



James B. Slaughter

Principal

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Jimmy Slaughter has a national practice in environmental, toxic tort, and constitutional litigation.

Jimmy's many courtroom wins led to *Law360* naming him an "MVP" for 2020 and *American Lawyer* selecting him as a Runner-Up for Litigator of the Week four times in 2019 and 2020. His recent accomplishments include winning a writ of mandate against Los Angeles County voiding permit terms for a client's landfill (achieving savings valued at over \$200 million), securing preemption of a Baltimore air ordinance, and defeating at hearing a \$5 million enforcement order. Jimmy also recently scored a rare equitable estoppel ruling against a major local government, allowing his client to challenge numerous provisions of a conditional use permit. *Chiquita Canyon LLC v. Los Angeles County*, 2019 WL 6122160 (L.A. Co. Super. Ct. 2019).

Other achievements include securing a unanimous win in the Pennsylvania Supreme Court defeating toxic tort claims, *Gilbert v. Synagro Central*, 131 A.3d 1 (Pa. 2015) and a plaintiffs judgment after a two week trial on constitutional challenges to a voter initiative banning land application of biosolids, *City of Los Angeles v. Kern County*, 2017 WL 1292822 (Tulare Co. Cal. Super. Ct. 2017). Jimmy also scored three wins on preemption claims in 2013 and 2014 before the California Court of Appeal and the Washington Court of Appeals involving solid waste issues. Jimmy has tried numerous jury and bench trials and argued cases before many federal and state appellate and trial courts across the country, including the California, District of Columbia, Pennsylvania, and Virginia supreme courts. *See, e.g., Cormier v. D.C. WASA*, 2011 WL 4543680, 84 A.3d 492 (D.C. 2013) (trial win and appellate affirmance, defeating tort claims of corrosive drinking water).

Jimmy is recognized as a leader in mass tort, class action and preemption litigation involving solid waste, drinking water, wastewater, and biosolids. His representation of waste and recycling companies, cities, farms, contractors, and trade associations spans toxic tort, enforcement defense, and complex constitutional and administrative law issues regarding competing federal, state, and local authority. Jimmy speaks regularly at meetings of the American Bar Association, the National Waste and Recycling Association, the Water Environment Federation, its state affiliates, and the National Association of Clean Water Agencies. He works with the country's top scientists and engineers to defend his clients in the courts and before government agencies.

Toxic tort defense is a major part of Jimmy's practice, including defense of wrongful death, serious personal injury, and nuisance claims. He has handled the country's most significant cases involving alleged public health impacts from land application of biosolids and from allegations of lead in

drinking water. Jimmy regularly and successfully challenges plaintiffs' medical and causation experts under *Daubert* and *Frye*.

Jimmy is nationally recognized for his success in preemption and commerce clause challenges to discriminatory and burdensome local legislation. He led a coalition of electronics trade groups and manufacturers in challenging the constitutionality of New York City's recycling and product-take back mandates. After Jimmy filed a motion for preliminary injunction, the City agreed to stay implementation of the law. He also led the successful efforts of the City of Los Angeles to overturn a local ban on the City's use of its biosolids on California farmland as a fertilizer on Commerce Clause and other constitutional grounds.

Superfund litigation has long been a part of Jimmy's docket and he has defended and prosecuted CERCLA claims around the country. Jimmy has led several PRP Group representations and won a major successor liability ruling in *Pfohl Brothers Landfill Site Steering Committee v. Allied Waste*, 255 F. Supp. 2d 134 (W.D.N.Y. 2003).

Jimmy also litigates and arbitrates cases under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), focusing on the defense of the rights of data owners against follow-on registrants of pesticides. He was co-counsel with other B&D principals in the landmark case of *Cheminova A/S v. Griffin L.L.C.*, 182 F. Supp. 2d 68 (D.D.C 2002), which underscored that data compensation awards pursuant to FIFRA's mandatory arbitration scheme are fully enforceable in court.

Jimmy joined B&D after three years as an Assistant and Senior Assistant Public Defender in Fairfax County, Virginia. While with the Public Defender's Office, Jimmy successfully defended against a capital murder indictment in *Commonwealth v. Reed*. Before joining the Public Defender's Office, Jimmy clerked for the Honorable James Sprouse of the United States Court of Appeals for the Fourth Circuit.

Jimmy is active in the American Bar Association (ABA) Section of Litigation, the Defense Research Institute, the National Waste & Recycling Association (NW&RA), the National Association of Clean Water Agencies (NACWA), and the Water Environment Federation (WEF). He speaks and writes frequently on litigation and environmental law topics.

