

# BOND

## TOXIC TORT AND ENVIRONMENTAL LITIGATION

### Litigation Over Environmental Contaminants or Toxic Exposures? That's What We Do.

No one who leads a business or organization today intends to harm the environment or injure unwitting parties. Yet stringent environmental laws and regulations can impose significant liabilities and litigation costs, often for practices that were acceptable in the past. And claims alleging personal injury and/or property damage due to hazardous substances are increasingly common—potentially impacting any industry or property owner. Defending against such claims, whether justified or not, can tie up inordinate resources, threatening the viability of your business.

When an environmental claim or toxic tort allegation arises, clients need competent, affordable representation—immediately. From our nine locations across New York State, Bond, Schoeneck & King is positioned to respond quickly to a lawsuit—or to the client's discovery of a potential hazard or environmental compliance issue.

Our team at Bond is skilled in working with environmental experts to determine whether releases and exposures, including those that occurred long ago, are indeed the cause of a health problem, property damage, or environmental contamination, and whether the problem originated with your business. We explore when and where a release first occurred, how and where it spread, and who is responsible for the condition.

#### Decades of Experience

Bond attorneys have a track record in all matters of toxic tort and environmental litigation—in cases stemming from common-law negligence, nuisance, or trespass claims, as well as claims under legislation such as the New York Navigation Law or the federal or state Superfund laws.

Since the environmental law movement emerged in the 1970s, Bond attorneys have represented clients in civil cases brought by both governmental and private plaintiffs seeking damages, remedial action, response costs and fines; in state and federal administrative proceedings involving regulatory issues; and in criminal prosecutions for alleged violations of environmental laws.

We also specialize in defense of both property damage and personal injury complaints. Our litigators have handled cases involving residential lead paint, asbestos, toxic mold, pesticides, carbonless paper products and pharmaceuticals. We also have represented clients in matters involving carpet fibers, drywall, hair-care products and mercury, volatile organic compounds (VOC), such as TCE and its degradation products, and polychlorinated biphenyls (PCBs).

#### Industries Served

- Agribusiness
- Environmental remediation and abatement companies
- Insurance companies, brokers, claims administrators
- Manufacturing
- Material delivery, storage, handling, transportation
- Municipalities
- Pharmaceuticals
- Pipeline companies
- Real estate development and construction

*Is a suspected environmental hazard threatening your business? Look to Bond.*

#### About Bond, Schoeneck & King

Bond, Schoeneck & King PLLC serves individuals, companies and public-sector entities in a broad range of areas.

With 250 lawyers and 13 offices, we represent clients in manufacturing; agribusiness; commercial lending and real estate and construction; energy; health care and long term care as well as municipalities, school districts, higher education and other exempt and nonprofit organizations. We maintain nine offices across New York; and one each in Boston; Kansas City; Naples, Florida and Red Bank, New Jersey.

Bond is committed to understanding our clients' needs and providing comprehensive, practical, high-quality and responsive solutions. We strive to maintain the highest professional and ethical standards, and to provide leadership in community activities, pro-bono work and service to the Bar.

For more information, visit [bsk.com](http://bsk.com).

## Our Core Services

Bond has the experience and capacity to handle matters involving:

- Superfund issues—both State Superfund (SSF) and federal CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) claims for remediation and cost recovery
- Resource Conservation and Recovery Act (RCRA) claims
- Clean Air Act violations
- Clean Water Act violations
- New York State Navigation Law claims based on petroleum spills and releases
- State Environmental Quality Review Act (SEQRA) challenges
- Common-law tort claims for personal injury damages, medical monitoring and property damage
- Insurance coverage for environmental or toxic tort claims
- Occupational exposures
- Pharmaceutical litigation including multidistrict matters

## Representative Matters

Bond attorneys have defended:

- A Fortune 500 company in litigation over potential property damage and medical monitoring claims based on groundwater contamination.
- A manufacturer of hair-care products in a CERCLA cost-recovery action brought by a former affiliate—a case that involved cutting-edge CERCLA interpretations.
- A manufacturer of carbonless copy paper against claims that users suffered multiple chemical sensitivity and immune system deficiencies.
- A major manufacturer in an action brought by the State Attorney General arising from lake pollution.
- A major university in a federal enforcement action based on the regulation of asbestos under the Clean Air Act as a hazardous air pollutant.
- The former owner of a manufacturing site in an action brought by nearby residents alleging soil vapor intrusion into their homes.
- Numerous residential landlords in actions brought by former tenants, alleging poisoning from exposure to lead-based paint.
- A municipality in an Article 78 challenge to its approvals of a casino resort project under the State Environmental Quality Review Act.

## Why Choose Bond?

**We're responsive and trustworthy.** When bad news strikes, you want immediate advocacy. We strive to answer all calls promptly, and we get to work quickly assembling the right resources to handle your matter.

**We cover New York State.** With eight offices across the state, we're never far from your site.

**We bring a breadth of resources.** When an environmental or toxic-tort claim arises, accompanying issues can arise as well—labor laws, real property concerns, contracts or environmental reviews, for example. Thanks to Bond's size and diversity of professionals, we have the experience to address multiple aspects of your case; to investigate potential problems you're not yet aware of; and to guide you to minimize the possibility of further concerns.

**We're affordable.** Compared to our downstate and national competitors, Bond's rates are attractive. And we've designed our teams so that your case receives ample attention from knowledgeable professionals.

**We're influential and well-regarded.** Our team includes a Fellow in the American College of Trial Lawyers; other Bond attorneys hold current and recent leadership positions in the New York State Bar Association's Environmental Law Section. Every year, members of our team receive peer accolades such as AV Preeminent ratings in the Martindale-Hubbell® system.

Additional accolades includes:

- The *U.S. News-Best Lawyers*® "Best Law Firms" 2022 for Environmental Law; Litigation – Environmental; Commercial Litigation; and Personal Injury Litigation – Defendants
- *New York Super Lawyers*® 2021 for Environmental; Business Litigation; and General Litigation

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