



Environmental Litigation

Since Hagens Berman's founding, it has sought to work toward one simple goal: work for the greater good. Hagens Berman has established a nationally recognized environmental litigation practice, having handled several landmark cases in the Northwest, the nation and internationally.

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Notable cases include representing homeowners exposed to arsenic and lead pollutants from Asarco smelters, representing clients against Exxon Mobil affected by the Exxon Valdez oil spill, stopping Dole from degrading drinking water in Guatemala and is fighting against a surge of dirty diesel cars illegally put on highways by the nation's largest automakers.

Science and the Law

Hagens Berman's success in environmental litigation stems from a deep understanding of the medical and environmental science that measures potential hazards. That expertise is translated into the courtroom as our attorneys explain those hazards to a judge or jury in easily understood terms.

Environmental Experts

The firm has fostered deep relationships with top-notch environmental experts that result in resonating arguments and court victories, as well as thoroughly researched and vetted investigations.

Real Impacts

Our firm holds the issue of environmental law closely and has taken an active role in expanding this practice area. In 2003, Steve Berman and his wife Kathy worked with the University of Washington to create the Kathy and Steve Berman Environmental Law Clinic, giving law students the training and opportunities needed to become hands-on advocates for the environment.

Hagens Berman's more notable environmental cases include:

- **Exxon Valdez Oil Spill Litigation**

Hagens Berman represented various classes of claimants, including fisherman and businesses located in Prince William Sound and other impacted areas, who were damaged by one of the worst oil spills in United States history. A \$5 billion judgment was awarded by a federal jury, and a \$98 million settlement was achieved with Alyeska, the oil company consortium that owned the



output of the pipeline.

- **San Francisco and Oakland Climate Change**

Hagens Berman represents the cities of San Francisco and Oakland, Calif. in two lawsuits filed against BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips alleging that the Big Oil giants are responsible for the cities' costs of protecting themselves from global warming-induced sea level rise, including expenses to construct seawalls to protect the two cities' more than 5 million residents. The newly filed case seek an order requiring defendants to abate the global warming-induced sea level rise by funding an abatement program to build sea walls and other infrastructure. Attorneys for the cities say this abatement fund will be in the billions.

- **Kivalina Global Warming Litigation**

A tiny impoverished Alaskan village of Inupiat Eskimos took action against some of the world's largest greenhouse gas offenders, claiming that contributions to global warming are leading to the destruction of their village and causing erosion to the land that will eventually put the entire community under water. Hagens Berman, along with five law firms and two non-profit legal organizations, filed a suit against nine oil companies and 14 electric power companies that emit large quantities of greenhouse gases into the atmosphere. The lawsuit alleged their actions resulted in the destruction of protective ice, exposing the village to severe storms that destroy the ground the village stands on. Relocating the village of Kivalina could cost between \$95 and \$400 million, an expense the community cannot afford.

- **Chinook Ferry Litigation**

The firm represented a class of property owners who challenged Washington State Ferries' high-speed operation of a new generation of fast ferries in an environmentally sensitive area of Puget Sound. Two of the ferries at issue caused environmental havoc and property damage, compelling the property owners to take action. After a successful preliminary trial, the trial court enjoined the operation of the ferries at high speed pending compliance with environmental laws, a ruling later overturned on appeal. A SEPA study conducted in response to the suit confirmed the adverse environmental impacts of the fast ferry service, and a \$4.4 million settlement resulted that is among the most favorable in the annals of class litigation in the state of Washington.

- **Grand Canyon Litigation**

The firm represented the Sierra Club in a challenge to a Forest Service decision to allow commercial development on the southern edge of the Grand Canyon National Park. The trial court enjoined the project.

- **Kerr-McGee Radiation Case**

The firm brought a class action on behalf of residents of West Chicago, Illinois, who have been exposed to radioactive uranium tailings from a rare earth facility operated by Kerr-McGee. The suit resulted in a medical monitoring settlement valued in excess of \$5 million.

- **Skagit Valley Flood Litigation**

Hagens Berman represented farmers, homeowners and businesses who claimed damages as a result of the 1990 flooding of this community. The case was in litigation for ten years and involved a jury trial of more than five months. Following the entry of 53 verdicts against Skagit County, the trial court entered judgments exceeding \$6.3 million. Ultimately, the State Supreme Court reversed this judgment. Despite this reversal, the firm is proud of this representation and believes



that the Supreme Court erred.

- **Idaho Grass Burning Case**

In 2002, Hagens Berman brought a class-action lawsuit on behalf of Idaho residents who claimed grass-burning farmers released more than 785 tons of microscopic pollutants into the air, including concentrations of polycyclic aromatic hydrocarbons (PAHs), proven carcinogens. The burning of the fields each year caused serious health problems, especially to those with respiratory ailments such as cystic fibrosis and asthma. The suit also asserted that Idaho's grass burning policies are far below the standards of other states such as neighboring Washington, where farmers use other techniques to remove grass residue from the fields. The lawsuit settled in 2006, and the firm waived its normal legal fees.

- **Dole Bananas Case**

The firm took on Dole Food Company Inc. in a class-action lawsuit claiming the world's largest fruit and vegetable company lied to consumers about its environmental record and banana-growing practices. The suit alleged that Dole misrepresented its commitment to the environment in selling bananas from a Guatemalan banana plantation that did not comport with proper environmental practices. The suit culminated in 2013. Dole and non-profit organization Water and Sanitation Health, Inc. collaborated on a water filter project to assist local communities in Guatemala.