



Christopher "Smitty" Smith

Partner & Chair of the Environmental Group

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Christopher "Smitty" Smith is the chair of the Environmental practice group and a member of the Litigation practice group at Greenspoon Marder LLP, advising clients on a wide range of legal matters including contract, environmental law, insurance, real estate, and product liability issues. With extensive experience in both prosecuting and defending claims through trial in federal and state courts, Mr. Smith specializes in environmental issues stemming from industrial operations and real estate development.

Mr. Smith has provided counsel on various aspects of real estate transactions, commercial agreements, industrial health and safety compliance, and product advertising and labeling. He has a proven track record of representing a diverse clientele including commercial and residential property owners and developers, public utilities, transportation companies, consultants, metal manufacturers and recyclers, aerospace equipment manufacturers, automobile parts manufacturers, and pesticide manufacturers and distributors.

In his practice, Mr. Smith has successfully handled complex environmental litigation and regulatory proceedings, particularly those related to water and air quality, soil and groundwater contamination, and product safety standards. He is well-versed in matters involving federal, state, and local regulatory agencies such as the U.S. Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (ACE), the California Department of Toxic Substances Control (DTSC), the California Department of Pesticide Regulation (DPR), various California Regional Water Quality Control Boards (RWQCBs), and the South Coast Air Quality Management District (SCAQMD).

Mr. Smith's expertise extends to negotiating and litigating issues related to permitting, reporting, compliance, and liability under key environmental statutes including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), the Oil Pollution Act (OPA), and the National Marine Sanctuaries Act. Additionally, he works closely with clients to ensure compliance with California's Proposition 65, which regulates the marketing and labeling of consumer products containing certain chemicals sold in the state.

Bar Admissions

- California

Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California

- U.S. District Court for the Southern District of California

Education

- J.D., *cum laude*, Seattle University School of Law, 2007
 - ABA Student Liaison for Solo and Small Firm Committee & Pro Bono Committee
 - CALI Award in Criminal Procedure Adjudicative
- B.S., San Diego State University, Business Administration (emphasis in Finance), 2003
 - Beta Theta Pi Fraternity, Parliamentarian and Rush Chair

Practice Areas

- Litigation
- Environmental

Professional and Community Involvement

- Environmental Law Institute, Member
- Kids in Need of Defense (KIND), Advocate (Pro Bono), 2016-Present
- Los Angeles County Bar Association, Executive Committee, Environmental Section, Member, 2010-Present

Representative Experience:

Environmental

- Prosecuted CERCLA cost recovery claims for residential real property developer against consultants responsible for redevelopment grading and resultant environmental contamination.
- Guided airway and railway logistics companies on environmental compliance issues raised by industrial operations.
- Defended a construction aggregate mining company in federal Clean Water Act citizen suit for alleged non-compliance with National Pollutant Discharge Elimination System (NPDES) permit terms to resolution with citizen suit enforcer.
- Litigated a Clean Water Act citizen suit on behalf of a Southern California county, including filing of motion to dismiss based on wholly past defense, resulting in nominal settlement for the county.
- Successfully petitioned SCAQMD for variance from risk reduction plan regulating industrial facility's emissions of hexavalent chromium to provide for additional time to implement necessary risk reduction measures.
- Appealed a conditionally approved risk reduction plan to SCAQMD hearing board in order to address inconsistencies presented in conditions imposed by regulatory agency.
- Counseled an international precious metals refiner on federal and state environmental regulatory compliance issues raised by importation of products into California.
- Litigated CERCLA, RCRA, and common law environmental claims related to soil and groundwater on behalf of a railroad, resulting in dismissal of a public nuisance claim.
- Represented a California oil and gas pipeline company in litigation preserving access to mineral rights provided by agreement.
- Prosecuted and defended CERCLA cost recovery claims on behalf of a railroad company against prior tenants and surrounding property owners for environmental contamination across the United States.
- Served as outside environmental counsel to a railway transportation company to address environment-related administrative, regulatory, and litigation matters arising at the federal and state levels within California.
- Handled administrative appeal of environmental regulations impacting MS4 NPDES permittee, resulting in holding of regulations in abeyance until further environmental review can be conducted.
- Guided a Fortune 500 company on navigating California thermal emittance standards for insulation, roofing and composite products.
- Counseled a railroad transportation company on regulatory dealings with federal and state environmental regulators, addressing concerns over environmental impacts at properties throughout the United States.

- Represented a collection of real property owners in defending and prosecuting federal and state environmental claims for soil and groundwater contamination.
- Counseled a public utility on issues of environmental regulatory compliance for business operations around Southern California.
- Represented a public utility, commercial real property owners, and a national theme park in environmental regulatory dealings with federal and state regulatory agencies and in litigation matters arising under relevant environmental statutes.
- Guided industrial facilities through NPDES permitting and compliance.

Insurance

- Advising university on risk-mitigation and insurance considerations related to various insurance lines held by the university.
- Prosecuted insurance recovery claims for apartment building owner against 10 insurance companies, resulting in eight-figure settlement.
- Leveraged California's legal authority on contractual obligations against opposing parties to compel funding of a seven-figure settlement, as well as the selection and payment of preferred defense counsel.
- Obtained dismissal through successful motion practice of a federal action brought by insurance company against behavioral health company, securing insurance defense counsel and associated fees and costs through resolution of the civil action.

Litigation

- Managed team of attorneys to successful settlement by prosecuting contract-based claims for large public pension fund, including management of complex fact- and expert-discovery, discovery motion practice, pre-trial preparation and motion practice, and defense of dispositive motions.
- Second-chaired a successful nine-day federal jury trial involving claims of fraud and breach of contract against a reality television star, resulting in a seven-figure jury verdict.
- Briefed and argued fact-discovery motion to compel against nine insurance companies regarding their withholding of claim information, resulting in five-figure sanctions award for large public pension fund.
- Challenged and successfully removed default judgment against client for alleged violations of Cal/OSHA workplace safety regulations.

