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Areas of Practice

Commercial Litigation,
Insolvency & Creditors'
Rights

Litigation

Toxic Tort

Business and Human Rights

Education

University of Oregon
School of Law, J.D., 1982,
Member, International
Moot Court Team, Jessup
competition

University of Michigan,
B.A., Highest Honors and
High Distinction, 1978,
John Williams Fellowship
for Senior Honor's thesis,
Member, Honors College-8
Terms

Bar & Court Admissions

California

Oregon

Washington

Lawrence P. Riff

Riff At a Glance

- Firm's Toxic Tort Practice Group Leader (2005 - present)
- Managing Partner, firm's Los Angeles office
- Co-Chair, Toxic Torts Litigation Subcommittee of Mass Torts Litigation, American Bar Association, 2007 - 2010
- Member, American Board of Trial Advocates (30+ Superior and US District Court jury verdicts)
- *Best Lawyers in America* 2007 - 2011
- Top 100 Lawyers in Los Angeles, 2009 and 2010
- Director, Association of Business Trial Lawyers, LA Chapter, 2007 - 2010
- *Lawdragon 500 Leading Lawyers in America*, 2007

Larry Riff (Riff) is a partner in the Los Angeles office of Steptoe & Johnson LLP, where he serves as Managing Partner. He is a member of the Litigation Department and Practice Group Leader of the Firm's 20+ attorney Toxic Tort Practice Group.

He focuses on the defense of the petroleum, energy and chemical industries in toxic substance personal injury, death, environmental and property damage claims in state and federal courts. Frequently, the firm acts as counsel jointly retained by multiple industry defendants, and Riff has extensive experience in structuring and managing such joint defenses. (See Riff's Statement on Defending Toxic Tort Litigation, below.) Riff's practice also focuses on commercial litigation including contractual arbitration.

Riff has substantial first chair arbitration and bench and jury trial experience in toxic tort, environmental, business disputes, and other civil litigation matters. (Representative trials are described below.) Riff was elected as a member of the American Board of Trial Advocates in 2004.

Riff's toxic tort cases range from the single-plaintiff/single-defendant/single-product claim to acting as shared trial counsel for multiple defendants in cases involving dozens to hundreds of plaintiffs and involving dozens of products.

The common element of these claims is that the plaintiffs are alleged to have been injuriously exposed to a chemical. The disease endpoints include cancer, birth defects, and major organ (such as lung, central nervous system, liver, and

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kidney) disease. Such exposure may arise from a workplace (*e.g.*, 600+ workers from the Lockheed Skunkworks facilities in Burbank, California), a former pesticide manufacturing facility (*e.g.*, 1000+ residents of Hidalgo County, Texas), or consumer products (*e.g.*, leukemia alleged to have been caused by exposure to gasoline).

Riff's toxic substance property contamination cases involve claims under federal and state environmental statutes (RCRA, Clean Water Act, CERCLA), and common law property damage frequently from legacy industrial operations or agricultural products. Such cases have included claims asserted by a public housing authority in Los Angeles (lead and PAHs) arising from oil field services operations in the 1910s; by an Illinois county-operated landfill arising from benzene-contaminated soil excavated near a pipeline rupture; and 10+ California municipalities alleging water resource damages from legacy pesticide applications.

Riff's commercial litigation cases involve contract, business tort, and California Bus. & Prof. Code Section 17200 (consumer protection) issues. Such cases have included representing the defendant in a claimed breach of contract of a high-tech licensing agreement resulting in a state court jury trial involving claims of \$200+ million in damages; representation of the plaintiff in a major foreign telecom company in federal court involving contract and tort claims of \$100+ million; representation of the plaintiff in a state court claim by one of California's principal electric utilities seeking \$600+ million in refunds for unlawful charges during the California electricity market crisis of 2000-2001; and representation of a defendant product supplier in national federal court class action litigation involving alleged consumer fraud relating to the presence of the chemical bisphenol A in sports bottles.

Riff practiced from 1982-1986 as an in-house trial lawyer for the Southern Pacific Transportation Company at its headquarters in San Francisco. He entered the private practice of law in 1986. In 1997, Riff joined Steptoe & Johnson LLP as Managing Partner in the Los Angeles office.

