



Gregory J. Newmark
Principal

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Practice Groups

Environmental Law
Land Use
Trial and Litigation
Water Law
Writs and Appeals

California Bar Number
190488

Education

Hastings College of the Law, JD, 1997

University of New Mexico, BA in History
and minor in Biology, *cum laude*, 1994

Practicing Since: 1997

Gregory (Greg) Newmark leads the Los Angeles office. He represents local agencies in litigation and compliance matters regarding water quality, water rights, water rates, environmental contamination, inverse condemnation, brownfields, and First Amendment and other constitutional issues. Greg also advises public entities on land use laws, including the California Environmental Quality Act and the National Environmental Policy Act, and reviews environmental documents. Greg has extensive litigation experience, including complex multi-party disputes.

Representing clients in a broad array of environmental and land use matters, he often serves as counsel in administrative permitting and enforcement proceedings before the State Water Resources Control Board and the California Regional Water Quality Control Board. He works closely with his clients and with water board staff and counsel to negotiate the terms of permits and orders. When necessary, he litigates administrative appeals and civil actions on behalf of waste discharge and NPDES permittees.

Greg has handled numerous cases involving groundwater contamination issues. These matters range from regulatory cleanup orders to cost recovery actions against responsible parties. Greg often strategizes with expert consultants to develop the best solution for each matter.

Prior to joining Meyers Nave, Greg was a Deputy Attorney General for the California Department of Justice. In this role, he represented natural resources agencies (e.g., the State Water Resources Control Board, the Department of Forestry and Fire Protection, the Department of Water Resources, and the Department of Fish and Wildlife) in trial court and appellate litigation regarding air and water pollution, inverse condemnation, CEQA, exotic species and endangered species, and fire suppression cost recovery.

As Deputy Attorney General, Greg presented oral argument in the first Clean Water Act case reviewed by the California

Supreme Court (*Burbank v. State Water Resources Control Board*). He also argued the first California reported decision to adjudicate a challenge to the merits of a total maximum daily load (TMDL) under the Clean Water Act and California's Porter-Cologne Water Quality Control Act (*City of Arcadia, et al. v. State Water Resources Control Board, et al.*).

Greg received commendations from the State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles Region, for his representation of those agencies in water quality litigation. The U.S. Department of Justice also commended him "for outstanding performance and invaluable assistance" in a water quality case.

Prior to joining the Attorney General's Office, Greg represented nonprofit groups in environmental citizen suits under Proposition 65, NEPA, the Clean Water Act and the Endangered Species Act. During law school, he served as a judicial extern to the Honorable A. James Robertson II in San Francisco Superior Court.

Greg is admitted to the U.S. Court of Appeals, Ninth Circuit, and the U.S. Northern, Eastern and Central district courts in California.

Professional Affiliations and Honors

- Member, Board of Directors, Urban Water Institute
- Recipient, Certificate of Commendation, U.S. Department of Justice
- Member, Executive Committee, Environmental Law Section, California Lawyers Association (Appointed by the Board of Governors)
- Past Co-Chair, Legislation Committee, Environmental Law Section, California Lawyers Association
- California Delegate, National Association of Attorneys General Clean Air Act Conference
- Associate Editor, *Hastings West-Northwest Journal of Environmental Law and Policy*
- Participant, Hastings Public Interest Law Foundation

Presentations and Publications

- Author, "Appellate Court Finds Certain State-Mandated Stormwater Permit Requirements Imposed on Local Governments Are Subject to Cost Reimbursement," Meyers Nave Client Alert, January 28, 2021
- Quoted, "Group Asks 9th Circ. For 2nd Shot At Calif. Water Case," *Law360*, November 30, 2020
- Author, "Records Retention Policies and CEQA Compliance," Urban Water Institute newsletter, October 2020

