



**SOQ 23-030-Providing Various Supplemental Professional Legal Services
when needed for Jefferson Parish**
Jefferson Parish Government

Project documents obtained from www.CentralBidding.com
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Professional Legal Services Questionnaire Instructions

- The Professional Legal Services Questionnaire shall be used for outside legal services.
- **The Professional Legal Services Questionnaire should be completely filled out. Complete and attach ALL sections. Insert “N/A” or “None” if a section does not apply or if there is no information to provide.**
- Questionnaire must be signed by an authorized representative of the Firm. Failure to sign the questionnaire shall result in disqualification of proposer pursuant to J.P. Code of Ordinances Sec. 2-928.
- All subcontractors must be listed in the appropriate section of the Questionnaire. Each subcontractor must provide a complete copy of the Professional Legal Services Questionnaire, applicable licenses, and any other information required by the advertisement. Failure to provide the subcontractors' complete questionnaire(s), applicable licenses, and any other information required by the advertisement shall result in disqualification of proposer pursuant to J.P. Code of Ordinances Sec. 2-928.
- If additional pages are needed, attach them to the questionnaire and include all applicable information that is required by the questionnaire.

Professional Legal Services Questionnaire

A. Person or Firm Name & Principal Address:

Baron & Budd, P.C.
3102 Oak Lawn Ave., #1100
Dallas, TX 75219
(214) 521-3605

B. Name, Title, & contact information of Firm Representative, as defined in Section 2-926 of the Jefferson Parish Code of Ordinances, who is licensed to practice law in the State of Louisiana with a minimum of five (5) years' experience:

Burton LeBlanc
Baron & Budd, P.C.
2600 Citiplace Dr
Baton Rouge, LA 70808
(225) 927-5441

C. Location of the principal:

3102 Oak Lawn Ave., #1100
Dallas, TX 75219

D. Please check the legal field or fields in which Firm is qualified to perform services for Jefferson Parish and include the number of years of experience in that particular field.

- | | |
|---|--|
| <p><input type="checkbox"/> Bond Services (Years: _____)</p> <p><input type="checkbox"/> Elections (Years: _____)</p> <p><input type="checkbox"/> Administrative & Regulatory (Years: _____)</p> <p><input type="checkbox"/> Antitrust Law (Years: _____)</p> <p><input type="checkbox"/> Business Law (Years: _____)</p> <p><input type="checkbox"/> Criminal Justice (Years: _____)</p> <p><input type="checkbox"/> Dispute Resolution (Years: _____)</p> <p><input checked="" type="checkbox"/> Environmental, Energy & Resources (Years: 30)</p> <p><input type="checkbox"/> Health Law (Years: _____)</p> <p><input type="checkbox"/> Intellectual Property (Years: _____)</p> <p><input type="checkbox"/> International Law (Years: _____)</p> <p><input type="checkbox"/> Labor & Employment Law (Years: _____)</p> <p><input type="checkbox"/> Public Contract Law (Years: _____)</p> | <p><input type="checkbox"/> Science & Technology Law (Years: _____)</p> <p><input type="checkbox"/> State & Local Government Law (Years: _____)</p> <p><input type="checkbox"/> Taxation (Years: _____)</p> <p><input checked="" type="checkbox"/> Tort Trial & Insurance Practices (Years: 30)</p> <p><input checked="" type="checkbox"/> Complex Litigation (including asbestos litigation) (Years: 30)</p> <p><input checked="" type="checkbox"/> Securities (Years: 10)</p> <p><input type="checkbox"/> Ethics Law (Years: _____)</p> <p><input type="checkbox"/> Civil Service Matters (Years: _____)</p> <p><input type="checkbox"/> Civil Rights & the Constitution (Years: _____)</p> <p><input checked="" type="checkbox"/> Municipal Representation (including liability & intergovernmental conflicts) (Years: 25+)</p> <p><input type="checkbox"/> Code Enforcement Matters (Years: _____)</p> |
|---|--|

Professional Legal Services Questionnaire

__ Public Utilities Law (Years: _____) __ Communications Law (Years: _____) __ Transportation Law (Years: _____) __ Property (Years: _____) __ Trust & Estate Law (Years: _____) __ Other/specific project as required by the advertisement (Years: _____)	x Oil Spill Litigation (Years: 20) __ Public Finance (Years: _____) __ Land Use, Planning & Zoning Law (Years: _____) __ Economic Development (Years: _____) __ Construction Law (Years: _____)
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E. List all subcontractors anticipated for this Project. Please note that all subcontractors must submit a fully completed copy of this questionnaire, applicable licenses, and any other information required by the advertisement. See Jefferson Parish Code of Ordinances, Sec. 2-928(a)(3). Please attach additional pages if necessary.

	Name & Address:	Specialty:	Worked with Firm Before (Yes or No):
1. N/A			
2.			
3.			
4.			

Professional Legal Services Questionnaire

F. Professional Training and experience in relation to the type of work required for the outside legal services.

As a team, Baron & Budd is capable and experienced in the realm of large environmental litigation and representing public entities. Baron & Budd is well-staffed with offices across the country, award-winning personnel, and sufficient financial standing to advance the costs of any litigation, to hire all necessary experts, and to pursue the rightful damages of the plaintiff.

Over decades of handling complex litigation, Baron & Budd has developed software systems to manage current caseloads, track and calendar litigation deadlines, and streamline all client management tasks. The firm has invested extraordinary time and capital resources to develop internal procedures to process, review, analyze, store, and produce electronic documents and data. The result rivals what any vendor advertises. Experienced litigation support staff manage voluminous data by using our coordinated hardware and software systems. The firm uses an e-discovery document database that allows us to access, review, and organize documents easily and efficiently. The firm's Environmental Litigation Group includes a lawyer who participated in the development of these systems, works closely with the IT department to maintain procedural excellence, trains attorneys and staff, and streamlines the Group's interfaces with document review and production. These in-house capabilities result in better efficiency and lower costs for clients, and our past successes demonstrate the efficiency of these systems and our ability to meet the needs of demanding caseloads.

G. Size of Firm and capacity for timely completion of newly assigned work considering the number of professional and support personnel required to perform the type of outside legal services tasks and the Firm's current unfinished workload.

Baron & Budd's Environmental Litigation Group is a specialized practice group of 12 attorneys and 11 staff members who work on complex environmental litigation. We coordinate tasks efficiently and assign projects to the person most-experienced with a particular issue. If necessary, we can call on personnel from other practice groups for assistance.

Professional Legal Services Questionnaire

i. Please specify the total number of support staff that may assist in the completion of a matter for each area of the law selected above: __11__		
ii. List any attorneys that may assist in the completion of a matter for each area of the law selected above. If necessary, please attach additional documentation that demonstrates the employment history and experience of the Firm's attorneys that may assist in the completion of this Project (i.e. resume). Please attach additional pages if necessary.		
Name:	Legal Field:	Years of Experience in Legal Field:
1. Scott Summy	environmental torts trial/insurance products liability municipal oil spill	33
2. Cary McDougal	environmental torts trial/insurance products liability municipal oil spill	34
3. Celeste Evangelisti	environmental torts trial/insurance products liability municipal oil spill	28
4. Carla Pickrel	environmental torts trial/insurance products liability municipal oil spill	24
5. Stephen Johnston	environmental torts trial/insurance products liability municipal oil spill	27

Name	Legal Field	Years of Experience in Field:
6. Jason Julius	environmental torts trial/insurance products liability municipal oil spill	16
7. Brett Land	environmental torts trial/insurance products liability municipal oil spill	9
8. Chris Edwards	environmental torts trial/insurance products liability municipal oil spill	12
9. Staci Olsen	e-discovery in all cases	27
10. Sangeeta Kuruppillai	environmental torts trial/insurance products liability municipal oil spill	33
11. Chris Campbell	environmental torts trial/insurance products liability municipal oil spill	11
12. Jessica Gooding	e-discovery in all cases	7
13. Burton LeBlanc	environmental torts trial/insurance products liability municipal oil spill	32

Bios for select attorneys and staff are attached to this document.

Professional Legal Services Questionnaire

H. Past performance by person or Firm on Parish contracts. Please attach additional pages if necessary.

N/A

I. Adversarial legal proceedings between the Parish and the person or Firm performing professional services, in which the Parish prevailed, and excluding those instances or cases where the person or Firm was added as an indispensable party, or where the person or Firm participated in or assisted the public entity in prosecution of its claim. In the event that the person or Firm fails to provide accurate and detailed information regarding legal proceedings with the Parish, including the absence of legal proceedings, the person or firm shall be deemed unresponsive with regard to this category, and zero (0) points shall be awarded. Please attach additional pages if necessary.

N/A

Professional Legal Services Questionnaire

J. Prior successful completion of projects of the type and nature of legal services, as defined, for which Firm has provided verifiable references. (List no more than 10 projects.)

1. *City of Long Beach v. Monsanto Company*, No.2:2016-cv-03493 (C.D. Cal.)
(class counsel; negotiated \$650 million PCB settlement for nationwide class of stormwater operators)
2. *In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, MDL 1358
(S.D.N.Y.)
(MDL leadership; negotiated multiple settlements totaling over \$500 million for public water providers)
3. *In Re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010*, MDL 2179
(E.D. La.)
(MDL leadership and class counsel; negotiated settlement fund valued at over \$14 billion)
4. *City of Greenville v. Syngenta Crop Protection, Inc.*
(S.D. Ill. 2012)
(class counsel; negotiated \$105 million settlement for public water providers related to atrazine)
5. *City of Santa Monica v. Shell Oil Company, et al.*
(California) (2003)

(represented City of Santa Monica in case alleging damages arising from contamination of public drinking water wells with MTBE and TBA; settlement valued by the Court at \$315.5 million.)

Professional Legal Services Questionnaire

6. TCP cases. Recovered over \$200 million from manufacturers of agricultural chemical on behalf of
California Water Services
City of Bakersfield
City of Delano
City of Livingston
City of Oceanside
City of Shafter
City of Wasco
Lamont Public Utility District

7.

State of Rhode Island v. Atlantic Richfield Co., 1:17-cv-00204-WES-PAS (D.R.I.)

(represent the State against the oil refining companies that blended MTBE into gasoline that contaminates sites in Rhode Island; partial settlements total \$20 million)

8.

New Jersey Department of Environmental Protection v. The Sherwin Williams Co., Docket No. CAM-L-5032-19
(Superior Court of New Jersey, Law Division, Camden County)
(currently representing State in environmental remediation action against site of former paint company that polluted soil and water)

9.