Real Estate

- Advised commercial real estate developer on environmental representations and warranties in asset purchases in order to minimize or eliminate associated environmental liabilities.
- Defended commercial real estate property owner in eminent domain property valuation dispute, resulting in adoption of preferred property valuation by the court.
- Advised a property owner on obtaining closure from California regulators for soil contamination at and around an apartment complex.

Products Liability/Proposition 65

- Defended product manufacturers, suppliers, and retailers in Proposition 65 product liability actions prosecuted by citizen-enforcers by challenging pleadings, leveraging fact- and expert-discovery burdens, prosecuting summary judgment motions, and engaging regulatory contacts to identify non-litigation resolution options for clients.
- Counseled renewable energy company on product warning compliance issues arising out of Proposition 65.
- Defended a natural gas regulator manufacturer from products liability claims in state court resulting from explosion.
- Guided food flavoring company on environmental regulations governing operations in California.
- Advised consumer products distributors on necessary warnings under Proposition 65.

Published Decisions

- *City of Arcadia v. Dow Chemical Company*, 2021 WL 3206806 (C.D. Cal. 2021) (favorable summary judgment ruling dismissing product liability, nuisance, and trespass against pesticide manufacturer client)
- *Voggenthaler v. Maryland Square, LLC*, 724 F.3d 1050 (9th Circ. 2013) (environmental cost recovery case parsing the application of the bona fide prospective purchaser exception to CERCLA liability)
- *KFD Enterprises, Inc. v. City of Eureka*, 2012 WL 6554097 (N.D. Cal. 2012) (favorable summary judgment ruling dismissing environmental cost recovery claims against dry cleaning equipment manufacturer)

- *Heim v. Estate of Heim*, 2012 WL 993681 (N.D. Cal. 2012) (favorable motion to dismiss ruling dismissing environmental cost recovery claims against dry cleaning equipment manufacturer)

Speaking Engagement

- Panelist, “CERCLA Actions and Statute of Limitations: Navigating the Circuit Split and Lessons from *Guam v. United States*,” Strafford Webinar, June 1, 2022
- Speaker, “Proposition 65: MORE New Regulations, Labeling Requirements and Significant Case Developments,” Pillsbury CLE Marathon, January 2020
- Panelist, “Prop. 65: Revised Warnings One Year Later and Developments in PFOA/S, Acrylamide, Glyphosate, and Soluble Nickel,” Strafford Webinar, July 11, 2019
- Speaker, “Assessing, Managing, and Forecasting Environmental Liability...Once Considered Settled and Closed,” CHWMEG Fall Meeting, November 15, 2018
- Panelist, “Prop. 65 Revisions: Liability Allocation, New Safe Harbor Warning, Internet Warnings,” Strafford Webinar, July 2018
- Panelist, “CERCLA Actions and Statute of Limitations: Navigating the Circuit Split, Lessons from Recent Decisions,” Strafford Webinar, July 2018
- Speaker, “The Coal Ash Rule: Looming Battles Over Enforcement and Rollback,” Steptoe Webinar, October 4, 2017
- Speaker, “Recent Updates to CERCLA,” CHWMEG Annual Meeting, May 3, 2017
- Panelist, “Clean Water Act Citizen Suits: Defense and Litigation Strategies,” Strafford Webinar, March 14, 2017
- Panelist, “CERCLA Actions and Statute of Limitations: Navigating the Circuit Split, Lessons from Recent Decisions,” Strafford Webinar, February 2, 2017
- Speaker, “An Update on Aerial Emissions and CERCLA Liability,” CHWMEG Fall Meeting, November 2016
- Speaker, “Air Emissions from a Recycling Facility May be the Basis for an Entirely New Wrinkle for CERCLA Liability,” CHWMEG Annual Meeting, May 2016
- Speaker, “Joint and Several Liability is the Future of the Clean Water Act,” National Association of Clean Water Agencies (NACWA) Webinar, December 16, 2015
- Speaker, “Preparing for E-Scrap’s Unexpected,” E-Scrap Conference, September 2015
- Speaker, “Risk Management Concerns in the eWaste Processing & Recycling Sector,” Environmental Show of the South, April 2015

Recognitions

- *Lawdragon*, “2024 Leaders in Environmental Law,” Green 500, 2024
- *U.S. News and World Report*, “Best Lawyers in America: Ones to Watch,” Environmental Law, 2022-2023
- *Super Lawyers*, “Rising Star,” Southern California, 2018-2020

Publications

- Author, “Court Leaves Cracks for ‘Aerial Emissions’ Liability under CERCLA,” Los Angeles Daily Journal, August 9, 2016
- Author, “A New Basis for CERCLA Liability?” Los Angeles Daily Journal, March 21, 2016
- Author, “The Economics of E-Waste and the Cost to the Environment,” Natural Resources & Environment Magazine, Fall 2015
- Author, “Sustainable Land Application of Sewer Sludge as a Biosolid,” Natural Resources & Environment Magazine, Winter 2014
- Co-Author, “Court Says Clean Water Act Permit Reviews Cannot Be Compelled,” Los Angeles Daily Journal, May 23, 2013
- Co-Author, “EPA Legislation by Memo Comes Under Fire,” Los Angeles Daily Journal, March 29, 2013

News

- Greenspoon Marder Launches Environmental Practice Group Led by New Partner Christopher “Smitty” Smith in Los Angeles