

Environmental Litigation

Quinn Emanuel brings a broad range of experience to address the unique problems companies and individuals face in environmental litigation. Winning today's environmental disputes requires expertise regarding everything from regulations, science, administrative agencies, class actions, criminal liability, insurance coverage, and contract issues – whether adjudicated in court, in an administrative proceeding, or in arbitration. Quinn Emanuel has the litigation expertise across these areas needed to win complex, high-stakes environmental cases. Our environmental litigation practice encompasses disputes as diverse as actions about climate change, the release of hazardous substances, clean energy disputes, to wildfires litigation and challenges of greenhouse gas emissions standards.

As environmental issues evolve due to new laws, economic forces, corporate initiatives, and social changes, companies and individuals are increasingly facing environmental litigation on a broad array of issues. On the civil side, at the trial court level, Quinn Emanuel has successfully defended clients in matters ranging from nuclear waste disposal and the operation of industrial facilities and landfills to oil spills and soil and groundwater contamination. We have also assisted clients in defending against mass tort and class action claims based on a wide variety of environmental issues, as well as obtaining insurance coverage to pay for remediating contamination. We also frequently assist clients to assess risks arising out of environmental and climate change litigation. On the criminal side, we have defended clients in a broad range of criminal investigations, grand jury proceedings, and prosecutions involving oil and other spills and the storage, transportation, disposal, and discharge of numerous hazardous chemicals and wastes.

Our experience in wildfires litigation is second to none. Since 2007, our wildfire litigation group has investigated and litigated five of the largest wildfires: Woolsey in Los Angeles County, Witch Creek, Guejito and Rice Canyon in San Diego, Butte in Amador County, CA and Lahaina in Maui, Hawaii. We have litigated nearly every key wildfire issue in courts, including inverse condemnation, class certification, statute of limitations, and damages issues.

Quinn Emanuel also has an unparalleled record of success on appeal in environmental litigation. We have secured victories for clients before the Supreme Court, as well as the Courts of Appeals for the D.C., Second, and Ninth Circuits. Our appellate victories have come in matters ranging from auto emission standards to oil exploration plans, to CERCLA liability. No other firm brings the depth of skills and knowledge that Quinn Emanuel does.

CLIMATE CHANGE

Legal issues surrounding climate change will likely impact almost every large company in the world. Quinn Emanuel has the experience and resources to meet these dynamic changes—whether in responding to government or private actions, or in the proactive assessment of risk. Our expertise includes the ongoing representation of clients named in tort lawsuits by local governments seeking to redress harms allegedly caused by climate change. We also frequently advise clients on risks arising out of climate change issues and the transition to renewable