Jefferson
Parish
State of Louisiana

10.

Professional Legal Services Questionnaire

K. Use this space to provide any additional information or description of resources supporting Firm's qualifications for the proposed project.

L. To the best of my knowledge, the foregoing is an accurate statement of facts.

Signature: Carla Pickrel Print Name: Carla Pickrel

Title: Shareholder Date: November 1, 2023

SCOTT SUMMY
“THE WATER LAWYER”

Leader of the Environmental Litigation Group (ELG) at Baron & Budd. ELG was started by Mr. Summy in 2002 and is comprised of 30 attorneys and support professionals who concentrate in large environmental litigation across the country. In 2020, Law360 recognized ELG as one of its highly prestigious Practice Groups of the Year awards for the United States in the category of Environmental Law.

Mr. Summy's resume of cases reads like a Greatest Hits album for Environmental Litigation. It all started with a single phone call in August 1995 when Mr. Summy was a baby lawyer. He received a call from a prospective client in North Carolina who had learned that he and all of his neighbors had been drinking the chemical MTBE in their drinking water wells for years. After years of fighting and a trial, the case resulted in a record settlement.

Little did Mr. Summy know, but MTBE was contaminating drinking water wells all over America, and his case was the first! This led to Mr. Summy being hired by public water providers all over America whose wells were contaminated. This was just the start. This led to Mr. Summy becoming the “go to” lawyer for Public Entities facing environmental contamination impacting their public resources. Mr. Summy has represented Public Entities from the East Coast to the West Coast and everywhere in between. Mr. Summy and his ELG Team have achieved billions of dollars on behalf of their clients in Environmental Litigation.

GREATEST HITS

PFAS/AFFF

AFFF MDL

After decades litigating complex environmental cases, Mr. Summy is a natural leader in AFFF MDL No. 2873 pending in federal district court in South Carolina. He was court-appointed as Co-Lead Counsel and as special settlement counsel for the entire litigation. In the latter capacity, he recently crafted and negotiated historic settlements of \$12.5 billion and \$1.185 billion against 3M Company and five related DuPont entities respectively.

The litigation consolidated in the MDL focuses on PFAS contamination to the environment by its use in fire foam. The litigation focuses on the manufacturers of AFFF and PFAS and seeks damages for the extensive contamination. This is the hottest environmental issue in the United States presently. Mr. Summy represents numerous public entities in the MDL. They include the State of Alaska, the State of Mississippi, Bakman Water Company, California Water Service Company, City of Boise, City of Lauderhill, City of Pensacola, City of San Jose, City of Sioux Falls, City of Tacoma, City of Zephyrhills, Coraopolis Water & Sewer Authority, Emerald Coast Utilities Authority, England Economic and Industrial Development, Hillsborough Community College, Lakefront Management Authority, Mississippi Rural Water Association, Monterey Peninsula Airport District, San Bernardino International Airport Authority, Santa Clarita Valley Water Agency, Sioux Falls Airport Authority, South Adams County Water and Sanitation District, Town of Ayer, Town of Barnstable, Town of Bellingham, Town of Danvers, Town of Maysville and Town of Millis.

Mr. Summy is also serving as Co-Chair of the General Liability Discovery Committee and the Science Committee. Baron and Budd Shareholder Carla Burke is also serving as Co-Chair of the Law and Briefing Committee.

1. GEN-X

Mr. Summy and the Group are currently seeking relief on behalf of public water providers and individuals against E. I. du Pont de Nemours and The Chemours Company for decades-long contamination of the Cape Fear River, along with the air and groundwater near the Fayetteville, North Carolina, plant, from Gen-X compounds and dozens of other per- and polyfluoroalkyl substances in the PFAS chemical family. For 35 years DuPont and Chemours have contaminated the river and over a hundred private wells around the plant. Mr. Summy and the Group represent Brunswick County, the Town of Wrightsville Beach, and the Lower Cape Fear Water & Sewer Authority as they seek to recover the costs of removing all PFAS chemicals before the water is distributed to the public. The Group also represents the owners of most of the private wells around the plant that have been contaminated and is seeking damages for well filtration, all costs associated with filtration and property damage. This case is of national significance as focus has shifted to the prevalence of PFAS chemicals around the country.

PCBs

These cases focus on the importance of stormwater and the waterbodies that stormwater drains into. ELG represents multiple public entities that have sued Monsanto for the effects of legacy contamination from PCBs. Municipal public entities are being required to expend monies to lower the levels of PCBs from their stormwater systems. States are dealing with the effects of PCBs to precious natural resources including all forms of sea life, including fish and whales. These natural resources are being impacted by PCBs in part due to contaminated stormwater being released into some of the country's most precious waterbodies and impacting the sea life that lives there. Monsanto knew about the toxic effects of PCBs decades ago. It also acknowledged that its product had reached the status of "global contaminant". These lawsuits are based in tort in multiple jurisdictions and are the first product liability tort cases in America dealing with stormwater.

Summy helped negotiate a landmark \$648M nationwide class settlement with Monsanto on behalf of permitted stormwater operators who discharge into PCB impaired waterbodies. The settlement was approved by Judge Olguin in the Central District of California. This is believed to be the first case in US history to hold the manufacturer of a product responsible for stormwater contamination. The Court overseeing the settlement has appointed Summy, John Fiske and Carla Pickrel, all of ELG, as Lead Class Counsel. Separate settlements totaling \$167.6M have also been reached on behalf of the States of Washington, the District of Columbia and New Mexico.

Many of ELG's clients filed the individual lawsuits that resulted in the class settlement and these clients are serving as proposed Named Class Representatives. They include the Cities of Baltimore, Berkeley, Chula Vista, Long Beach, Oakland, Portland, San Diego, San Jose, Seattle, Spokane and Tacoma; the Port of Portland; Counties of Baltimore and Los Angeles; District of Columbia and the States of Washington and New Mexico due to PCB contamination.

MTBE

Mr. Summy represented over 200 public water providers (e.g., municipalities, water districts, utilities, and school districts) and private well owners whose water was contaminated by MTBE and/or TBA. Many of these cases were consolidated in an MDL where Mr. Summy was appointed Co-Lead Counsel and a member of the Plaintiffs' Steering Committee. On behalf of these clients, Mr. Summy sought cost recovery for treatment facilities, operation and maintenance costs, out-of-pocket expenses, and administrative costs. Settlements in these cases total over a billion dollars. A settlement of particular note was for the City of Santa Monica which was valued by the Court at \$315.5 Million. Mr. Summy currently represents the State of Rhode Island in MTBE litigation. To date, ELG has obtained over \$18 Million in settlements for the State and is continuing to litigate against the remaining defendants. (For a complete list of MTBE Clients, see Appendix of Cases and Results.)

Atrazine

Mr. Summy also represented all public water providers in the United States whose water was contaminated with atrazine, a common agricultural chemical used on corn and other crops. On behalf of these water providers, the Group brought claims against Syngenta, the company that makes atrazine and is aware that its normal use causes drinking water contamination. Mr. Summy negotiated a settlement awarding \$105 million to over 2,000 water providers. Mr. Summy served as Co-Lead/Class Counsel appointed by the Court on behalf of all Class Members. (For a complete list of Atrazine Clients, see Appendix of Cases and Results.)

California Wildfires

Mr. Summy and ELG currently represent over 50 Public Entities in litigation resulting from the devastating 2015, 2017 and 2018 California wildfires. The firm also represents hundreds of individuals and businesses. These fires were caused by the electrical utilities failure to recognize the new normal caused by Climate Change. These utilities failed to maintain their equipment and secure and maintain the foliage that surrounds their equipment. These cases are pending in four consolidated pieces of litigation - two in the North: Northern California Fires, JCCP 4955 and Camp Fire Cases, JCCP 4995; and two others in the South: Southern California Fires, JCCP 4965 and Woolsey Fires, JCCP 5000. Mr. Summy currently serves, along with Baron and Budd Shareholder John Fiske, as Co-Lead Counsel for the Public Entities in Southern California and Woolsey Fire JCCPs. He was also appointed as Co-Lead Counsel for the public entities in the Northern California JCCP prior to PG&E filing bankruptcy. Those cases are now pending in the bankruptcy court.

Mr. Summy recently reached a settlement for the Northern California Public Entities for \$1 Billion. The clients included Butte County, Butte-Glenn Community College District, City of Chico, City of Clearlake, City of Cloverdale, Lake County, Mendocino County, City of Napa, Napa County, Nevada County, City of Santa Rosa, Paradise Recreation & Park District, Sonoma County, Thermalito Water and Sewer District, Town of Paradise, Town of Windsor and Yuba County. He had previously settled cases on behalf of several public entities for the damages they suffered as a result of the Butte Fire. Those entities include Calaveras County, Calaveras County Water District, Ebbetts Pass Fire District, San Andreas Fire District and West Point Fire District. He also secured a \$360 million settlement from Southern California Edison on behalf of 23 public entities for taxpayer losses caused by the 2017 Thomas Fire, the 2018 Montecito Debris Flows, and the 2018 Woolsey Fire. These clients include Carpinteria-Summerland Fire Protection District, City of Agoura Hills, City of Calabasas, City of Hidden Hills, City of

Malibu, City of Santa Barbara, City of Thousand Oaks, City of Ventura, City of Westlake Village, Conejo Valley Recreation and Park District, Conejo Open Space Conservation Agency, Los Angeles County, Los Angeles County Consolidated Fire Protection District, Los Angeles County Flood Control District, Montecito Water Protection District, Montecito Fire Protection District, Rancho Simi Recreation and Park District, Santa Barbara County and several related agencies and Ventura County and several related agencies.

In addition to several public entities, Mr. Summy represents thousands of families and businesses who lost everything due to the negligent maintenance, inspection, and operations of these investor-owned utilities.

Gulf Oil Spill

Mr. Summy's experience with environmental litigation led to a leadership role in the litigation arising from the Deepwater Horizon explosion and oil spill in the Gulf of Mexico. In 2010, he was appointed to the Plaintiffs' Executive Committee and Plaintiffs' Steering Committee in the Gulf Oil Spill Multi-District Litigation in the Eastern District of Louisiana. In that capacity, he played a critical role in negotiating a settlement and claim procedure for the tens of thousands of individuals, businesses, and governmental entities injured by the oil spill. To date, the value of this settlement is estimated to exceed \$14 Billion. Mr. Summy and the Group also represented hundreds of businesses with claims against BP and have recovered in excess of \$100 million on behalf of these clients.