- Author, “Clean Water Act Update: SCOTUS’ New ‘Functional Equivalent’ Test and *County of Maui vs. EPA’s New Navigable Waters Protection Rule*,” Meyers Nave Client Alert, May 7, 2020
- Author, “US Supreme Court Expands CERCLA Jurisdiction and PRP Definition,” Meyers Nave Client Alert, April 29, 2020
- Author, “New WOTUS Rule Attempts to End 40 Years of Ambiguity,” Meyers Nave Client Alert, January 29, 2020
- Presenter, “It’s the Wild West: A PFAS Update from California,” California Lawyers Association Environmental Law Conference at Yosemite, 2019
- Panel Moderator, “Getting Stuck with the Teflon Contaminant - How PFAS will Affect Water Agencies,” 26th Annual Water Conference, Urban Water Institute, 2019
- Quoted, “City, Environmentalists Duke Out Chromium 6 Water Woes,” *Courthouse News Service*, April 11, 2019
- Author, “EPA’s New PFAS Action Plan: Urgent Next Steps for the Regulated Community,” Meyers Nave Client Alert, February 19, 2019
- Presenter, “Creative Non-Litigation Solutions to Regional Groundwater Contamination Problems,” Los Angeles County Bar Association Environmental Law Section's Spring Symposium, 2018
- Panel Moderator, “To Litigate or Not To Litigate,” Urban Water Institute's Spring Water Conference, 2018
- Author, “EPA Proposes Rescinding ‘Waters of the United States’ Rule: Comments Due August 28,” Meyers Nave Client Alert, 2017
- Author, “Bills Respond to Rollback of Environmental Laws,” *Daily Journal*, March 20, 2017
- Author, “Forecast for the ‘Waters of the US’ Rule? Very Muddy,” Meyers Nave Client Alert, 2017
- Author, “California Senators Introduce Environmental Bills to Counter Potential Rollbacks from Trump Administration,” Meyers Nave Client Alert, 2017
- Author, “State Water Board Extends Water Conservation Regulations and Makes Minor Amendments,” Meyers Nave Client Alert, 2017
- Author, “TSCA Reform Close to Reality, But at the Expense of California’s Green Chemistry Regulations?,” Meyers Nave Client Alert, 2016
- Presenter, “Unfunded Mandate Test Claims: Status, Results, and Implications,” California Stormwater Quality Association, 2016
- Author, “California Supreme Court Opens Door for State Reimbursing Local Agencies for Unfunded Mandates,” Meyers Nave Client Alert, 2016

- Author, “Stormwater Discharge: Avoid Enforcement Actions,” *Facility Executive*, September 29, 2016
- Panel Moderator, “The Future of Water Conservation Regulations – With or Without Drought,” Urban Water Institute’s Spring Water Conference, 2016
- Author, “State Water Board Adopts New Approach to Urban Water Conservation in Extended Emergency Regulations,” Meyers Nave Client Alert, 2016
- Quoted, “State May Have to Pay Local Water Agencies Millions,” *SFGate*, August 29, 2016
- Panelist, “Enforcement of Water Conservation Mandates: Requirements, Risks and Responses for Water Suppliers,” Urban Water Institute’s Annual Conference, 2015
- Panel Moderator, “Legislating Groundwater Sustainability- Will It Work & At What Price?” Urban Water Institute’s Spring Water Conference, 2015
- Author, “Application of the California Construction Storm Water General NPDES Permit to Oil and Gas Projects,” *The Override*, September 15, 2010
- Panel Moderator, “Storm Water Update: Two Decades Down the Drain?,” Environmental Law Conference at Yosemite, 2010
- Speaker, “Southern California Stormwater Water Quality,” Law Seminars International, 2010
- Speaker, “Federal and California Water Quality Regulation,” Western Area Counsel Office Environmental Law Conference, 2010
- Instructor, “California Water Quality: An Introduction to Regulation under State and Federal Law,” Environmental Law Conference at Yosemite, 2009
- Panelist, “Acquiring and Preserving Water Rights,” Lorman Education Services, 2008
- Panelist, “The Perfect Stormwater: Where is the Finish Line for Urban Runoff Control?,” Sonoma County Bar Association, 2008
- Panel Moderator, “Smelt Down: Endangered Species and Water Supply in Crisis,” Environmental Law Conference at Yosemite, 2008
- Panelist, “The Perfect Stormwater: Where is the Finish Line for Urban Runoff Control?,” City Attorneys Association of Los Angeles County Annual Conference, 2008
- Panelist, “Current Issues in Stormwater Regulation,” Lorman Education Services, 2007
- Guest Lecturer, “Municipal Sewage Spill Litigation,” UCLA Environmental Law Clinic, 2003
- Panelist, “Sewage Happens, Hot Environmental Legal Issues on the California Central Coast,” Santa Barbara, California, 2002 (discussion on application of state and federal water quality laws to sewage spills from municipal wastewater collection systems). [Transcript published at Environmental Law Section of the State Bar of California, “Sewage Happens,” *Environmental Law News*, 2003

