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BIOGRAPHY

Jeff Todd is a trial lawyer whose practice is concentrated on business litigation before state and federal courts, arbitrations and administrative proceedings. He has litigated a wide variety of cases involving business disputes, anti-trust violations, intellectual property rights, oil and gas law, real estate matters, and issues affecting the healthcare industry.

In addition, he currently serves as co-chair of the firm's Agriculture and Equine Industry Group and is actively involved in legal matters affecting the industry, including crop insurance disputes, landowner rights, water law disputes, environmental matters, wind farm leases, business contracts and syndications. His work within the industry includes assisting Oklahoma lawmakers in drafting the Livestock Owner's Lien Act of 2011, a law which protects agriculture producers by ensuring they maintain a security interest in their livestock until payment for sold assets is fully secured.

Since joining McAfee & Taft in 1997, he has represented oil and gas companies, manufacturers, Indian gaming vendors, real estate developers, abstract and title companies, commercial property landowners, financial institutions, auto dealerships, agricultural landowners and producers, and HMOs, hospitals and physician groups.

While in law school, Jeff was honored with the 1997 Award of Excellence for Student Scholarship from the American Agricultural Law Association. He was also the recipient of the Rocky Mountain Mineral Law Foundation Scholarship for Legal Excellence, the Cecil L. Hunt Memorial Scholarship and the Frank C. Love Memorial Scholarship.

Jeff's achievements in the area of litigation have earned him inclusion in the prestigious *Chambers USA Guide to America's Leading Lawyers for Business*, *The Best Lawyers in America* (eminent domain and condemnation law, water law) and *Oklahoma Super Lawyers*, and recognition as a "local litigation star" by *Benchmark Litigation*.

REPRESENTATIVE EXPERIENCE

- Representation of a national manufacturer and marketer of electronic gaming systems in a case alleging that a competitor violated the Oklahoma Antitrust Act, Oklahoma Deceptive Trade Practices Act, and Oklahoma common law by unfairly competing in the marketing and sale of electronic bingo games in the Oklahoma Native American gaming market. Obtained partial summary judgment on the major issues that the competitor was marketing a Class III game as Class II which led to a \$16 million settlement.

- Representation of a seller of over-the-road trucks and trailers against charges of breach of contract, negligence and fraud. Obtained judgment on the pleadings of the plaintiff's negligence and breach of contract claims and was granted a Rule 50 motion for judgment as a matter of law on the fraud claim at the conclusion of plaintiff's case in chief.
- Representation of Oklahoma Farm Bureau, Oklahoma Cattlemen's Association, Osage County Farm Bureau, Osage County Cattlemen's Association, Oklahoma Association of Electric Cooperatives, Oklahoma Independent Petroleum Association, Oklahoma Municipal League, Oklahoma Rural Water Association, Oklahoma Wildlife Management Association, Environmental Federation of Oklahoma, Public Service Company of Oklahoma and Oklahoma State Chamber of Commerce and Industry in filing an *amici curiae* brief before the U.S. Court of Appeals for the Tenth Circuit in *Osage Nation v. Irby*, No. 09-5050. The court affirmed a lower court's ruling that the Osage Nation's reservation had been disestablished.
- Representation of an industrial equipment manufacturer in a patent infringement case resulting in a jury verdict and judgment for the client in the amount of \$1,583,202. Judgment affirmed on appeal.
- Representation of a horse trailer manufacturer in a patent infringement case resulting in a jury verdict and judgment for the client in the amount of \$2,165,253.
- Representation of a national title insurance company in a lawsuit alleging bad faith in refusing coverage of an insured's claim under its title policy. After a trial on the merits, received a judgment holding that the title company did not act unreasonably or in bad faith.
- Representation of a group of over 90 Texas corn farmers with respect to an adverse decision by RMA pertaining to their Group Risk Income Protection ("GRIP") crop insurance policies. The issue involved RMA's manipulation of the applicable "final county yield," a key component in calculating the GRIP indemnity. Established that RMA's adjustment of the yields published by the National Agricultural Statistics Service ("NASS") was arbitrary and capricious because it was based on "good farming practice" determinations which were later retracted. The NAD Director found RMA's actions erroneous, and RMA later agreed to a settlement that included payment of more than \$3 million in unpaid indemnity plus a large portion of attorney's fees and costs to the group.
- Representation of a group of 24 Colorado corn farmers in connection with their GRIP policies. Established that RMA arbitrarily and capriciously manipulated the final county yields in an effort to lower the indemnities due to every GRIP policyholder in the county. NAD rejected RMA's determination and made it clear that indemnity payments should be calculated on the official, published NASS data instead. The decision led to a group recovery of over \$1 million in unpaid indemnity plus interest. Also obtained a ruling under the Equal Access to Justice Act (EAJA) that RMA's actions were not substantially justified leading to an award of attorney's fees under the Act.
- Representation of a Colorado ranch in an arbitration proceeding involving its Pasture, Rangeland, and Forage ("PRF") Rainfall Index crop insurance policy which insured grassland and hayland against drought. The ranch's insurance company retroactively revised the PRF policy and re-designated all the hayland acres to grassland acres. After establishing the ranch's clear intent and ability to hay all of the land designated as hayland in the arbitration proceeding, the case settled. For other crop insurance disputes, see our Federal Crop Insurance Disputes page on our website at www.mcafeetaft.com/CropInsurance.
- Obtained a jury verdict on behalf of an Oklahoma landowner who sought just compensation in a condemnation case involving a 7.24-acre permanent easement taken by a public utility for the purpose of constructing a transmission system across the landowner's property. The jury award exceeded the court-appointed commissioners' award by 172%. As a result, the client/landowner was awarded its attorney's fees, appraisal fees and costs against the utility company.

- Representation of abstract and title companies in real estate litigation.
- Representation of auto manufacturers and car dealerships in business and commercial litigation and arbitration.
- Representation of hospitals and healthcare companies in business and regulatory disputes.
- Representation of landowners in condemnation proceedings by governmental entities.
- Representation of individuals and estates in proceedings before the Oklahoma Tax Commission and U.S. Tax Court.
- Representation of individuals and companies in business and commercial litigation and arbitration.
- Representation of energy companies in oil and gas related disputes.
- Representation of landlords in lease disputes.

ADMISSIONS

- Oklahoma, 1997
- U.S. District Courts for the Western and Northern Districts of Oklahoma
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the District of Colorado
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Federal Circuit
- U.S. Tax Court

EDUCATION

- J.D., with highest honors, University of Oklahoma, 1997; Order of the Coif; Note Editor, *Oklahoma Law Review*; Legal Research and Writing teaching assistant
- B.A, Northwestern Oklahoma State University, 1994

PROFESSIONAL ORGANIZATIONS AND MEMBERSHIPS

- Oklahoma County Bar Association
- Oklahoma Bar Association
- American Agricultural Law Association

CIVIC INVOLVEMENT AND LEADERSHIP

- Oklahoma Cattlemen's Association
- Oklahoma Farm Bureau
- Sirloin Club of Oklahoma