Mr. Summy also represented a number of public entities who sustained loss of tax revenue due to the oil spill. Mr. Summy assisted these public entities in recovering significant losses due to the oil spill. These include City of Anna Maria, City of Bristol, City of Holmes Beach, City of Marathon, City of Monticello, City of Niceville, City of Palmetto, City of Pensacola, City of St. Marks, City of Tallahassee, Collier County, Escambia County, Jackson County, Jefferson County, Lee County, Leon County, Manatee County, Monroe County, Okaloosa Gas District, Pensacola Downtown Improvement Board, Santa Rosa County, School Board of Calhoun County, School Board of Escambia County, School Board of Jefferson County, School Board of Leon County, School Board of Martin County, School Board of Miami-Dade County, School Board of Monroe County, School Board of Palm Beach County, School Board of Polk County, School Board of Santa Rosa County, School Board of Volusia County, School Board of Wakulla County, Town of White Springs, Village of Islamorada, and Wakulla County.

TCP

Mr. Summy and the Group were involved in developing successful product liability theories against the makers of nematocides applied to crops in California. These nematocides contained the scavenger chemical 1,2,3TCP. Over the last decade, Mr. Summy and the Group have represented many California Public Entities whose public drinking water wells were impacted by TCP. The Public Entities represented include California Water Services, City of Bakersfield, City of Delano, City of Livingston, City of Oceanside, City of Shafter, City of Wasco, Lamont Public Utility District and Montara Water & Sanitary District. Results to date exceed \$200 Million. The group currently represents Delano Growers Grape Products, Goose Lake Mutual, North Kranenberg Water System, San Joaquin County and Wini Mutual Water Company regarding their TCP contamination.

Santa Barbara Oil Spill

Mr. Summy represented the City of Santa Barbara and Santa Barbara County against Plains All-American Pipeline. Their pipeline ruptured spilling oil in the vicinity of Santa Barbara and the Pacific Ocean. These cases were successfully resolved.

Coal Ash – Duke Energy

Mr. Summy and the Group were part of the team that successfully resolved litigation for residents living nearby Duke Energy Coal Ash ponds. Chemicals have leaked from these ponds and contaminated drinking water wells with hexavalent chromium and other dangerous chemicals.

Awards

Mr. Summy's work has been recognized for numerous awards. They include:

- Law360 – Practice Group of the Year – Environmental Law category (2020)
- Two Time Finalist for the Prestigious national Public Justice Trial Lawyer of the Year Award (2009, 2013)
- California Lawyer Magazine Trial Lawyer of the Year Award (CLAY) for Environmental Law – MTBE Litigation 2001
- Best Lawyers in America in Mass Tort Litigation/Class Actions – 18 years running
- 2016 Best Lawyers – “Lawyer of the Year” Mass Tort Litigation/Class Actions (Dallas/Ft. Worth)
- Selected as 2022 Texas’ Best Lawyers
- Selected as Top 10 Environmental Trial Lawyer’s Association National Trial Lawyer Magazine
- Winner of the prestigious Burton Award for “Poisoning the Well,” Trial Magazine (August 2016)
- Selected as America’s Top 100 High Stakes Litigators (2018 - 2020)
- Selected as a 9 Figure Litigator by America’s High Stakes Trial Lawyers (2020)
- Selected as America’s Top 100 Personal Injury Lawyers (2020)
- Legacy Award Winner for Civility and Integrity – Tarleton State University 2016
- Selected as Texas Super Lawyer – 12 consecutive years
- Selected by D Magazine as one of the “Best Lawyers in Dallas” (4 years)
- Selected as a Fellow of the American Bar Association (2019)

- Selected as one of “The American Trial Lawyers Association’s Top 100 Trial Lawyers for Texas - 2008”
- Selected to be included in Lawdragon, 500 Leading Attorneys in the US 2009 edition
- Selected as one of “The American Trial Lawyers Association’s Top 100 Trial Lawyers for Texas - 2008-2009”
- Selected by Texas Monthly to be included in “Super Lawyers Business Edition” (inaugural publication)
- Recognized as a “highly recommended” attorney in Baron & Budd’s selection to the Legal 500 List (2012)
- Selected by Benchmark Litigation, the Guide to America’s Leading Litigation Firms and Attorneys, as a Leading Plaintiffs Star in Texas (2012)
- Selected to be included as a 2013 Top Rated Lawyer in Energy, Environmental, & Natural Resources in the April issue of The American Lawyer & Corporate Counsel magazine
- Selected by Benchmark Litigation as a “Local Litigation Star” in Texas 2014 edition
- America’s Top 100 Attorneys – Lifetime Achievement Award
- Selected as one of the Premier 100 Trial Attorneys for The National Academy of Jurisprudence (2016)
- Selected as one of the “Premier 20 Over 20” trial attorneys for Texas for The National Academy of Jurisprudence (2017)
- Recognized as a “recommended” attorney in Baron & Budd’s selection to the Legal 500 List (2017)
- Selected to be named to the National Law Journal’s Plaintiff’s Lawyers Trailblazer List
- Selected to be included in the National Trial Lawyer - Top 10 Environmental Trial Lawyers Association (2018)

Educational Background

Texas Tech University School of Law, J.D. 1990
 Phi Delta Phi
 Board of Barristers

John Marshall Moot Court Team
National Moot Court Team
Recipient: American Jurisprudence Award for Appellate Advocacy
Tarleton State University, B.A. 1986 (cum laude)

Admitted to Practice in the Following Courts

Summy is frequently allowed to practice in states all over the country by applying for admission “pro hac vice.” This allows Summy to handle individual water cases in numerous states. Summy is licensed in the following states and courts:

Supreme Court of Texas
All State Courts in Texas
Federal Eastern District of Texas
Federal Northern District of Texas
Federal Southern District of Texas
Federal Western District of Texas
Fifth Circuit Court of Appeals
Supreme Court of North Carolina
All State Courts in North Carolina
All State Courts in New York
Federal Northern District of Indiana
Federal Southern District of Illinois
Superior Court of the State of California, County of Contra Costa

Summy is also AV Preeminent rated by Martindale-Hubbe.
In 2020, Summy received the AV Preeminent Judicial Rating as well.

Publications

Summy has published articles regarding the legal aspects of handling cases involving chemicals that impact his clients. In 2003, Summy’s MTBE water clients were placed at tremendous risk when the “MTBE Liability Waiver” provision was added to the proposed Energy Bill coming out of the Legislature’s Conference Committee. The MTBE Liability Waiver would have stripped Summy’s MTBE water clients of their rights to pursue the major oil companies under a products liability cause of action. Summy attempted to assist his clients by criticizing the controversial provision. These are cited as follows:

“MTBE Immunity Provision A Bad Idea,” Texas Lawyer, October 13, 2003

“‘Fuel Safe Harbor’ Provision Grants Immunity to MTBE Manufacturers,” New Jersey Law Journal, Vol. CLXXIV - No. 3 - Index 237, October 20, 2003

“Cities May Lose Rights to Pursue Oil Companies for MTBE Contamination,” New Jersey Conference of Mayors, February, 2004

One article authored by Summy was picked up by legal journals and mainstream publications in 124 instances in 15 states with a readership total of 4,434,256. This article was entitled, "Should the Public Pay for the Oil Industry's Mistake?"

Summy also co-authored an article entitled, "The Texas Residential Construction Liability Act: Framework for Change." It appeared in the Texas Tech Law Review, 27 Texas Tech Law Review 1 - 31 (1996).

"Managing Claims Arising From the Gulf Coast Oil Spill: Multidistrict Litigation v. the \$20 Billion Fund," in TXLR, Vol. 25, # 26, July 8, 2010

"The Legal Challenges and Ramifications of Gulf Oil Spill," Aspatore Special Report - Understanding the BP Oil Spill and Resulting Litigation - An In-Depth Look at the History of Oil Pollution and the Impact of the Gulf Oil Coast Disaster, 2010; Also appeared in West's 2010 Gulf Coast Oil Disaster - Litigation and Liability, October 2010.

"Poison In The Well," American Association of Justice – Trial Magazine, August 2016. Co-authored with John Fiske and Carla Burke Pickrel.

"Unnatural Disasters," American Association of Justice – Trial Magazine, January 2019. Co-authored with John Fiske.

Testimony Before Legislative Bodies

Summy testified before the Texas House Civil Practice and Remedies Subcommittee in opposition to HB 1927 designed to provide immunity to manufacturers of gasoline additives.

Presentations

Summy regularly presents at both legal and environmental seminars. Of note, in 2003 Summy was invited to present at a seminar to discuss American Indian Tribal Concerns regarding Perchlorate contamination in the Colorado River. Summy's presentations include the following:

Mealey's Emerging Toxic Torts, "UST and MTBE Litigation Conference" (Co-Chairman, November 15, 1999).

Mealey's Toxic Tort Conference: Plaintiff, Defense and Expert Perspectives (April 17-18, 2000).

Mealey's MTBE Conference (May 11-12, 2000).

American Bar Association Section of Environment, Energy, and Resources 30th Annual Conference on Environmental Law (March 8-11, 2001).

Mealey's MTBE Litigation Conference 2001 (May 10-11, 2001).

Mealey's MTBE & USTs Litigation Conference (Co-Chairman, November 4-5, 2002).

United States Composting Council 11th Annual Conference (January 28-30, 2003).

Tribal Concerns - Perchlorate Contamination Conference, "How Do We Pay The Costs of Restoration?" (September 10, 2003).

International Municipal Lawyers Association, "Protecting Your Drinking Water: MTBE Detects? The Solution to MTBE Pollution" (October 12 - 15, 2003).

United States Composting Council 12th Annual Conference (January 25-28, 2004).

Investigation and Remediation of Dry Cleaner Release Sites - Groundwater Resources Assn., "PCE - The Groundwater Contamination Problem: Who Should Pay to Clean Their Waste From Our Water?", Sacramento, CA (April 7, 2004).

American Ground Water Trust, "Perchlorate in America's Ground Water" (May 3, 2004).

2004 NGWA Groundwater and Environmental Law Conference, "The 2003 Federal Energy Bill and MTBE Liability Protection: If You Fail in Court You Can Win in Congress" (May 5-6, 2004).

