



## Bradford A. De Vore

“Brad”

### *Profile*

For more than 25 years, Brad De Vore has represented energy, paper, chemical, pharmaceutical, manufacturing and mining companies in toxic tort, products liability, government enforcement and environmental litigation in the Southern United States including North Carolina, South Carolina, Mississippi, Texas, Arkansas and Alabama.

Brad approaches his matters with the understanding that they present significant financial and media concerns for his clients. His experience with the fate and transport of chemicals and agents and their impact on human health and the environment has allowed for successful results in a number of complicated toxic tort, product liability, environmental litigation and emergency response matters.

### **Environmental Toxic Tort Litigation**

Brad has defended toxic tort cases concerning exposure to chemicals and environmental agents that lead to claims of personal injury (including death), medical monitoring, fear of future illness and damages to real property. These cases arise from exposure to chemicals from such diverse sources as workplaces, products, air emissions, hazardous material releases, explosions/accidents and food.

### **Representative Cases**

- Lead counsel in defeating class actions in North Carolina and South Carolina. The South Carolina case involved claims of wrongful death, personal injury and medical monitoring for approximately 15,000 South Carolina workers who were allegedly exposed to products containing ethylene oxide based copolymers. The North Carolina case involved claims for wrongful death, personal injury, property damage and medical monitoring allegedly associated with exposure to benzene and other components of gasoline through air emissions.
- Defended chemical manufacturer in a class action in West Virginia that includes claims for medical monitoring and personal injuries.
- Defended multiple defendants in wrongful death claim alleging exposure to polyaromatic hydrocarbons (asphalt).
- Defended multiple bladder cancer cases filed in North Carolina federal courts alleging exposure to certain textile dye products.
- Defended personal injury and property damage claims involving pesticides and herbicides for a major agricultural chemical manufacturer.

### **Areas of Practice**

*Toxic Tort Litigation /  
Products Liability  
Litigation / Environmental  
Litigation / General  
Environmental  
Representation /  
General Litigation /  
Class Actions /  
Mass Tort*

### **Contact Information**

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- Defended multiple wrongful death claims against company with respect to alleged exposure to benzene and other petroleum related chemicals alleged to have been emitted from a former facility.
- Defended pulp and paper manufacturer in numerous class actions and other cases alleging property damage and personal injuries due to alleged exposure to dioxins/furans.
- Defended chemical companies in two wrongful death claim cases in South Carolina alleging exposure to products containing benzene and ethylene oxide.
- On behalf of Fortune 100 pharmaceutical company, pursued Fortune 100 agricultural chemicals corporation for cleanup costs at North Carolina location.
- Defended clients in mold litigation involving claims of wrongful death, personal injury and property damage.

### **Energy**

Brad has worked with various energy companies in multiple states for more than two decades. His experience includes defending liquid petroleum and gas pipeline transmission and related bulk distribution operations against alleged violations of environmental requirements and various mass tort suits.

He has a clear understanding of the numerous issues that can arise in the development and transmission of liquid and gas petroleum products, including groundwater contamination, significant air emissions and exposure to hazardous constituents. His experience with groundwater contaminant source, transport and fate has lead to many positive results for his client. Clients have included ExxonMobil, Amerada Hess, Chevron, El Paso and The Williams Companies.

### **Representative Cases**

- Defended electrical energy provider in PCB cleanup matter with U.S. EPA.
- Defended public utility in multiple personal injury cases concerning alleged exposures at a nuclear plant.
- Defended multiple petroleum companies in MTBE cases in North Carolina that include claims for personal injury and property damage.

### **General Environmental**

Brad has significant experience in litigating environmental claims between corporations. These claims often arise as a result of disputes over contractual obligations between the parties, as well as under federal and state statutes. He has counseled clients on environmental issues including hazardous substance and waste

generation, chemical fate and transport, air and groundwater modeling and source determination.

Brad has experience with Concentrated Animal Feeding Operations (CAFOs ) with respect to environmental issues including Clean Water Act and Clean Air Act related compliance and surface and groundwater contamination.