RECENT REPRESENTATIONS

APPEALS

- We convinced the Delaware Supreme Court to reverse a summary judgment against our clients, the Heyman family trusts, in connection with a \$3.2 billion sale of the chemicals business International Specialty Products Inc. to Ashland LLC. In 2015, Ashland and related entities filed a complaint in the Delaware Superior Court seeking to hold the Heyman parties liable under a 2011 stock purchase agreement for a significant environmental remediation being pursued by the New Jersey Department of Environmental Protection in the Arthur Kill, a tidal strait lying between Staten Island and New Jersey. We obtained a complete reversal of the Superior Court's grant of partial summary judgment in favor of the Ashland parties on their claim seeking contractual indemnification for the underlying environmental liability. The trial court had determined that the stock purchase agreement unambiguously allocates that liability to our clients, but based on our arguments, the Delaware Supreme Court drew the opposite conclusion, holding that the parties' agreement unambiguously allocates the liability at issue to the Ashland parties.
- We secured a complete victory for chemical company **Croda Inc.** before the Delaware Supreme Court. Croda was defending a class action brought by individuals who alleged they were at a higher risk of developing cancer due to ethylene oxide exposure. Although no one in the class had been diagnosed with cancer, they alleged that they were at a higher risk of developing the disease due to exposure to chemicals emitted from the plant, and sought medical monitoring damages. The Delaware Supreme Court ruled that an increased risk of future disease was not sufficient to state any claim for relief. The Court's ruling resulted in all claims being dismissed with prejudice at the motion to dismiss stage, averting potentially years of protracted and costly litigation.
- Quinn Emanuel represents **Koch Energy Services, LLC** in challenging a district court opinion that a counterparty to a natural-gas delivery contract properly declared force majeure as a result of a severe winter storm.
- We successfully defended **SemaConnect, Inc.** in a patent infringement lawsuit brought by one of its competitors, ChargePoint, Inc. SemaConnect won a contract to install electric vehicle charging stations as part of the \$15 billion settlement of Volkswagen's vehicle emissions scandal. We successfully sought and obtained dismissal of ChargePoint's complaint at the pleading stage on an expedited schedule. ChargePoint appealed the district court's decision to the Federal Circuit, which affirmed our victory in a precedential decision.
- Quinn Emanuel achieved a significant victory for its client **Hyundai** by successfully petitioning the Ninth Circuit en banc to overturn an unfavorable ruling by the initial panel regarding fuel economy estimates. Quinn Emanuel represented Hyundai in multi-district class action litigation that was resolved at the district court through a class settlement. After a Ninth Circuit panel issued a decision overturning the district court's approval of the class settlement, we successfully petitioned the Ninth Circuit for rehearing en banc. The en banc court affirmed the district court's approval of the settlement allowing the nationwide resolution to move forward.

- We represented the **National Resources Defense Council** and the **Public Utility Law Project** in filing an amicus brief in an action where a group of landlords challenged the New York City Water Board's ability to set rates for water usage. The plaintiffs advanced a theory, adopted by a lower court, that would potentially hamstring the Water Board's authority to set rates in ways that would reduce the burden on low-income households, incentivize water conservation, and prevent stormwater runoff (an emerging and important environmental issue in urban areas nationwide). The New York Court of Appeals adopted the argument advanced by Quinn Emanuel and the amici (and neither of the parties), ruling that the Water Board had acted within its authority, and preserving the Water Board's authority to promote environmental issues going forward.
- We successfully represented **Entergy Corporation** before the Vermont Supreme Court, obtaining dismissal of an original complaint seeking a shutdown of the Vermont Yankee Nuclear Power Station. The Vermont Supreme Court held that no equitable grounds for relief existed.
- In the U.S. Court of Appeals for the D.C. Circuit, we successfully opposed an emergency petition seeking shutdown of the Indian Point 2 nuclear power plant, which is owned and operated by our client **Entergy**. The petition was filed by Friends of the Earth and two other organizations and alleged that Indian Point 2 should be shut down pending further study of degraded bolts that had been detected in the reactor vessel and replaced. The petition was filed notwithstanding that the federal regulator, the Nuclear Regulatory Commission ("NRC"), had found Indian Point 2 could be operated safely. The D.C. Circuit set an expedited briefing schedule over the course of a week, and then denied the petition.
- We won an 8-1 victory for **Shell Oil** in the U.S. Supreme Court in *Burlington Northern & Santa Fe Railway v. United States*, which greatly limited "arranger" liability under CERCLA and held that Shell could not be held liable as an arranger for shipping useful chemicals. The case also greatly clarified the standards for apportionment in CERCLA suits.
- We represented the **Alliance of Automobile Manufacturers** in one of the highest-stakes appellate and environmental litigation matters in years. At issue was whether nationwide greenhouse gas emission standards for automobiles, on which our client had already relied in constructing their 2012 model year fleet, would survive a challenge from a host of states and other industry groups in the U.S. Court of Appeals for the D.C. Circuit Court. We helped the Alliance navigate a gigantic administrative record and ensured that no matter the outcome, the Alliance's interests would be protected and the nation's car manufacturers would continue to operate without interruption.
- We obtained a significant victory in the Ninth Circuit for **Shell Offshore Inc.** and **Shell Gulf of Mexico Inc.** in a decision denying petitions for review challenging the Bureau of Ocean Energy Management's approval of Shell Offshore Inc.'s Revised Camden Bay Exploration Plan under the Outer Continental Shelf Lands Act and holding that the agency was entitled to significant deference when interpreting the Act, interpreting its own regulations, and making certain technical and scientific assessments. (This was our second win for Shell on such a petition; we obtained a similar win as to an earlier exploration plan in 2010. The Court also issued an unpublished memorandum opinion denying petitions for review of the agency's approval of Shell Gulf of Mexico Inc.'s Revised Chukchi Sea Exploration Plan.)
- We represented the **Alliance of Automobile Manufacturers** in appeals before both the Second and the Ninth Circuits, in which we argued that federal fuel economy laws preempted state authority to regulate greenhouse gas emissions. Seeking to overturn district court judgments in Vermont and California, we argued that federal law commits the task of balancing fuel conservation against the economic impact on the auto industry to the federal government, not the states. The appeals were ultimately mooted by new federal legislation that raised federal fuel economy standards.