"Expert Witnesses," Guest Lecturer, Saint Louis University Law School (September 25, 2004).

International Municipal Lawyers Association, "Emerging Contaminants," (October 5, 2004).

California Nevada Section - American Water Works Association, "Perchlorate - The Blast That Lasts," (October 13, 2004)

2004 Page Keeton Civil Trial Conference, "Representing Water Providers in Environmental Litigation," (October 28, 2004)

2004 Mealey's MTBE and USTs Litigation Conference, "Lessons Learned in the Settlement and/or Trial of MTBE Cases," (December 7, 2004)

2005 National Ground Water Association Ground Water Summit, "Emerging Contaminants, MTBE and Their Impact on America's Water Supply," (April 18, 2005)

Ohio Section - AWWA Conference, "Atrazine Litigation: Recovering the Costs of Treatment," (September 21, 2005)

2005 International Municipal Lawyers Association Annual Conference, "Representing Public Water Providers in Water Contamination Cases," (September 26, 2005)

Ohio Section - AWWA - 9th Annual Safe Drinking Water Act Seminar, "Atrazine Litigation: Recovering the Costs of Treatment," (November 17, 2005)

360 Advocacy Institute - Gulf Coast Disaster: Representing the Plaintiffs - Individuals to Institutions, "Back to the Future - Limitations of Shipowners' Liability Act of 1851 (46 U.S.C. § 30505)," (May 20-21, 2010)

HB Litigation Conferences - Oil in the Gulf: Litigation & Insurance Litigation Coverage Conference, "National Survey of Cases Filed to Date & Coordinating State and Federal Cases," (June 24-25, 2010)

Mass Torts Seminar - Deepwater Horizon/BP Spill, Status of MDL, April 20th Deadline and Status of Scientific Experts (April 13-15, 2011)

"BP Oil Spill Litigation Update," Energy Accounting and Technology Conference, University of New Orleans, May 15, 2012

ABA Section of Environment, Energy, and Resources, 21st Fall Conference, Water, Wind, Waste, and More: Navigating New Tides in Environment, Energy and Resource Regulation "Low Dose Litigation 'The Plaintiff's Perspective,'" (October 9-12, 2013)

360 Advocacy, Damages: Go Big, Always Go Big, "Many Ways to Go Big – A Different Perspective on Environmental Cases." (June 12-14, 2016)

California Coast Chapter of ABOTA: "Wildfire Litigation Spreads to Mass Tort" (February 21, 2018)

5th Annual Class Action Money & Ethics Conference: "Easily Found and Hard to Forget: Class Action and Forever Chemicals-Environmental PFAS Liabilities: The Plaintiffs' Perspective" (June 29, 2021)

ALI CLE: "What's on the Horizon for PFAS Regulation? Rulemaking, Remediation, and EPA's 'Roadmap'" (December 6, 2021)

ABA Class Actions Institute 2022 – Public Nuisance Panel (April 12, 2022)

Summy's Memberships and Affiliations

Summy is actively involved in organizations that are important to his clients, public and private well owners. Summy was also selected in 2003 to become a member of the Board of Directors for the nationally acclaimed Western Environmental Law Center. Organizations in which Summy actively participates are as follows:

Water

Association of Metropolitan Water Agencies (AMWA)
National Association of Water Companies (NAWC)
Association of California Water Agencies (ACWA)
American Ground Water Trust

Environmental

Western Environmental Law Center - Advisory Council (2003 – 2005)

Legal

American Association for Justice (Co-Chair Gulf Coast Oil Spill Litigation Section;
Environmental Law Section; Interim Co-Chair – Wildfire Litigation Group)
State Bar of Texas
Public Justice - Board of Directors (2008 – 2011)

Environmental Law Section - State Bar of Texas
State Bar of North Carolina
International Municipal Lawyers Association (IMLA)
Fellow of Dallas Bar Association
Texas Trial Lawyers Association
State Bar of New York
Mass Tort Trial Lawyers Association
The National Trial Lawyers: Top 100 Trial Lawyers
National Academy of Jurisprudence
Consumer Attorneys of San Diego
Fellow of the American Bar Association

Charitable

1. Mr. Summy is the founder and President of Supreme Court Youth Organization ("SC"). SC is an organization which supports youth basketball teams as they compete nationally. It provides assistance to underprivileged kids that could not otherwise afford to participate. It also established and supports SASO ("Scholars and Athletes Serving Others"), which is a service organization of young men and their mothers who devote substantial service time to charitable events.
2. Mr. Summy was recently elected to the Board of Trustees of the Texas Tech Law School Foundation. His term begins on August 1st, 2020.
3. Mr. Summy endowed a Pre-Law Scholarship in his namesake at his alma mater, Tarleton State University.

How to Reach Scott Summy

Scott Summy
BARON & BUDD, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219-4281
(214) 521-3605 (office)
(214) 523-6267 (direct)
(214) 520-1181 (fax)
ssummy@baronbudd.com

APPENDIX
(CASES AND RESULTS)

Over the last several decades Mr. Summy has handled numerous complex and noteworthy cases. A summary of those cases, the clients represented, and the results are as follows:

1. **In Re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010, MDL 2179**

Summy was appointed by the Court to the Plaintiffs' Executive Committee and the Plaintiffs' Steering Committee. He was also appointed Co-Class Counsel upon resolution. Summy represented 36 public entities and over 1,000 commercial businesses and individuals impacted by the spill. Summy has also spent substantial time in New Orleans in 2010 and 2011 fulfilling his roles on the EC and PSC. Summy also Co-Chairs the Science Group of the PSC which is responsible for developing evidence and hiring experts to determine the full impact of the spill, including Gulf seafood and the coastline. Summy is also involved in the discovery aspect of the case and has taken depositions in the United States and London, England.

Clients: City of Anna Maria, City of Bristol, City of Holmes Beach, City of Marathon, City of Monticello, City of Niceville, City of Palmetto, City of Pensacola, City of St. Marks, City of Tallahassee, Collier County, Escambia County, Jackson County, Jefferson County, Lee County, Leon County, Manatee County, Monroe County, Okaloosa Gas District, Pensacola Downtown Improvement Board, Santa Rosa County, School Board of Calhoun County, School Board of Escambia County, School Board of Jefferson County, School Board of Leon County, School Board of Martin County, School Board of Miami-Dade County, School Board of Monroe County, School Board of Palm Beach County, School Board of Polk County, School Board of Santa Rosa County, School Board of Volusia County, School Board of Wakulla County, Town of White Springs, Village of Islamorada, and Wakulla County

Results: The PSC secured an uncapped settlement fund to benefit many businesses and individuals impacted by the spill. This current estimated settlement is valued at over \$14 billion.) Clients directly represented by the Group recovered an estimated \$100M.

2. **MTBE and TBA Multi-District Litigation ("MDL 1358") and Individual Actions**
[First MDL Settlement]

Summy represented over 200 public water providers including municipalities, water districts and utilities, and school districts and states across the country against the Major Oil Companies who made the decision to add MTBE to gasoline. Summy's clients experienced MTBE and/or TBA contamination to their wells and seek damages/cost recovery to treat the contaminant(s). The clients represented by Summy are:

California: California-American Water Company, California Water Service Company, Citrus Heights Water District, City of Riverside, Del Paso Manor Water District, Fair Oaks Water District, Florin Resource Conservation District, M & P Silver Family Partners II, et

al., Fruitridge Vista Water Company, Quincy Community Services District, Rio Linda Elverta Community Water District, Riverview Water District, Yosemite Spring Park Utility Co, Inc.

Connecticut: Town of East Hampton, American Distilling and Mfg. Co. Inc., Our Lady of the Rosary Chapel, United Water Connecticut, Inc.

Florida: Emerald Coast Utilities Authority f/k/a Escambia County Utilities Authority

Illinois: City of Island Lake, Village of East Alton

Indiana: Town of Campbellsburg, Town of Mishawaka, North Newton School, City of Rockport, City of South Bend

Iowa: City of Galva, City of Ida Grove, City of Sioux City

Kansas: City of Bel Aire, Chisholm Creek Utility Authority, Dodge City, City of Park City

Louisiana: City of Marksville, Town of Rayville

Massachusetts: Brimfield Housing Authority (Brimfield, MA), Centerville-Osterville-Marsons Mills Water Department, Chelmsford Water District (Chelmsford, MA), Dedham Westwood Water District, City of Brockton, City of Lowell, City of Methuen, City of Peabody, Cotuit Fire District Water Department (Cotuit, MA), East Chelmsford Water District (Chelmsford, MA), Hillcrest Water District (Leicester, MA), Leicester Water Supply District (Leicester, MA), Massasoit Hills Trailer Park, Inc., North Chelmsford Water District (Chelmsford, MA), North Raynham Water District, Sandwich Water District, Sudbury Water District, Town of Avon, Town of Bedford, Town of Bellingham, Town of Billerica, Anawan Associates Realty, LLC, Town of Barnstable, Dennis Water District, Lunenburg Water District, Raynham Center Water District, Town of Douglas, Town of Marshfield, Town of Orange, Town of Provincetown, Town of Scituate, Town of Sterling, Town of Charlton, Town of Danvers, Town of Dover, Town of Dudley, Town of Duxbury, Town of East Bridgewater, Town of East Brookfield, Town of Easton, Town of Edgartown, Town of Halifax, Town of Hanover, Town of Hanson, Town of Holliston, Town of Hudson, Town of Merrimac, Town of Millis, Town of Monson, Town of Norfolk, Town of North Attleborough, Town of North Reading, Town of Norwell, Town of Pembroke, Town of Reading, Town of Spencer, Town of Stoughton, Town of Tewksbury, Town of Tyngsboro, Town of Ware, Town of Wayland, Town of West Bridgewater, Town of West Brookfield, Town of Weymouth, Town of Wilmington, Town of Yarmouth, United Methodist Church (Wellfleet, MA), Water Supply District of Acton, Westport Federal Credit Union, Westview Farm, Inc. (Monson, MA), Town of Middleborough, City of Lawrence, Town of Burlington, Town of Townsend, Town of Uxbridge, Town of Webster, Town of Lakeville, Indian Hills Realty, Town of Holden.

