

Andrew W. Davis

He/Him

PARTNER

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Clients facing complex litigation and regulatory matters turn to Andy for his deep experience with environmental, transportation and energy law.

Chair of Stinson's Energy, Environment, Mining, and Transportation Practice Division, Andy has served as lead counsel in litigated matters before state and federal district courts, appellate courts and administrative agencies. He has first chaired major litigated matters for clients including Class I railroads, agricultural businesses, energy companies, chemical companies, airports, universities and developers, among others.

A former Assistant Attorney General, Andy frequently represents clients in high-profile litigations, civil investigations, and enforcement actions involving the Minnesota Attorney General's Office, the Minnesota Pollution Control Agency and other state and federal agencies.

In addition to his litigation work, Andy advises clients in complex regulatory matters and investigations, from environmental cleanups and spills, to derailments and emergency response issues, to investigations under the Clean Air Act and Clean Water Act and other federal and state statutes. His recent experience includes matters involving emerging contaminants such as PFAS.

PRACTICES & INDUSTRIES

- Environmental Litigation
- Environmental & Natural Resources
- Energy
- Railroads
- Transportation
- White Collar Criminal Defense & Special Investigations

ADMISSIONS

- Minnesota
- Wisconsin
- U.S. District Court for the District of Minnesota
- U.S. District Court for the Western District of Wisconsin
- U.S. District Court for the Eastern District of Wisconsin
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Seventh Circuit

EDUCATION

University of Minnesota Law School, J.D.,

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Andy is committed to the firm's pro bono program. He recently submitted amicus briefing to the United States Supreme Court in a death penalty case on behalf of the Lawyers' Committee for Civil Rights under Law, and represents Afghan refugees in asylum matters. He also achieved a landmark civil rights victory in 2020 involving the recognition of transgender rights under the Minnesota Human Rights Act. Andy is a two-time winner of the *Minnesota Lawyer* Attorney of the Year Award.

Outside of his legal practice, Andy loves hanging out with his three kids, training his Aussiedoodle puppy, running, playing the trumpet and watching Timberwolves basketball.

EXPERIENCE

Andy's recent experience includes the following:

- Defended a major energy company in a class action alleging nuisance claims. After filing an early motion to strike the class allegations, the plaintiffs voluntarily dismissed the complaint.
- Represented a Class I railroad in a commercial dispute involving an environmental indemnity provision in an asset purchase agreement. The legal team led by Andy prevailed on summary judgment, which was ultimately affirmed by the Seventh Circuit Court of Appeals, resulting in a \$16 million judgment.
- Defended a Minnesota-based cooperative in Superfund litigation involving the U.S. Department of Justice. The case settled on favorable terms for a fraction of the damages sought by the government.
- Represented a group of public entities in CERCLA litigation against the United States. The case resulted in a settlement in excess of \$65 million, which will be used to fund the cleanup of a legacy military site.
- Defended a major transportation company in multi-party Superfund litigation, with cleanup costs in excess of \$100 million. The case was resolved for a small fraction of the attempted cost recovery.

magna cum laude, 2006

University of Chicago, B.A., *with honors*, 1999

CLERKSHIPS

Honorable John R. Tunheim, U.S. District Judge in the District of Minnesota

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- Defended a chemical company against tort claims brought by eleven separate municipalities. Obtained a Rule 12 dismissal.
- Defended a developer in a historic preservation case alleging claims for injunctive relief under the Minnesota Environmental Rights Act (MERA). Plaintiff's motion for injunctive relief was denied by the trial and appellate court.
- Defended a renewable energy company against claims under MERA and the Minnesota Administrative Procedures Act (MEPA) related to the siting of wind turbines.
- Represented a national retail company in responding to a civil investigative demand (CID) from the Minnesota Attorney General's Office.
- Represented a major transportation company in a Clean Air Act investigation.
- Represented a major pipeline in an emergency response with state and federal regulators following a pipeline rupture.

