

## Environmental Law

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For decades, CPM has fought for environmental justice. CPM is nationally recognized for prosecuting and defending actions on behalf of families, businesses, communities, and government entities injured as the result of pollution, chemical releases, and contamination of drinking water supplies and other parts of our communities.

Protection of our environment is a core belief of CPM. We are committed to advocating for environmental justice. All too often, people powerless to protect themselves are exposed to environmental contamination and disasters, resulting in serious personal injury and property damage. CPM works to hold wrongdoers responsible for their actions.

Environmental justice for the firm goes beyond advocating for clean air, water, and soil. The firm has successfully litigated to protect disadvantaged communities and those disproportionately impacted by the harms of pollution, especially lead contamination. The firm also works to secure clean, safe, and accessible outdoor spaces, to make sure that the effort put into protecting the environment leads to public spaces that can be utilized by all Californians. In recognition of the role all of us play in protecting our planet, CPM represents a wide range of clients in environmental litigation, ranging from water districts throughout the state, to non-profits dedicated to protecting the environment, to local governments seeking to recover for their costs in responding to environmental harms, to victims of wildfires throughout the state.

In addition to our litigation successes, our attorneys have been honored for their environmental stewardship. As a sitting Congressman, Pete McCloskey served six years as Congressional Delegate to the International Whaling Conference and as Congressional Advisor to the Law of the Sea Treaty Delegation. McCloskey served as co-chair of the first Earth Day in 1970 and is a co-author of the 1973 Endangered Species Act. Presently, McCloskey serves on the Advisory Council to the American Land Conservancy.

### Key Contacts

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CPM's founding partner Joe Cotchett has served on and chaired the California State Parks Commission. In 2019, Joe Cotchett and Justin Berger were honored as Consumer Attorneys of the Year by Consumer Attorneys of California for their 20-year fight against the lead paint industry. After years of a trial and appeals, the case resulted in a \$305 million dollar settlement that will protect tens of thousands of California children from lead paint poisoning.

In 2019, Green Foothills awarded Cotchett with its **Nature's Inspiration Award** "for his lifetime of servitude for justice and dedication to preserving the San Mateo coastline."

For more information, or to discuss a potential legal matter, please follow up with Eric Buescher or Kelly Weil.

- Email Eric Buescher
- Email Kelly Weil
- Call Eric Buescher or Kelly Weil at (650) 697-6000.

## Noteworthy Cases

### ***Alec L., et al. v. Lisa Jackson, et al.***

CPM represents youth plaintiffs from across the nation, as well as Kids vs. Global Warming, a non-profit organization committed to educating youth about climate change, and WildEarth Guardians, an organization dedicated to protecting and restoring wildlife. The plaintiffs are suing six federal agencies, seeking a declaration that: the atmosphere is a Public Trust resource; the United States government has an obligation to preserve and protect the atmosphere; and the United States government has violated fiduciary duties as a trustee of the atmosphere by contributing to and allowing unsafe amounts of greenhouse gas emissions into the atmosphere. The plaintiffs also seek an injunction requiring the defendants to take immediate action to cause U.S. carbon dioxide emissions to decline by at least 6% a year beginning in 2013, prepare an annual greenhouse gas accounting or inventory of all GHG emissions originated by the United States, prepare an annual carbon budget, and prepare a climate recovery plan. The action is venued in the United States District Court District of Columbia, before the Honorable Robert L. Wilkins. The action was filed in May, 2011 and has since attracted the attention of various industry intervenors, including the National Association of Manufacturers and the fossil fuel industry.

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### ***Avila Beach***

#### **San Luis Obispo County Superior Court**

CPM represented homeowners and businesses against Union Oil Company in claims arising from massive leaks of crude oil and refined petroleum products from underground pipelines beneath the coastal town of Avila Beach, California. CPM obtained full recoveries for all of its clients and its work led to the complete remediation and rehabilitation of Avila Beach.

### ***Cambria Community Services District v. Chevron***

#### **San Luis Obispo Superior Court**

CPM successfully represented the Cambria Community Services District against Chevron in an action arising from the pollution of Cambria's water supply resulting from leaks of gasoline and MTBE from Chevron's underground storage tanks.