He currently serves on the program committee for the Defense Research Institute Toxic Tort and Environmental Law Seminar, is a member of the Environmental Litigation Committee of the ABA Litigation Section, and is the past Co-Chair of the Water Subcommittee, RCRA Subcommittee, and Toxic Tort Subcommittee.

Education

- Yale University (B.A., 1982)
- Columbia University (J.D., 1987)
 - Columbia Journal of Law and Social Problems, Articles Editor

Bar Admissions

- District of Columbia
- Virginia

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals - D.C. Circuit
- U.S. Court of Appeals - Third Circuit
- U.S. Court of Appeals – Fourth Circuit
- U.S. Court of Appeals - Ninth Circuit
- U.S. District Court – District of Columbia
- U.S. District Court – Western District of Virginia
- U.S. District Court – Eastern District of Virginia

Professional Affiliations

- American Bar Association
- Environmental Law Institute
- Defense Research Institute
- Lawyers for Civil Justice
- National Association of Criminal Defense Lawyers
- Water Environment Federation
- National Association of Clean Water Agencies
- National Waste & Recycling Association
- The Solid Waste Association of North America
- Virginia Bar Association
- Virginia Association of Defense Attorneys
- Virginia Bar Association Environmental Council
- Fairfax Bar Association
- Fellow, Litigation Counsel of America
- Fellow, American Bar Foundation

Honors & Awards

- *Law 360 MVP, 2020*

- *American Lawyer*, Runner-Up Litigator of the Week, March 1 and 22, 2019 and April 3 and July 10, 2020
- *Who's Who Legal*, part of *Law Business Research Ltd.*, recognition in Environmental Law (2016-2020)
- *Super Lawyers*, part of *Thomson Reuters*, Washington, DC, Super Lawyer (2014-2019)
- *The Legal 500*, recognition in Environmental Litigation (2015; 2017-2019)

Representative Matters

Significant reported cases tried, argued, or briefed by Jimmy include:

- *Chiquita Canyon, LLC v. Los Angeles County*, 2020 WL 3977913 (Los Angeles Co. Sup. Ct. July 2, 2020)
- *Baptiste v. Bethlehem Landfill Co.*, --- F.3d ---, 2020 WL 3956680 (3d Cir. 2020)
- *Schaumburg v. Jefferson Parish*, 292 So.3d 154 (La. App. 5 Cir. 2020)
- *Wheelabrator Baltimore, L.P. v. Mayor and City Council of Baltimore*, --- F.Supp.3d ---, 2020 WL 1491409 (D.Md. 2020)
- *Chiquita Canyon LLC v. Los Angeles County*, 2019 WL 6122160 (L.A. Co. Super. Ct. Nov. 13, 2019)
- *Addison v. Louisiana Regional Landfill Company*, 398 F.Supp.3d 4 (E.D. La. 2019)
- *Baptiste v. Bethlehem Landfill Company*, 365 F.Supp.3d 544 (E.D. Pa. 2019)
- *Montgomery County, Maryland v. Complete Lawn Care, Inc.*, 240 Md.App. 664 (Md. Ct. Spec. App. 2019)
- *Bernard v. Progressive Waste Solutions*, 365 F.Supp.3d 738 (E.D. La. 2019)
- *Ictech-Bendeck v. Progressive Waste Solutions of Louisiana*, 367 F.Supp.3d 555 (E.D. La. 2019)
- *Landry-Boudreaux v. Progressive Waste Solutions*, 365 F.Supp.3d 734 (E.D. La. 2019)
- *Thompson v. Louisiana Regional Landfill Company*, 365 F.Supp.3d 725 (E.D. La. 2019)
- *Chiquita Canyon, LLC v. Super. Ct. of Los Angeles Co.*, 2019 WL 911669 (Cal. Ct. App. 2019)
- *Schaumburg v. Jefferson Parish*, 2019 WL 646599 (La. 24th Jud. Dist. 2019)
- *NRDC v. EPA*, 301 F.Supp.3d 133 (D.D.C. 2018)
- *Complete Lawn Care, Inc. v. Montgomery County, Maryland*, 2017 WL 3332362 (Mont. Co. Md. Cir. Ct. 2017)
- *City of Los Angeles v. Kern County*, 2017 WL 1292822 (Tulare Co. Cal. Super. Ct. 2017)
- *Barkley v. DC Water*, 2016 WL 184433 (D.C. Super. Ct. 2016)

