



## Eric S. Eissenstat

### Director

Eric Eissenstat is an accomplished trial attorney with a demonstrated record of success in the courtroom and boardroom. Having tried over 50 jury trials to verdict, Eric most recently served as Sr. Vice-President, General Counsel, Chief Risk Officer & Secretary for Continental Resources, Inc. (CLR-NYSE) for over a decade.

### Contact

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#### Oklahoma City

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### Practice Areas

- Oil and Natural Gas Litigation
- Agriculture Law
- Medical Malpractice Defense
- Commercial Litigation
- Insurance Defense and Coverage
- Pharmaceutical & Medical Device
- Construction Litigation
- Native American Law

### Education

- Product Liability Litigation
- Labor and Employment
- Oil and Natural Gas Litigation
- Appellate Law Antitrust Litigation
- Business Law
- Civil & Constitutional Rights
- Energy and Natural Resources Practice
- Class Actions and Collective Actions
- Commercial Litigation
- Complex Torts
- Insurance Defense and Coverage
- Intellectual Property
- Financial Institutions Litigation
- Mergers and Acquisitions

### Biography

Eric has tried 50+ cases to verdict and has extensive experience in appellate arguments and SCOTUS filings. Eric's litigation experience in federal and state courts include landmark, novel, and impact litigation. He uses his ability to anticipate how judges, juries, and regulators may think to obtain favorable dealmaking, dispute resolution, and trial outcomes and address and resolve difficult problems. Eric has obtained numerous multi-million-dollar verdicts representing plaintiffs and numerous defense verdicts in cases seeking millions and tens of millions of dollars.

Responsible for overseeing all legal matters and managing outside counsel in his role as General Counsel for Continental, Eric knows firsthand the needs and expectations of clients. He strives to establish trusting relationships and provide servant leadership and world-class legal services in a cost-effective manner, focused on achieving excellent results and solving problems to position clients for success.

While serving as Senior Vice-President, General Counsel, Chief Risk Officer and Secretary for publicly traded Continental Resources, Eric served as a member of Executive Leadership Team and as legal and governance adviser to the Board of Directors and its Committees. He was appointed the Company's first Chief Risk Officer, served as Chair of the Risk Oversight Committee and was responsible for the Company's Enterprise Risk Management. Among other duties, Eric served Continental as a partner to the board, C-suite executives, and other leadership. He also served 15+ functional and business units, and was responsible for all legal, governance, compliance, and enterprise risk issues and matters.

Eric has presented 30+ keynote speeches, general counsel roundtables, presentations, panels, and other events on many areas, including cybersecurity, securities and derivative litigation, antitrust, corporate governance, corporate law, intellectual property, energy law, litigation, class actions, business torts, and trial skills.

Eric is devoted to his profession, community, and family. He has served on dozens of bar association, business, leadership, and civic boards and committees, and has been recognized with numerous service awards and honors. He has been featured in Profile Magazine and Vanguard Law Magazine for his services at Continental. Eric has been married to Sandy for more than 38 years and has three children.

