



Brian M. Ledger

PARTNER

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RELATED SERVICES

- Environmental & Toxic Tort
- Real Estate
- Agrichemicals & Agribusiness
- Consumer Financial Services
- Asbestos & Talc
- Trial Practice
- Environmental Compliance
- Government Investigations & Enforcement Defense
- Environmental Remediation & Superfund (CERCLA/RCRA)
- Proposition 65 (California)
- Chemical Exposure

OFFICES

- San Diego
- Los Angeles
- San Francisco
- Irvine

OVERVIEW

Brian M. Ledger has been a leader in Environmental and Toxic Tort Law for 29 years. Following receipt of a B.S. degree, *magna cum laude*, in Environmental Science, Brian completed a Master's degree program in Environmental and Occupational Health Science at UCLA, where he received highest honors in Toxicology and Epidemiology. Before attending law school, Brian worked as an environmental consultant for Clayton Environmental and OSHA as an industrial hygiene compliance officer.

Brian serves as lead counsel in complex, multi-party environmental litigation under CERCLA, Clean Water Act/RCRA, and common law nuisance/trespass concerning contaminated soil, surface, and groundwater. His cases have included some of the most complex sites in California and several other states and involved PFAS, Metals, benzene, PCBs, petroleum hydrocarbons, chlorinated solvents, pesticides/fungicides, and dozens of other hazardous substances.

Brian also serves as national counsel for several companies in toxic tort matters. He employs his academic background in toxicology, epidemiology, risk assessment, and industrial hygiene on behalf of his clients and works regularly with top national experts in these fields. He has tried multiple complex environmental and toxic tort cases to verdict with favorable results. Brian's trial experience also includes several administrative trials before environmental regulatory agencies. Brian co-chairs the firm's Environmental practice group.

Growing up in a blue-collar town in Pennsylvania, Brian developed a work ethic that enabled him to accomplish unexpected academic and career goals, while never losing sight of his working-class beginnings and connections. He continues to bring this work ethic to bear in service to his clients. Brian enjoys international travel, classical literature and history, rock and jazz, NFL and NBA, and engaging with his wife and three kids of vastly disparate ages.

REPRESENTATIVE EXPERIENCE

Representative Experience

Environmental Litigation

- Represents a manufacturer of PFOS/PFAS products in multiple cases currently residing in a multidistrict litigation ("MDL") proceeding in Charleston, South Carolina. The plaintiffs allege toxic tort claims in some of the actions and environmental cost recovery claims in other actions.
- Represented a major City in a federal CERCLA lawsuit and an administrative proceeding before the Regional Water Quality Control Board ("Board") concerning contaminated sediment in the shipyard area of the bay. This representation included a collaborative mediation process with the Regional Water Quality Control Board over the course of two and a half years to mutually develop a cost-effective cleanup methodology and plan to protect the beneficial uses of the bay. In addition, Ledger served as lead trial counsel in a high-profile two-week administrative trial before the Board, in which we convinced the Board to include several additional PRPs, effectively significantly reducing the remediation costs to the City.

- Represented a petroleum company in multiple MTBE litigation matters concerning alleged contamination of drinking water aquifers throughout the State of California and an MDL proceeding in New York. Following the federal district court's favorable summary judgment ruling rejecting the plaintiffs' commingled product causation theory, the remainder of the cases were dismissed for a waiver of costs.
- Represented an environmental consulting company in a property damage and personal injury action filed by numerous plaintiffs in Ventura, California. The environmental consultant had conducted environmental assessment work for the County of Ventura on and surrounding the plaintiffs' parcels. A very favorable settlement was achieved based on our arguments that no duty is owed to third parties when the work conducted is limited to environmental investigation and does not include environmental remediation.
- Represented a city in northern California in a cost recovery case filed by a redevelopment agency for creosote and petroleum hydrocarbon contamination of the port area. We were able to convince the plaintiff to have its expert consultants work with consultants retained by GRSM to agree on much more cost-efficient remediation options developed by GRSM's consultants and attorneys, which were ultimately accepted by the Regional Water Quality Control Board. The result was a very favorable settlement.
- Represented real estate developers in a CERCLA cost recovery case filed by a metals producer for soil and groundwater contamination in El Segundo, California. We were able to effectively work with its consultants and with the plaintiff and its consultants to convince the Regional Water Quality Control Board to not order a groundwater remediation and instead require only monitoring as long as the data generated demonstrates no migration and no threat to any drinking water aquifers.
- Represented an environmental consulting firm in an action filed by several environmental public interest groups alleging numerous violations of federal environmental statutes and regulations focused on the alleged improper handling, storage, treatment, and disposal of dioxin-containing hazardous waste. The primary issue was the interpretation of RCRA regulations as pertains to environmental consultants. We filed a motion for summary judgment attacking plaintiffs' interpretations, and, prior to filing an opposition, the plaintiffs agreed to dismiss our client for a waiver of costs.
- Represented a dry cleaning equipment manufacturer in a CERCLA cost recovery action for the costs of remediating soil and groundwater contamination caused by dry-cleaning operations. We were able to convince the Regional Water Quality Control Board to accept a bioremediation option for the groundwater contamination, which substantially reduced the value of the plaintiff's claims, resulting in a very favorable settlement.
- Represented a metals manufacturing company in the defense of a CERCLA action filed by the Housing Authority of a major city for primarily lead and PCB contamination.
- Represented a pesticide formulation company in a CERCLA action prosecuted by the United States EPA and the California DTSC.