- *Gilbert v. Synagro*, 131 A.3d 1 (Pa. 2015)
- *Barkley v. DC Water*, 2015 D.C. Super. LEXIS 8 (D.C. Super. Ct. 2015)
- *SPRAWLDEF v. San Francisco Bay Conservation and Development Commission*, 172 Cal. Rptr.3d 110 (Cal. Ct. App. 2014)
- *Gilbert v. Synagro*, 90 A.3d 37 (Pa. Super. Ct. 2014), *appeal granted*, 101 A.3d 1149 (Pa. 2014)
- *Washington Department of Ecology v. Wahkiakum County*, 337 P.3d 364 (Wash. App. 2014), *review denied*, 347 P.3d 459 (Wash. 2015)
- *City of Los Angeles v. Kern County*, 328 P.3d 56 (Cal. 2014)
- *Northern California Recycling Association v. County of Solano*, 2014 WL 235443 (Cal. App. 2014)
- *Sierra Club v. Solano County*, 2013 WL 3963602 (Cal. App. 2013)
- *Cormier v. D.C. Water and Sewer Authority*, 84 A.3d 492 (D.C. 2013)
- *City of Los Angeles v. Kern County*, 154 Cal.Rptr.3d 122 (2013)
- *Gilbert v. Synagro*, 2012 WL 11943695 (York Co. Ct. Comm. Pleas 2012)
- *Cormier v. D.C. Water and Sewer Authority*, 2011 WL 4543680, 139 DWLR 2157 (D.C. Super. Ct. 2011)
- *Potrero Hills Landfill, Inc. v. Solano County*, 657 F.3d. 876 (9th Cir. 2011)
- *Cormier v. D.C. Water and Sewer Authority*, 2011 D.C. Super. Lexis 2 (D.C. Super. Ct. 2011)
- *City of Los Angeles v. Kern County*, 560 U.S.939 (2010) (denying certiorari)
- *NL Industries, Inc. v. Halliburton Co.*, 2010 U.S. Dist. Lexis 116654 (W.D.N.Y. 2010)
- *Hardin v. Jackson*, 625 F.3d 739 (D.C. Cir. 2010)
- *City of Los Angeles v. Kern County*, 581 F.3d 841 (9th Cir. 2009)
- *Hardin v. Jackson*, 648 F. Supp. 2d 42 (D.D.C. 2009)
- *Cormier v. District of Columbia Water and Sewer Authority*, 2009 D.C. Super. Lexis 1 (D.C. Super. Ct. July 27, 2009)
- *Hardin v. EPA*, 600 F. Supp. 2d 13 (D.D.C. 2009)
- *Wyatt v. Sussex Surry LLC*, 2007 Va. Cir. Lexis 182 (Surry Co., Va. Cir. Ct. November 2, 2007)
- *City of Los Angeles v. Kern County*, 2007 U.S. Dist. Lexis 81696 (C.D. Cal. Oct. 25, 2007)
- *City of Los Angeles v. Kern County*, 509 F. Supp. 2d 865 (C.D. Cal. 2007)
- *Wyatt v. Sussex Surry LLC*, 482 F. Supp. 2d 740 (E.D. Va. 2007)
- *City of Los Angeles v. Kern County*, 462 F. Supp. 2d 1105 (C.D. Cal 2006)
- *City of Los Angeles v. Kern County*, 2006 WL 3073172 (C.D. Cal. Oct. 24, 2006)

- *SRM Chemical Ltd. v. Federal Mediation and Conciliation Service*, 355 F. Supp. 2d 373 (D.D.C. 2005)
- *Synagro v. Rush Township*, 299 F. Supp. 2d 410 (M.D. Pa. 2003)
- *O'Brien v. Appomattox County*, 293 F. Supp. 2d 660 (W.D. Va. 2003)
- *O'Brien v. Appomattox County*, 2003 WL 21711347 (4th Cir. 2003)
- *Pfohl Brothers Landfill Site Steering Committee v. Allied Waste Systems, Inc.*, 255 F. Supp. 2d 134 (W.D.N.Y. 2003)
- *Pfohl Brothers Landfill Site Steering Committee v. Browning-Ferris Industries of New York, Inc.*, 221 F. Supp. 2d 406 (W.D.N.Y. 2002)
- *O'Brien v. Appomattox County*, 213 F. Supp. 2d 627 (W.D. Va. 2002)
- *Synagro v. Rush Township*, 204 F. Supp. 2d 827 (M.D. Pa. 2002)
- *Cheminova A/S v. Griffin L.L.C.*, 182 F. Supp. 2d 68 (D.D.C. 2002)