- Speaker, “Avoiding Legal Pitfalls When Investigating Forest Fire Cause and Origin,” Office of the State Fire Marshal, 2001

Representative Experience

Water Quality, Water Rights and Water Rates

- *San Diego County Water Authority v. Metropolitan Water District of Southern California*
Meyers Nave is defending the City of Los Angeles’ Department of Water and Power (LADWP) as a real party in interest in this complex litigation challenging the Metropolitan Water District of Southern California’s (MWD) rates and charges for imported water under a variety of legal theories including Proposition 26 and common law. Hundreds of millions of dollars of past and future rates and charges are involved in the case. In June 2017, the First District Court of Appeal ruled in favor of MWD (and LADWP) on the primary issue of whether State Water Project transportation costs are appropriately recovered in MWD’s transportation rate, but the San Diego County Water Authority prevailed on some issues as well.
- *Irvine Ranch Water District v. Orange County Water District*. Meyers Nave represents three groundwater pumpers in litigation initiated by a competing groundwater producer (IRWD) challenging the Orange County Water District’s administration of an adjudicated basin. In the current phase of the litigation, we are opposing IRWD’s allegation that an OCWD surcharge was not adopted in compliance with Proposition 26.
- *State Water Project Contract Extension Amendment Validation Action*. We represent the Santa Clara Valley Water District (Valley Water) in this 23-party litigation initiated by the Department of Water Resources to validate amendments to the State Water Project Contract. Valley Water entered the action to support validation and to oppose other parties that answered the complaint contesting the validity of the amendments.
- *City of Burbank, et al. v. State Water Resources Control Board, et al.* Defended the State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles Region, in a challenge to wastewater discharge permits by the cities of Burbank and Los Angeles. Issues involved the California Porter-Cologne Water Quality Control Act, the federal Clean Water Act, the state Administrative Procedure Act, CEQA and fee recovery under Code of Civil Procedure § 1021.5. Assisted lead trial counsel in superior court, and was lead counsel on appeal and remand. Presented oral argument in California Supreme Court.
- *People of the State of California v. AlSCO, Inc.* Meyers Nave defended AlSCO, Inc., a uniform and linen rental and commercial laundry business, against civil and administrative enforcement claims by the Sonoma County District Attorney and the City of Santa Rosa, respectively, for alleged violations of wastewater pretreatment requirements and releases of wastewater to a nearby creek. We conducted a comprehensive investigation into the prosecutor’s claims, and forcefully presented AlSCO’s defense. Settlements were reached with the District Attorney, by stipulated judgment, and with the City, by consent order.

