



David E. Cranston

Partner

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With more than 25 years of environmental law experience, David Cranston is recognized as one of the preeminent attorneys in the field.

David Cranston founded Greenberg Glusker's Environmental Group. He was ranked as one of the leading environmental lawyers in California by *Chambers USA* (2013-2017), which notes that clients describe Dave as a "very strategic advocate" and "courtroom lawyer" who has achieved "amazingly positive results." Dave has also been recognized as one of the *World's Leading Environment Lawyers* by Legal Media Group and is currently listed in *Best Lawyers* and *Southern California Super Lawyers* in Environmental Law.

Dave's broad-based experience ranges from the litigation of complex environmental disputes under CERCLA, CEQA, the Clean Air Act and the Clean Water Act to representation and counseling on regulatory and policy matters. Dave emphasizes the implementation of cost-effective and innovative strategies for favorable resolution of environmental disputes through alternative dispute resolution and, when necessary, litigation.

Dave is relied upon by some of the country's largest companies to resolve environmental claims in connection with their national portfolios of contaminated properties. At numerous sites throughout the country, he has recovered the costs of environmental cleanup from the parties legally responsible for the contamination.

He has represented his clients in connection with a number of Superfund sites, including defense of U.S. EPA claims of liability and the negotiation of administrative orders, consent decrees and allocation among potentially responsible parties. Dave has served as common or lead counsel for a number of defense groups in litigated and non-litigated matters.

With significant expertise in the environmental issues arising from oil and gas production, Dave led the litigation and negotiations on behalf of the City of Culver City resulting in a landmark settlement of hotly contested CEQA litigation, favorably resolving a number of environmental issues in connection with future operations of the Baldwin Hills Oil Field.

Dave has substantial expertise in air quality litigation, regulation and counseling on policy and rule-making matters. For more than ten years, the Central California dairy industry has relied on him for providing the legal counseling, representation and litigation in a region known for significant air quality issues and aggressive

challenges by environmental organizations. He also advises on the challenges and opportunities arising under California's Cap and Trade regulatory regime.

In addition, Dave has worked with most of the major insurance markets in negotiating manuscripted environmental insurance policies to specifically address environmental risks arising from known and unknown pollution conditions. He has also helped his clients recover for claims under such policies.

He advises real estate investors and developers in connection with the acquisition and redevelopment of properties impacted by environmental contamination. He helps direct the due diligence, risk management and regulatory initiatives necessary for a successful transaction.

On a personal note, Dave is a competitive bicyclist, when time permits. In 2010 he won the State Championship in road racing at the California Senior Games. Racing for the U.S. team, he also won a gold medal at the Maccabiah Games in Israel in 2009. In 2013 he completed the 620 mile "Million Dollar Challenge" in support of the Challenged Athletes Foundation.

Professional Affiliations

- 2005-2012 Board of Directors, Children's Nature Institute
- Vice President & Director, Attorneys Insurance Mutual Risk Retention Group
- Member, California State and American Bar associations

Awards

- *Chambers USA*, Leading Lawyer in Environmental Law, 2013- 2017
- *Best Lawyers in America*, Litigation - Environmental, 2016-2021
- *World's Leading Environmental Lawyers* by Legal Media Group in London, 2005, 2017
- Southern California *Super Lawyers*, 2009-2019, 2021
- Rated, "AV Preeminent 5.0 out of 5," Martindale-Hubbell

Bar Admissions

- California

Court Admissions

- United States District Courts for the Central, Northern, Eastern, and Southern Districts of California

Education

- University of California, Davis School of Law (J.D., 1985)
- San Diego State University (B.A., 1981)

Environmental Experience

MAJOR ONGOING REPRESENTATIONS

- Principal environmental cost recovery counsel for a Fortune 500 Company whom he represents in numerous environmental contribution and cost recovery matters across the United States.
- Represents a Fortune 100 Company in recovery of environmental cleanup and defense costs from the general liability insurers of companies acquired by the client.
- Represents the San Joaquin Valley dairy industry – one of the largest in the world - through a coalition of dairy industry trade groups and major milk processors, on air quality, climate change and other environmental concerns including rulemaking, Clean Air Act litigation and advice on policy and compliance.
- Special Environmental Counsel to the City of Culver City, representing the city in connection with a wide variety of litigated and non-litigated environmental matters, including Superfund, CEQA, water quality, brownfield development, oil and gas issues.