Noteworthy

- Listed in *Best Lawyers in America* 2007, 2008, 2009, 2010 and 2011 for Mass Tort Litigation
- Selected as one of the "Top 100 attorneys" in Southern California by *Southern California Super Lawyers* 2009, 2010
- Listed in *Southern California Super Lawyers* 2004 - 2010 for Class Action/Mass Torts

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- Dean's Advisory Council, University of Oregon School of Law (2007-2010)
- Who's Who Legal, California (2009) ("Toxic tort practice leader at Steptoe & Johnson LLP Lawrence Riff is 'the one to call for chemical-related claims' according to sources.")

Representative Matters

Representative trials include:

- Jury trial (federal court) of alleged Clean Water Act and RCRA violations on behalf of Puerto Rico gasoline refiner arising from environmental releases, San Juan, Puerto Rico.
- Jury trial on behalf of two refined solvent product suppliers involving claim of non-Hodgkin's lymphoma in tire worker facility, Los Angeles County. Products defended: various rubber solvents.
- Jury trial on behalf of international energy and pesticide manufacturer involving four plaintiffs claiming birth defects and brain damage due to lead and arsenic contamination, Santa Cruz, California. Product defended: lead arsenate pesticide.
- Jury trial on behalf of six major gasoline refiners in living benzene-myelodysplasia (blood cancer) products liability claim, Santa Clara County. Product defended: gasoline.
- Four-week binding arbitration (AAA Rules, single arbitrator) of multimillion dollar breach of contract, fraud, and quantum meruit claims and cross-claims on behalf of US subsidiary of German engineering company involving pneumatic conveying technology/equipment for bulk materials handling, Los Angeles County.
- Jury trial on behalf of international solvent supplier to tire manufacturer in hematopoietic malignancy claim, Alameda County. Product defended: benzene-containing rubber solvent.
- Jury trial on behalf of major pesticide chemical product supplier in brain and peripheral nerve damage products liability claim, Schenectady County (New York). Product defended: chlorpyrifos (Dursban®) (trial occurred post-EPA deregistration for residential use).
- Jury trial on behalf of international pesticide/herbicide manufacturer in terminal interstitial pulmonary fibrosis products liability claim, Los Angeles County. Product defended: Paraquat.

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- Trial of Business and Professions Code Section 17200 (no jury trial right) case arising from claimed unfair business practices relating to advertising and product warnings for gasoline additive MTBE, San Francisco County.
- Jury trial on behalf of international pesticide supplier in birth defect—severe mental retardation claim, Santa Cruz County (California). Product defended: lead and arsenic-containing legacy pesticides.
- Jury trial on behalf of international agricultural gene trait supplier for alleged breach of IP licensing agreement, involving claimed damages exceeding \$200 million, San Diego County (co-tried with partner) (case resulted in published decision from California Supreme Court).
- Jury trial on behalf of three chemical suppliers of living benzene-leukemia (AML) products liability claim asserted by vehicle mechanic exposed to various hydrocarbons, Los Angeles County. Product defended: Stoddard solvent, thinners, and mineral spirits.
- Jury trial of "living mesothelioma" claim, asserted under Federal Employers' Liability Act, by steam engine roundhouse worker allegedly exposed to substantial quantities of asbestos during railroad's steam engine era, Los Angeles County.
- Jury trial of alleged wrongful death of six-year-old child killed by freight train in Watts District, Los Angeles County.
- Jury trial of labor union's claims against Oregon Insurance Guarantee Association for failed insurer's alleged underpayments under guaranteed contracts, Multnomah County (Oregon).
- Jury trial of wrongful death claim of 58-year-old train dispatcher caused by heart attack allegedly brought about by stress due to 14-hour shift and employer's ongoing pattern of alleged violations of Federal Hours of Service Act, Multnomah County (Oregon).
- Jury trial of alleged Reactive Airways Dysfunction Syndrome claim asserted by consumer exposed to agricultural products, San Diego County (co-tried with partner).
- Jury trial of personal injury claims of 42-year-old electrician with bilateral carpal tunnel syndrome, both wrists operated on, resulting in total disability, Los Angeles County.

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- Jury trial of personal injury claims of 48-year-old US Forest Service firefighter permanently disabled following high speed, head-on collision when client's semi truck crossed centerline following truck driver's falling asleep, Ventura County, California.

