



## → Jeffrey J. Parker

### Partner

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Jeff Parker is a partner in the firm's Los Angeles office. He is a trial attorney who has specialized for over 30 years in complex commercial, products liability, and environmental litigation, as well as environmental law and counseling. He is based in Los Angeles, but routinely handles matters in state and federal courts throughout California and federal courts in other states. Prior to practicing law, Jeff worked as an aerospace engineer on the design team for the U.S. Air Force C-17 Globemaster aircraft.

Jeff draws on his three decades of experience and technical background to quickly understand his clients' businesses and goals, develop strategies to guide them through disputes to achieve the best results, and advocate for them at trial and appeal. He represents clients in a wide variety of industries, including energy, petroleum, chemicals, aerospace & defense, aviation, real estate, construction, mining, asphalt and aggregate production, manufacturing, food and beverage, in-store and online retail, cosmetics, apparel, and consumer products.

Jeff was named by Best Lawyers as the 2020 and 2024 "Lawyer of the Year" for Environmental Litigation in Los Angeles and has been recognized as a Leading Lawyer by Chambers USA, a Recommended Lawyer by Legal500, and a Best Lawyer in America by Best Lawyers.

### Areas of Practice

**Business Litigation:** Jeff represents companies in business disputes, contractual disputes, fraud claims, indemnity claims, false advertising consumer class actions, force majeure claims, and unfair business practices claims (e.g., violation of the Unfair Competition Law (UCL) or the Consumer Legal Remedies Act (CLRA)). He also has experience handling litigation over ownership of intellectual property, rights of first refusal, shareholder disputes, and challenges to mergers.

**Complex Environmental and Tort Litigation:** Jeff's environmental and tort litigation experience includes dozens of products liability actions in California state and federal courts and multi-district litigation in the Southern District of New York that alleged MTBE contamination of drinking water aquifers, federal dust and odor class actions, and other actions brought under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), California Proposition 65, the Clean Water Act, the Clean Air Act, the California Hazardous Substances Account Act, and various state and federal criminal laws, environmental laws, and tort doctrines (nuisance, trespass, negligence).

**California Proposition 65 Counseling and Litigation:** Jeff helps clients develop Prop 65 warnings programs, guides them through evaluating and responding to pre-lawsuit Prop 65 notices, and represents them in Prop 65 litigation, trials, and appeals.

PFAS Counseling and Litigation: Jeff helps clients develop PFAS compliance programs, guides them through evaluating and responding to pre-lawsuit notices of intent to sue, and defends false advertising consumer class action lawsuits based on alleged presence of PFAS in consumer products and apparel.

Environmental Counseling and Advice: Jeff advises clients with respect to California Air Resources Board and South Coast Air Quality Management District variance proceedings, Regional Water Quality Control Board permit proceedings, and resulting writs of mandate. He has 32 years of experience advising on voluntary and agency mandated investigation and remediation of contaminated land, response to agency orders, handling of hazardous substances, evaluation of potential human exposure to chemicals, and environmental due diligence for transactions.

## Honors

Lawyer of the Year – Environmental Litigation, *Best Lawyers*, 2020, 2024

Best Lawyer in America, *Best Lawyers*, 2013-2024

Recommended Lawyer – Environment Litigation, *Legal 500*, 2019-2023

Leading Lawyer, *Chambers USA*, 2012-2016

Profiled by Los Angeles Business Journal as one of "L.A.'s Leading Environmental Lawyers."

## Experience

### **Representative Trial and Litigation Experience**

In 2021-2022, Jeff defended Soco West, Inc., and Brenntag Pacific, Inc., in a 13-month Zoom bench trial in Orange County Superior Court in *Orange County Water District v. Sabic Innovative Plastics US, LLC, et al.*, a cost recovery lawsuit under the Orange County Water District Act, the Hazardous Substances Account Act (California Superfund), and several common law tort theories. At the conclusion of trial, the court awarded less than the amount of other settlements, which offset the award.

In 2021, Jeff defended Evolution Fresh, Inc., in a Proposition 65 bench trial in Los Angeles Superior Court in *Wachs, et al., v. Suja Life, LLC, et al.*, obtaining judgment in its favor after trial.

In 2019, Jeff defended Exxon Mobil Corporation and ExxonMobil Oil Corporation in a jury trial in the U.S. District Court for the Central District of California in *Orange County Water District v. Unocal, et al.*, a product liability and nuisance lawsuit that was initially part of a Federal multi-district litigation matter in the Southern District of New York, then remanded to California for trial. The plaintiff initially sought hundreds of millions in damages, but the case settled very favorably after the defendants' opening statements. Earlier in the case, Jeff obtained a major summary judgment victory in the Southern District of New York, disposing of most of the claims asserted by the plaintiff.

