



**John E. Griffith, Jr.**

Senior Counsel

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John Griffith represents clients in a broad range of matters involving environmental issues.

John has litigated environmental and toxic tort cases, both in courts and before administrative agencies. Those cases have included class action lawsuits, federal and state enforcement actions in the courts, cost recovery actions, permit appeals and administrative investigations and litigation. They have involved petroleum, chlorinated solvents, lead paint, pesticides, asbestos, PCBs, solid and hazardous wastes, air and water emissions, animal waste and a broad range of regulatory requirements. He has also been involved in negotiations and litigation related to insurance for these matters.

John has devoted much of his career to representing oil companies in matters arising from leaks and spills of petroleum products. Those engagements have included jury trials in mass tort cases, counseling on immediate spill response, negotiation of consent decrees and negotiating settlements with injured parties prior to the initiation of litigation. He began work on his first gasoline leak case in 1981. He also represented a major trade association in filing comments on EPA's technical regulations relating to underground storage tanks.

John has defended cases arising under the Clean Water Act, the Clean Air Act, EPCRA, RCRA, CERCLA, TSCA and numerous state statutes. He has also represented clients in connection with criminal prosecutions and investigations. Finally, John assists on the environmental aspects of business transactions, doing due diligence, negotiating contracts, working with voluntary cleanup programs, counseling on insurance coverage and overseeing agreed upon remedial measures.

## EXPERIENCE

## REPRESENTATIVE ENGAGEMENTS

- Representation of a major oil company defendant in mass tort actions involving hundreds of plaintiff properties allegedly contaminated by a 26,000-gallon underground piping leak. Participated in a six-month trial and the appeals of two cases. The Maryland Court of Appeals reversed virtually all damages awards in both cases. Property diminution claims of contaminated properties were remanded for new trial on market-based diminution damages. Cases resulted in landmark rulings on fraud, emotional distress, medical monitoring and nature of property damages in environmental cases

## RELATED SERVICES

- Environment, Health and Safety
- Litigation, Arbitration and Investigations
- Class Actions
- International Trade, Regulatory and Government Affairs
- Mergers and Acquisitions

## RELATED SECTORS

- Energy and Natural Resources

- Representation of the site owner in a contribution action relating to Paoli Railyard, resulting in major settlement in favor of client
- Representation of Fortune 500 telecommunications companies in EPA Multimedia investigations. Obtained substantial penalty reduction in settlement
- Representation of a petroleum company in connection with flooding of a refinery and tank farm. Tasks included planning immediate response, negotiation of consent agreements with United States EPA and involved states, advice on investigation, advice on claims procedures, review of contingency plans, advice on follow-up reporting under Clean Water Act, EPCRA and state laws
- Representation of a major oil company in connection with the response to a catastrophic tank leak resulting in free-phase hydrocarbon migrating beneath occupied apartment buildings. Activities included interface with local regulators, counseling on communications with property owners and apartment occupants and negotiation of a settlement agreement with the property owner. The matter was resolved without any claims by the building occupants
- Representation of a landfill owner in Keystone Sanitation CERCLA action
- Representation of an oil distributor in connection with a catastrophic leak of gasoline to a city sewer system and subsequent emergency response. Ultimately represented the company in cost recovery action against the manufacturer of a defective product that caused the leak
- Representation of a local government in OPA claims process relating to a pipeline leak
- Defended numerous EPA enforcement actions related to claims of late or inadequate notice under Clean Water Act, Emergency Planning and Community Right to Know Act and Comprehensive Environmental Response and Cleanup Liability Act
- Representation of a major oil company in Fairfax Tank Farm litigation. Obtained dismissal of suits against the client without compensation to plaintiffs
- Defended Clean Water Act citizen suits in federal court arising from discharges to surface waters
- Numerous cases in state and federal court arising from gasoline and petroleum releases including trials to jury verdict
- Representation of a target defendant manufacturer in class actions and mass tort cases brought in connection with solvent contamination of groundwater beneath a major Western city