- *Orange County Water District v. Northrop Corp., et al.* Currently representing the cross-defendant, Metropolitan Water District of Southern California, in a groundwater contamination lawsuit regarding volatile organic compounds (VOC) and perchlorate in groundwater within the North Basin of the Orange County Aquifer.
- *Santa Barbara Channelkeeper v. City of Santa Barbara.* Defending the City of Santa Barbara in a federal Clean Water Act citizen suit regarding sanitary sewer overflows from the city's sewage collection system.
- *In re County of Stanislaus, Geer Road Landfill.* Defended the County of Stanislaus in administrative enforcement proceedings initiated by the California Regional Water Quality Control Board, Central Valley Region, to issue a cease and desist order regarding corrective actions related to groundwater at a closed landfill.
- *City of Barstow, Negotiations in Groundwater Contamination Matter.* Representing the City of Barstow in negotiations with the California Regional Water Quality Control Board, Lahontan Region, and in an administrative appeal to the State Water Resources Control Board's orders to investigate groundwater contamination, develop a remediation plan and supply replacement drinking water.
- *City of Dixon Wastewater Treatment Plant, Administrative Proceedings.* Represented the City of Dixon in proceedings before the California Regional Water Quality Control Board, Central Valley Region, challenging the complaint for administrative civil liability and cease and desist order relating to alleged reporting violations and groundwater contamination.
- *County of Mariposa, Ben Hur Road Site, Bartlett Petroleum Groundwater Contamination.* Represented the County of Mariposa regarding replacement drinking water supply and cleanup negotiations with an underground storage tank owner. The tank caused methyl tertiary-butyl ether (MTBE) contamination in a county drinking water well.
- *United States of America, et al. v. City of Alameda, et al.* Representing the Stege Sanitary District, in collaboration with other operators of sewage collections systems, in a federal court enforcement action by the U.S. Environmental Protection Agency and intervener plaintiff San Francisco Baykeeper regarding alleged unlawful discharges of primary treated wastewater and sanitary sewer overflows. The plaintiffs are seeking injunctive relief requiring infrastructure improvements to regional sewage collection and treatment systems.
- *United States of America, et al. v. East Bay Municipal Utility District.* Representing the Stege Sanitary District, joining other operators of satellite sewage collection systems, in negotiations with the U.S. Environmental Protection Agency and Department of Justice regarding federal court enforcement action seeking injunctive relief requiring infrastructure improvements to regional sewage collection and treatment systems.
- *San Francisco Baykeeper v. City of South San Francisco.* Representing the City of South San Francisco in a federal Clean Water Act citizen suit regarding sanitary sewer overflows from the city's sewage collection system.
- *City of Sebastopol, Clean Water Act Action.* Representing the City of Sebastopol in settling claims asserted in a 60-day notice of intent to sue under the federal Clean Water Act from the

Northern California River Watch regarding sanitary sewer overflows and force main failure. Also, defending the city against related administrative civil liability proceedings initiated by the California Regional Water Quality Control Board, North Coast Region.

- *California Sportfishing Protection Alliance v. City of Chico*. Representing the City of Chico to settle a federal Clean Water Act citizen suit regarding alleged violations of industrial stormwater regulations for run-off from a municipal airport.
- *Our Children's Earth Foundation v. City of Pacifica*. Representing the City of Pacifica in a federal Clean Water Act citizen suit and in related enforcement proceedings by the California Regional Water Quality Control Board, San Francisco Bay Region. The plaintiffs alleged that sanitary sewer overflows and a bypass of partially treated wastewater violated NPDES permit requirements.
- *United States, et al. v. City of Los Angeles*. Represented the plaintiff, California Regional Water Quality Control Board, Los Angeles Region, in an enforcement action under the California's Porter-Cologne Water Quality Control Act and the federal Clean Water Act against the City of Los Angeles for over 4,000 sewage spills. Acted as lead trial counsel for the state in close collaboration with co-plaintiffs, the federal government and environmental groups. After intensive discovery, law and motion practice, and lengthy negotiations, the parties agreed to settle. The settlement provided substantial penalties and millions of dollars in injunctive relief to improve the wastewater infrastructure.
- *Palmdale Water District v. City of Palmdale*. Defending the City of Palmdale in a lawsuit brought by a local water district seeking to enjoin the city's efforts to obtain and utilize recycled water and alleging claims under the Water Recycling Act of 1991.
- *Mt. View Sanitary District, Sanitary Sewer Overflow*. Represented the Mt. View Sanitary District in negotiations and preparation of a formal response to an administrative civil liability complaint for penalties from the California Regional Water Quality Control Board, San Francisco Bay Region, regarding sanitary sewer overflow in Contra Costa County.
- *City of Healdsburg, Alleged NPDES Violations*. Represented the City of Healdsburg in settlement negotiations and administrative proceedings regarding a civil liability complaint from the California Regional Water Quality Control Board, North Coast Region, alleging violations of NPDES permit effluent limitations.
- *Water Replenishment District of Southern California, Alleged NPDES Violations*. Represented the Water Replenishment District in response to a threat of administrative civil liability penalties for alleged violations of general NPDES permit reporting requirements.
- *City of Inglewood, Alleged NPDES Violations*. Represented the City of Inglewood in administrative petition to the State Water Resources Control Board, challenging a Notice of Violation and Water Code §13383 Order issued by the Regional Water Quality Control Board. The order alleged MS4 NPDES permit violations for exceeding the Santa Monica Bay Beaches Bacteria Dry Weather TMDL.
- *City of Healdsburg, NPDES Permitting Proceedings*. Representing the City of Healdsburg in NPDES permitting proceedings before the California Regional Water Quality Control Board,

North Coast Region. This matter involves proper interpretation of the Basin Plan and calculation of effluent limitations.

