



**Elizabeth M. Weaver**

Partner

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**ADMISSIONS**

California

**EDUCATION**

Duke Law School (JD, 1980)

Duke University (BA, 1977), *magna cum laude*

Elizabeth Weaver focuses on litigating environmental and toxic tort cases, with emphasis on hazardous waste, Superfund, air and water issues. She has a track record of successfully litigating complex environmental matters, ranging from government enforcement to cost recovery to natural resource damages. Her practice has included disputes at many Superfund sites across the country, and she has often served as common counsel. She has successfully mediated and litigated a wide range of disputes, and has tried Superfund cases to judgment. In one, the Federal Government was held responsible for all cleanup costs at the Del Amo Superfund Site after Ms. Weaver proved at trial that World War II operations at the site were closely controlled by the United States.

Ms. Weaver recently led the Howrey team as national coordinating counsel for a major oil company in all of its environmental litigation matters nationwide. As national counsel, she has litigated matters involving contamination from historic oil operations, Proposition 65, product liability and a range of other issues. She has handled product liability and unfair competition cases in California stemming from the use of MTBE, a gasoline oxygenate. In addition to her courtroom expertise, Ms. Weaver advises clients in the aerospace, oil, food and manufacturing industries regarding government enforcement, permitting, and other civil and criminal environmental matters.

**REPRESENTATIVE MATTERS**

- *State of Missouri v. Union Electric Company d/b/a AmerenUE*. Claims for natural resource damage by Missouri state agencies against client AmerenUE. The case was settled in November 2007.
- *ExxonMobil Oil Corporation DePue Superfund Site, Bureau County, Illinois*. Represents ExxonMobil in relation to a complex Superfund Site in a range of issues including cost allocation, negotiation and implementation of cleanup orders with the Illinois EPA, and natural resource damage claims.
- *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability litigation*. Represented Unocal in multi-district litigation regarding nationwide MTBE product liability claims.
- *Cadillac Fairview/California, Inc. v. Dow Chemical Co.* Represented Goodyear in a CERCLA contribution case. After an allocation trial, the court allocated none of the site's response costs to client Goodyear and 100% to the United States.
- *Transportation Leasing Co. v. California*. Operating Industries

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Superfund Site municipal litigation. Conceived and litigated a case against municipalities and public agencies for their role in a landfill Superfund Site, resulting in a settlement of over \$70 million by public entities.

- *Babich v. Cadillac Fairview/California Inc.* Toxic tort action for alleged chemical exposures from the Del Amo Superfund site. Settled for nuisance value.
- *Cadillac Fairview/California, Inc. v. United States.* Successfully argued that the Federal Government was fundamentally liable for site cleanup because the client was an agent for a federally-owned corporation; all cleanup costs were allocated to the Federal Government.

## COURTS & ADJUDICATIVE BODIES

- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States District Court for the Northern District of California
- United States District Court for the Central District of California
- United States District Court for the Southern District of California
- United States District Court for the Southern District of Florida

## PROFESSIONAL AFFILIATIONS

- Member, American Bar Association, Environment, Energy and Resources section
- Member, California State Bar Association
- Member, Los Angeles County Bar Association, Environmental Law Section

## PRO BONO

- *Cabana v. People's Choice.* Represents homeowners in a case involving alleged fraud by a foreclosure consultant and sub-prime lender.

## COMMUNITY SERVICE

- Volunteer, Franklin Avenue Elementary School, Los Angeles
- Volunteer, Silverlake-Los Felix Jewish Community Center
- Volunteer, Women's Advocacy Project

## PUBLICATIONS & SPEAKING ENGAGEMENTS

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## ARTICLES

"New Life for Brownfields: Contaminated Site Liabilities Can Be Successfully Managed." *The Metropolitan Corporate Counsel* (April 1997): 18. Co-authored with John W. Arata.

## SPEECHES

A frequent speaker before professional and trade associations and commercial seminars, Ms. Weaver recently participated in a panel on the scope of the government's Superfund liability at an ABA conference.

## IN THE NEWS

"The Fix Is In - Howrey Litigators Elizabeth Weaver and Joanne Lichtman and Economist Laura Robinson: Taking a Calculated Risk on Unocal's Environmental Docket." *Corporate Counsel* (November 2005).

"Annual Index: September 1996 – August 1997." *The Metropolitan Corporate Counsel* (August 1997).

"Rubber Companies Held Liable as Arrangers at U.S.-Owned Facility." *Mealey's Litigation Reports: Superfund* (December 21, 1994).

"Top Lawyers Leave Kaye, Scholer; OTS Lawsuit, Freeze on Assets Send Partners to Other Firms." *The Washington Post* (September 19, 1992).

"Legal Education: CLE Directory, Environmental Law." *The National Law Journal* (February 25, 1991).