



**Gilbert S. Keteltas**

Partner

Gilbert (Gil) Keteltas, Co-Chair of Howrey's Environmental, Product and Tort practice, tries and litigates complex tort, environmental and commercial matters in federal, state and administrative courts. As lead trial counsel, Mr. Keteltas won an unprecedented trial verdict in a case of first impression against the California Air Resources Board. He also assisted in the defense and settlement of the largest mobile source enforcement action in history, and the second-largest environmental enforcement case ever tried to a jury.

**Gilbert S. Keteltas**

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.7060  
f. +1 202.383.6610

KeteltasG@howrey.com

**ADMISSIONS**

District of Columbia

**EDUCATION**

Georgetown University Law Center (JD, 1989)

*Georgetown International Environmental Law Review*, Business Editor (1988-89)

Cornell University (BS, 1986)

Mr. Keteltas defends clients in enforcement actions by state and federal agencies, product liability cases, toxic torts, citizen suits and other private party actions. As a member of a national Howrey legal team, Mr. Keteltas co-managed the nationwide environmental litigation docket for a major petroleum company. He currently represents a global manufacturer in multiple tort suits based on alleged exposure to vehicle emissions.

In addition to his integral role in developing the firm's tort and environmental law practice, Mr. Keteltas is a leading tort risk reduction expert and lecturer. Recognized as a thought leader on emerging climate change litigation matters, he acts as a trusted advisor to Fortune 500 clients on emerging litigation issues, electronic discovery strategy and best practices relating to electronically stored information. A Partner since 1999, Mr. Keteltas began his career with Howrey as a Summer Associate in 1988.

**REPRESENTATIVE MATTERS**

- *Caterpillar Inc., et al. v. California Air Resources Board*. As lead trial counsel, won an unprecedented trial verdict in this case of first impression defended by the state Attorney General's Office. The court invalidated an ARB regulation, finding that the regulation unconstitutionally impaired contracts and amounted to an illegal recall. Examined top government officials at trial and in deposition. (August 2006.).
- *Counsel to Unocal—National Environmental Docket*. Worked as part of a nationwide Howrey team to manage a national environmental litigation docket. Coordinated defense of multiple Louisiana oilfield contamination claims brought in state and federal courts. Developed and utilized cutting-edge case management and litigation budgeting tools. (See *American Lawyer*, "The Fix Is In," Nov. 1, 2005.).
- *United States v. Caterpillar, Inc.* As counsel to Caterpillar in a

## Gilbert S. Keteltas

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.7060  
f. +1 202.383.6610

KeteltasG@howrey.com

landmark EPA, DOJ and California investigation of heavy-duty diesel engine industry mobile source emissions, developed arguments regarding complex issues of first impression under the Clean Air Act; negotiated settlement provisions; worked with engineers and emission modeling experts; and coordinated joint defense efforts.

- *Adhesives Research, Inc. v. American Inks & Coatings Corp.* Served as litigation counsel to 17 settling Potentially Responsible Parties (PRPs). Defended a private cost recovery action by 136 settling PRPs against nonsettling PRPs, established liability of third-party waste broker and coordinated joint defense efforts.
- *Beazer East, Inc. v. The Mead Corporation v. Koppers Industries, Inc.* Defended CERCLA cost recovery claim involving coke plant property in use since 1912; defended a Third Circuit appeal regarding contractual allocation of liability; examined coke plant employees concerning historic waste handling practices; and second-chaired an allocation trial and examined expert witnesses.
- *Pennsylvania Environmental Enforcement Project, Inc. v. Keystone Cement Co.* Defended an environmental citizens' suit seeking to prevent burning of hazardous waste fuel in a cement kiln. Exposed a competitor's role in funding the litigation; negotiated and oversaw on-site sampling; and deposed members of the citizens' group. The suit ended on the eve of a preliminary injunction hearing after the citizens unsuccessfully sought to withdraw their own preliminary injunction motion.
- *U.S. v. Marine Shale Processors.* Defended a multimedia environmental enforcement action (including a jury trial) brought by the Environmental Protection Agency and the Department of Justice. Deposed state and federal regulators; second-chaired bench trials concerning alleged regulatory violations; and participated in three appeals to the US Court of Appeals for the Fifth Circuit.
- *eDiscovery Engagement (Confidential).* Worked with in-house legal and IT team of Fortune 50 company to develop and deploy comprehensive eDiscovery response program.
- *Risk Assessment (Confidential).* Conducts analysis of potential risks of global electronic information storage in the US for a Fortune 350 corporation.
- *eDiscovery Engagement (Confidential).* Served as eDiscovery counsel to a retailer in a Fair and Accurate Credit Transactions Act class action.