## Admissions

- Oklahoma
- Various state and federal courts

## Experience

- **TRIAL EXPERIENCE**
- **\$30 Million Jury Tort Verdict:** After 3-week trial, won jury verdict with \$30 million in punitive damages for tortious interference and competition claims for Continental against Fortune 500 company. Defended verdict over appeals, collecting well over \$11 million (with \$10 million more in companion case) and setting new tort standards
- **Nationwide Impact in Insurance Law:** Won 10th Circuit appeal, reversed \$17 million verdict, and made new law enabling nationwide insurance company to depreciate labor on actual cash value and replacement cost claims with nationwide impact on interpretation of insurance policies.
- **\$75 Million Judgment:** Won and collected against buyer of distressed companies Platinum Equity, by proving in countersuit Platinum's SOP of buying companies, claiming financial statements were misstated, demanding purchase price adjustments, and refusing to pay balance owed seller.
- **Novel Torts Verdict:** Won and collected \$6+ million verdict, after 3-week jury trial, for Oklahoma City Water and Wastewater Utilities Trust against 2 computer software and equipment providers who committed fraud and failed to deliver new, custom billing system for City of Oklahoma City. Following suit, retained to negotiate Trust's computer service and vendor contracts.
- **Complex Financial and Business Litigation:** First chaired hundreds of complex matters ranging from antitrust, business torts, business and commercial disputes, M&A, securities, insurance D&O liability, shareholder and consumer class actions, bankruptcies, IP infringement, competition and trade secret, RICO, financial institution, civil and constitutional rights, employment, product liability and personal injury and other disputes.
- **High-Value Insurance Litigation:** Lead counsel for insurers on disputes with significant exposure. First-chaired 8+ jury trials to verdict, including 3-week trial defeating potential exposure of \$91 million. Ran active docket for major insurance carrier.
- **Automotive Industry Litigation:** Lead counsel on 15+ financial, antitrust, and dealer matters in Montana, Oklahoma, Pennsylvania, Texas, and Washington for nationwide automotive company and finance arm. Consulted on evaluation process for bad loan and default cases, including unique challenges related to property on tribal lands.
- **Class Actions and Derivative Litigation:** Lead counsel to defeat numerous Class Actions as well as developing strategies to successfully defend and resolve over another dozen separate class actions and shareholder derivative suits in federal and state trial and appellate courts, with billions in total potential exposure.
- **Secured Closed Courtroom:** Protected confidentiality of proprietary information and secured closed courtroom for all but a few hours of CEO's 9week divorce trial. Argued all motions, defended 100+ depositions, and oversaw production of millions of documents. Trial Court's closure of courtroom upheld on appeal.
- **CORPORATE EXPERIENCE**
- Served as Sr. Vice-President, General Counsel, Chief Risk Officer and Secretary for publicly traded exploration and production Company for over a decade. Responsible for all legal, governance, compliance, and enterprise risk matters ranging from securities, M&A, contracts, HR, ERM, ESG, training and policies, to litigation. Examples:
- **Board and Corporate Advising:** Counsel on full breadth of business and legal issues, from long-term strategic planning to day-to-day operations. Examples include finance, business alliances, and D&O questionnaires. Initiated and ran Board of Directors training on everything from protecting privilege, shareholder activism, fiduciary duties of Directors, Dodd Frank, cybersecurity threats, and class action litigation to human capital, strategy, compliance, culture and ESG.
- **Enterprise Risk:** Appointed first-ever Chief Risk Officer. Formed new risk function and created and implemented 35+ ERM policies, with annual ERM audits. Lead in-person compliance and other training to 20+ groups per year at HQ and in the field, with "lunch and learns" and "speak up" Risk Champions culture. Responsible for annual enterprise risk management assessment and reporting for the Board. Partnered with cross-functionals teams to develop business continuity, crisis response / crisis management, and disaster management plans, ESG report as well as cybersecurity and data protection policies.
- **Human Resources/Corporate Compliance:** Advise HR on FMLA, ADA, severance agreements, and emerging issues. Oversee streamlined policies and practices, as well as expanded employee training on social media, external communications, EEOC, codes of conduct, employee handbook, trade secrets, competitive information, confidentiality agreements, and NDAs. Lead internal investigations and reports on

whistleblower allegations, employee malfeasance, harassment, discrimination, theft of trade secrets, and more.

### Expertise

- Board and Corporate Governance and Compliance
- Business, Commercial and tort trials and litigation
- Class Actions, Derivative Litigation and Collective Actions
- Civil and Constitutional Rights
- Complex Torts
- Energy and Natural Resources litigation, counseling, and compliance
- ESG
- Internal Investigations
- Labor and Employment
- Mediator and Arbitrator

### Professional Organizations

- Downtown OKC (Chair/Board Member and Executive Committee)
- Skyline Urban Ministry Board of Directors (Board Member and Chair Governance Committee)
- YMCA of Metro Oklahoma City Board of Directors (Insurance Committee Chair and Strategic Planning Committee)
- Halftime (Graduate and Strategic Planning Committee)
- Access to Justice Foundation (Board Member)
- Oklahoma State University Foundation (Board of Trustees)
- Leadership Oklahoma City
- Leadership Oklahoma
- Lawyers for Children
- Luther Bohanon American Inn of Court (Master and Past-Chair)
- United Way of Central Oklahoma (Board of Trustees)
- American Bar Association
- Oklahoma Bar Association
- Oklahoma County Bar Association
- Federal Bar Association

### Recognition

- Fellow, Litigation Counsel of America
- 2019 National Impact Award Leukemia & Lymphoma Society Light the Night
- Oklahoma State University Distinguished Alumni Award (2016)
- Man of the Year: Oklahoma City Chapter Leukemia and Lymphoma Society (2015)
- Mona Lambird Service to Children Award, Oklahoma Lawyers for Children (2008)
- Leadership in Law Award: Journal Record (2007)
- Oklahoma Bar Association Outstanding Young Lawyer
- While Eligible in private practice prior to becoming General Counsel for Continental: Listed 10+ years in The Best Lawyers in America in 4 categories Commercial Litigation, Insurance Law, Antitrust Law, and Bet-the-Company Litigation, as well as Chambers USA's America's Leading Lawyers for Business and Institutional Investor's Benchmark: America's Leading Litigation Firms and Attorneys Guide and Oklahoma Super Lawyers Top 10 Attorney.