### ***Santa Maria Residential Pollution Cases***

#### **Santa Barbara County Superior Court**

In a series of cases, CPM successfully represented homeowners whose homes were built on top of oil field wastes left behind in the Santa Maria Valley Operating Unit, an oil field run by defendants Union Oil, Conoco Phillips, and Kerr-McGee.

### ***Friends of Del Norte, et al. v. State of California Department of Transportation, et al.***

#### **Del Norte County Superior Court**

This is a case of rivers versus roads. Defendant State of California Department of Transportation ("Caltrans") has chosen to endanger a Wild and Scenic River in the Smith River National Recreation Area to benefit large commercial trucks. Caltrans approved a project captioned "197/199 Safe STAA Access Project" (the "197/199 Project") to allow major modifications to segments of State Highways 197 and 199 for the purpose of allowing access by large STAA trucks. With this approval, Caltrans failed to meet fundamental requirements under the National Environmental Policy Act, the Department of Transportation Act of 1966, and the Wild and Scenic Rivers Act. The Smith River is a profound natural resource, as one of the crown jewels of the National Wild and Scenic River system. CPM's clients challenge Caltrans's approval of the 197/199 Project and are committed to taking all possible steps to

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preserve the unique and precious resources impacted by this Project--community water sources, world class sport fishing, and critical habitat for several endangered species, and remarkable scenic and aesthetic values.

### ***Bess Bair, et al. v. State of California Department of Transportation, et al.***

CPM represents various North Coast residents and non-profit corporations who successfully blocked a road widening project approved by the State of California Department of Transportation ("Caltrans"), which would have killed or seriously harmed hundreds of old-growth redwood trees and endangered species in Richardson Grove State Park, 200 miles north of San Francisco. CPM filed federal and state litigation to protect the Grove.

### ***Howard McConnell, et al. v. PacifiCorp, Inc.***

CPM represented various Yurok and Karuk tribe members and Klamath Riverkeeper, a nonprofit public benefit corporation, in an action to prevent the ongoing pollution and contamination of the Klamath River, one the greatest rivers in California. Home of the historic Yurok and Karuck tribes, for hundreds of years, the Klamath River has been integral to the cultural, religious, and economic lives of these tribes. Over the past eight decades, dams were built on the Klamath. These dams, currently owned and operated by PacifiCorp, harmed the Klamath River environment by disrupting water flows, raising water temperatures, and ultimately contributing to growth of a toxic blue-green algae called *microcystis aeruginosa*, a species of cyanobacteria. Toxins released from the algae's blooms significantly reduced the Klamath fishery population, limiting the catch of both the tribe members and commercial fisherman and jeopardizing their economic survival. Likewise, the development of the algae generated a potent liver toxin and tumor promoter known as *microcystin*.

### ***Pacific Coast Federation of Fisherman's Associations, et al., v. Donald R. Glaser, et. al.***

CPM represents the San Luis & Delta-Mendota Water Authority, an organization consisting of water agencies representing approximately 2,100,000 acres of 29 federal and exchange water service contractors within the western San Joaquin Valley, San Benito, and Santa Clara Counties, alleging the defendants operated the Grassland Bypass Project in violation of the Clean Water Act by discharging pollutants from a point source without a National Pollutant Discharge Elimination System ("NPDES") Permit.

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### News

CPM Helps Earth Island Institute Take on Big Plastic  
*SF Chronicle*, 2020

CPM Environmental Justice Attorneys Represent Environmental Protection Groups in Salt Ponds Complaint vs. EPA  
09.24.2019

New Reports Released on the Hunters Point Shipyard Contamination  
10.18.2018

Supreme Court denies cert in Martins Beach Public Access Dispute in victory for CPM  
2018

CPM clients Hunters Point Shipyard homeowners announce lawsuit against developer, say 'we were duped'  
*San Francisco Examiner*, 2018

CPM Continues to Defend Ruling to Open Martins Beach on Behalf of Client Surfrider Foundation  
06.13.2018

CPM's fight for water for the citizens of Weed California, featured in UK documentary  
04.17.2018

Ninth Circuit to Hear CPM Client's Oral Argument Regarding Climate Change in Juliana v. United States  
11.16.2017

Trump sued by CPM; lawyers claim denying children a healthy future by not addressing climate change  
*Yale News*, 10.30.2017

Appeals Court Affirms Landmark Ruling Won by CPM Ordering Martins Beach to Open to the Public  
2017