## COURTS & ADJUDICATIVE BODIES

- United States District Court for the District of Columbia

## Gilbert S. Keteltas

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.7060  
f. +1 202.383.6610

KeteltasG@howrey.com

- United States District Court for the District of Maryland
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the District of Columbia Circuit

## PROFESSIONAL AFFILIATIONS

- Member, ABA Litigation Section, Committee on Commercial and Business Litigation; Co-Chair, Environmental Litigation Subcommittee (2004-2005)
- Board of Advisors, Georgetown Law Advanced E-Discovery Institute (2008–present)
- Advisory Board Member, Georgetown Law Corporate Counsel Institute (2005–present)
- Member, Sedona Working Group 1: Electronic Document Retention & Production

## PRO BONO

- Successful appeal of denial of social security and disability benefits. Examined a vocational expert at an appeal before an administrative law judge.
- Work with a neighborhood association to fight open-air drug market using a nuisance law. Work resulted in closure of a "problem" business property following contested DCRA hearing and license revocation.

## COMMUNITY SERVICE

- Cornell Club of Washington, D.C. (Elected to offices of President (1994-95; 1995-96); Vice-President (1992-93, 1993-94) and Scholarship Vice-President (1991-92) of 900 member alumni organization. Appointed to the Investment & Audit Committee (Fall 1996).
- Winner of the Bondareff Award in recognition of extended and dedicated service to the Cornell Club of Washington (May 2002).
- Elected Cornell University Council, 2005 to 2007

## PUBLICATIONS & SPEAKING ENGAGEMENTS

### ARTICLES

"Forecasting the Future." *Los Angeles/San Francisco Daily Journal* (January 24, 2008). Co-authored with Joanne Lichtman.

Gilbert S. Keteltas

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.7060  
f. +1 202.383.6610

KeteltasG@howrey.com

"Climate Change Lawsuits." *The National Law Journal* (April 30, 2007).

"Regulatory v. *Daubert* Science: Distinction With A Difference." *American Bar Association Committee on Commercial & Business Litigation Newsletter* Vol. 6, No. 1 (Spring 2005): 1.

"Courtroom Technology in Product Trials: Debunking the Myths." *Product Liability Newsletter* Vol. 23, No. 5 (November 15, 2004). Co-authored with Mark D. Wegener.

"Learning the Lessons of Asbestos: Courts and Defendants Can Do Better In the Case of Silica." *Toxic Chemicals* (January 9, 2004).

"Corporate Governance And Climate Change Should Your 10-K Forecast The Weather?" *Mealey's Corporate Governance Report* (October 2003).

#### **BOOKS**

*Electronic Evidence: Law and Practice*. ABA Section of Litigation (2008). Chapter 1: Discovery of Electronic Evidence; Publication expected Spring 2008.

#### **SPEECHES**

"Climate Litigation: The Next Asbestos or the Next Y2K?" ABA, Section of Litigation, 2008 Annual Conference (April 17, 2008). Panelist.

"Addressing the Legal Challenges of Climate Change." Georgetown University Law Center Corporate Counsel Institute (March 7, 2008). Moderator.

"The E-Discovery 'Conversation': Are You and Your Counsel Ready for It?" Web Seminar, Los Angeles, CA (December 7, 2006).