- On behalf of intervenor PG&E, we successfully defended the Nuclear Regulatory Commission's decision to permit PG&E to move spent nuclear fuel into dry cask storage at its Diablo Canyon nuclear power plant near San Luis Obispo, California. A petition for review was filed in the Ninth Circuit by local activists who argued that the Commission had violated the Atomic Energy Act (AEA) and the National Environmental Policy Act (NEPA) by denying it access to classified information about limiting the effects of a terrorist attack and issuing an inadequate environmental assessment. In an unanimous opinion, the Ninth Circuit held that neither NEPA nor the AEA required the Commission to hold a closed hearing affording access to classified information and that the Commission's environmental assessment was sufficient.

CIVIL

- We represented the **Hyundai Motor Group** (Hyundai Motor Company, Kia Corporation, various other subsidiaries and authorised vehicles dealerships) in England and Wales in the "Pan-NOx Litigation", the largest class action ever brought in England & Wales, which involves over 1.6 million claimants and a total (claimed) quantum valued in the tens of billions of pounds. The case arose from the so-called "Dieselgate" scandal. Claims have been brought against Hyundai/Kia, alongside every other major diesel manufacturer, on the basis that those manufacturers' vehicles contained so-called "prohibited defeat devices" which were illegal under relevant emissions control legislation. . Given the scale of the litigation, the Court made the unprecedented decision to case-manage all group proceedings together. In a landmark liability judgment handed down in 2026, Lady Justice Cockerill comprehensively rejected the Claimants' formulation of the relevant legislation, which would have had the effect that essentially all diesel vehicles manufactured between 2009-2018 were illegal. Instead, Lady Justice Cockerill interpreted the legislation much more narrowly, in doing so declining to follow adverse Court of Justice of the European Union (CJEU) precedent. While Hyundai/Kia's vehicles were not directly under consideration in the trial, the decision represents a landmark vindication of the position on the legal issues taken by our clients during the trial.
- We represented numerous homeowners in connection with the 2018 **Woolsey Fire** in Los Angeles County, which burned 96,949 acres, destroyed 1,643 structures, killed three people and prompted the evacuation of nearly 300,000 people.
- We represented San Diego Gas and Electric Company in the **Witch Creek Fire** (powerlines contacting each other), **Guejito Fire** (electrical facilities contacting communication facilities), and **Rice Canyon Fire** (vegetation into powerlines). We also represented Pacific Gas and Electric Company in the **Butte Fire** (vegetation into powerlines).
- We are currently representing Kamehameha Schools, Hawaii's largest landowner, in the **Lahaina Fire** in Maui, Hawaii. The fires, alleged to have been started by Hawaiian Electric Company's power lines, are reported to have caused over 100 deaths, personal injury, and property damage throughout Maui. The parties, including Kamehameha Schools, have reached a tentative global settlement pending court approvals.
- We achieved a groundbreaking victory for our client **Santos** (one of Australia's leading oil and gas companies) in the Federal Court of Australia against an application brought by three applicants who are Indigenous people from the Tiwi Islands, represented by the Environmental Defenders Office. The Santos-operated Barossa Gas Project is a \$5.8 billion offshore gas and condensate project and its financial viability was at serious risk pending the outcome of the proceeding. The judgment is particularly noteworthy as it is the first time that many of the provisions in the Regulations, that were relied upon by the Applicants, have been judicially considered. The Court dismissed the applicants case entirely. The judgment represents not only a significant win for Santos but also sets new precedent as to the

