



## **COURT GRANTS MOTION FOR FEES AND EXPENSES AGAINST GRYNBERG**

**By:** [Michael Beatty](#)

In a [32 page order](#), Wyoming Federal District Court Judge William Downes, granted a motion by numerous qui tam defendants ordering Jack J. Grynberg to pay their reasonable attorney's fees and expenses in the actions filed against them. Many of the defendants awarded fees were represented by the Beatty & Wozniak team of Mike Beatty and Becky Noecker. The fees involved, because of the number of defendants and extensive proceedings, will be substantial.

Judge Downes had earlier dismissed the consolidated cases, comprised of seventy-three lawsuits against more than three-hundred defendants. That dismissal was subsequently affirmed by the 10th Circuit and certiorari was denied by the United States Supreme Court. In the lawsuits, Grynberg claimed to be the original source of knowledge that the defendants mismeasured gas on federal and Indian lands. Downes noted that, "Before this court, Grynberg specifically alleged that *each* of the more than three-hundred defendants engaged in *each* of twenty specific mismeasurement techniques." The Court then observed that:

It would be a daunting task for this Court to catalogue all of the reasons and facts known in the record that bear on the frivolousness of Grynberg's claim to "original source" status as well as the vexatious nature of this litigation as a whole.

The Court cited numerous examples of Grynberg's lack of knowledge. In one case, where Grynberg alleged gas mismeasurement by TransColorado Gas Transmission, a 300 mile pipeline in Western Colorado, the Court stated:

One of the most flagrant examples of Grynberg's complete lack of factual basis for the allegations in

this complaint is TransColorado. Grynberg sued TransColorado knowing it had never even measured gas because it had not yet been constructed.

The Court quoted from the deposition of Grynberg:

Q: Where did TransColorado measure gas on federal and Indian lands as of the date you filed the lawsuit?

A: Well, if it didn't exist, it didn't measure, did it?

TransColorado was represented by Beatty & Wozniak.

The Court reached the following legal conclusion as to all the cases:

The Court remains convinced that Grynberg made the sweeping allegations of fraud contained in these complaints based on little more than rank speculation. Grynberg's lawsuit and his claims of "direct and independent knowledge" qualify him as an original source of evidence to support his claims were "clearly frivolous." His conduct in pursuing his claims in the face of evidence to the contrary constitutes "clearly vexation" litigation. In filing these suits, Grynberg "misused his statutory privilege and distorted the intent of the legislation." *Grynberg v. Praxair*, 389 F.3d at 1059. An award of attorney's fees and expenses is both warranted and appropriate.

On behalf of the Beatty & Wozniak team involved in this case, Becky Noecker said, "We are thrilled for our clients and pleased on behalf of the entire natural gas pipeline industry that this case was not only dismissed but was also found to have been frivolously filed."

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