- *Cities of Dublin and San Leandro, NPDES Permit Challenge*. Representing the cities of Dublin and San Leandro in an administrative appeal of the California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit. The cities challenged both administrative procedures for permit adoption as well as improper substantive requirements imposed in violation of state and federal laws.
- *Southern California Regional Rail Authority, Waste Discharge Matter*. Representing the Southern California Regional Rail Authority (Metrolink) in preparing a response to a directive from the California Regional Water Quality Control Board, Los Angeles Region, to submit a report of waste discharge for groundwater pumped out of Tunnel 26 near Chatsworth, Calif.
- *Los Angeles River Trash TMDL Litigations (Cities of Arcadia, et al. v. State Water Resources Control Board, et al.; City of Los Angeles Bureau of Sanitation v. State Water Resources Control Board, et al.; County of Los Angeles, et al. v. State Water Resources Control Board, et al.)*. Represented the defendants, State Water Resources Control Board and California Water Quality Control Board, Los Angeles Region, in actions challenging regulations adopted to control the amount of trash discharged through stormwater drains into the Los Angeles River Watershed. Acted as lead trial and appellate counsel. The cases brought by the City of Los Angeles and the County of Los Angeles resulted in a mutually satisfactory settlement. In *Cities of Arcadia, et al.*, the superior court issued split judgment after trial, adjudicating some issues in favor of each side. The published appellate opinion (*City of Arcadia, et al. v. State Water Resources Control Board, et al.* (2006) 135 Cal.App.4th 1392) resolved all water quality issues in favor of the water boards, but found the Los Angeles River Trash TMDL had not been adopted in compliance with CEQA.
- *Confidential Municipality, Pre-1914 Appropriative Water Rights Assessment*. Representing a Northern California municipality in its effort to research, investigate and substantiate the priority and scope of its pre-1914 appropriative water rights in response to correspondence from the enforcement staff at the State Water Resources Control Board.
- *Confidential Municipality, Water Rights to Treated Wastewater Assessment*. Providing water rights counsel to a Central Valley municipality regarding competing water rights claims to treated wastewater.
- *Analysis of Surface Water Rights in Adjudicated Basin*. Researching and analyzing regulatory compliance obligations and water rights transfer in an adjudicated basin in Northern California.
- *Cities of Arcadia, et al. v. State Water Resources Control Board, et al.* Defended the State Water Resources Control Board and California Regional Water Quality Control Board, Los Angeles Region, in an action challenging a regulation adopted to control the amount of trash discharged through stormwater drains into the Los Angeles River Watershed. Acted as lead trial counsel and filed a demurrer resulting in dismissal because the regulation was not final.
- *Cemex, Inc., et al. v. California Regional Water Quality Control Board*. Defended the California Regional Water Quality Control Board, Los Angeles Region, in an action brought by a mining

company challenging wastewater discharge permits. Acted as lead attorney in negotiations resulting in a mutually satisfactory resolution.

