

Patrick W. Dennis

CERCLA Cost Recovery Litigation

Patrick W. Dennis is a partner in the Los Angeles, California office of Gibson, Dunn & Crutcher, and is a Co-Chair of the firm's Environmental Litigation and Mass Tort Practice Group. Mr. Dennis has extensive experience litigating matters in state and federal and courts, representing clients in a wide range of environmental matters.

Mr. Dennis has also been lead or co-counsel in a number of high profile environmental litigation matters involving disputes over the clean up costs and other damages associated with environmental contamination. Representative examples of those matters include:

- Lead counsel representing Kerr McGee Corporation in *Newhall Land & Farming Company v. Kerr-McGee*, brought in Los Angeles County Superior Court. There, major landowner/developer in Southern California alleged contamination of some 4,000 acres of former crude oil production property by Kerr McGee. Case successfully settled after summary judgment motions brought.
- Lead counsel representing Solar Turbines (a Caterpillar subsidiary) in *Solar Turbines v. Navistar*, brought in United States District Court for the Southern District of California. Case involved the clean up of the former aircraft manufacturing site where the Spirit of St. Louis was built in San Diego. Contaminants included heavy metals, including cadmium and lead, volatile organic compounds including TCE and PCE, and semi-volatile organic compounds. Case settled with defendant paying substantial portion of clean up costs for the site.
- Lead counsel representing Atlantic Richfield Company (Arco) in the precedent setting case that established the scope of CERCLA's petroleum exclusion. Successfully argued before the Ninth Circuit that the petroleum exclusion in CERCLA prevents the use of CERCLA for cost recovery associated with refined motor vehicle fuel leaks, including gasoline. Published decision is at *Wilshire Westwood Associates v. Atlantic Richfield Company*, 881 F. 2d 801 (9th Cir. 1988).
- Lead counsel representing GNB, in *GNB v. NL Industries, Inc.*, involving the clean up of one of the largest secondary lead smelters in the Western States. Case settled after GNB brought successful summary judgment motion challenging the contractual defenses of NL Industries. Major compound at issue was lead.
- Co-counsel to Goodrich Corporation in the series of actions brought by the City of Rialto and the State of California against various entities for the estimated \$200 million + cleanup of ammonium perchlorate and TCE in the Rialto and Colton groundwater basins.
- Pinal Creek Litigation – Represented Phelps Dodge, along with others, in the CERCLA cost recovery action involving Pinal Creek.