

# Practices

## Related Practices

Alternative Dispute Resolution, US  
Domestic Arbitration, and Mediation  
Complex Commercial Litigation  
Corporate Asset Affirmative Recovery  
Practice  
High Stakes Litigation  
Insurance Recovery Litigation  
International Dispute Resolution

## Related Sectors

Real Estate  
Energy and Natural Resources  
Healthcare & Life Sciences

## Environmental Litigation

Diamond McCarthy environmental litigators represent plaintiffs and defendants in environmental-related disputes including cost-recovery and contribution actions, CERCLA, RCRA, Clean Water Act, and Oil Pollution Act litigation, as well as in similar state law actions, nuisance and property damage litigation, natural resource damages litigation, and insurance disputes concerning environmental coverage.

Our attorney's includes soil, groundwater, surface water, air issues, and the migration of a host of sub-surface and airborne contaminants of concern including petroleum products. We have tackled some of the nation's largest Superfund sites, and are among the leaders in cutting-edge natural resource damages work.

At our core we are trial lawyers and counselors, combining well-honed courtroom skills with environmental proficiency and understanding. Our experience in environmental jury trial representation offers the ability to synthesize and convey complex issues and scientific/technical concepts not only to judges and arbitrators but also to juries.

### Cost Recovery and Private Property Contamination:

Diamond McCarthy has extensive experience defending clients against allegations of environmental damage linked with legacy contamination, often arising from historical transportation, storage, or manufacturing of contaminants. We are intimately familiar with the regulatory labyrinth and the challenges of statutorily-imposed joint and several liability. We know how to develop strategies to either defend clients from claims brought by government entities or private parties or to creatively and successfully obtain substantial recoveries for clients that partially or completely offset environmental remediation costs associated with these sites.

### Multiparty Cost Recovery and Federal Superfund Site Risk Management and Representation

Diamond McCarthy environmental attorneys have lead contaminant investigations, identify responsible parties, allocate liability, and coordinate remedial investigations and cleanups. We have experience in not only navigating through regulators and third-party interactions, but also dealing with innocent landowner issues, de minimis settlements, and natural resource damages.

## Representative Experience

- Acted on behalf of private entities, some of America's largest port systems, as well as local and state governments in some of the largest contamination clean up and remediation cases in history, resulting in cutting-edge NRD assessments and solutions
- Acted on behalf of a corporate client in obtaining complete defense verdict in one of the largest environmental contribution suits in Washington state history.
- Acted on behalf of a mid-stream transporter before regulators, sovereign tribal nations, and in several of the largest Superfund Sites in the U.S.
- Acted as global lead litigation counsel to the provincial government of Marinduque, Philippines against Barrick Gold in connection with one of the largest toxic environmental disasters in the world for environmental cleanup costs and other damages of approximately \$1 billion. We lead litigation in the United States (Las Vegas, Nevada) and in Manila, Philippines (as well as actions in Canada) and took various issues in the case to the United States Supreme Court, The U.S. Court of Appeals for the 9th Circuit and the Supreme Court of the Philippines.
- Acted on behalf of a major railroad industry client in a Delaware jury trial involving the defense of an environmental indemnity.
- Acted on behalf of a private downstream business in dispute with major insurer and obtained complete indemnification for clean up costs.
- Acting as advisor and counselor in major environmental disaster off the coast of Africa with significant implications on the local economy and tourism.

*For more information on our representative experience please reach out to our initial contacts or email [michael.evian@diamondmccarthy.com](mailto:michael.evian@diamondmccarthy.com).*