- *County Sanitation District No. 2 of Los Angeles County v. State Water Resources Control Board, et al.* Represented the defendants, State Water Resources Control Board and California Regional Water Quality Control Board, Los Angeles Region, in an action challenging wastewater discharge permits. Acted as lead attorney during initial motions, defeating application for stay of challenged permit conditions and successfully moving for change of venue.
- *City of Thousand Oaks v. State Water Resources Control Board, et al.* Defended the State Water Resources Control Board and California Regional Water Quality Control Board, Los Angeles Region, in an action challenging a \$2.3 million civil penalty assessed against the plaintiff, City of Thousand Oaks, for spilling 86 million gallons of raw sewage. Settled for payment of reduced penalty.
- *County Sanitation District No. 20 of Los Angeles County v. California Regional Water Quality Control Board, Lahontan Region.* Represented the defendant, California Regional Water Quality Control Board, Lahontan Region, in an action challenging the cease and desist order issued to abate groundwater contamination by wastewater.
- *County Sanitation District No. 14 of Los Angeles County v. California Regional Water Quality Control Board, Lahontan Region.* Defended the California Regional Water Quality Control Board, Lahontan Region, in an action challenging cease and desist order issued to abate a nuisance created by the flooding of a dry lake with wastewater.

Contaminated Sites / Environmental Litigation

- *Bach v. Yoelin, et al.* Defending an oil and gas operator against claims by surface rights owner alleging trespass, environmental contamination and seeking to quiet title. Obtained a temporary restraining order and preliminary injunction securing continued access to oil and gas production assets. Currently, preparing for trial in Ventura County Superior Court.
- *Catlin Insurance, et al. v. Yoelin.* Defending an oil and gas operator in a declaratory relief action filed by an insurer in U.S. district court seeking to deny coverage, and counterclaim against an insurer alleging insurance bad faith.
- *Redevelopment Agency of the City of Pittsburg v. Marine Express, Inc.* Represented the Pittsburg Redevelopment Agency in a civil action to recover costs of investigating and remediating contaminated property under the Polanco Redevelopment Act and to compel the property owner to take remedial actions.
- *Confidential Redevelopment Agency, Clean-up/ Cost Recovery Action.* Represented a Southern California redevelopment agency in negotiations with responsible parties to compel clean-up or cost recovery for properties contaminated by petroleum production facilities and underground storage tanks.
- *Attorney General, Proposed Glamis Imperial Gold Mine.* Represented the Attorney General in his independent capacity to evaluate and comment on actions of the U.S. Department of

Interior's decision to reverse the previous administration's decision regarding a proposed cyanide heap-leach gold mine.

- *Ironite Products Company v. California Department of Food and Agriculture*. Defended the California Department of Food and Agriculture and its secretary in a manufacturer's challenge to regulations requiring labeling of heavy metal content in fertilizers and restricting levels of certain heavy metals. Successfully defended the regulation in trial court and appellate proceedings, and negotiated a favorable settlement after a denial of writ of supersedeas.
- *People of State of California Ex Rel. Air Resources Board, et al v. Pacific Custom Material*. Represented the Attorney General in his independent capacity, the Air Resources Board and the Ventura County Air Pollution Control District as plaintiffs in an enforcement action against an aggregate manufacturing facility for violating air pollution permitting requirements.
- *People of State of California, et al. v. Mesa Exhaust Products, Inc., et al.* Represented the Attorney General in his independent capacity and the Air Resources Board as plaintiffs in an enforcement action against an aftermarket automobile exhaust products manufacturer alleging violations of the Health and Safety Code and Business and Professions Code §17200 and §17500. Obtained \$505,500 in civil penalties by a default judgment.
- *People of State of California, et al. v. Bug Motors, Inc., et al.* Represented the Attorney General in his independent capacity and the Air Resources Board as plaintiffs in an enforcement action against an automobile re-manufacturer and related businesses alleging violations of the Health and Safety Code and Business and Professions Code §17200 and §17500. Obtained settlements and default judgments totaling over \$1.4 million in civil penalties.
- *People of State of California Ex Rel. Air Resources Board v. Ultra Acquisition Corporation, et al.* Represented the plaintiff, Air Resources Board, in an enforcement action against a motorcycle manufacturer and retailers, prosecuting violations of the Health and Safety Code. This action was settled to the client's satisfaction.

Inverse Condemnation / CEQA

- *Speights v. City of Oceanside, et al.* Defending the City of Oceanside in an inverse condemnation suit brought by a developer seeking \$12 million in damages for alleged unreasonable pre-condemnation conduct (a *Klopping* claim) and improper exactions.
- *Malibu Canyon L.P. v. County of Los Angeles*. Representing the County of Los Angeles in a Subdivision Map Act and inverse condemnation lawsuit filed by a developer seeking \$80 million in damages after the county rejected the developer's final subdivision map's filing application.
- *Eliopoulos v. City of Palmdale*. Represented the City of Palmdale in post-trial motions and on appeal in a developer's action for breach of contract, inverse condemnation, and petition for writ of administrative mandate. The city prevailed on the merits and recovered attorneys' fees.