He also is experienced with assessing and defending claims of trespass and nuisance and related claims of adverse health effects and devaluation of property values allegedly associated with operations such as landfills, petroleum terminals, CAFOs and contaminated industrial sites.

### **Representative Experience**

- Defended chemical company against \$20 million claim alleging costs of cleanup and lost property value due to a chemical fire involving pesticides and herbicides. Defeated plaintiff's claims, including a statutory strict liability claim, at summary judgment on the "Daubert" theory that plaintiff's experts did not have the requisite information to render an opinion on causation or damages.
- Defended NEPA case against approximately \$100 million North Carolina manufacturing facility. Plaintiffs sought to enjoin construction and operation of facility on the basis that required environmental assessments were not properly conducted and that the facility would adversely impact the environment.
- Responded to and defended clients with respect to accidental releases of chemicals (transportation releases, facility fires/explosions and other accidental releases).
- Defended client against claims of diminished property value and personal injuries alleging exposure to bacteria and mold.
- Defended manufacturer against claims of diminution in property value due to alleged solvents contamination.
- Defended environmental criminal cases in North Carolina.
- Defended companies in multiple notice of violation matters in North Carolina, South Carolina and other states.
- Defended solid waste landfill permitting decisions and common law claims of personal injury and nuisance allowing for construction and operation of multi-million dollar landfill facilities in South Carolina and North Carolina.
- Assisted chemical manufacturing client in pre-litigation and litigation activities concerning "environmental justice" claims that its South Carolina facility be relocated and the company pay reparations for past alleged environmental and personal injury damages to surrounding community.

Brad's cases have varied from individual claims to mass torts and class actions and involve a variety of chemical substances, materials and products, including the following:

asbestos	fertilizers	molds
bacteria (e-coli and enterococcus)	hexavalent chromium	mercury
dioxins/furans	MTBE	solvents
PCBs	hydrogen sulfide	TCA
benzene	textile dyes	TCE
ethylene oxide	lead	PCE
styrene	hydrazine	methylene chloride
polyaromatic hydrocarbons (PAHs)	radioactive materials	1,4-dioxane
pesticides/herbicides		others
paraquat		
diazinon		
pendamethalin		
others		

### ***Representative Clients***

Amerada Hess Corporation; Bayer CropScience; Chemtrade Logistics, Inc.; ConocoPhillips Company; Cognis Corporation; Duke Energy Corporation; Exxon Mobil Corporation; GlaxoSmithKline Inc.; Hamilton Beach Brands, Inc.; International Paper Company; Republic Services, Inc.; Rhodia Inc.; Syngenta Crop Protection, Inc.

### ***Professional Activities***

Included in Chambers U.S.A America's Leading Lawyers for Business, The International Who's Who of Business Lawyers, Who's Who Legal: USA and Best Lawyers in America.

Bar Associations: American Bar Association, Natural Resources, Energy and Environmental Law Section; North Carolina Bar Association, Environmental and Natural Resources Section; and District of Columbia Bar Association.

Member of DRI, Vice Chair, Solvents and Chemical Exposures; Member of the Society of Environmental Toxicology and Chemistry; Member of North Carolina Groundwater Professionals; Member of International Society for Environmental Epidemiology; Member of International Society for Exposure Analysis.

Admitted to the bar 1986, North Carolina; 1993, District of Columbia. Admitted to practice before U.S. District Courts of North Carolina and the Fourth and Eleventh Circuit Courts of Appeals.

***Education***

B.A., 1983, Michigan State University, *cum laude*, National Honor Society of Historians; J.D., 1986, University of South Carolina School of Law; Order of the Wig and Robe, International Moot Court Team.

***Prior Legal Experience***

Associate, Jones, Day, Reavis & Pogue, Washington, DC, 1990-93; Associate, Womble Carlyle Sandridge & Rice, *PLLC*, Winston-Salem, NC, 1986-90; Legal Clerk, The McNair Firm, Columbia, SC, 1984-86.