proper construction of the Regulations and is consequently a very important judgment for the offshore oil and gas industry in Australia.

- We represented **Wolverine World Wide** in a lawsuit brought by 300 individual local residents asserting claims for property damage and personal injury relating to Wolverine's historical use of products containing PFAS that ended up in the groundwater. We were able to negotiate a global settlement for all individual homeowner claims. We also represented Wolverine in a related action filed by the Michigan Department of Environmental Quality asserting claims under the Resource Conservation and Recovery Act (RCRA) and the Michigan Natural Resources and Environmental Protection Act (NREPA). We filed a third party complaint seeking contribution from the manufacturer of PFAS chemicals, 3M, and recovered from 3M \$55 million of the \$69.5 in remediation costs ordered by the state.
- We represent **Comunidad de Aguas Canal El Manzano**, a nonprofit representing the interests of about 3,000 community members in a suit against Alto Maipo, a dam developer in Chile. The complaint alleges that the dam's faulty operations left Manzano and its members without access to clean water for weeks.
- We represent **Croda Inc.** in a series of CERCLA cleanup actions relating to the Lower Passaic River in New Jersey. Croda is one of 100 parties accused of contributing to the pollution in the Lower Passaic River. Quinn Emanuel secured an early *de minimis* settlement for Croda in a court-ordered allocation process that put Croda in the lowest possible tier for liability.
- We represent **Total Energies E&P USA** with MP Gulf of Mexico LLC in connection with a dispute about re-opening an oil well in the Gulf of Mexico, including which party should be liable for an estimated \$41 million in system costs related to the well.
- We represent **ARES** in a dispute with its Chilean renewable energy project sponsor over the sponsor's attempt to zero-out a \$280 million loan while retaining 100% of the project's equity, through a series of maneuvers in Chile, Ireland, and Spain. The Firm is the fund's US counsel and has filed an action against the loan's guarantors in New York state court.
- We represent **XPDI** in defending a securities class action alleging that the company made material misrepresentations regarding the risks of rising energy costs in a proxy statement.
- Quinn Emanuel serves as lead counsel in a multi-district litigation (MDL) brought on behalf of veterans and others who were exposed to lead-contaminated water at Camp Lejeune, a major military base. To date, more than 1,100 lawsuits have been filed seeking recovery, in addition to 93,000 claims pending before the U.S. Navy.
- We represent **Nordic Wind Power DA** in connection with its investment in Norway's largest wind power park located on the Fosen peninsula. The project has been subject to a Supreme Court decision, which found that the wind power park's licenses were issued in breach of a local tribe's right to enjoyment of the land. Quinn Emanuel is assisting Nordic Wind in the re-issuance of its licenses for development of the wind farm in light of the Supreme Court's ruling about the impact on the local tribe.
- We represent **Walmart** in connection with a lawsuit filed by the Minnesota Attorney General alleging that Walmart made misleading claims about the environmental impact of certain recycling bags sold in its stores.
- We have been retained by **Hyundai** to advise on compliance with vehicle emission rules under German and European law.
- We represent **Koch Industries, Inc.** in a lawsuit filed by Multnomah County against Koch, Exxon, and other major energy producers seeking damages for climate change-related injuries in the Portland, Oregon area.