In 2013, Jeff obtained summary judgment on 4 of 5 claims in *City of Merced Redevelopment Agency v. Exxon Mobil Corporation, et al.*, a Federal multi-district litigation matter in the Southern District of New York. In 2015, after transfer to the Eastern District of California for trial, he prevailed on a second motion for summary judgment dismissing the plaintiff's remaining claim for cost recovery under the Polanco Act.

In 2013, Jeff obtained summary judgment on all claims in *Orange County Water District v. SABIC Innovative Plastics, et al.* The case involved a claim for tens of millions of dollars in purported future damages associated with alleged groundwater contamination in Orange County asserted against approximately 40 property owners

and manufacturers.

In 2013, Jeff obtained a TRO and preliminary injunction against the California Department of Toxic Substances Control, enjoining an order shutting down Exide Technologies' lead recycling facility in Vernon, California. He was also co-lead trial counsel in a related administrative trial against the Department of Toxic Substances Control.

In 2011-2012, Jeff was lead trial counsel for Exxon Mobil Corporation in *City of Merced v. Chevron U.S.A. Inc., et al.*, a 4½ month products liability jury trial in Merced Superior Court. He obtained dismissal or directed verdict of punitive damages and millions of dollars in claimed compensatory damages, followed by a favorable jury verdict.

In 2010, Jeff tried the case of *Sullins v. Exxon Mobil Corporation* in the Northern District of California, obtaining a jury verdict for the defense in July 2010 and a bench trial judgment for the defense on the remaining claims in January 2011.

In 2010, Jeff obtained summary judgment in *D&H v. Exxon Mobil Corporation*, which was affirmed in full on appeal in 2011.

### **Appellate Experience**

Jeff's significant appellate victories include the landmark environmental decision *Consumer Advocacy Group v. Exxon Mobil Corporation*, 104 Cal. App. 4th 438 (2002), in which the California Court of Appeal held that "passive migration" or "continued presence" of chemicals in soil or water did not constitute a "discharge or release" under Prop 65. Other significant appeals include: *Consumer Defense Group v. Shell Oil Company, et al.*, Cal. Ct. of Appeal, 4th App. Dist. Case No. G034935 (2006 (unpub.)) (same issue as *Consumer Advocacy Group v. Exxon Mobil Corporation*); *Kashani v. Tsann Kuen China Enterprise Co., Ltd.*, 118 Cal.App.4th 531 (2004) (defined summary judgment burdens of proof on affirmative defenses of illegality and violation of public policy in matter involving contract for export of computer technology from Taiwan and China to Iran by US citizens); and *Mylan Laboratories Inc. v. Soon-Shiong*, 76 Cal. App. 4th 71 (1999) (established that a non-party can simply file a motion to assert a privilege in a pending action without intervening to become a party). He also obtained California Supreme Court review in *D.J. Nelson v. Exxon Mobil Corporation*, *Cook Endeavors v. Superior Court*, 179 Cal. App. 4th 633 (2009); reviewed granted (2010) (addressing the effect on punitive damages of a transfer of the claims on which such damages are sought; case settled before oral argument).

### **Representative Environmental Regulatory and Proposition 65 Experience**

For over 30 years, Jeff has advised clients with respect to conducting environmental and health safety investigations and remediation, as well as associated community and governmental relations issues. Examples include:

- preparing responses to California Water Code § 13267 and § 13304 orders issued by the Regional Water Quality Control Board; and
- working with client personnel and outside consultants on complex and comprehensive investigation and remediation projects and related regulatory submissions, as well as interacting and negotiating with community groups, neighbors, Regional Water Quality Control Boards, the DTSC, local oversight program agencies, and State and County prosecutors.

Jeff's Prop 65 experience includes development of Prop 65 warnings programs, advice on product reformulation, response to pre-lawsuit notices, and defense of lawsuits filed by the California Attorney General, County District Attorneys, and private enforcers related to alleged groundwater contamination and alleged exposure to chemicals in consumer products (including food and beverages) and occupational settings.

Examples of matters alleging groundwater contamination involve industrial properties, refineries, bulk storage facilities, and service stations. His consumer product cases have involved alleged exposure to numerous listed chemicals, including chromium in leather goods; diesel emissions from school buses; phthalates in cosmetic bags/cases, eyewear and accessories, and dozens of other consumer products; titanium dioxide in makeup; phenolphthalein and radionuclides in consumer water-testing products; benzene from using propane cooking appliances; toluene from manufacture of window coverings; numerous chemicals in hot mix asphalt, floor coverings, and new homes; and lead and cadmium in food and juice products, cookware, computer power and other cords, electronics, consumer products, and artificial turf.

