



## Susan E. Smith

San Francisco Office Managing Principal

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### **Susan complements her national litigation practice focused on toxic tort defense with knowledge of and experience with the many scientific disciplines often at play.**

She defends environmental claims, counsels on environmental regulatory matters, advocates for companies before regulatory authorities and in investigations, and guides clients through incident response and clean up with a focus on minimizing the threat or impact of future litigation.

### **Litigation**

Susan has more than 25 years of litigation, trial, and appellate experience focused on environmental toxic tort litigation. Much of her work has involved water contamination issues. Susan also advises on related insurance coverage issues and product liability claims. She has represented clients in matters pending in dozens of state and federal courts nationwide. Much of her work involves claims related to the release of or exposure to chemicals, vapors, fumes, pathogens, and other potentially toxic substances. As such, she works closely with epidemiologists, toxicologists, industrial hygienists, and environmental medicine specialists to evaluate the strengths and weaknesses of these claims and is deeply familiar with the relevant sciences and regulatory considerations.

### **Crisis Management & Incident Response**

In addition to her litigation practice, Susan counsels clients on crisis management and incident response. This aspect of her work involves coordinating internal investigations and corrective actions, collaborating with corporate executive leadership, technical experts, and communications consultants to develop and execute a response strategy, and representing clients in related civil and administrative actions.

For several clients, Susan has coordinated the response to federal, state, and local governmental agency investigations of suspected environmental releases. She has interfaced with investigators and claimants' counsel, developed internal and external messaging, provided strategic advice regarding personal injury litigation risk, negotiated with government agencies and stakeholders regarding post-incident remediation and testing protocols, and defended subsequent personal injury litigation.

Susan is the Managing Principal of Beveridge & Diamond's San Francisco office.

## Education

- University of California - Santa Cruz (B.A., *with Honors*, 1993)
- Lewis & Clark (J.D., 1997)

## Bar Admissions

- California
- District of Columbia
- Maryland
- Washington

## Court Admissions

- Appellate Court of Maryland
- Pennsylvania Supreme Court
- Washington Supreme Court
- U.S. Court of Appeals - D.C. Circuit
- U.S. Court of Appeals – Fourth Circuit
- U.S. District Court – Western District of Washington
- U.S. District Court - Central District of California
- U.S. District Court – Eastern District of California
- U.S. District Court – Northern District of California
- U.S. District Court - Maryland
- U.S. District Court – Eastern District of Michigan
- U.S. District Court – Western District of Washington

## Honors & Awards

- *The Legal 500*, recognition in Environmental Litigation (2019-2024)

## Representative Matters

Susan's experience includes:

- For more than six years, representing McLaren Health Care Corporation in highly contentious, complex litigation and related disputes involving sophisticated Safe Drinking Water Act issues. The litigation is comprised of tens of thousands of environmental class action and individual personal injury and property damage claims originating from changes

the City of Flint, Michigan made to its municipal drinking water system in 2014. *In Re Flint Water Cases*, 499 F. Supp. 3d 399 (E.D. Mich. 2021).

- Leading the civil defense for the City of Los Angeles against potential violations of the Clean Water Act and related state laws after the City's Hyperion wastewater treatment plant discharged millions of gallons of untreated sewage due to a plant upset and a plant-wide flooding incident in July 2021. Both state and federal agencies are investigating this matter with enforcement claims that could include large penalties and injunctive relief. Enforcement investigations are ongoing.
- In a PCE groundwater contamination litigation matter in the City of Modesto, developing science-based defenses with expert witnesses and advising on issues pertaining to the California Safe Drinking Water Act.
- Representing a property management company and related entities in complex litigation in which more than 50 current or former tenants of privatized military base housing in Washington state sued alleging impacts from mold exposure.
- Advising a pipeline client facing a multi-agency investigation of a spill/release incident in California and a related discharge into the waters of the state.
- Representing multiple clients in matters before the South Coast Air Quality Management District, including investigations and variance hearings.
- Representing a semiconductor industry client regarding compliance with California state and local environmental health and safety regulations and preparation for an annual inspection by the Office of the State Fire Marshal.
- Obtaining a defense verdict in an environmental contamination case involving medical, scientific, and real estate issues, with damages upward of \$3 million.
- Obtaining a summary judgment order in favor of a defendant being sued on the basis that the plaintiff had allegedly contracted Legionnaires' disease due to negligent management of an apartment building.
- Favorably settling a product liability case involving mold and formaldehyde exposure in a recreational vehicle.
- Winning dismissal of claims against a commercial food establishment in a case involving 23 plaintiffs and their exposure to carbon monoxide, which resulted in permanent brain damage.
- Defending a distributor of industrial safety supplies in a 25-plaintiff case alleging silica and asbestos exposure.
- Defending a national bank in a bystander exposure asbestos case, resulting in favorable resolution.
- Favorably resolving multiple wrongful death and personal injury claims against a property manager stemming from a Legionnaires' disease outbreak at a senior housing project.