Section

Memberships, cont'd

1974

State Bar of New Mexico
Natural Resources Section

1974

First Judicial District Bar Association