



## T. Sky Woodward

### *Select Reported Cases*

AEP v. Connecticut, 564 U. S. \_\_\_ (2011) (in considering whether states can seek to curtail greenhouse gas emissions from utilities across state borders using federal common law theories of interstate nuisance, the Court held that EPA’s authority to regulate greenhouse gases under the Clean Air Act displaced federal common law nuisance claims; *Amicus Curiae* brief on behalf of DRI-The Voice of the Defense Bar, urging pre-emption).

Otis McDonald v. City of Chicago, 561 U. S. 3025 (2010) (through the Fourteenth Amendment, holding incorporation of the Second Amendment right to keep and bear arms to the citizens of the States; *Amici Curiae* brief on behalf of 891 state legislators and elected officials, urging incorporation).

Montgomery Mutual v. Josephine Chesson, et al., 399 Md. 314, 923 A.2d 939 (2007) (remanding for a Frye hearing on admissibility of expert testimony diagnosing building occupants with “Sick Building Syndrome” and biotoxin-associated illness).

Brenda Minner, et al. v. American Mortgage & Guaranty, et al., 791 A.2d 826, 2000 WL 703607 (Del. Super. 2000) (excluding, under Daubert, expert evidence linking office building mold exposure to a wide array of illnesses).

### *Representative Case and Client Examples*

Since 2004, Ms. Woodward has represented one of the nation’s largest multifamily residential developers, assisting its Eastern Division operations, maintenance and environmental team in investigating, managing, defending and resolving environmental claims at residential properties, and providing counsel on myriad legal issues impacting the client’s operations and management of thousands of apartments across the country. In 2009, she implemented extranet technology to manage the client’s environmental risk via a platform that reinforced the confidentiality of privileged communications between the client and counsel. Since 2010, she has served the client as its National Environmental Counsel, assisting the client in all states where it owns and manages apartment communities. Ms. Woodward was also retained to defend one of the client’s limited liability companies in an alleged fraudulent condominium purchase and sale transaction; the client was dismissed from the case, with prejudice, after a motion to dismiss was filed.

Ms. Woodward represents one of the nation’s largest mortgage broker companies in a class action venued in U. S. District Court, Northern District of Maryland, alleging violation of Maryland’s “finder’s fees” and consumer protection acts.

Ms. Woodward serves as National Counsel on asbestos claims for a building products manufacturer. She also serves on the client’s National Class Actions

### *Areas of Practice*

Toxic Torts /  
Product Liability /  
Environmental Law  
Premises Liability /  
Mass Torts/Industry-  
wide Litigation /  
Real Estate /  
Class Actions /  
Risk Management /  
Commercial  
Litigation/Class Actions

### *Practice Group*

Product Liability  
Litigation

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team, devising strategy for defending class action, mass tort, and MDL litigation in multiple federal and state jurisdictions.

An international consumer outdoor products manufacturer retained Ms. Woodward to defend its riding lawn tractor in an alleged multi-million dollar personal injury lawsuit, venued in U.S. District Court, Southern District of Maryland. As a result of tenacious pursuit of the plaintiff's fraudulent claim for lost wages, and establishing a solid liability and medical damages defense on behalf of the product manufacturer and co-defendant retailer clients, Ms. Woodward resolved the case for .0006% of the damages claimed in plaintiff's complaint.

The nation's largest tax return franchise company is being defended by Ms. Woodward in a breach of contract claim, venued in U. S. District Court, Southern District of Maryland. Ms. Woodward prevailed on a motion to dismiss the plaintiff's fraud claim, resulting in a dismissal with prejudice.

When faced with the threat of a high-profile class action complaint alleging construction defects and misrepresentations related to the sale of multi-million dollar residential condominium units, a prominent Baltimore developer retained Ms. Woodward to coordinate industrial hygiene inspections and negotiate a resolution of the prominent plaintiffs' lawyer/resident's claim. The client has turned to Ms. Woodward repeatedly since then to assist with environmental investigations of commercial tenants' space and negotiation of cost recovery from insurers and private utilities, as well as defense of lead-based paint litigation naming the company president personally, arising out of assets held many decades ago.

Ms. Woodward represented the interests of DRI – The Voice of the Defense Bar, and its 22,000 members and their clients, in an *amicus curiae* brief to the United States Supreme Court in *AEP v. Connecticut*, in which the Court held that EPA's authority to regulate greenhouse gases under the Clean Air Act displaced federal common law nuisance claims, thus overturning the lower court's decision allowing nuisance theories to survive motion to dismiss in "climate change" cases.

Ms. Woodward represented the interests of 891 state elected officials in an *amici curiae* brief to the United States Supreme Court in the *Otis McDonald v. City of Chicago* case. The state legislators argued for incorporation of the Second Amendment to the states, through the due process clause of the Fourteenth Amendment, to ensure citizens of every state will enjoy the fundamental right to keep and bear arms.

A Buffalo, NY-based developer and manager of low income housing multifamily properties retained Ms. Woodward to assist with an investigation and communications related to environmental contamination at the client's high-rise apartment community in Panama City, FL. Ms. Woodward brought in a team of HVAC engineers, industrial hygienists, and remediation specialists, and coordinated the team's efforts to an effective solution for the client, which avoided litigation or government investigations.

Ms. Woodward defended a general contractor as one of six defendants in four personal injury lawsuits brought by school teachers in Fairfax County, Virginia. The teachers alleged permanent and disabling personal injuries due to alleged mold exposure in their classrooms after a major renovation project. Depositions of plaintiffs led to favorable resolution for client.