A landmark climate lawsuit against Trump is scheduled for trial next year. Here's what to expect  
*The Washington Post*, 07.05.2017

CPM Fights Pro Bono for Small Town Residents; Who Owns the Water in Weed, California?  
*Sierra Club*, 04.01.2017

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CPM Clients Kids Name President Trump as Defendant in Constitutional Climate Case  
02.09.2017

CPM Represents Children's Trust Combatting Climate Change

CPM Achieves Victory in Landmark Climate Change Case  
2016

CPM Partner McCloskey Honored by the National Audubon Society for Environmental Leadership  
01.21.2016

Motion to Intervene Filed by Fossil Fuel Industry Against CPM Client Youth Activists in Climate Change Case  
11.12.2015

CPM Clients California Indian Tribes Take Caltrans to Court Today for Knowingly Destroying Historic Preservation Sites  
10.30.2015

Cotchett firm's climate change lawsuit prompts dubious reaction  
*Daily Journal*, 08.17.2015

CPM Files Landmark Case to Protect Our Environment  
08.12.2015

CPM Environmental Law Group Helps Protect Smith River Salmon Population

CPM Environmental Law Group Achieves Victory for Public in Fight for Access to Martin's Beach

CPM Defends \$1.15 Billion Lead Paint Judgment on Appeal for Children Around State

CPM Helps Halt Richardson Grove Project, Protecting Redwoods

CPM Fights Against Oil Pollution of Farm Lands in Kern County

Richardson Grove project federal lawsuit dismissed  
*Eureka Times-Standard*, 12.05.2014

After CPM's Two-Year Fight, Judge Orders Vinod Khosla to Open the Gates to Martin's Beach Immediately  
12.05.2014

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Final Decision Entered in Favor of CPM Client Plaintiff Surfrider Foundation to Open Martin's Beach  
11.12.2014

The Colbert Report Has a Special on Martin's Beach  
2014

New California Law Forces Public Access Road to Martin's Beach  
*Bay City News*, 10.01.2014

CPM Wins Trial to Reopen Martin's Beach  
09.24.2014

Atmospheric Trust Litigation Featured on Bill Moyer Show  
09.19.2014

CPM Client City of Richmond's Litigation Regarding the Chevron Refinery Explosion Moves Towards Trial

CPM Environmental Group Continues Fight for Public Access to Martin's Beach

CPM's Environmental Law Group Files Lawsuits Alleging Fracking Activities in San Joaquin Valley  
Destroying Farmers Crops

Martins Beach trial ends, judge has 90 days to issue ruling  
*San Francisco Chronicle*, 07.16.2014

Martins Beach fight heads to state Capitol  
*San Francisco Chronicle*, 05.27.2014

Martins Beach trial leads to the coast  
*San Francisco Chronicle*, 05.16.2014

San Mateo County Judge Takes Tour of 'Martins Beach'  
*ABC 7 News*, 05.15.2014

Billionaire Vinod Khosla Dodges Questions in Private Beach Trial  
*Forbes*, 05.13.2014

Billionaire Vinod Khosla Must Appear in Court Over Martin's Beach Lawsuit, Judge Rules  
*Forbes*, 05.09.2014

Trial begins in suit that's roiling waters over Martins Beach access  
*San Francisco Chronicle*, 05.08.2014

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Legal showdown over Vinod Khosla's Martins Beach postponed till Wednesday  
*San Mateo County Times*, 05.05.2014

Federal Judge Orders Caltrans to Halt Plans to Contaminate Scenic River  
05.02.2014

Silicon Valley Billionaire Vinod Khosla Won't Testify in Half Moon Bay Beach Battle  
*NBC Bay Area*, 05.01.2014

Surfers sue over blocked beach access  
*San Francisco Chronicle*, 02.21.2014

CPM prevails as appeals court reverses Richardson Grove decision; ruling states Caltrans violated state environmental law  
*Times-Standard*, 01.31.2014

CPM Files Lawsuit on Behalf of the Surfrider Foundation to Restore Public Access to Martin's Beach  
03.12.2013

CPM Founder Cotchett Receives Award from California League of Conservation Voters  
2011

CPM Partner Pete McCloskey Wins Environmental Hero Award  
10.02.2010

Judge Grants Class Certification in Cosco Busan Oil Spill Litigation  
08.06.2009