Multi-Plaintiff Toxic Tort Representative Matters

- Representation of Puerto Rico energy company in 80 plaintiff cancer, birth defect and brain injury claims involving gasoline and diesel fuel groundwater and soil contamination, San Juan, Puerto Rico.
- Representation of legacy agricultural chemical company in 3,000+ male sterility claims of Central American and African banana workers, Los Angeles and Hawaii.
- Representation of engineering company in 200+ plaintiff medical monitoring class action arising from Tennessee Valley Authority billion gallon fly ash dyke release, Tennessee.
- Representation of oil and gas production enterprise in 400+ plaintiff cancer claims relative to presence of 10+ wells located on Beverly Hills High School (California) campus.
- Representation of agricultural pesticide manufacturer in 40+ Brazilian plaintiff cancer claims, Southern District of Indiana (federal court).
- Representation of national pesticide manufacturer in 400+ plaintiff action for personal injury and wrongful death arising from alleged environmental contamination (soil and home attic dust) by lead and arsenic from legacy production facilities, Watsonville (Santa Cruz County), California.
- Representation of Fortune 100 international engineering firm in 500+ claimant class action for damages and medical monitoring arising from groundwater contamination from ruptured gasoline pipeline in Kankakee County, Illinois.
- Representation of gasoline refiner in 600+ individually named residents of low cost housing facilities seeking damages for personal injury, medical monitoring, and wrongful death arising from alleged soil and groundwater contamination from former (legacy) refinery operations, Los Angeles County.

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- Representation of Fortune 100 international agricultural chemical supplier in 1000+ plaintiff action for personal injuries, wrongful death, and medical monitoring arising from alleged environmental contamination from former pesticide facilities, Hidalgo County, Texas.
- Representation of three chemical company manufacturers in 31 coordinated cancer claims arising from benzene contamination of industrial product, Los Angeles County.
- Representation of three chemical company manufacturers in four leukemia claims arising from supply of solvent products to tire manufacturer, Monterey County (California).
- Representation of gasoline refiner for claims of personal injury and medical monitoring for 30+ inner-city Head Start Kindergarten students allegedly exposed to fugitive emissions, Los Angeles County.
- Representation of Class I railroad in multiple claims of multiple chemical sensitivity and pulmonary dysfunction following release of anhydrous ammonia in a small desert town, San Bernardino County.

Representative Commercial Litigation Matters

- Lead trial counsel for major California-based electric utility in claims for \$300+ million in refunds from multiple municipalities arising from California "energy crisis".
- Trial counsel (co-tried with partner) for life sciences company in licensing dispute resulting in \$175 million verdict and California Supreme Court published decision.
- Lead trial counsel for second largest Canadian telecom company defending \$100 million breach of contract claim in federal court, San Francisco.

Reported Decisions

Ferguson v. Monsanto Co., 2009 WL 1307882 (W.D. Wash. April 30, 2009)

Hernandez v. Esso Standard Oil Co. (Puerto Rico), 599 F.Supp.2d 175 (D.P.R. 2009)

In re Allied Chemical Corp., ___ S.W.3d ___, 2009 WL 200982 (Tex. App. 2009)

Esso Standard Oil Co. (Puerto Rico) v. Lopez Freytes, 577 F.Supp.2d 553 (D.P.R. 2008)

Ayemou v. Amvac Chemical Corp., 312 Fed.Appx. 24, 2008 WL 4107286 (9th Cir. Aug. 20, 2008)

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Johnson v. Henry Vogt Mach. Co., 544 F.Supp.2d 1276 (D. Utah 2008)
Esso Standard Oil v. Freytas, President of Puerto Rico Environmental Board, 467 F. Supp. 2d 156 (D.P.R. 2006).
Sunguard Availability Servs., LP v. Primedomain Int'l, Inc., 2006 U.S. Dist. LEXIS 74138 (D. Or. Sept. 25, 2006)
Laico v. Chevron U.S.A. Inc., 2004 Cal.App. LEXIS 1799 (Cal. Ct. App. Oct. 27, 2004)
Lockheed Litigation Cases, 115 Cal. App.4th 558 (2004)
Mycogen Corp. v. Monsanto Co., 28 Cal. 4th 888 (2002)
Rivas v. Safety-Kleen Corp., 98 Cal. App. 4th 218 (2002)
Palestini v. General Dynamics Corp., 193 F.R.D. 654 (S.D. Cal. 2000)
McDonald v. S. Pac. Transp. Co., 71 Cal. App. 4th 256 (1999)
Tuggle v. Piggyback Consolidators, Inc., 1997 U.S. Dist. LEXIS 22175 (C.D. Cal. Aug. 22, 1997)
In re Combustion, Inc., 960 F. Supp.1056 (W.D. La. 1997)
Albert v. S. Pac. Transp. Co., 30 Cal.App. 4th 529 (1994)
Frasure v. Union P. R.R. Co., 782 F.Supp. 477 (C.D.Cal. 1991)