- We are advising several car manufacturers in connection with NOx emissions claims.
- We represented **Entergy** in seeking Vermont regulatory approval of a first-of-its-kind transaction in which an already-shutdown nuclear plant would be sold by a utility operator to a decommissioning schedule. The regulatory proceeding involved numerous rounds of written testimony, discovery, depositions, a settlement with certain parties (including the key Vermont agencies), and finally an evidentiary hearing before the Vermont Public Utility Commission. The Commission issued its decision granting approval on December 6, 2018.
- We represented **OBOT**, a real estate developer. OBOT entered into a Development Agreement with the City of Oakland. The Agreement permitted OBOT to build a marine terminal to handle bulk commodities for export by cargo ship. This type of agreement shields a developer from later-enacted regulations. The city passed legislation proscribing coal from being handled at the terminal. After a trial, the federal district court ruled that the city breached the Development Agreement because this later enacted legislation was not justified by a health and safety exception in the Development Agreement. The court enjoined enforcement of the legislation against OBOT.
- Since 2010, we have represented **SEACOR** and its subsidiaries with respect to thousands of claims relating to the DEEPWATER HORIZON oil spill. In addition, we have been named defense liaison counsel and appointed to the Defense Steering Committee. In 2014, in a significant victory for ORM and NRC, we won the fight to use a Lone Pine-type approach to force Plaintiffs to come forward with specific disclosures clarifying the basis for the claims asserted against them. Following receipt and analysis of Plaintiffs' disclosures, in February 2016, the Court granted ORM and NRC's motion for summary judgment on derivative immunity and implied conflict pre-emption grounds. The upshot was a dramatic victory: dismissal of over 20,000 claims asserting, among other things, exposure to dispersant during the cleanup, carving out only 11 claims for further proceedings. This decision is significant because the Court found that private parties with no contractual relationship to the federal government can and will share in the government's immunity in connection with their response actions where such actions were undertaken consistent with the government's instructions. At the time, there were no other reported cases extending derivative immunity in this manner. Following this victory, we filed renewed motions for summary judgment as to the 11 remaining cases, which the Court granted in August. We have thus successfully defeated all personal injury and exposure-based claims asserted against ORM and NRC in the MDL. In addition, we won a Fifth Circuit appeal involving our prior summary judgment win in a personal injury action against SEACOR and its vessel.
- We represented **Koch Industries'** entities in a number of lawsuits relating to the handling of petroleum coke and coal at transfer terminals in Chicago. Quinn Emanuel defeated the Illinois Environmental Protection Agency's petition for emergency rulemaking before the Illinois Pollution Control Board, preventing the implementation of "emergency" regulations applicable to Koch's operations. We were lead counsel during a 1-week trial against the IEPA, after having been brought on to the case the weekend before the trial began. In a 50 page opinion, the IPCB made findings in favor of Koch on every issue. In addition, a class action lawsuit filed against Koch, as well as two separate lawsuits brought by Illinois Attorney General Lisa Madigan in Illinois state court, concluded in very favorable settlements for our client, which were largely attributable to our development of expert testimony to defend Koch's operations. Further, in the face of debilitating regulations proposed by the City of Chicago, QE worked with Koch to present its opposition to the regulations. In direct response, the City adopted many of Koch's proposals in its final regulations.
- We are representing **AEP Generating Company ("AEPG")** and **Indiana Michigan Power Company ("I&M")** in a \$1.4 billion breach of contract and indemnification case brought by a series of trusts on behalf of corporate investors. The case, *Wilmington Trust Co. et al. v. AEP Generating Co. et al.*, (filed July 26, 2013 in the S.D.N.Y.), concerns the operation of a

coal-fired power plant located in Rockport, Indiana, which was sold to plaintiffs in 1989 in a sales/leaseback transaction. After successfully moving to transfer the case from the Southern District of New York to Ohio, we obtained dismissal of the majority of plaintiffs' claims. Plaintiffs subsequently withdrew their remaining claims with prejudice and appealed to the Sixth Circuit. On appeal, the Sixth Circuit affirmed in part and reversed in part the district court's dismissal, and the case was remanded for further proceedings.