- Represent a major aircraft manufacturer in a pending CERCLA action concerning soil and groundwater solvents contamination in and around an airport.

Toxic Tort Litigation

- Ledger serves as national counsel for several companies that manufacture various chemical products in actions concerning alleged exposure injuries. GRSM's presence in all 50 states enables Ledger to provide continuity to his clients by serving as lead trial counsel in each state, with the assistance of GRSM's local experienced counsel. Ledger's toxic tort experience includes benzene, pesticides, solvents, formaldehyde, pesticides, asbestos, diacetyl, silica, hexavalent chromium, PAHs, PFOAs and PFOSs, PAHs, acids, and metals (lead, beryllium, arsenic, and mercury).
- Defended paint stripper manufacturer in defense of a plaintiff's wrongful death claim that exposure to benzene from a client's product caused him to develop myelodysplastic syndrome. Ledger was lead trial counsel in a two-week jury trial in Philadelphia, Pennsylvania with multiple expert witnesses, including an oncologist, occupational medicine physicians, industrial hygienists, and toxicologists. The jury returned a defense verdict.
- Represented petroleum refiner in more than 30 consolidated cases of alleged injuries from benzene exposure. Consolidated cases settled favorably after first trial resulted in a defense verdict.
- Represented a strawberry producer in defense of the plaintiff's claimed birth defects from his mother's alleged exposure to agricultural chemicals while working in strawberry fields. Ledger was lead trial counsel in a 10-week jury trial with multiple international expert witnesses, including complex air modeling opinions from all parties and multiple days of hearings concerning foundational arguments to those expert witnesses' air modeling opinions. The jury returned a defense verdict.
- Represented product manufacturers, distributors, and retailers in over 75 cases in over 25 years involving benzene exposure allegations.
- Represented two clients in the FEMA trailer litigation in a federal MDL proceeding in New Orleans, which is comprised of several hundred plaintiffs alleging injuries from formaldehyde exposure from trailers provided by FEMA following Hurricane Katrina. Following discovery and the filing of dispositive motions, the matters settled for a waiver of costs.
- Trial counsel for several products suppliers, asbestos remediation companies, and industrial hygiene consultants in asbestos exposure cases.
- Represented property owner and manager in habitability and mold exposure cases including a three-week jury trial.

Proposition 65

- Ledger has been representing and counseling clients concerning California's Proposition 65 for over 25 years. He has defended more than 80 Proposition 65 enforcement actions spanning a wide breadth, including food and drug, chemical products including pesticides, hardware and construction products, automotive and other vehicles, general consumer products, clothing, and tobacco and vaping.
- Ledger has defended actions against the California Attorney General and all of the principal private plaintiffs and their lawyers, including the Center for Environmental Health, Environmental Research Center, Mateel Environmental Justice Foundation, Environmental Law Foundation, Ecological Alliance, The Lexington Law Group, The Chandler Group, Key Sciences, Brodsky & Smith, Voorhees & Bailey, Custodio & Dubey, and many of the other Proposition 65 plaintiffs and attorneys.
- Lead trial counsel for three defendants in a matter filed by multiple plaintiffs involving Proposition 65 and common law claims concerning environmental exposures to petroleum coke dust surrounding a petroleum coke and coal storage facility in San Pedro, California. A three-week bench trial to determine if the plaintiffs had sufficient expert support to establish environmental exposures under Proposition 65 ended with a defense verdict in our favor, which led to a dismissal of all other claims for a waiver of costs.
- Represents several national retailers in defense of Proposition 65 actions and provides advice for cost-effective and practical compliance.
- Represents footwear suppliers in Proposition 65 action concerning chromium.
- Regularly represents companies throughout product supply chains concerning Proposition 65 phthalate claims, including DEHP, DIDP, DINP, and DNHP.
- Represents manufacturers and retailers concerning lead claims, often from brass.
- Represents several suppliers of chemical products, including Fortune 500 companies, in compliance and enforcement defense.
- Compliance advice to dozens of companies, including specific "clear and reasonable" warnings, along with specific directions to ensure the method of transmission is compliant.
- Works with qualified laboratories to determine when the presence of any listed chemicals in particular products is safely within the safe harbor thresholds.

Agricultural Chemicals and Pesticides

- Defended multiple companies against a Petition for Writ of Mandate filed by an NGO seeking to have the California Department of Pesticide Regulation reevaluate and reverse its decision to approve the registration of several anticoagulant rodenticides. Following a bench trial, the Petition was denied. The plaintiff has appealed the ruling and the appeal is pending.
- Represented a pesticide formulation company in a CERCLA action prosecuted by the United States EPA and the California DTSC, which later resulted in a US Supreme Court opinion (*Burlington Northern & Santa Fe Railway v. United States*, 556 U.S. 599, 2009).

