

# MATTHEW S. BRAHANA

Attorney / Partner | Salt Lake City

Licensure: UT, WY, MT

## Biography

With over 15 years as a practicing attorney, Matt Brahana has a long and impressive record of successfully representing his clients in a variety of legal issues. Whether it is in court, on appeal, before a regulatory body, at the negotiation table, or conducting due diligence, with Matt you get an attorney, counselor, and advocate who is committed to effectively and efficiently representing his clients.

Matt is currently a shareholder with Fabian VanCott. He was part of the contingent of attorneys from Van Cott, Bagley, Cornwall & McCarthy who merged with Fabian and Clendenin. He also spent time working for an oil and gas boutique law firm out of Texas and a regional law firm in Montana.

Matt is licensed in state and federal courts in Utah, Montana, and Wyoming, and in federal courts in Colorado. He is also admitted to practice before the U.S. Courts of Appeal for the Ninth Circuit and Tenth Circuit.

He earned his law degree from the University of Montana School of Law, with honors. He earned his Bachelor of Journalism from the University of Missouri School of Journalism. While Matt thoroughly loves the practice of law, when he is not working, he is typically spending time with his wife, two sons, and their dog out in nature. He also enjoys golfing, mountain biking, snowboarding, and volleyball.

## Practice Areas

REGULATORY COMPLIANCE

SCHOOL REPRESENTATION  
& EDUCATION LAW

ADMINISTRATIVE PROCEEDINGS  
& LITIGATION

ENERGY & ENVIRONMENTAL  
LITIGATION

OIL, GAS & MINING

PROJECT DEVELOPMENT,  
ACQUISITION, LEASING & LAND USE

PURCHASE, SALE, SUPPLY &  
SERVICE AGREEMENTS

GOVERNMENT & AGENCIES

TRADEMARKS

COMMERCIAL LITIGATION

INSURANCE DEFENSE

REAL ESTATE LITIGATION



## FABIAN VANCOTT

### CONTACT

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#### EMAIL

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## Education

The University of Montana School  
of Law, J.D. with honors, Dec. 2006

The University of Missouri  
School of Journalism, B.J.  
(photojournalism), 1999

## Professional Expertise

### ERISA and Non-ERISA Litigation

Mr. Brahana represents self-funded and fully insured employee benefits plans, insurers, and third-party claims administrators in defending claims asserted by plan participants, plan members, and providers under the Employee Retirement Income Security Act of 1974 ("ERISA"). Much of his ERISA work involves claims for behavioral health benefits and alleged violations of the federal Mental Health Parity and Addiction Equity Act ("MHPAEA"). Non-ERISA work includes breach of contract and bad faith claims against health insurers and third-party claims administrators.

### School Law

Mr. Brahana represents public school districts and charter schools in matters before state departments of education and in federal court involving the Individuals with Disabilities Education Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and the Americans with Disabilities Act (the "ADA"). He also counsels clients on substantive and procedural compliance with disability-rights laws in education.

### Natural Resources

Mr. Brahana represents large and small oil and gas exploration and production companies and mining companies in all manner of legal issues. Details of Matt's experience includes:

- Extensive experience preparing mineral title opinions, including drilling and division order title opinions, lender/financing title opinions, and title status reports.
- Litigation concerning quiet title to minerals (including related estate litigation), royalty disputes, surface use issues, and cutting edge issues related to pore space and carbon sequestration.
- Regularly represents clients in all aspects of transactions, including due diligence, negotiation, preparation of documents, including purchase and

sales agreements, joint operating agreements, royalty agreements, and related deeds, assignments, and associated transfer documents.

- Represents clients before the Bureau of Land Management, state regulatory agencies (e.g., Utah Board of Oil, Gas, and Mining or the Utah School and Institutional Trust Lands Administration), the Interior Board of Land Appeals, the Mine Safety and Health Administration, and the Federal Mine Safety and Health Review Commission.
- Serving as outside general counsel

### Civil Litigation and Appeals

Mr. Brahana represents clients in civil matters and appeals before state and federal courts in Utah, Wyoming, and Montana, and in federal courts in Colorado. Matters range from trademark, cybersquatting, and unfair competition; quiet title, easement disputes, and land use and zoning; breach of contract; and business and personal torts.

### Professional History

- Fabian VanCott: Shareholder, 2016-present; Associate, 2015; Chairperson, Energy & Utilities Practice Group, 2017-2021
- Oil and Gas Chair of the Energy, Natural Resources, and Environmental Law Section of the Utah State Bar, 2019-Present
- Utah Association of Professional Landmen, Board of Directors, 2017-2019
- Admitted 2007 - State Bar of Montana, U.S. District Court for the District of Montana, Wyoming State Bar, U.S. District Court for the District of Wyoming.
- Admitted 2009 - U.S. Court of Appeals for the Ninth Circuit
- Admitted 2010 - Utah State Bar, U.S. District Court for the District of Utah

## Professional History (con't)

- Admitted 2021 - U.S. District Court for the District of Colorado
- Admitted 2022 - U.S. Court of Appeals for the Tenth Circuit
- Legal Elite" in the field of natural resources, Utah Business Magazine, 2022

## Community Service

- Canyons School District, Willow Springs Elementary School, School Community Council, 2017-2021
- ZooMontana, Board of Directors, 2010-2012

## Publications and Presentations

- 2022 - Student Discipline and Behavior under IDEA and Section 504, Utah Special Education Administrator's Meeting
- 2021 - Functional Behavior Assessments (FBAs), and Behavior Intervention Plans (BIPs): Ensuring Best Practices and Discipline and Expulsion Essentials under IDEA and Section 504, IEP and 504 Plan Legal Workshop, National Business Institute
- 2021 - ENREL Oil and Gas Annual Update
- 2020 - ENREL Oil and Gas Annual Update
- 2019 - ENREL Oil and Gas Annual Update
- 2016 - Water Use in the Oil and Gas Industry and Ethics and Water Law (co-author/co-presenter), Water Rights in Utah, National Business Institute
- 2011 -- Product Liability - Case Law Update 2011 (contributing author), Defense Research Institute
- 2010 - Surface Access and Damages (co-presenter), State Bar of Montana 2010 Energy Law CLE