- We represented **Mitsui Chemicals Agro, Inc.**, in a case in California superior court in which a number of environmental groups challenged the validity of the State's approval of new uses of our client's neonicotinoid pesticide. Following briefing and oral argument at a merits hearing, the superior court judge granted a complete judgment in favor of our client.
- In a case the *New York Times* called "the most ambitious environmental lawsuit ever," we helped secure a complete dismissal with prejudice that was subsequently affirmed on March 3, 2017 by the U.S. Court of Appeals for the Fifth Circuit. The headline-making complaint named our clients **Koch Industries, Inc.** and **Koch Exploration Company, LLC**, and nearly a hundred other oil and gas companies, and claimed that oil and gas activities destroyed Louisiana's coastline. The Board alleged that, as a result, it faced increasing storm surge risk and flood protection costs, and sought damages from the defendants to pay for the restoration of the coastline, an effort it claimed would cost approximately \$50 billion. The case was the subject of extensive national and local press coverage as it touched on national issues like the Keystone Pipeline debate and the federal government's role in encouraging oil and gas exploration, and hot button local issues such as wetland loss and hurricane protection.
- We are representing a **major chemical manufacturer** with respect to multiple mass tort claims alleging that toxic chemicals have migrated from a CERCLA clean up site, purportedly causing personal injuries and diminished property values as to over 1,000 people.
- We represent **Lexington Insurance Company**, the issuer of a \$35 million environmental closure policy relating to EnCap Golf Holdings, Inc.'s undertaking to remediate four closed landfills located in northern New Jersey. EnCap filed for Chapter 11 bankruptcy protection in May 2008 and is currently seeking to reorganize.
- We represent **Invista** in a putative class action brought by property owners and citizens under the Resource Conservation and Recovery Act alleging groundwater and surface water contamination purportedly released through historical operations spanning over 50 years at a multi-purpose industrial facility, including manufacture of polyester and other polymers. This multi-defendant case requires sophisticated groundwater modeling and chemical fate and transport expertise.
- We represented **Occidental Petroleum** in a mass environmental tort action relating to a train derailment that allegedly resulted in the release of toxic chemicals to the air and groundwater.
- We defended an **affiliate of General Instrument Corp.** in a CERCLA cost recovery action involving several hundred million dollars, based on alleged groundwater contamination in Northern California.
- We represented **Occidental Petroleum** in a class action brought by an indigenous Peruvian tribe for environmental contamination in which damages were alleged to be in excess of \$30 million.
- We represented **Playa Vista** in a dispute with a developer who sought almost \$700 million in damages for its alleged breach of purchase agreements by failing to provide a soil and groundwater remediation plan to the Regional Water Quality Control Board as the purchase agreements required.