In addition to these matters, Andy has recently represented clients on the following issues:

- Emerging contaminants such as per- and polyfluoroalkyl substances (PFAS), perfluorooctanoic acid (PFOA), and perfluorooctane sulfonate (PFOS).
- Litigation involving the Minnesota Government Data Practices Act (MGDPA).
- Cost recovery and environmental enforcement litigation involving CERCLA, MERLA, RCRA, the Clean Water Act, Clean Air Act, and the Oil Pollution Act, among others.
- Federal class action defense involving environmental and toxic torts, noxious odors, and nuisance laws.
- Litigation involving natural resource damage assessments (NRDAs) and applicable federal and state
- Responding to civil investigative demands (CIDs) from the Minnesota Attorney General's Office.
- Litigation involving historic preservation issues under the Minnesota Environmental Rights Act, or MERA.
- Litigation and regulatory issues related to state and federal environmental review laws such as the Minnesota Environmental Procedures Act (MEPA) and the National Environmental Procedures Act (NEPA).
- Preemption litigation involving Class I railroads and the Interstate Commerce Commission Termination Act (ICCTA).
- Counseling regarding tribal jurisdiction issues.
- Administrative litigation at the Minnesota Office of Administrative Hearings (OAH).

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RECOGNITIONS

Minnesota Monthly Magazine, Top Lawyer, 2024

Minnesota Lawyer Attorney of the Year, 2013 and 2021

Hennepin County Excellence Award, 2021

Andy was recognized for his pro bono work by the Minnesota Supreme Court in 2021

PROFESSIONAL & CIVIC ACTIVITIES

Friends of Como Park Zoo and Conservatory, Board of Directors

- Vice Chair

Federal Bar Association, Minnesota Chapter

Minnesota State Bar Association, Administrative Law Section, Past Chair

Cantus, Past Board Member

NEWS

Stinson Environmental Attorneys Provide PFAS Guidance in *Law360* Article

12.22.2023

Andrew Davis, Tim Griffin Named Attorneys of the Year by *Minnesota Lawyer* for 'Landmark' Transgender Rights Victory

12.20.2021

Andy Davis Discusses Transgender Rights Victory in *Minnesota Lawyer* Profile

07.07.2021

Andrew Davis, Tim Griffin Honored with 2021 HCBA Excellence Award for 'Landmark Ruling' on Transgender Rights

05.19.2021

Stinson Represents Salina Public Entities in Landmark Environmental Cleanup Case

12.11.2020

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Andrew Davis, Diane Galatowitsch Recognized by the Minnesota Supreme Court for Pro Bono Efforts
08.11.2020

SPEAKING ENGAGEMENTS

Stinson Business Law Update, 2020-2022

Pronouns in the Legal Profession, January 2022

"Basics of Administrative Law," Minnesota Environmental Institute, April 2017

"Protecting the Privilege: Considerations for In-House Counsel," in-house presentation, February 2017

Business Law Update

03.03.2022

2021 Business Law Update

03.04.2021

PUBLICATIONS

"[Considerations for In-House Counsel Before Testing For PFAS](#)," *Law360*, December 2023

Author, Minnesota Supreme Court Recognizes the Common Interest Doctrine, *Bench & Bar*, January 2023

Author, "False Claims Act Expands in Age of Regulation," *Minnesota Lawyer*, January 2014

Author, "When Regulatory Noncompliance Becomes FCA Liability," *Law360*, March 2013

EPA Finalizes Groundbreaking Rule to Regulate Two PFAS under CERCLA

04.19.2024

EPA Sets First-Time Limits for Six PFAS in Drinking Water

04.11.2024

EPA Proposes to Regulate Nine PFAS as RCRA "Hazardous Constituents"

02.06.2024

Minnesota Announces PFAS Rulemaking

09.18.2023

Supreme Court Decision Alters Interpretation of Waters of the United States

05.31.2023

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Minnesota Legislature Passes Historic Environmental Legislation

05.23.2023

Minnesota Proposes Environmental Justice Standards for Air Permits

05.18.2023

EPA to Restrict PFAS in Drinking Water

03.16.2023

EPA Issues Guidance Pushing States to use NDPEs Permits to Reduce PFAS Discharges

12.13.2022

Minnesota's PFAS Monitoring Plan Signals Increased Enforcement

10.04.2022

PFAS Chemicals Slated to Become CERCLA Hazardous Substances

09.01.2022

EPA Sets Health Advisories for Drinking Water

06.17.2022

Now is the Time to Evaluate PFAS Liability

10.21.2021

Clean Water Requirements Escalate for PFAS, Nutrients and other Pollutants

09.10.2021

Supreme Court Protects Drafts Under Deliberative Process Privilege

03.08.2021

Minnesota Announces "PFAS Blueprint" for Increased Regulation of "Forever" Chemicals

02.12.2021

EPA Takes Significant Step Toward PFAS Regulation

02.25.2020

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