ENVIRONMENTAL COST RECOVERY

- Prosecuted a multimillion dollar contribution claim against a Fortune 100 company relating to widespread contamination caused by decades of mining. Our client successfully obtained a settlement using a novel theory of liability and historical data regarding century-old mining operations derived from research in various archives throughout the country.
- Prosecuted a significant dispute relating to the PCB contamination emanating from a former industrial facility acquired by our client. Through pre-litigation depositions, interviews and historical records, we established that the contamination arose from a decades old product line for which the seller retained liability, resulting in a favorable resolution.
- In litigation against the former operators, and their successors, of a scrap metal facility, recovered millions of dollars in soil and groundwater cleanup costs.
- In claims against major oil companies, recovered millions of dollars for the past and future cleanup of bulk fuel facilities.
- In an action against the former owners of a shopping center and the former operators of a drycleaner, recovered all the costs of remediating PCE contamination associated with the drycleaner.
- In an environmental cost recovery suit on behalf of an owner of industrial park, recovered all the costs of environmental cleanup against a number of former tenants, including a major metal treating company that had reorganized under Chapter 11.
- Represented a landowner who had acquired property, including an abandoned leaking underground storage tank. In an innovative use of the Resource Conservation and Recovery Act; we successfully obtained a consent decree in which the seller of the property was required to remove the tank, assess and remediate the contamination and pay our clients attorneys fees.

CEQA AND LAND USE

- Represented the developer of a golf course community opposed to a large-scale biosolid composting facility proposed by Waste Management with an approved CUP; our opposition efforts on local, regional and statewide fronts led Waste Management to abandon the project.
- Represented City of Culver City in effort to obtain responsible regulation and mitigation of the proposed development of hundreds of new wells in the Baldwin Hills Oil Field by Plains Exploration and Resources. Our efforts led the County of Los Angeles to develop significant new regulations and when those regulations and the accompanying EIR failed to adequately address and mitigate environmental risks, filed suit to challenge the approval of the regulations and the EIR. After two years of litigation, a landmark settlement was reached in which the County and oil company agreed to a significant reduction in new wells over the next 20 years, reduction in the number of new wells that could be drilled annually, reduction of drill rigs that could be used at any one time, noise reductions, air quality monitoring, health risk assessment, use of clean technology, the study of risks of fracking, and other mitigation measures, reportedly resulting in the most protective set of mitigation measures and studies imposed on any oil field in the country. Our client also recovered much of its attorneys fees.
- Represented the City of Culver City in litigation brought by an oil company following the City's issuance of a moratorium on new oil well drilling. The oil company challenged both the City's right to issue a moratorium as well as its right to condition and regulate new drilling. Following trial, obtained judgment in favor of the City.

SUPERFUND

- At a major Superfund site, represented an aerospace manufacturer in proceedings allocating liability among dozens of potentially responsible parties; through an arbitration process, appealed the initial allocation and won a 95 percent reduction in our client's liability; helped negotiate a favorable consent decree with U.S. EPA.
- Represents a group comprised of over 20 companies whom U.S. EPA has alleged are responsible parties at a major Superfund site in California; defending the group against EPA's claims on the ground that the waste attributed to them was contaminated with petroleum only—a substance that is not within the scope of the federal Superfund law.

AIR QUALITY

- Following the removal of a statutory exemption, prosecuted litigation challenging permit requirements for dairies imposed by the San Joaquin Valley Air Pollution Control District. The matter was resolved through an innovative settlement that involved multiple stakeholders in evaluating available and developing research, so that dairies could be regulated based on the best available science. The resulting regulations were a win-win for industry and the regulators as the regulations were both more effective and more economical.
- Represented a coalition of industrial bakers in a rule-making before the South Coast Air Quality Management District. We reached the first negotiated agreement for a VOC rule ever achieved in the District. The rule was favorable to industry while adequately regulating emissions.
- Intervened on behalf of dairy trade groups in litigation challenging regulation of dairies in the San Joaquin Valley resulting in reported decisions favorable to our clients. *Ass'n of Irrigated Residents v. San Joaquin*

