



## John F. Barg

Senior Counsel

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### **With over 40 years of experience, John has tried more than 100 civil and criminal cases.**

John has had an active criminal and civil trial practice for more than 40 years, and has tried to verdict more than 100 civil and criminal cases, including many environmental cases. John's environmental litigation experience includes toxic tort, CERCLA and state law cost recovery, Clean Water Act, Clean Air Act, Superfund enforcement, and environmental insurance coverage cases, as well as non-environmental complex litigation in federal and state courts.

Before entering private practice in 1984, John spent ten years with the U.S. Department of Justice (DOJ). He served as an Assistant U.S. Attorney and Chief of Civil Litigation in the United States Attorney's Office in San Francisco, and as a trial attorney in the Criminal and Civil Divisions of DOJ in Washington, DC.

In addition to his trial practice, John's professional experience and expertise include:

- Co-authoring Environmental Litigation, Bancroft-Whitney's California Civil Practice Guide on environmental law
- Lecturing at Environmental Law Institute conferences
- Serving the federal courts in providing arbitration, mediation, early neutral evaluation, and other forms of ADR to litigants in federal court
- Representing White House, cabinet, and cabinet-level officers in constitutional and national security litigation
- Providing environmental dispute resolution and conducting mediation services

### **Education**

- San Jose State University (B.A., *cum laude*, 1968)
  - Political Science
- Golden Gate University (J.D., *cum laude*, 1974)

### **Bar Admissions**

- California

## **Court Admissions**

- U.S. Supreme Court
- U.S. Court of Appeals - Third Circuit
- U.S. Court of Appeals – Fourth Circuit
- U.S. Court of Appeals - Ninth Circuit
- U.S. Court of Appeals - D.C. Circuit
- U.S. Court of Appeals - Federal Circuit
- U.S. Court of Federal Claims
- California Supreme Court
- U.S. District Court – Southern District of California
- U.S. District Court - Central District of California
- U.S. District Court – Eastern District of California
- U.S. District Court – Northern District of California

## **Professional Affiliations**

- National Association of Railroad Trial Counsel
- American Bar Association
- Federal Bar Association
- American Trial Lawyers Association
- State Bar of California
- Bar Association of San Francisco
- Defense Research Institute

## **Honors & Awards**

- *Best Lawyers®*, San Francisco Lawyer of the Year, Environmental Litigation (2016), Environmental Law (2012)
- *Super Lawyers*, part of *Thomson Reuters*, California Super Lawyers (2004-2024)
- *Bay Area Lawyer*, recognized as one of the Bay Area's top environmental lawyers
- Lexology, *Who's Who Legal*

## **Representative Matters**

- Representing Union Pacific Railroad Company as owner of contaminated property in a toxic tort action brought by 30 plaintiffs whose drinking water wells and properties were impacted

by chlorinated solvents. Following a months-long jury trial, the jury found that plaintiffs' wells and property were contaminated by other sources (two neighborhood dry cleaners) and returned a defense verdict.

- Defending railroads in Polanco Act litigation, including trial and appeal to the Ninth Circuit Court of Appeals, concerning petroleum and metals contamination in Stockton. *Redevelopment Agency of the City of Stockton v. BNSF Railway Co.*, 643 F.3d 668 (9th Cir. 2011).
- The United States Supreme Court affirmed a federal district court's determination, obtained by Barg Coffin Lewis & Trapp, LLP attorneys following a bench trial, holding that the environmental harm at a Superfund site was reasonably capable of apportionment and rejecting imposition of joint and several liability under CERCLA. *Burlington Northern v. United States*, 129 S. Ct. 1870 (2009).
- Representing Cargill, Inc. in *San Francisco Baykeeper v. Cargill, Inc.*, in which the Court of Appeals for the Ninth Circuit held that a Cargill pond near San Francisco Bay was not "waters of the United States" within the jurisdiction of the Clean Water Act. The Ninth Circuit opinion is 481 F. 3d 700 (9th Cir. 2007).
- Prevailing on behalf of two law firms in binding arbitration of a fee dispute with Townsend, Townsend & Crew in the Microsoft Antitrust Litigation.
- Representing a real estate development company and its principals in defeating a \$52 million claim involving 1,100 acres in Los Gatos, California, and recovering over \$16 million on a counterclaim relating to the same property after a one-month jury trial.
- Defending a major oil company in approximately 50 lawsuits, including several alleged class actions, brought by more than 14,000 plaintiffs concerning an airborne release of a chemical catalyst from a San Francisco Bay Area refinery.
- Representing the same major oil company in a London arbitration, as well as California litigation, seeking insurance coverage from European and Bermuda-based insurers for the amount of the settlement with the more than 14,000 individuals who claimed property damage and bodily injuries from the industrial accident that caused the chemical release, recovering more than \$55 million in insurance proceeds.