- *People of State of California, Ex Rel. Attorney General Bill Lockyer and State Park and Recreation Commission v. Foothill/Eastern Transportation Corridor Agency, et al.* Represented the California State Park and Recreation Commission in an action alleging that the environmental analysis of toll road project violated CEQA.
- *Munari v. City of El Paso De Robles, et al.* Defended the Department of Fish and Wildlife as lead counsel on CEQA issues in a developer's action challenging the City of El Paso De Robles' denial of a development application and mitigation requirements imposed by the department relating to endangered species. Successfully resolved by summary judgment, which the court of appeal affirmed.
- *Southern California Bass Council, et al. v. State Of California, et al.* Defended the Department of Water Resources on remand from a court of appeal judgment finding CEQA violation of a seismic retrofit of a state water project. Successfully negotiated a settlement agreement, ending nine years of litigation.
- *Teasdale v. California Department of Food and Agriculture.* Represented the Department of Food and Agriculture in an inverse condemnation action arising from the enforcement of a red imported fire ant quarantine against the plaintiff, a nursery owner. Prevailed by motion for summary judgment and successfully defended on appeal.
- *Lee Vinocur v. California Integrated Waste Management Board.* Successfully defended the California Integrated Waste Management Board in an appeal of a favorable judgment rejecting regulatory takings claims.

First Amendment

- *La Habra v. Gammoh.* Defended the City of La Habra in superior court litigation of a cross-complaint for civil rights damages allegedly arising from city's regulation of a fully nude adult cabaret.
- *In Plain Sight, et al. v. William H. Jackson, et al.* Defended the Community Redevelopment Agency of Los Angeles Board of Commissioners against an action to invalidate ordinances regulating the placement of signs in the Hollywood Redevelopment Area.
- *City of Santa Fe Springs v. Foxz Corporation, Los Angeles County Superior Court.* Represented the City of Santa Fe Springs in an action to enjoin the operation of a fully nude adult cabaret in an incorrect zone. Prevailed at trial.

Other Matters

- *California Department of Forestry and Fire Protection v. Canfield.* Represented the Department of Forestry and Fire Protection in an action seeking to recover \$800,000 in fire suppression costs in a six-day jury trial.
- *Phenomenal Properties v. City of Desert Hot Springs.* Successfully defended the City of Desert Hot Springs in an action challenging a business license denial.

- *Smith et.al v. Southern California Edison Company (and Related Actions)*. Represented the plaintiff, California Department of Forestry and Fire Protection, in a fire suppression cost recovery case, which resulted in a \$6.55 million settlement after extensive law and motion activity.
- *California Department of Parks And Recreation v. Darian Construction Company/ Accent Builders Incorporated*. Represented the Department of Parks and Recreation in an interpleader action regarding payments on a construction contract for reconstruction of Malibu Pier; dispute between the partners precluded payment to either. A favorable settlement resolved the case.
- *Department of Parks and Recreation v. Stephen Harper*. Represented the Department of Parks and Recreation in a trademark infringement action against an individual who acquired internet domain names related to the Malibu Pier and attempted to register its trademark in his name.
- *FSY Architects, Inc. v. Cobasset Manor Apartments, L.P., et al.* Defended the Department of Housing and Community Development in a mechanic's lien litigation regarding a property subject to the department's security interest.
- *Sullivan v. Galoia, et al., Los Angeles County Superior Court*. Defended the Department of Housing and Community Development in a lien holder's action for damages allegedly resulting from the department's failure to indicate existence of a lien on a mobile home title.
- *People of State of California Ex Rel. Dale T. Geldert, Director of the California Department of Forestry and Fire Protection v. Ian Fawnmeade*. Represented the plaintiff, Department of Forestry and Fire Protection, in an action seeking to recover \$2.2 million in fire suppression costs.