## Articles

- PFAS and food packaging: Regulatory changes create ripple effects for PFAs-related litigation  
*Food Navigator-USA.com*, 11.14.2022

### Real Estate, Land Use & Environmental Law Blog Posts

- "PFAS in Food Packaging: The Beginning of the End?" March 12, 2024
- "Proposition 65: 2023 in Review," January 30, 2024
- "The Intersection of Prop 65 and Free Speech: A Recent Win for Businesses," November 14, 2023
- "Get Your Prop 65 House in Order for the New Year," January 9, 2023
- "California's Newly Adopted "Safe Harbor" Warning Label for Acrylamide In Foods Turns Up the Heat In Ongoing First Amendment Challenge to Proposition 65," December 13, 2022
- "PFAS and Food Packaging: Regulatory Changes Create Ripple Effects for PFAs-Related Litigation," November 16, 2022
- "PFAS Regulations Could Open Floodgates to Prop 65 Enforcement – Assess & Manage Your Exposure Now," June 27, 2022
- "PFAS Regulations Could Open Floodgates to Prop 65 Enforcement - Assess & Manage Your Exposure Now," June 27, 2022
- "Under the Radar Changes to Proposition 65 – OEHHA Issues New "Guidance" For Web Purchases (Is it an Illegal 'Underground Regulation?)," March 8, 2018
- "WARNING: Prop 65 Has Changed – If Your Product Is Sold In California Or You Do Business In California, Pay Attention," January 16, 2018

## Media Mentions

Sheppard, Mullin, Richter & Hampton Partner Jeff Parker Joins International Association Of Defense Counsel  
*citybiz*, 09.15.2023  
*Attorney At Law*, 09.15.2023

Prop 65 enforcement action poised to grow in 2023, experts say  
*Chemical Watch*, 01.23.2023

California to look at latest IARC findings for potential Prop 65 expansion  
*Chemical Watch*, 08.22.2022

California to consider listing two additional PFASs under Prop 65  
*Chemical Watch*, 07.13.2022

National Restaurant Association Says Legislators Seek to Forever Change the Legal Landscape of Forever Chemicals  
*Restaurant News Resource*, 07.06.2022

EPA Advisories May Subject More PFAS To Prop. 65 Warnings, Lawyers Say  
*InsideEPA*, 07.06.2022

Retailers Get Help from Lawsuits When New Prop 65 Regulations Take Effect  
*Legal News Line*, 02.27.2018

## Speaking Engagements

Workshop B - Strategy Session on Minimizing PFAS Risks: Navigating the Growing Patchwork of State PFAS Laws and Preventing Your Company from Becoming a Class Action Target  
American Conference Institute's 8th Annual Advanced Summit on Food Law Regulation, Compliance, and Litigation  
Chicago, IL, 04.29.2024

Liabilities Surrounding PFAS In Consumer Products  
AEHS Foundation 33rd Annual International Conference on Soil, Water, Energy, and Air  
San Diego, CA, 03.19.2024

A Practical Guide to State PFAS Legislation and Initiatives: What You Need to Know About Compliance and Mitigation  
American Conference Institute's West Coast Legal, Regulatory & Compliance Forum on Cosmetics & Personal Care Products  
Santa Monica, CA, 09.28.2023

PFAS & Consumer Products: Navigating Evolving Liability & Litigation  
Presented by Sheppard Mullin and Ramboll  
Webinar, 06.23.2022

PFAS Litigation and Policy Concerns  
Webinar, 06.08.2022

## Memberships

Member, International Association of Defense Counsel

Member, California State Bar

Member, Litigation and Environmental Law Sections of the State Bar of California

Member, Litigation and Environmental Law Sections of the Los Angeles County Bar Association

Member, California Association of Business Trial Lawyers

Member, National Aerospace Engineering Honor Society

Member, National Engineering Honor Society

## Practices

Real Estate, Energy, Land Use & Environmental

Environmental

Litigation

Environmental Litigation

Toxic Tort and Product Liability

Proposition 65

## Industries

Aerospace & Defense

Cannabis

Construction

Energy, Infrastructure and Project Finance

Financial Services

Government Business

Retail, Fashion & Beauty

Sports

Transportation

Trucking and Logistics

## Education

J.D., University of Southern California, 1991, articles editor and published author for the *Southern California Law Review*

B.S., Aerospace Engineering, University of Notre Dame, 1987, *with honors*

## Admissions

California

U.S. District Court for the Southern District of California

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California

U.S. Court of Appeals for the Ninth Circuit