

Environmental Litigation

When negotiations fail, our litigation team is prepared to aggressively prosecute or defend the most challenging environmentally related actions in federal or state court, in administrative hearings and at all levels of appeal. We develop creative, efficient and powerful litigation strategies with the goal of obtaining the best possible outcome for our clients at the earliest possible date.

Our experience includes successfully defending toxic tort actions and class actions nationwide alleging catastrophic personal injuries; defending lawsuits and administrative proceedings brought by the U.S. EPA and state counterparts; defending and prosecuting multimillion-dollar, multi-party lawsuits for cost recovery at Superfund sites; and defending claims alleging "double dipping" under state Underground Storage Tank (UST) petroleum storage-tank regulations.

Our litigators handle third-party disputes in areas of cost recovery or allocation. We handle cases under virtually every environmental law and more general claims under common law, such as nuisance or negligence. Our familiarity with citizen's suit provisions have led to greater participation by our clients in national issues and issues that change the face of the regulatory process.

Representative Experience

- Represented international recycling company as a defendant in federal court litigation seeking 8 figure cost recovery under state and federal law.
- Represented multiple clients in "Citizen Suits" under several environmental statutes, including negotiations with governmental agencies resolving underlying claims to thwart such private party litigation.
- Represented a poultry processor in a CERCLA and natural resources damage suit brought by the state of Oklahoma. We negotiated the only settlement on behalf of any defendant party on favorable terms for the client and avoided ongoing defense costs.

- Represented a municipal government client against the EPA, the Kansas Department of Health and Environment and the United States Department of Justice in a \$500 million Clean Water Act case.
- Represented a waste management company in a class-action toxic tort case involving allegations of groundwater contamination. Specifically, the plaintiffs alleged vinyl chloride found in private drinking water came from a landfill operated by this client. We prevailed on a motion to dismiss.
- Handled a multimillion-dollar matter regarding alleged ground water contamination issues related to municipal drinking water supplies in Missouri and Iowa. The matter also includes associated civil and administrative liability issues.
- Served as lead environmental counsel for the plaintiff in a CERCLA cost recovery action that settled before the close of discovery, maximizing the client's recovery and minimizing legal expenses.