## REPRESENTATIVE PUBLISHED OPINIONS

- *Wyeth Pharmaceuticals, Inc. v. Borough of West Chester*, 126 A. 3d 1055 (Comm. Ct. Pa. 2015)
- *Exxon Mobil Corporation v. Albright*, 432 Md. 67, 67 A. 3d 1100 (Md. 2013)
- *Exxon Mobil Corporation v. Ford*, 432 Md. 1, 67 A. 3d 1061 (Md. 2013)
- *Exxon Mobil Corporation v. Ford*, 284 Md. App. 1, 2012 WL 426748 (Md. App. 2012, In Banc)
- *Storto Enterprises, Inc. v. Exxon Mobil Corp.*, Slip Copy, 2011 WL 231877, D.Md., January 24, 2011 (NO. CIV. WDQ-10-1630)
- *Chesapeake Ranch Water Company v. Board of Com'rs of Calvert County*, 401 F.3d 274, 2005 WL 603093, 35 Env'tl. L. Rep. 20,061 (4th Cir. 2005)
- *Adhesives Research Inc. v. American Inks & Coatings Corp.*, 931 F.Supp. 1231, 1996 WL 436010, 65 USLW 2140 (M.D.Pa., 1996)
- *Perdue Farms Inc. v. Hadder*, 109 Md. App. 582, 675 A.2d 577, 1996 WL 217322, 43 ERC 1538 (Md. App. 1996)
- *Rosenblatt v. Exxon Co., U.S.A.*, 335 Md. 58, 642 A.2d 180, 1994 WL 237868, 38 ERC 1908 (Md. 1994)
- *Southland Corp. v. Marley Co.*, 815 F.Supp. 881, 1993 WL 70610 (D.Md.1993)
- *Trimed, Inc. v. Sherwood Medical Co.*, 977 F.2d 885, 1992 WL 281659 (4th Cir. 1992)
- *Estate of Krasnow v. Texaco, Inc.*, 773 F.Supp. 806, 1991 WL 195320 (E.D.Va.1991)
- *Trimed, Inc. v. Sherwood Medical Co.*, 772 F.Supp. 879, 1991 WL 164474 (D.Md. 1991)
- *In re Criminal Investigation No. 13 in Circuit Court for Dorchester County*, 82 Md. App. 609, 573 A.2d 51, 1990 WL 56500, 58 USLW 2697 (Md. App. 1990)
- *First United Methodist Church of Hyattsville v. U.S. Gypsum Co.*, 882 F.2d 862, 1989 WL 88967, 30 ERC 1111, 58 USLW 2122, 19 Env'tl. L. Rep. 21,451 (4th Cir. 1989)
- *Exxon Corp. v. Amoco Oil Co.*, 875 F.2d 1085, 1989 WL 54787, 29 ERC 1897, 57 USLW 2719 (4th Cir. 1989)

- *P/T Ltd. II v. Friendly Mobile Manor, Inc.*, 79 Md. App. 227, 556 A.2d 694, 1989 WL 39904 (Md. App. 1989)
- *Borders v. U.S. Gypsum Co.*, 704 F.Supp. 615, 1989 WL 11255 (D.Md. 1989)
- *Exxon Corp. v. Yarema*, 69 Md. App. 124, 516 A.2d 990 (Md. App. 1986)
- *Jacques v. First Nat. Bank of Maryland*, 307 Md. 527, 515 A.2d 756 (Md. 1986)
- *Johnson v. Oroweat Foods Co.*, 785 F.2d 503, 5 Fed.R.Serv.3d 213 (4th Cir. 1986)
- *Maryland Ins. Guaranty Ass'n v. Muhl*, 66 Md. App. 359, 504 A.2d 637 (Md. App. 1986)
- *Natural Design, Inc. v. Rouse Co.*, 302 Md. 47, 485 A.2d 663, 1985-1 Trade Cases P 66,339 (Md. 1984)
- *RCM Supply Co., Inc. v. Hunter Douglas, Inc.*, 686 F.2d 1074, 1982-2 Trade Cases P 64,925 (4th Cir. 1982)

## CREDENTIALS

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### Admissions

- District of Columbia
- Maryland

### Clerk Experience

- The Honorable Herbert F. Murray of the United States District Court for the District of Maryland

### Recognitions

John has been awarded the Daily Record's 2015 Leadership in Law Award.

### Education

- J.D., Yale University 1978
- B.A., University of Maryland 1975  
*with high honors*  
Phi Beta Kappa

### Memberships

- Chair, Environmental Law Section, Maryland State Bar Association (2012 – 2013)