

# TEXAS LAWYER

## Westlake Chemical Pays \$76M in Precedent-Setting Trespass Case

By Laura Lorek

August 7, 2025

**W**estlake Chemical Corp. has paid a \$76 million judgment after exhausting all appeals in a groundbreaking subsurface trespass case involving a massive brine cavern that crossed state lines and disrupted a competitor's oil and gas operations.

The case highlights the growing intersection of traditional property law with modern industrial operations that extend far below ground, as companies increasingly face scrutiny over the underground impacts of their operations.

The Ohio state trial court ruling ended long-running litigation between Westlake and Expand Energy, confirming a \$70 million jury verdict plus \$6 million in interest.

Westlake paid the whole amount last week after a Monroe County court denied the company's final motion to vacate the judgment.

The case pitted Triad Hunter LLC—the plaintiff and a subsidiary of Southwestern Energy, now Expand Energy Corp.—against Eagle Natrium LLC, a subsidiary of Westlake Corp. It centered on a huge subsurface brine cavern created by Westlake's solution mining operations in West Virginia. The cavern crossed under the Ohio River into Expand's property in Ohio, disrupting the company's drilling and production operations. Triad Hunter sued Westlake in 2018, alleging



Credit: Sabrina/Adobe Stock

Westlake's salt cavern trespassed and damaged Triad's wells, or made drilling them unsafe, according to the lawsuit.

After a three-week trial in 2022, a jury found Westlake liable for negligence and trespass, awarding \$70 million in damages. The verdict included \$15.9 million for two wells Expand drilled but couldn't use, \$11.5 million in additional drilling costs for three other wells, and more than \$42 million in lost profits.

The plaintiff's legal team from Houston-based Yetter Coleman presented technical evidence that proved a direct connection between Westlake's cavern and Expand's wells across state lines.

A key piece of evidence came from an expert who did pressure testing, said Tracy LeRoy, a Yetter Coleman partner who co-led the litigation.

“He put a sensor on one of Expand’s wells and a sensor on the cavern and measured the pressure, and what was interesting is that they moved in lockstep, so when one went up, the other went up,” LeRoy said.

LeRoy called the pressure data the “key piece of evidence,” along with hundreds of millions of gallons of missing water that Westlake couldn’t account for in its cavern operations.

Connie Pfeiffer, who served as lead counsel on appeal, described the pressure testing as “gold standard killer evidence showing that there is a connection between the Natrium plant in West Virginia and our water wells in Ohio, and that with that evidence you can’t deny that there’s communication between the wells.”

The case also featured physical evidence of the trespass.

“Our people were doing actual drilling operations and they encountered chunks of salt, pressurized brine, and hydrogen sulfide gas - all confirming that the cavern had been growing into our property and dissolving a salt layer,” Pfeiffer said.

Westlake, represented by Jones Day, filed extensive post-trial motions that were denied. The company then appealed on multiple grounds, including intent, standard of care, causation, and damages, but lost in the Ohio Court of Appeals. Westlake also appealed to the Ohio Supreme Court, which declined to hear the case.

In a final attempt to overturn the judgment, Westlake returned to the trial court with new seismic testing data, claiming it showed the brine caverns were “nowhere near” Expand’s property.

On July 23, 2025, the Monroe County court rejected Westlake’s motion, finding the new evidence was not materially different from the data presented at trial.

“From a procedural standpoint, it’s not appropriate under court rules to go out after you lose an appeal and get new evidence to say that the jury

three years ago was wrong,” LeRoy said. “Westlake’s witnesses admitted that if they wanted to, they could have gone out and gotten seismic data before the trial, but they chose not to.”

The case represents a significant precedent for subsurface trespass law, particularly as underground industrial operations become more common, Pfeiffer said.

“Ohio is a place where there is a lot of natural gas development right now, and their law on this particular issue is actually ahead of Texas, and I think it is kind of in the lead nationally with recognizing subsurface trespass,” Pfeiffer said.

The attorneys emphasized that companies must understand the full scope of their underground operations. “Any company that’s doing any sort of business activity below the surface needs to understand the impact of that activity beneath the surface and how it affects neighboring property owners,” Pfeiffer said.

Despite the technical complexity involving solution mining and subsurface geology, the jury delivered precise damages calculations that avoided round numbers, suggesting careful deliberation.

“The big takeaway from this case is that juries can handle complicated technical and scientific testimony if it’s explained in a simple and easy-to-follow manner,” LeRoy said. “At the end of the day, the case was about the concept of trespass, which is something that almost everybody can understand. You’re supposed to stay off your neighbor’s property.”

Pfeiffer described the verdict as “unprecedented” for rural Monroe County and “significant” for holding a major corporation accountable for subsurface activities.

Westlake Chemical Corp. did not immediately respond to requests for comment about the case resolution. Its counsel at Jones Day did not immediately respond to a request for comment.