- Defended an international agricultural chemical producer against claims alleged by the California Department of Pesticide Regulation concerning the lack of registrations and misbranding of four different products. Following lengthy negotiations, the matter successfully resolved with no admission of wrongdoing.
- Represent several companies in separate actions against the California Department of Pesticide Regulation concerning alleged lack of proper registrations for various disinfectant cleaning products, including products specifically sold to reduce COVID-19 transmissions.
- Represented a strawberry producer in defense of the plaintiff's claimed birth defects from his mother's alleged exposure to agricultural chemicals while working in strawberry fields. Ledger was lead trial counsel in a 10-week jury trial with multiple international expert witnesses, including complex air modeling opinions from all parties and multiple days of hearings concerning foundational arguments to those expert witnesses' air modeling opinions. The jury returned a defense verdict.

Class Actions

- Represented landfill owner in class action asserted by residents in the surrounding neighborhood concerning alleged personal injury claims and property damages caused by emissions of toxic gases from the landfill. Following discovery and briefing on a motion for class certification, the matter settled for a small fraction of the prior demands.
- Represent a major hotel in the defense of a class action suit filed for alleged norovirus exposure and illnesses. Following the employment of effective strategies to limit the size of the class, the case was favorably resolved.
- Represented national chain restaurant in defense of a class action suit filed for alleged food contamination.
- Represent a waste recycling facility in defense of a pending class action suit alleging unauthorized disposal of tons of contaminated recycled materials onto multiple plots of land involving multiple landowners.

Representative Regulatory Experience

- Represented Fortune 500 company in action filed by City of Riverside alleging hundreds of violation of hazardous waste storage and disposal regulations. Following litigation and extensive negotiations, the District Attorney agreed to a settlement accepting our interpretations of disposal regulatory requirements and no admission of fault.
- Represented Fortune 500 company regarding hundreds of VOC emission violations alleged by California Air Resources Board ("CARB") concerning cleaning products. The issue of the proper interpretation of CARB regulations was strongly disputed. Settlement was achieved for the lowest penalty (per volume of VOC released) in CARB's published history.

- Represented several gasoline station owners who have been named by the Regional Water Quality Control Board for MTBE-contaminated groundwater beneath their stations. We were able to convince the Board to accept the most efficient pump & treat methodology and successfully procured “No Further Action” letters from the Board for our clients.
- Represented an environmental consulting firm regarding the Regional Water Quality Control Board’s issuance of several hundred Notices of Violation for alleged California Water Code violations related to a major community housing construction project in Ventura, California. We were able to convince the Board that only six of the several hundred alleged violations pertained to our client and obtained a very favorable settlement.
- Represented an independent oil and gas exploration company in defense of six major Notices of Violation issued by the Tehama County Air District for alleged civil and criminal violations concerning excessive contaminated air emissions from major combustion units. After receiving a written demand from the District for a settlement in excess of \$1 million, we were able to effectively negotiate a settlement for no criminal violations and a very small fraction of the monetary demand for the alleged civil violations.

Published Decisions

- *In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, United States District Court for the Southern District of New York, 415 F. Supp. 2d 261 (2005)
- *Rivas v. Safety-Kleen Corp.*, No. B133572, 98 Cal. App. 4th 218 (2002)

PUBLICATIONS

- [EPA and developing PFAS science: impacts on litigation](#), *Reuters* and *Westlaw Today*, January 2024
- [Analyzing The Legal Ripples of the EPA's PFAS Regulations](#), *Law360*, October 2023
- [PFAS settlements: Future of PFAS litigation landscape to be determined by upcoming decision](#), *Reuters*, August 2023
- [PFAS settlements: Future of PFAS litigation landscape to be determined by upcoming decision](#), *Westlaw Today*, August 2023
- [California’s Prop 65 Magnifies PFAS Oversight of Food Producers](#), *Bloomberg Law*, May 2023
- [California’s Proposition 65 and PFAS: Defenses up?](#), *Westlaw Today*, February 2023

PRESENTATIONS

- *Is the "Forever Chemical" PFAS a Forever Class Action?*, Seventh Annual Class Action Money & Ethics Conference, New York, NY, May 2023
- *Environmental & Toxic Tort Update: Review of Key Issues and Cases*, GRSM Legal Education Conference, New York, NY, May 2023

- *Environmental & Toxic Tort Update: Review of Key Issues and Cases*, GRSM Legal Education Conference, Hartford, CT, May 2023

CREDENTIALS

Admissions

- California
- Pro Hac Vice: Pennsylvania, Massachusetts, Illinois, South Carolina, North Carolina, and New York

Education

- J.D., University of Michigan
- M.P.H., Environmental and Occupational Health Science, University of California, Los Angeles
- Highest honors in Toxicology and in Epidemiology
- B.S., *magna cum laude*, Environmental Science, East Stroudsburg University of Pennsylvania

Honors

- *Best Lawyers in America*® distinction in Mass Tort Litigation / Class Actions – Defendants (2023-2025)