New Jersey: Borough of Penns Grove, City of Bridgeton, City of Camden, City of Gloucester City, Township of Winslow, City of Vineland, Elizabethtown Water Company, Little Egg Harbor Township, Mount Holly Water Company, Mount Laurel Municipal Utilities Authority, New Jersey American Water Company, Inc., Penns Grove Water

Supply Company, Inc., Point Pleasant, Southeast Morris County Municipal Utilities Authority, Township of Montclair, United Water Arlington Hills, Inc., United Water Hampton, Inc., United Water New Jersey, Inc., United Water Toms River, Inc., United Water Vernon Hills, Inc.

New Mexico: People of the State of New Mexico Through the Office of the Attorney General

New York: Franklin Square Water District, Great Neck North, Hicksville Water District, Jericho Water District, Long Island Water Corporation, Nassau County, Port Washington Water District, Roslyn Water District, Suffolk County, Suffolk County Water Authority, Town of Wappinger, United Water New York, Inc., Village of Pawling, Village of Sands Point, Western Nassau Water Authority

Pennsylvania: Northhampton/Bucks County Municipal Authority

Vermont: Craftsbury Fire District #2, Town of Hartland

Virginia: Buchanan County School Board, Greensville County Water & Sewer Authority, Patrick County School Board

West Virginia: Town of Matoaka

Wisconsin: Town of Freedom, Freedom Sanitary Water District, Capital Credit Union, Coffey Insurance Services, St. Nicholas Parish, Brenda Abrahamson, et al. (private well owners)

Result: To date, settlements with Oil Company Defendants total over \$450 million and an agreement by 70% of the Major Oil Companies to pay for the treatment of new wells that become contaminated with MTBE and certain preconditions for the next 30 years. The well protection provided by the settlement protects over 3600 wells serving millions of Americans.

Notables:

1. Summy was aligned with the New Mexico Attorney General's office representing the State of New Mexico in their statewide MTBE case.
2. Many of the MTBE/TBA cases have been consolidated in a Multidistrict Litigation in New York before the Honorable Shira A. Scheindlin. Mr. Summy has been designated as co-lead counsel by Order of the Court for the plaintiffs in In re: MTBE, MDL 1358. Summy is a member of the Plaintiffs' Steering Committee and also serves as Treasurer for this Committee.
3. The total value of partial settlements reached to date is in excess of a half a billion dollars - the largest settlement in the history of MTBE litigation in the United States.

3. **MTBE and TBA Multi-District Litigation ("MDL 1358") and Individual Actions**
[Second MDL Settlement]

Plaintiffs: City of Pomona, California; City of Santa Barbara, California; Village of Bethalto, Illinois; City of Nokomis, Illinois; Village of Roanoke, Illinois; Town of Kouts, Indiana; Bridgewater Water Department, Massachusetts; Russell Water Department, Massachusetts; Mayor and Council of Berlin, Maryland; City of Aberdeen, Maryland; Town of Chestertown, Maryland; City of Salisbury, Maryland; Commissioners of Sharptown, Maryland; City of Taneytown, Maryland; County Commissioners of Worcester County, Maryland; City of Kennett, Missouri; Mound City, Missouri; City of Pattonsburg, Missouri; Coraopolis Water & Sewer Authority, Pennsylvania; Harrisville Fire District, Rhode Island; Town of Kingston, Rhode Island

Result: Settled for \$19,471,486.86

4. **MTBE and TBA Multi-District Litigation ("MDL 1358") and Individual Actions**
[Third MDL Settlement]

Plaintiffs: City of Manning, Iowa; RPI Blueberry Estates, Massachusetts; Brewster Water Department, Massachusetts; Harborside Village, Massachusetts; Holy Virgin Mary Spiritual Vinyard (St. Mark Coptic Orthodox Church), Massachusetts; Hopkinton Water Department, Massachusetts; RIGR, Massachusetts; Newburyport Water Department, Massachusetts; rEVO Biologics, Inc., Massachusetts; City of Portageville, Missouri; Town of Hinesburg, Vermont

Result: Settled for \$4,300,000

5. ***Hurshel L. Ashcraft, et al. v. Conoco, Inc., et al.***
(North Carolina) (1997)

Plaintiffs: 178 Residents of 2 Mobile Home Parks

Wells: 2 groundwater wells

Contaminants: Benzene and MTBE

Result: Tried to a jury in 1997. Settled when jury was out determining how much to award in punitive damages. Reportedly settled for \$36 Million.

Notables: First MTBE case ever tried to a jury in the United States. Largest settlement in North Carolina history at that time.

6. ***Alley, et al. v. Conoco, Inc., et al.***
(North Carolina) (1998)

Plaintiffs: 82 Residents of 2 Mobile Home Parks

Wells: 2 groundwater wells

Contaminants: Benzene and MTBE

Result: Settlement for \$6.85 Million

7. ***Barbara Fulcher, et al. v. Trinity American Corporation***
(North Carolina) (1998)
Plaintiffs: 3 families
Wells: 3 residential groundwater wells
Contaminants: Diesel fuel, chromium/chromate, chlorinated solvents, toluene
Result: Settled for \$900,000.00
8. ***Communities for a Better Environment v. Unocal, et al.***
(California) (2001)
Plaintiff: Communities for a Better Environment
Wells: Injunctive relief action brought to protect groundwater wells, public and private, across the State of California
Contaminants: MTBE
Result: After a partial bench trial, Defendants, Major Oil Companies, entered into settlement agreements, injunctive orders and judgments to change their business practices regarding MTBE. They agreed to provide warnings and incorporate state agency directives on cleanup to a legal judgment making delays contemptible. The settlement involved over 1000 sites and was valued at approximately \$200 Million.
Notables: The CBE legal team headed by Summy received the California Lawyer Attorneys of the Year (CLAY) Award for Environmental Law.
9. ***City of Santa Monica v. Shell Oil Company, et al.***
(California) (2003)
Plaintiffs: City of Santa Monica and Southern California Water Company
Wells: 5 public groundwater wells extracting from the Charnock Basin
Contaminants: MTBE and TBA
Result: Settlement valued by the Court at \$315.5 Million.
Notables: The settlement obtained for the City and Water Company requires the Defendants to pay for the design, construction, operation and maintenance of the filtration system until all wells are clean. Additionally, the Defendants paid the City approximately \$120 Million in cash. This allows the City to pay for its attorneys without going out of pocket.
10. ***Kimberly Kirkman, et al. v. ExxonMobil, et al.***
(Pennsylvania) (2003)
Plaintiffs: 7 Plaintiffs
Wells: 1 commercial groundwater well and 3 residential groundwater wells
Contaminants: MTBE
Result: Settled for \$670,000 cash. In addition, 2 plaintiffs obtained hook-up to public water and 4 plaintiffs obtained a Value Assurance Program to assist Plaintiffs in selling their homes
11. ***Salah Bichmaf, et al. v. ExxonMobil Corporation***
(New Jersey) (2003)
Plaintiffs: 8 Families
Wells: 5 groundwater wells
Contaminants: MTBE and Benzene

- Result: Confidential settlement.
Residents also hooked up to public water
12. ***Theodore Holten, et al. v. Chevron, U.S.A., Inc., et al***
(New Jersey) (2004)
Plaintiffs: Approximately 45 Private Residences
Wells: Approximately 45 Residential groundwater wells
Contaminants: MTBE, Benzene and TBA
Result: Settlement for \$2.6 Million
13. ***Communities for a Better Environment, et al. v. Tosco, et al.***
(California) (2006)
Plaintiffs: Communities for a Better Environment and Nicole McAdam
Wells: Acting as private Attorney General brought action under Prop 65 to protect groundwater, public and private groundwater wells throughout the State of California
Contaminants: Benzene and Toluene
Result: Settlements with defendants include injunctive relief, penalties, attorneys' fees and costs. The settlements have been valued in excess of \$100 Million.
Notables: This is the largest Prop 65 settlement to date in the state of California.
14. ***Village of East Alton v. Premcor Refining Group Inc. f/k/a Clark Refining & Marketing Inc.***
(Illinois)
Plaintiffs: Village of East Alton
Wells: 2 groundwater wells
Contaminants: MTBE and TBA
Result: Settlement over \$8 Million.
15. ***Francis Misukonis, et al. v. Atlantic Richfield Company, et al.***
(Illinois)
Plaintiffs: Private well owners
Results: Injunctive relief and attorneys' fees
16. ***Thomas G. Browning, et al. v. Explorer Pipeline Company, et al.***
(Texas) (2005)
Plaintiffs: Approximately 19 private residents requesting recovery for property damage
Results: Settlement over \$1.5 Million
17. ***Fruitridge Vista Water Company v. ExxonMobil, et al.***
(California)
Plaintiff: Fruitridge Vista Water Company
Wells: 4 Groundwater Wells
Results: Settlement over \$2.4 Million

18. ***Howard Graham, et al v. Shell Oil Company, et al.***
(Illinois)
Plaintiffs: Private well owners
Results: Injunctive relief and attorneys' fees
19. ***State of Vermont v. Atlantic Richfield, et al.***
(Vermont)
Plaintiffs: State of Vermont
Results: Successfully resolved
20. **TCE – Ametek Facility Discharge**

Plaintiffs: Class Action of Plaintiffs Exposed to TCE Contamination
Nearby landowners affected by TCE Plume
Results: Mr. Summy and the Group obtained a multi-million dollar class settlement on behalf of individuals, students and property owners who have been affected by a plume of chemicals, including TCE, emanating from the Ametek facility in El Cajon, California. This plume has been described as the largest TCE plume in the State of California. This case received the local media spotlight given that the plume spread underneath an elementary school exposing numerous students.
21. ***State of Rhode Island v. Atlantic Richfield, et al.***
(Rhode Island)
Plaintiffs: State of Rhode Island
Results: Reached settlements with several defendants totaling over \$18Million
Case continuing against several defendants

Lead

Charlene LaVerene Mercurio, et al. v. Alcoa, Inc., et al.
(Illinois)
Plaintiffs: Residents of the town of Rosiclare, Illinois
Contaminants: Lead and other heavy metals
Results: Confidential Settlement

Mercury

Sandra Sue Fullen, et al. v. Philips Electronics North America, et al.
(West Virginia)
Plaintiffs: Former employees of the Fairmont, West Virginia Philips plant
Contaminants: Mercury
Results: Confidential Settlement

Benzene

Lori Lynn Moss and Randy Moss, et al., v. Venoco, Inc., et al.