Ms. Woodward assisted a petroleum recycling and waste management company in negotiating termination of its operating agreement with a foreign steel mill operator in Sparrows Point, Maryland, and securing operating permits from the Maryland Department of the Environment for a new facility in Harford County, Maryland.

Ms. Woodward assists a manufacturer and distributor of educational products in Consumer Product Safety Commission (CPSC) matters.

In a “take home” asbestos exposure case, Ms. Woodward defended a successor-in-interest chemical and agriculture products manufacturer for claims arising out of an elemental phosphorus plant located in Montana. The client was a target defendant in a living mesothelioma case venued in New Castle County Superior Court (Delaware). Ms. Woodward developed evidence demonstrating that the plaintiff’s exposure to asbestos was more likely from living near Libby, Montana, a location that has been deemed an “environmental disaster area” by the EPA, due to high levels of ambient asbestos from prior mining operations. The case resolved favorably for the client prior to trial.

On behalf of a major financial institution client, successfully obtained a temporary restraining order in federal court against departing broker who violated non-solicitation and confidentiality provisions of broker agreement.

Facing a Maryland Department of the Environment civil penalty action demanding tens of millions of dollars as well as injunctive relief after cooperating fully to contain and retrieve over 50,000 gallons of fuel oil in Baltimore’s industrial Curtis Bay area, a petroleum terminal owner and operator retained Ms. Woodward to defend MDE’s claims. The claim resolved, after expert discovery, for 1% of MDE’s initial claim for civil penalties.

An industrial property owner was defended by Ms. Woodward against Amtrak’s claims for injunctive relief and multi-million dollars in civil damages for public and private nuisance, where Amtrak alleged that storm water run-off diverted through our client’s property undermined Amtrak’s rail bed and threatened the safety of its Northeast Corridor passenger and freight service.

A distributor of diacetyl, a naturally-occurring food additive, was defended by Ms. Woodward in a personal injury action brought by an industrial worker based at the McCormick Spice facility in Baltimore County, Maryland. Plaintiff’s counsel, based in Missouri, has made a national name for himself in achieving multimillion dollar verdicts and settlements for clients in purported “popcorn worker lung” cases. In this case, Ms. Woodward prevailed on a motion to transfer venue from Baltimore City, to Baltimore County, Circuit Court, and on a motion to dismiss claims of fraud and civil conspiracy. At trial, Ms. Woodward’s cross-examination of the plaintiff’s wife and damages experts (including vocational rehabilitation,

economist, and life care planner) limited the plaintiff's award to less than the client's final settlement offer.

Ms. Woodward serves as local counsel for major tobacco companies in "synergy" cases filed by the Law Offices of Peter G. Angelos, in which cigarette defendants have been added to cases against the asbestos manufacturing industry. She previously defended the Council for Tobacco Research in class action (Richardson v. Philip Morris) and cost-recovery (State of Maryland v. Philip Morris) litigation in Maryland.

In one of the earliest "sick building" cases, Ms. Woodward obtained dismissal of class action allegations in a case brought by financial services workers against the commercial landlord and property manager of the building where they worked. In one of the first rulings of the sort in a mold exposure case, under Delaware's Daubert-based expert evidentiary standard, she also prevented plaintiffs' experts from asserting claims of multiple chemical sensitivity, "sick building syndrome," chronic fatigue syndrome, fibromyalgia, neuropsychological and memory impairment, and other permanent, disabling injuries allegedly resulting from "toxic" exposures while working in the building.

In a much-publicized case, State of Maryland and Baltimore County employees sued their office building's owners, managing agents, environmental consultants and remediation contractors for mold and Legionella bacteria-related, permanently disabling personal injuries. The original Baltimore County action was dismissed without prejudice after Ms. Woodward filed a Lone Pine-type motion on behalf of all defendants to force plaintiffs to establish general causation of their injuries. When 38 plaintiffs re-filed their cases in Baltimore City she succeeded in having the cases transferred back to Baltimore County, where the cases were ultimately dismissed with prejudice for failure to comply with discovery and on summary judgment grounds.

During the height of mold media coverage and case filings nationwide, Ms. Woodward represented a leading national provider of multifamily housing in a class action demanding immediate closure of a high-rise, luxury apartment building on Miami Beach. The building had suffered mold contamination in over 80 percent of the apartments due to construction sequencing errors that resulted in prolonged, elevated humidity throughout the complex. Overnight, she pulled together a multidisciplinary team of industrial hygienists, mechanical engineers, remediation contractors, claims adjusters, and an allergist/immunologist to address environmental issues in the building and avoid a Court-ordered evacuation.

When faced with significant liabilities for long-standing moisture intrusion into one of its buildings in South Carolina, a national not-for-profit service organization retained Ms. Woodward to evaluate the building's defects with a team of mechanical engineers and industrial hygienists and bring cost-recovery actions against responsible parties. She continues to work with this client in responding to indoor environmental quality issues at its properties throughout the United States.

Indoor environmental conditions within a client's commercial office building were alleged to have caused serious personal injuries to numerous employees of the

tenant, including a prominent minister. Ms. Woodward assisted the client in retaining industrial hygienists and a highly regarded occupational/environmental physician to evaluate the building and communicate with the occupants. She assisted the client in negotiating a favorable termination of the tenant's lease agreement. In the related workers' compensation matters arising out of the office building, as *amicus curiae* counsel for the National Multi Housing Council ("NMHC") and the National Association of Home Builders ("NAHB"), she obtained a remand from the Maryland Court of Appeals, requiring the trial court to conduct a Frye hearing of the proffered testimony of a notorious mold causation expert as to "biotoxin-associated" illness purportedly attributable to the client's building.