- We advised **Playa Vista** on strategy for addressing and defending challenges to environmental reports for the Phase II commercial/residential portion of the urban infill project.
- We oversaw Superfund litigation on behalf of **Bechtel** in litigation brought against it involving the Summitville Mine in Colorado.
- We oversaw remediation and related litigation on behalf of **Bechtel** involving litigation brought against it regarding a nuclear waste at the Idaho National Engineering and Environmental Laboratory.
- We headed up the overall legal strategy on behalf of **Bechtel** in a dispute over the demolition of a nuclear power plant, including supervising both construction counsel as well as environmental and nuclear regulatory counsel.
- We represented **Sequoyah Fuels Corporation** against parties obligated to pay for the monitoring, decontamination, decommissioning and remediation of a plant in Oklahoma that formerly converted uranium ore to uranium hexafluoride.
- We represented **General Atomics Energy Services** in an arbitration with a joint venture partner regarding responsibility for lost profits and cleanup costs incurred as a result of a series of shutdowns by the Nuclear Regulatory Commission due to improper releases of contaminants at a uranium hexafluoride processing plant in Illinois.
- We represented **Waste Management** in an eleven-plaintiff nuisance/negligence case arising from sounds and smells at a landfill and eventually settled with all of the defendants for fairly modest sums.
- We represented **CNA Insurance** in an insurance coverage trial concerning CNA's obligation to pay for \$135 million in damages caused by Aerojet as a result of contaminating the San Gabriel Valley aquifer with rocket fuel. The underlying cases included CERCLA claims, personal injury claims and others. We settled the case one month into trial.
- We represented **FMC** in a four-month trial in an insurance coverage case in San Jose brought by Liberty Mutual Insurance Company involving contamination of three sites. We won the liability phase and then settled for nine-figures.
- One of our partners represented **BP, Chevron, and other major oil companies** in multiple actions filed throughout the country alleging that the gasoline additive MTBE contaminated water supplies, which resulted in a favorable settlement.
- One of our partners represented **International Paper** in various cases involving state law theories for water pollution from dioxins and phenols from paper mills.
- One of our partners represented **Norfolk Southern Railway Company** in class action lawsuits alleging personal injuries and exposure to chlorine following a train collision in South Carolina, which resulted in a favorable settlement and the dismissal of a separate putative class action.
- We successfully represented **Packaging Advantage Corporation**, a consumer-product manufacturer, that was accused of breaching the leases for a manufacturing campus by failing to comply with hazardous materials storage regulations and permitting on-site and off-site contamination.
- We achieved a \$108 million settlement for our client **Renova**, a Brazilian energy company, against TerraForm Global, a major U.S. power company. In July of 2016, we filed an arbitration against SunEdison and TerraForm Global in Brazil, alleging breach of contract and securities fraud. SunEdison and Global had induced Renova to sign a series of

purchase agreements under which Renova sold renewable energy projects in return for cash and Global shares. SunEd and Global grossly misrepresented their financial condition, and the value of the Global shares plummeted. After SunEd declared bankruptcy, we pursued our claims against Global. When Brookfield Asset Management moved to acquire Global, we negotiated for BAM and Global to pay Renova to settle the arbitration for \$108 million.

- We obtained seven consent judgments and over \$250 million on a portfolio of patents covering the smart batteries used in notebook computers.
- XM Satellite Radio Inc., a satellite digital radio operator, obtained a satellite launch and in-orbit insurance policy covering two communications satellites--XM-1 and XM-2. After the satellites were launched, the manufacturer of the satellites informed XM that the satellites were experiencing a life-shortening solar array power anomaly. Accordingly, XM submitted a claim under the satellite launch and in-orbit insurance policy. Respondents Great Lakes Reinsurance (UK) PLC and Munich Re Group, two of the insurers under the policy, have denied XM's claim for coverage and have refused to compensate XM for the loss of the satellites. They assert as a defense that XM violated several conditions in the policy. In particular, they claim that XM violated its obligation to inform respondents of any material changes in underwriting information, failed to exercise due diligence prior to launch and concealed material information about the satellites. XM is seeking the total amount of insurance proceeds that were wrongfully withheld--\$80 million--plus additional damages.
- We represented **an international investor in carbon-credit related projects** in Russia in Stockholm Chamber of Commerce arbitration proceedings against Russian counterparties arising out of the failure of the projects. Following fiercely contested proceedings, we were successful in obtaining an Award for our client which found in their favour on all substantive issues and awarded them damages in excess of USD 150 million, together with all legal and other costs of the arbitration.
- We represent **Koch Industries, Inc., Flint Hills Resources LP, and Flint Hills Resources Pine Bend**, in a climate change lawsuit brought by the State of Minnesota against these defendants, as well as Exxon Mobil and American Petroleum Institute. The State seeks to hold the defendants liable for alleged injuries caused by climate change, pursuant to Minnesota consumer protection and product liability law. We represented these companies in related appeals to the Eighth Circuit Court of Appeals and the U.S. Supreme Court challenging the viability of bringing cross-border claims in state court.
- We represent **Colonial Pipeline Company** in a climate change lawsuit brought by the City of Charleston against approximately 25 defendants in the fossil fuel industry. The City alleges nuisance, trespass, consumer protection, and product liability claims under South Carolina law, seeking damages for harms allegedly caused by climate change. We also represent Colonial Pipeline Company in connection with related disputes before the 8th Circuit Court of Appeals.