(California)

Plaintiffs: Former students, and others in the community, who were exposed to toxic materials near Beverly Hills High School

Results: Settled for \$30,000,000

TCP

Summy currently represents San Joaquin County whose wells have been contaminated by TCP. Previously, his group successfully resolved cases for over \$200 Million on behalf of the following water providers:

California Water Services

City of Bakersfield

City of Delano

City of Livingston

City of Oceanside

City of Shafter

City of Wasco

Lamont Public Utility District

Results: *City of Livingston* settled in 2011
City of Oceanside settled in 2011
City of Shafter settled in 2012
City of Wasco settled in 2013
Lamont Public Utility District settled in 2014
City of Delano settled in 2015
City of Bakersfield settled in 2017
California Water District settled in 2017

PCE

Summy represented California Water Services, City of Sunnyvale in California and Suffolk County Water Authority in New York due to the fact that their wells were contaminated by PCE.

Atrazine

Summy represented several water providers in the mid-west whose water supply was contaminated by atrazine. These water providers include:

Illinois: Illinois-American Water Company, City of Carlinville, City of Coulterville, City of Fairfield, City of Flora, City of Gillespie, City of Greenville, City of Hillsboro, City of Litchfield, City of Mount Olive, Holiday Shores Sanitary District, City of Mattoon, Village of Evansville, Village of Farina

Indiana: Indiana-American Water Company, City of Jasper

Iowa: Iowa-American Water Company, Chariton Municipal Water Works, Creston

Municipal Utilities, City of Gladbrook

Kansas: City of Carbondale, City of Dodge City, City of Hillsboro, City of Marion, City of Oswego, City of Plains, Rural Water District No. 2 of Miami County

Missouri: Missouri-American Water Company, City of Cameron, City of Concordia, City of Vandalia, City of Maryville

Ohio: Ohio-American Water Company, City of Upper Sandusky, Village of Monroeville, Village of Ottawa

Results: Class Action Settlement \$105,000,000

Notables: In May, 2012, Summy was appointed as Class Counsel for the Atrazine Settlement Class by Judge J. Phil Gilbert.
Approved Class Included Over 1,000 Public Water Providers

California Wildfires

Summy is part of a group that represents several public entities affected by the devastating 2015, 2017 and 2018 wildfires in California.

Northern California Wildfires

Public Entities: Butte County, Butte-Glenn Community College District, Calaveras County, Calaveras County Water District, City of Chico, City of Clearlake, City of Cloverdale, Lake County, Mendocino County, City of Napa, Napa County, Nevada County, City of Santa Rosa, Ebbetts Pass Fire District, Paradise Recreation & Park District, San Andreas Fire District, Sonoma County, Thermalito Water and Sewer District, Town of Paradise, Town of Windsor, West Point Fire District, and Yuba County.

Results: \$1 Billion Settlement

Southern California Wildfires

Public Entities: Carpinteria-Summerland Fire Protection District, City of Agoura Hills, City of Calabasas, City of Hidden Hills, City of Malibu, City of Santa Barbara, City of Thousand Oaks, City of Ventura, City of Westlake Village, Conejo Valley Recreation and Park District, Conejo Open Space Conservation Agency, Los Angeles County, Los Angeles County Consolidated Fire Protection District, Los Angeles County Flood Control District, Montecito Water Protection District, Montecito Fire Protection District, Rancho Simi Recreation and Park District, Santa Barbara County and several related agencies and Ventura County and several related agencies.

Results: \$360 Million Settlement

Butte Fire

Public Entities: Calaveras County, Calaveras County Water District, Ebbetts Pass Fire District, San Andreas Fire District and West Point Fire District

Result: Over \$25 Million Settlement

Reported Cases:

1. 1998 WL 404491 (E.D.N.C.), *Hurshel L. Ashcraft, et al., Plaintiffs, v. Conoco, Inc., et al., Defendants*, No. 7:95-CV-187-BR(3), United States District Court, E.D.N.C.
2. 218 F.3d 282, *Hurshel L. Ashcraft, et al., Plaintiffs, v. Conoco, Inc., et al., Defendants*, No. 7:95-CV-187-BR(3), United States District Court, E.D.N.C.
3. 218 F.3d 288, *Hurshel L. Ashcraft, et al., Plaintiffs, v. Conoco, Inc., et al., Defendants*, No. 7:95-CV-187-BR(3), United States District Court, E.D.N.C.
4. 2000 WL 1679502 (D. Virgin Islands), *Josephat Henry (Harvey), et. al v. St. Croix Alumina, LLC., et al.*, No. Civ. 1999-0036, District Court of the Virgin Islands, Division of St. Croix, Appellate Division.
5. 864 S.W.2d 648, *The Hartford Insurance Company, Appellant v. Commerce & Industry Insurance Company, Appellee*, No. 01-92-01166-CV, Court of Appeals of Texas, Houston (1st Dist.).
6. 852 S.W.2d 37, *The Sherwin-Williams Company, Appellant v. Trinity Contractors, Inc., Appellee*, No. 10-92-251-CV, Court of Appeals of Texas, Waco
7. 578 F.Supp.2d 519, *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y. 2008)
8. 2008 WL 2944653, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jul 30, 2008)
9. 2008 WL 2566551, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jun 26, 2008)
10. 2008 WL 2511038, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jun 18, 2008)
11. 2008 WL 2388911, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jun 12, 2008)
12. 2008 WL 2882543, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jun 4, 2008)

13. 2008 WL 2047611, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., May 13, 2008)
14. 2008 WL 1991113, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., May 7, 2008)
15. 2008 WL 1971538, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., May 7, 2008)
16. 2008 WL 1971547, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., May 7, 2008)
17. 559 F.Supp.2d 424, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2008)
18. 522 F.Supp. 2d 569, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Nov 7, 2007)
19. 517 F.Supp.2d. 662, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Sep 20, 2007)
20. 510 F.Supp.2d. 299, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Sep 17, 2007)
21. 2007 WL 1791258, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jun 15, 2007)
22. 2007 WL 1601491, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jun 4, 2007)
23. 476 F.Supp.2d 275, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jan 8, 2007)
24. 2006 WL 1997471, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jul 18, 2006)
25. 2006 WL 1004725, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Apr 17, 2006)
26. 458 F.Supp.2d 149, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2006)
27. 447 F.Supp.2d 289, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2006)
28. 438 F.Supp.2d 291, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2006)

29. 457 F.Supp.2d 324, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2006)
30. 457 F.Supp.2d 298, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2006), *motion for reconsideration denied*, 2006 WL 1816308 (June 26, 2006)
31. 415 F.Supp.2d 261, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2005)
32. 402 F.Supp.2d 434, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., May 31, 2005)
33. 399 F.Supp.2d 325, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2005)
34. 399 F.Supp.2d 320, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jul 26, 2005)
35. 2005 WL 1529594, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., June 28, 2005)
36. 2005 WL 1500893, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., June 24, 2005)
37. 399 F.Supp.2d 242, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2005)
38. 233 F.R.D. 133, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2005)
39. 379 F.Supp.2d 348, 364, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2005)
40. 2005 WL 106936, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jan 18, 2005)
41. 2005 WL 39918, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jan 6, 2005)
42. 364 F.Supp.2d 329, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2004)
43. 341 F.Supp.2d 386, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2004)

44. 341 F.Supp.2d 351, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2004)
45. 209 F.R.D. 323, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., 2002)(*"MTBE I"*)
46. 2002 WL 32361003, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., May 23, 2002) (*"MTBE I"*)
47. 174 F.Supp.2d 4, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Oct 16, 2001) (*"MTBE I"*)
48. 175 F.Supp.2d 593, *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, No. 00-Civ. 1898(BS) United States District Court, (S.D.N.Y., 2001)(*"MTBE I"*)
49. 144 Cal. App.4th 689, *D.J. Nelson, as Trustee, etc. v. The Superior Court*, No. C052420, Court of Appeal, Third District, California, (Nov 6, 2006)
50. *City of Greenville v. Syngenta Crop Prot., Inc.*, 2012 U.S. Dist. LEXIS 151819 (S.D. Ill. Oct. 23, 2012) (granting motion for final approval of settlement and award of attorney's fees and expenses)
51. *City of Greenville v. Syngenta Crop Prot., Inc.*, 2012 U.S. Dist. LEXIS 74305 (S.D. Ill. May 30, 2012) (granting motion for preliminary approval)
52. *City of Greenville v. Syngenta Crop Prot., Inc.*, 830 F. Supp. 2d 550, 565 (S.D. Ill. 2011) (denying Syngenta AG's motion to dismiss for lack of personal jurisdiction)
53. *City of Greenville v. Syngenta Crop Prot., Inc.*, 756 F. Supp. 2d 1001, 1004 (S.D. Ill. 2010) (denying Syngenta's motion to dismiss under Federal Rule of Civil Procedure 12(b)(6))

Cary McDougal



Biography

Cary L. McDougal, a shareholder with Baron & Budd, has served as lead attorney in more than 75 jury trials in state and federal court. Over the more than two decades that he has practiced law, Mr. McDougal has proven to be a formidable trial lawyer with unflinching resolve to serve his clients. He has tried cases involving such diverse areas of the law as premises liability, product liability, general personal injury, medical malpractice, insurance litigation and environmental litigation.

For the first 14 years of his legal career, Mr. McDougal handled the defense of matters involving complex litigation throughout Texas and Oklahoma as a partner at two Dallas firms. He focused his practice on civil litigation, and he managed and tried all litigation for several North Texas health care agencies. He co-founded the law firm Aldous and McDougal, which gained recognition for its trial successes on behalf of plaintiffs in medical malpractice, contractual disputes and other matters. Mr. McDougal joined Baron & Budd in 2005.

A shareholder and manager of Baron & Budd's Environmental Litigation Group, Mr. McDougal currently represents more than 200 municipalities and water providers across the country that are seeking clean-up costs for the contamination of their water supplies. His practice includes management of Baron & Budd's cases in the Multi-District Litigation (MDL) MTBE water contamination litigation, which is considered one of the most complex pieces of litigation in the country. He also manages other environmental contamination cases involving chemicals such as TCP, TCE and dioxin.

Mr. McDougal oversees Baron & Budd's representation of public entities and individuals harmed by per- and polyfluoroalkyl substances (PFAS), polychlorinated biphenyl (PCB), methyl tertiary-butyl ether (MTBE), and trichloroethylene (TCE), including GenX. He manages the firm's lawsuits against DuPont and Chemours for poisoning North Carolina drinking wells and the Cape Fear River with numerous toxic PFAS compounds. In addition, he oversees the firm's cases involving firefighting foams that release toxic perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) into drinking water supplies nationwide. Most recently, he has directed Baron & Budd's effort to seek justice for veterans and their family members who were exposed to contaminated drinking water at Camp Lejeune.

