

Environmental Law & Litigation

Environmental liabilities pervade multiple aspects of today's business world. They can complicate mergers, acquisitions, divestitures, and real estate transactions and bring manufacturing operations to a grinding halt. They can also give rise to protracted litigation and significant liabilities.

Our Environmental Law & Litigation group has been on the cutting edge of these issues since the inception of environmental law. We regularly handle the environmental aspects of complex business transactions, including conducting due diligence investigations, allocating and insuring environmental liabilities, and effectuating permit transfers. We counsel clients on permitting and regulatory issues and environmental audits. We have successfully tried or otherwise resolved a wide range of environmental litigation, including cost-recovery claims, cancer-cluster toxic tort cases, and permit challenges. We also serve as common counsel and hold leadership roles in a number of complex site remediation matters.

Befitting our reputation among peers and clients, we have consistently been a *Chambers USA* Band 1 practice in New Jersey. As one client commented, "They are great—the client service and commercial awareness is great. They are really good value for the money and make us feel valued. Their approach, whatever we need, is to help us get it done." This quote says it all. Whether the issue is transactional, regulatory, or litigation-oriented, our mission is to get the job done efficiently and effectively and to make our clients feel valued in the process.

EXPERIENCE

- In connection with corporate and real estate transactions, advises clients ranging from large corporations to small family-owned businesses on compliance with New Jersey environmental law, including the Industrial Site Recovery Act.
- Represents national and international clients on environmental due diligence issues relating to the acquisition of real property throughout the United States, including drafting environmental provisions related to liability for state and federal environmental, endangered species, and historic preservation obligations; and implementing engineering and institutional controls.
- Represents national and international corporations in CERCLA Superfund administrative and litigation proceedings involving multiple responsible parties alleged to have contaminated large river systems and upland sites. These matters also involve natural resource damages.
- Successfully represented a company in a toxic tort lawsuit on Long Island and obtained a no-cause verdict for the client.
- Acted as lead trial counsel for a specialty chemical manufacturer in an environmental cleanup cost-recovery case in Little Rock, Arkansas, which resulted in a no-cause verdict for the client.
- Represented a major oil company in obtaining summary judgment that compelled the purchaser of an oil refinery to comply with the terms of an asset purchase agreement.
- Serving as group counsel in the investigation and remediation of a number of federal and state lead waste disposal sites.
- Counsels a pharmaceutical company in the response to an industrial accident, including on-site coordination of the response to the federal, state, and local issues arising immediately after the incident; and the continued compliance with state site-cleanup obligations. This representation also includes negotiation of a sale of the property to redevelopers.
- Represents national corporations in CERCLA Superfund administrative proceedings, as well as state and bankruptcy litigation involving multiple parties alleged to have contaminated large river systems. Natural resource damages also are an issue in these matters.
- Represents a group of companies in administrative and court actions regarding contaminated sediments in large river systems.
- Represents a pharmaceutical manufacturer in a Title V air permit penalty assessment and an administrative enforcement action by the U.S. Environmental Protection Agency.
- Achieved a defense verdict following a trial in Federal Court in Idaho for a manufacturing client who was sued by the United States for purported CERCLA violations.
- Counsels clients regarding sustainability disclosures (e.g., conflict minerals) in SEC filings.
- Represents and counsels industrial clients regarding compliance with RCRA and Clean Air Act construction and operating permits, including corrective actions and permit revisions.
- Represents creditor committees of debtors with environmental obligations and liabilities.
- Represents industrial and commercial clients conducting site remediation under CERCLA or NJ ISRA, including the acquisition of real property, coordination with environmental consultants and regulators, and negotiation of access and easement agreements.
- Acted as lead counsel on behalf of a large public university in the remediation of a DDT-contaminated former airstrip (including the bidding, contract negotiation, and execution of a 20,000-ton soil removal action) and a subsequent cost-recovery action against the state of New Jersey, which resulted in a substantial recovery for the client.
- Acted as lead trial and appellate counsel in a Superfund cost-recovery/municipal liability case in Central Islip, New York, that resulted in a no-cause verdict in favor of the client. The verdict was ultimately affirmed by the United States Court of Appeals for the Second Circuit.

- > Acted as lead trial counsel in a Superfund cost-recovery case in East St. Louis, Illinois, which resulted in a substantial recovery for the client.
- > Represented a pharmaceutical company negotiating a power purchase agreement for energy from a solar energy facility to be constructed on adjoining land.
- > Acted as lead trial counsel to a real estate investment trust landlord in a trial that resulted in a determination that the client was entitled to complete contractual indemnification, including reimbursement of all attorneys' fees, from its tenant for claims of the state of New Jersey for the costs of investigating and remediating environmental contamination.
- > Served as lead counsel for a publicly traded real estate investment trust in a fraud/professional liability suit arising from the unlawful construction of a building in federally regulated wetlands.
- > Represented a client in response to a governmental request to evaluate its connection to the identification of an unregulated, alleged hazardous material in a municipal water supply.
- > Represented a manufacturing entity in a class action toxic tort suit alleging property damage and injury from groundwater plume and vapor intrusion.
- > Represents industrial clients in class action toxic tort suits alleging property damage and injury from groundwater plumes and vapor intrusion in state and federal courts.
- > Represented the State of New Jersey as special outside counsel in the State's lawsuit against Volkswagen, Audi, and Porsche for their role in a massive consumer fraud scandal known as "dieselgate." Successfully negotiated a settlement of all claims for a total of \$69 million for New Jersey.

HONORS & AWARDS

- > **Chambers USA: America's Leading Lawyers for Business:**
Ranked in the Band 1 category in New Jersey for Environment