CRIMINAL

- We advised **Mobil**, one of the minority shareholders in the Alaskan Pipeline, in the numerous suits commenced, including the federal criminal investigation, involving the wake of the Exxon Valdez oil spill.
- We represented **Onyx Environmental Services**, a hazardous waste disposal company, in a state criminal prosecution (and parallel civil proceeding) related to the illegal discharge of toxic chemicals. We negotiated single misdemeanor and our client paid a small fine.
- We represented **Neutrogena** (owned by Johnson and Johnson) in a federal grand jury

investigation into allegedly improper disposal of excess chemicals. No charges were filed.

- We represented a **city councilmember** from the city of Thousand Oaks, California in a federal and state environmental criminal investigation arising out of the largest waste water spill in California history emanating from the city's waste treatment facility.
- We represented **Texaco** in a federal environmental criminal investigation related to refinery emissions.
- We represented the **target of a federal environmental criminal investigation** arising out of the alleged illegal dumping of chemicals.
- One of our partners was lead counsel in representing a **major oil company** in numerous high-stakes environmental actions in California. He was brought in as trial counsel in an action filed by the Orange County District Attorney, and in hotly contested litigation achieved a favorable result for the client on the eve of trial. He led multiple other actions and investigations against the California Attorney General's Office, the United States Attorney's Office in Los Angeles, and more than a dozen district attorney, city attorney, and county counsel offices in California.
- One of our partners was lead trial counsel for the former Director of Hazardous Waste at **Rockwell's Rocketdyne Division** in a criminal environmental prosecution brought by the United States Attorney's Office in Los Angeles. The case involved environmental and scientific expert testimony, and media issues arising from the death of two scientists in an explosion from hazardous waste disposal that formed part of the basis for the charges. A very favorable result was obtained on the eve of trial.
- One of our partners represented the **City of Lancaster** in a federal grand jury investigation into multiple alleged environmental violations of RCRA, hazardous waste and storage laws, and the Clean Water Act.
- One of our partners represented a **cosmetics company** in a federal grand jury investigation into alleged violations of hazardous waste and materials storage and transportation laws and negotiated a deferred prosecution agreement.
- One of our partners represented a **large utility and energy company** in a federal criminal investigation into alleged violations of the Clean Water Act.
- One of our partners spearheaded the defense of a **Fortune 100 company** in connection with a statewide investigation conducted by the former and current California Attorney General and several District Attorneys' offices into the company's statewide hazardous waste and materials practices. The case raised complex issues of first impression involving the application of these laws to retail facilities, with the government claiming the right to seek billions of dollars of multi-day penalties for hundreds of stores throughout California. In late 2007, our partner negotiated a favorable settlement for the client following an extensive two-and-a-half-year investigation and lengthy negotiations.
- One of our partners represented a **pyrotechnic company** in connection with criminal investigation alleging the unlawful transportation of hazardous materials.
- One of our partners represented a **manufacturer of pesticides** in connection with administrative actions filed by the Department of Pesticide Regulation regarding the sale of unregistered pesticides in California and criminal action filed by the San Bernardino County District Attorney's Office regarding workplace injuries.

"The lawyers are extremely proactive, extremely focused and really deliver quality work."

Client Testimonial, *Chambers and Partners*