Mr. McDougal completed his law degree at the University of Texas School of Law and attained a Master of Public Policy degree from the University of Texas LBJ School of Public Affairs. He continues to serve as a consultant to the LBJ school on issues concerning public policy. He has authored numerous legal papers on civil litigation and trial practice and has spoken at seminars before health care professionals, consumer groups, the insurance industry and attorneys on issues relative to civil litigation.

Mr. McDougal has been inducted into the prestigious American Board of Trial Advocates (ABOTA), a recognition by his peers for his jury trial experience, commitment to the jury process, and ethics. He also holds the top rating from the Martindale-Hubbell Law Directory and was named a Texas Super Lawyer (Thomson Reuters 2005-2006).

Education

University of Texas School of Law (J.D. 1988)

University of Texas LBJ School of Public Affairs (M.P.A. 1988)

Baylor University (B.A. 1984)

Bar and Court Admissions

Texas

United States District Courts for the Northern, Eastern, and Western Districts of Texas

Awards

Top 100 Civil Plaintiff Trial Lawyers (National Trial Lawyers, 2017)

Professional Associations

American Board of Trial Advocates (ABOTA)

American Bar Association

American Association for Justice

Texas Bar Association, Civil Litigation and Environmental Law Sections

CELESTE A. EVANGELISTI

PROFESSIONAL OVERVIEW

Has been a member of Baron & Budd's award-winning Environmental Litigation Group since its inception in 2002. More than twenty years litigating complex environmental contamination and toxic tort cases, with a focus on representation of public entities including states, municipalities, public water providers, school boards, and other governmental entities, who seek to recover costs for environmental clean-up, restoration of water supplies, natural resource damages, and any other costs associated with the contamination.

For the past year has been heavily involved with both the General Liability Discovery Committee and the Science Committee for AFFF MDL No. 2873 pending in federal district court in South Carolina. Ms. Evangelisti is one of a small team of lawyers who have been taking the liability depositions for Plaintiffs in this MDL, which involves PFAS contamination of the environment as a result of its use in fire fighting foam.

From 2014 – 2019, litigated against Monsanto for clean-up costs to address the PCB contamination resulting from Monsanto's decision to continue to market and promote PCB, despite knowledge it had become a toxic and ubiquitous environmental contaminant.

A well-known figure in national litigation arising from contamination caused by the gasoline additive Methyl tertiary-butyl ether (MTBE), having been among the first lawyers to litigate cases against the entire oil industry, beginning in 1999. These cases involved various legal claims applying approximately twenty different states' laws against more than two dozen defendants including some of the largest corporations in the world – ExxonMobil, Shell Oil Company, etc. Also involved in litigation involving PCE, TCE and Atrazine against multi-national giant Syngenta.

Instrumental in working up and establishing the general liability case against defendants, but involved in all aspects of litigation, including overall case strategy, discovery and experts. Has been on the trial team for two jury trials and two bench trials.

Licensed to practice law in Texas (1995), California (2003) and New York (2004), and AV-rated by Martindale Hubbell.

PROFESSIONAL EXPERIENCE

Baron & Budd, P.C.

Shareholder, Environmental Litigation Group, 2006-present

Associate, Water Contamination Practice Group, 2002-2006

Cooper & Scully, P.C.

Associate, exclusive work on environmental toxic torts with Scott Summy, 1999-2002

Strasburger & Price, LLP
Associate, Product Liability Group, 1995-1999

EDUCATION

Cornell University School of Law (J.D. 1995)
State University of New York at Binghamton (B.A. Mathematics, 1992)

PROFESSIONAL AWARDS & ASSOCIATIONS

Top 10 Environmental Trial Lawyers (National Trial Lawyers, 2021)
Top 100 Civil Plaintiff Trial Lawyers (National Trial Lawyers, 2017)
Finalist, Public Justice Trial Lawyer of the Year Award (2013)
Finalist, Public Justice Trial Lawyer of the Year Award (2009)
Texas Super Lawyer (Thompson Reuters, 2003-2005)
Daily Journal Corp.'s California Lawyer Attorneys of the Year (CLAY) Award for
Environmental Law (2001 - member of legal team/awardee)

American Association for Justice – Environmental Law Section
Public Justice
Dallas Trial Lawyers Association

Not certified by the Texas Board of Legal Specialization

CARLA BURKE PICKREL

PROFESSIONAL OVERVIEW

Twenty-four years litigation experience in complex environmental contamination and toxic tort cases.

Represents public entities including states, municipalities, public water providers, school boards, and other governmental subdivisions to recover costs of remediation, treatment, disposal, and damages for loss of property, natural resources, and other losses.

Extensive experience litigating complex cases involving multiple legal theories and/or various states' laws in suits against numerous defendants. Regularly litigates against large, multinational corporations including 3M, ExxonMobil, Syngenta, Monsanto, Dow, and DuPont. Currently serves as Class Counsel for a nationwide class of over 2,500 public entities who alleged that PCBs made by Monsanto contaminated their stormwater systems. In the MDL, serves as Co-chair of the Law & Briefing Committee and participates in briefing of all substantive legal issues.

Proficiency with briefing and arguing substantive motions in litigation concerning various chemicals including PFAS, PCBs, MTBE, atrazine, PFAS, TCE, PCE, 1,2,3-TCP, and others.

Develops cutting-edge legal arguments supporting imposing liability under theories of nuisance, negligence, products liability, and various environmental statutes in environmental cases.

PROFESSIONAL EXPERIENCE

Baron & Budd, P.C.

Shareholder, Environmental Litigation Group, 2008-present

Associate, Water Contamination Practice Group, 2004-2007

Associate, Appellate Department, 2000-2004

Contract Writer, Appellate Department 1999-2000

Southern Methodist University School of Law

Adjunct Clinical Instructor, Civil Clinic, 2001-02

Law Office of Frank L. Branson

Law Clerk, 1997-98

EDUCATION

Southern Methodist University (J.D. 1999; M.A. 1994; B.A. 1991)

BAR & COURT ADMISSIONS

State of Texas
State of New York
State of Washington
United States Court of Appeals for the Fifth Circuit
Supreme Court of the United States of America

PROFESSIONAL AWARDS & ASSOCIATIONS

Top 10 Environmental Trial Lawyers (National Trial Lawyers, 2020-22)
Top 25 Products Liability Trial Lawyers (National Trial Lawyers, 2020-22)
Top 25 National Women Trial Lawyers (National Trial Lawyers, 2020-22)
Top 100 Civil Plaintiff Trial Lawyers (National Trial Lawyers 2016-22)
Burton Award for "Poisoning the Well," Trial Magazine (August 2016)
Finalist, Public Justice Trial Lawyer of the Year Award, 2013
Finalist, Public Justice Trial Lawyer of the Year Award, 2009
Law & Politics Media's List of "Texas Rising Stars," 2006

REPRESENTATIVE REPORTED CASES

Rhode Island v. Atlantic Richfield Co., 357 F.Supp.3d 129 (D.R.I. 2018)
City of Long Beach v. Monsanto Co., 2018 WL 4846657 (C.D.Cal. 2018)
City of Hartford v. Monsanto Co., 2017 WL 3085682 (D.Conn. 2017)
State of Washington v. Monsanto Co., 274 F.Supp.3d 1125 (W.D.Wa. 2017)
City of San Diego v. Monsanto Co., 2017 WL 5632052, at *11 (S.D.Cal. 2017)
City of Portland v. Monsanto Co., 2017 WL 4236583 (D.Or. Sept. 22 2017) (slip opinion)
Port of Portland v. Monsanto Co., 2017 WL 4236561 (D.Or. Sept. 22 2017) (slip opinion)
City of San Jose v. Monsanto Co., 231 F.Supp.3d 357 (N.D.Cal. 2017)
City of Seattle v. Monsanto Co., 237 F.Supp.3d 1096, 1100 (W.D.Wa. 2017)
City of Spokane v. Monsanto Co., 2016 WL 6275164 (E.D.Wa. 2016)
State v. Atlantic Richfield Co., 2016 VT 61, ¶ 1, 2016 WL 3031662 (Vt. 2016)
Trujillo v. Ametek, Inc., 2015 WL 7313408 (S.D.Cal. 2015)
Greenfield MHP Associates, L.P. v. Ametek, Inc., 145 F.Supp.3d 1000, 1003 (S.D.Cal. 2015)

Town of Westport v. Monsanto Co., 2015 WL 1321466 (D.Mass. 2015) (slip opinion)

Suffolk County Water Authority v. Dow Chemical Co., 121 A.D.3d 50 (N.Y.A.D. 2 Dept. 2014)

City of Greenville v. Syngenta Crop Protection, Inc., 904 F.Supp.2d 902, 903 (S.D.Ill. 2012)

Emerald Coast Utils. Auth. v. 3M Co., 746 F.Supp.2d 1216 (N.D.Fla. 2010)

Nelson v. Exxon Mobil Corp., 102 Cal.Rptr.3d 311 (Cal.App. 3 Dist. Nov 20, 2009)

In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation, (S.D.N.Y. 2006) (numerous opinions). *See, e.g.*, 457 F.Supp.2d 324 (S.D.N.Y. Jun 23, 2006), 438 F.Supp.2d 291 (S.D.N.Y. Jun 23, 2006), 415 F.Supp.2d 261 (S.D.N.Y. Nov 09, 2005), 2005 WL 39918 (S.D.N.Y. Jan 06, 2005)

Lawson v. Dallas Co., 286 F.3d 257 (5th Cir. 2002)

Caudillo ex rel. Caudillo v. Lubbock Independent School Dist., 331 F.Supp.2d 550 (N.D.Tex. 2004)

Norfolk Southern Railway Co. v. Bailey, 92 S.W. 3d 577 (Tex.App.– Austin 2002)

PRESENTATIONS

Panelist, "Water Contamination," Harris Martin MDL Conference: The Significance of Proposed Rule Changes in MDL Procedures & Valsartan Agenda, 2019.

Speaker, "How to Deal with Other Contaminants in Drinking Water," Harris Martin Water Contamination Litigation Conference, 2018.

Panelist, "Best Legal Claims and Defenses," Harris Martin Lumber Liquidators Flooring Litigation Conference, May 27, 2015.