Riff's Statement on Defending Toxic Tort Litigation:

I define success by the same terms as do my clients: the magnitude of the payout (if any) to resolve the litigation by judgment or settlement; the degree to which other claimants and their attorneys have been deterred in suing the client again in a similar case; and the cost of defense ("value").

My strategy is to present a genuine trial risk as that is the risk most appreciated by the toxic tort plaintiffs' bar. The best way not to have to try a case is to be intellectually and emotionally committed to put on one's best case and to take the jury's verdict. This requires finding an effective way to communicate complex medical, industrial hygiene, warnings, and toxicology issues to lay fact-finders, and to develop simple themes that resonate with the fact-finders' native sense of justice. I think these cases are heavily influenced by the quality of the expert testimony one brings into the courtroom, and I spend significant effort in finding the right mixture of training, competence, and raw human appeal in expert witnesses.

In multi-plaintiff toxic tort litigation (where the number of plaintiffs range from 20 - 10,000+), long before its lawyer picks a jury or even retains an expert, the client's ultimate success or failure is heavily influenced by the design of pre-trial procedures which will determine what, exactly, the jury will see and hear at trial. The contest is over aggregation vs. disaggregation of claims for trial: defendants generally do less well in a trial environment in which the jury receives a vast amount of evidence on a large number of plaintiffs and defendants generally do better when the jury can accommodate specific facts about specific individual plaintiffs. In short, the greater the aggregation of claims for trial, the

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rougher the justice. Busy trial courts exhibit a bias for economy and efficiency which usually translates into a "bigger trial is better" attitude. Moreover, astute judges, understanding the tensions presented by case structure, will use that tension to create settlement pressure.

Thus early, artful, and effective advocacy on issues of structure translate directly to the bottom line. These issues include venue considerations, when and how to structure class certification hearings; case management orders; consolidation/severance of claims; number and selection of bellwether plaintiffs; the uses and abuses of pre-trial evidentiary showings (e.g., Lone Pine and Cottle orders); and even discovery phasing plans. But there is no recipe book to draw upon.

On the value metric, the key is for counsel to have the confidence and the substantive knowledge to do what must be done but not more. Large profile toxic tort cases, especially populated with a large number of defense counsel, can easily become overcome with kinetic (but not useful) defense counsel activity. Defense counsel should early define a critical path and identify critical milestones and avoid letting other externalities dictate the defense activities to be accomplished.

Seminars & Events

Chair on Environmental Justice panel, American Bar Association, Chemical Products Conference 2009, Houston, Texas

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HarrisMartin: Trial of a Benzene-Leukemia Case from Jury Selection to Verdict, Defense Closing Argument, 2007

Mealey's, Benzene Litigation Conference, Highlights from *Hooper v. Chevron* jury trial, 2007

Leather, Rubber, Petrochemical, Transportation and Pesticides Industries: Developing Diseases and Targets, 2007, *Harris Martin New Exposures In Benzene Litigation Conference*

Presenting Complicated Evidence - How, When & What to Teach the Judge/Jury about a Benzene Cancer Case, *Mealey's Benzene Litigation Seminar*

Selected Publications

Avoiding High-Tech Abuses in the Courtroom: The Medium is Not the Message

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2004, *California Litigation*

Defending Against Medical Monitoring Claims in Toxic Tort Litigation
2001

Basic Principles in Defending Fear of Cancer Cases
2001

Case Management Orders as a Tool for the Defense in Mass Tort Cases
2000

Professional Affiliations

American Board of Trial Advocates (2004 to present)

Active Member, State Bars of California, Oregon, and Washington, and
admitted to practice in all federal district courts in those states (1982 to present)

Director, Association of Business Trial Lawyers, L.A. Chapter, 2007 to present

Member, Los Angeles County Bar Association, Litigation Section, 2000 to
present

Member, Dean's Advisory Council, University of Oregon School of Law, 2006
to present

Member, Board of Governors, Los Angeles Athletic Club, 2009