Panelist, "Scientific Evidence in Environmental and Toxic Torts Litigation," Mason Judicial Education Program Conference on Environmental Economics, Law, and Litigation, November 19, 2013.

Panelist, "Scientific Evidence in Environmental and Toxic Torts Litigation," Mason Judicial Education Program Conference on Environmental Economics, Law, and Litigation, March 2, 2013.

Panelist, "Setting the Bar for 'Injury' in Environmental Exposure Cases: How Low Can It Go?" Environmental Law Institute Seminar, 2012

Panelist, “Emerging Issues Regarding Toxins Affecting Water,” American Association for Justice Annual Convention, 2010

Speaker, “Water Contamination: What Lies Beneath,” Harris Martin Oil Spill Litigation Conference, 2010

Speaker, Mealey’s MTBE Litigation Conference, 2007

Speaker, Mealey’s MTBE Litigation Conference, 2006

Panelist, “Are There Synergistic Effects Between Toxic Tort Suits and Environmental Regulations?” Environmental Law Institute, 2006

Speaker, “Update on MTBE Litigation,” Energy Litigation Conference, 2005

Co- Presenter, “Premises Liability Cases: What Does the Future Hold?” Andrews Asbestos Litigation Conference, 2003

Co- Presenter, “Texas Supreme Court Update,” Dallas Court of Appeals Seminar, 2000

PUBLICATIONS

Co-Author, “Toxic Torts and Mass Torts,” 57 SMU Law Review 1267 (2004)

Contributor, “Toxic Torts and Mass Torts,” 56 SMU Law Review 2053 (2003)

Contributor, “Toxic Torts and Mass Torts,” 55 SMU Law Review 1375 (2002)

Co-Author, “Applying Texas Premises Liability Law to Asbestos Cases,” COLUMNS, September 2001

Not certified by the Texas Board of Legal Specialization

STEPHEN JOHNSTON

PROFESSIONAL OVERVIEW

Twenty-four years litigation experience representing public entities, public water providers, and individuals seeking to recover damages for remediation, restoration of natural resources and other costs associated with chemical contamination in complex environmental contamination and toxic tort cases.

Extensive experience with all phases of discovery including depositions, motion practice, and hearings in litigation concerning various chemical contaminants including MTBE, 1,2,3-trichloropropane, atrazine, and PFAS. Manages and litigates all phases of cases on behalf of public entities for water contamination arising from the use of a pesticide containing 1,2,3-trichloropropane ("TCP"). Mr. Johnston has recovered in excess of \$200 Million for his clients impacted by TCP. Represented numerous public entities in litigation against Southern California Edison for damages caused by the Thomas and Woolsey wildfires which resulted in a \$360 Million settlement. Is also litigating claims on behalf of public entities and individuals against the DuPont/Chemours Fayetteville Works facility that discharged various PFAS chemicals into the surrounding environment and the Cape Fear River in North Carolina.

PROFESSIONAL EXPERIENCE

Baron & Budd, P.C.

Shareholder, Environmental Litigation Group, 2009-present

Associate, Water Contamination Practice Group, 2004-2008

Associate, Asbestos Litigation Group, 1997-2003

EDUCATION

Texas Tech University School of Law (J.D., cum laude, 1996)

Texas A&M University (B.S., cum laude, 1993)

BAR & COURT ADMISSIONS

State of Texas (1996)

United States District Court, Southern District of Illinois

PROFESSIONAL AWARDS & ASSOCIATIONS

Law & Politics Media's List of "*Texas Rising Stars*," 2006

American Association for Justice

Public Justice

Dallas Trial Lawyers Association

JASON JULIUS

PROFESSIONAL OVERVIEW

Eleven years experience representing public entities, communities, and individuals seeking to recover costs of remediation, restoration of natural resources, treatment of water supplies, and any other expenses associated with removing contamination.

Legal research of issues arising in environmental contamination litigation involving TCE, PCBs, and other contaminants.

Experience in drafting complaints and motions in environmental contamination litigation.

Experience in discovery, including written discovery, depositions, motion practice, and oral argument in complex discovery involving multiple defendants.

General litigation experience, including working with public entity and individual clients in all phases of discovery, mediation, settlement and trial.

PROFESSIONAL EXPERIENCE

Baron & Budd, P.C.

Associate, Environmental Litigation Group, 2017-present

Green, Bryant & French, LLP

Associate, Plaintiffs Personal Injury Litigation, 2012-2017

Lincoln, Gustafson & Cercos

Associate, Insurance Defense Litigation, 2007-2012

EDUCATION

California Western School of Law (J.D. 2007, Cum Laude)

California Polytechnic State University San Luis Obispo (B.S. 2002)

BAR & COURT ADMISSIONS

State of California

BRETT LAND

PROFESSIONAL OVERVIEW

Seven years litigation experience in complex environmental contamination and toxic tort cases.

Has represented dozens of public entities – including multiple states – and over 1,000 individuals to recover damages linked to environmental contamination.

Experience briefing and arguing motions involving complicated legal and scientific theories, conducting and defending depositions, and working with scientists to develop more than 50 complex expert reports.

Conducts thorough analysis with state and other governmental agencies to ensure recovery for all harm incurred – no stone is left unturned.

PROFESSIONAL EXPERIENCE

Baron & Budd, P.C.

Associate, Environmental Litigation Group, 2014-present (Dallas, Texas)

Summer Associate, Environmental Litigation Group, 2012-2013

Jackson Walker LLP

Summer Associate, 2013

EDUCATION

Emory University School of Law (J.D. 2014 *with honors*)

Baylor University (B.A. 2011)

BAR & COURT ADMISSIONS

State of Texas (2014)

State of Washington (2018)

United States District Court, Northern District of Texas

United States District Court, Western District of Washington

United States District Court, Eastern District of Washington

PROFESSIONAL AWARDS & ASSOCIATIONS

The National Trial Lawyers' Top 40 Under 40 Civil Plaintiff Trial Lawyers

American Association for Justice

Texas Trial Lawyers Association

Public Justice

American Water Works Association

REPRESENTATIVE CASES

Barrett v. Dresser, LLC, No. 1:20-CV-01346, 2021 WL 53658, at *1 (W.D. La. Jan. 6, 2021)

Dew et al v. E.I. duPont de Nemours & Company, et al, 5:18-CV-00073; U.S. District Court, Eastern District of North Carolina

Cape Fear Public Utility Authority v. The Chemours Company FC, LLC et al; 7:17-cv-00195; U.S. District Court, Eastern District of North Carolina

Cox v. Ametek, Inc., No. 317CV00597GPCAGS, 2020 WL 7353425, at *1 (S.D. Cal. Dec. 15, 2020)

City of Spokane v. Monsanto Co., No. 2:15-CV-00201-SMJ, 2019 WL 3246503, at *1 (E.D. Wash. July 19, 2019)

City of Seattle v. Monsanto Co., 387 F. Supp. 3d 1141, 1148 (W.D. Wash. 2019)

San Diego Unified Port Dist. v. Monsanto Co., No. 15CV578-WQH-AGS, 2019 WL 2177913, at *1 (S.D. Cal. May 20, 2019)

City of Long Beach v. Monsanto Co., No. CV 16-3493 FMO (ASX), 2018 WL 4846657 (C.D. Cal. Aug. 21, 2018)

Washington v. Monsanto Co., No. C17-53RSL, 2018 WL 9669810, at *1 (W.D. Wash. Mar. 23, 2018)

City of Portland v. Monsanto Co., No. 3:16-CV-01418-PK, 2017 WL 4236583, at *1 (D. Or. Sept. 22, 2017)

City of San Jose v. Monsanto Co., No. 5:15-CV-03178-EJD, 2017 WL 3335735, at *1 (N.D. Cal. Aug. 4, 2017)

City of Hartford v. Monsanto Co., 2017 WL 3085682 (D.Conn. 2017)

*Not certified by the Texas Board of Legal Specialization

STACI J. OLSEN

PROFESSIONAL OVERVIEW

Nine years of experience in complex environmental litigation.

Specializes in the management of electronic information, e-discovery, document management, document review, and training of staff and attorneys to best use electronic resources. Oversees every phase of document management from intake of documents, scanning, coding, searching, bates stamping, substantive review, production, creation of privilege logs, and identification/development of trial exhibits.

Project management of substantive review of client, defendant and third party subpoena documents for creation of damages models including all records of expenses and costs associated with contamination, assessments of impacts to natural resources, and any other evidence necessary for damages calculations.

Manages in-house electronic discovery and document review teams. Works with litigation teams to develop keyword searches, issue tags, redaction of PII and privileged information, and development of privileged names and interesting facts for use in litigation.

Assists public entities with document identification, preservation and tracking, data mapping, document location and storage, custodian interviews, document production, and compliance with public records requests and subpoenas. Assists in negotiation of ESI Protocol to be used in the litigation.

Specifically structures tasks to relieve the litigation burden placed on public entities, agencies, and public employees.

PROFESSIONAL EXPERIENCE

Baron & Budd, P.C.

Senior Counsel of Electronic Discovery, Environmental Litigation Group, 2016-present

Attorney, Environmental Litigation Group, 2010-2016

EDUCATION

Baylor University School of Law (J.D. 1996)

Angelo State University (B.A. 1991)

BAR & COURT ADMISSIONS

State of Texas

*Not certified by the Texas Board of Legal Specialization

ERIN T. McINTOSH

PROFESSIONAL OVERVIEW

Twenty-nine years of experience in complex litigation, including 23 years of experience in environmental contamination and toxic tort cases.

Extensive experience with water contamination cases including those involving the chemicals PCBs, PFOA/PFOS, GenX, PCE, TCE, and MTBE.

Part of the trial team that tried the first MTBE case in the country.

Experience working with public entities including states, municipalities, public water providers, school boards, and other governmental subdivisions. Interface with agencies and departments regarding staffing, expenses, and minimizing the litigation burden on public entities and their employees.

Management of paralegals, legal assistants, and other staff at the Dallas and San Diego offices. Participation in document review staffing and hiring of contractors as needed.

PROFESSIONAL EXPERIENCE

Baron & Budd, P.C.

Senior Paralegal, Water/Environmental Litigation Group, 2002-present

Cooper & Scully, P.C.

Paralegal, Water Contamination/Construction Group, 1994 – 2002

Hughes & Luce, LLP

Paralegal, Litigation Group, 1989 – 1994

EDUCATION

University of North Texas (B.A. 1989)