Valley Unified Air Pollution Control Dist., 168 Cal.App.4th 535 (2008) and *Latino Issues Forum v. United States Env'tl. Prot. Agency*, 558 F.3d 936 (9th Cir. 2009)

INSURANCE COVERAGE

- Represented a public entity in a dispute with a pollution liability insurer over the costs of remediating extensive soil contamination in a major public works project. The dispute involved a number of novel issues relating to the interpretation of key provisions of the policy. The matter was successfully resolved following mediation.
- Represented a policyholder against an insurer who had denied coverage of a class action lawsuit; obtained a settlement from the other insurer for several million dollars within 60 days of filing suit.
- Represented a NYSE REIT in negotiating a manuscripted environmental liability policy covering over 2,500 properties nationwide.

REAL ESTATE/BROWNFIELD

- Represented a client in the sale of a contaminated 45-acre site, formerly used for automotive manufacturing and other industrial operations, to Los Angeles Unified School District for use as a school site.
- Represented the buyer of the contaminated site of a former aluminum refinery to address and manage the environmental risks; worked closely with a major insurer in manuscripting an environmental insurance policy that covered the known contamination.
- Represented a REIT in the environmental due diligence, acquisition and leaseback of over fifty properties nationwide from a national automotive service company.
- Counseled and represented two major financial institutions acquiring a significant equity interest in Playa Vista, one of Southern California's largest and most controversial developments.
- Worked with a municipal client to reclaim areas used for private oil production and develop those areas into parkland using a combination of state, federal, local and private funding; work included successful litigation against the oil production operator and mineral rights owner.

CLIMATE CHANGE

- Representing the dairy industry, we have addressed developing guidance under CEQA for evaluating the significance of methane emissions from dairies.
- Advised the dairy industry on developing market-based cap and trade regulations that may allow dairies to generate marketable credits for voluntary reductions in methane emissions.

Insights

January 21, 2021

26 Greenberg Glusker Attorneys Selected to 2021 Southern California Super Lawyers
Super Lawyers

August 20, 2020

36 Greenberg Glusker Attorneys Named to 2021 Best Lawyers® List

January 15, 2020

23 Greenberg Glusker Attorneys Selected to 2020 Southern California Super Lawyers

August 15, 2019

29 Greenberg Glusker LLP Lawyers Named to 2020 Best Lawyers® List

January 31, 2019

24 Greenberg Glusker Attorneys Selected to 2019 Southern California Super Lawyers

August 15, 2018

26 Greenberg Glusker attorneys named to 2019 Best Lawyers® list

August 15, 2017

21 Greenberg Glusker Fields Claman & Machtinger LLP attorneys named to 2018 Best Lawyers® list
Best Lawyers

May 26, 2017

Chambers USA 2017 Ranks Greenberg Glusker's Entertainment Litigation and Environmental Practices

May 2017

Chambers USA 2017 Ranks Greenberg Glusker's Entertainment Litigation and Environmental Practices

June 10, 2016

Chambers USA 2016 Rankings Recognizes Greenberg Glusker and Six Partners
Chambers

August 18, 2015

Greenberg Glusker Attorneys Named to The Best Lawyers in America© 2016
Best Lawyers- Press Release

June 15, 2015

Chambers USA 2015 Ranks Greenberg Glusker's Environmental Practice Group and Partners David Cranston and Pete Nyquist

May 26, 2015

California Powerhouse: Greenberg Glusker
Law360

January 1, 2015

Chambers USA 2015 Ranks Greenberg Glusker's Entertainment Litigation and Environmental Practices
Greenberg Glusker Press Release

July 8, 2014

Environmental Lawyer Pete Nyquist Joins Greenberg Glusker

June 19, 2014

Chambers USA 2014 Ranks Greenberg Glusker's Entertainment Litigation and Environmental Practices

Greenberg Glusker Press Release

December 2012

Environmental Law

California Lawyer

October 5, 2012

Cows, Forests and Refrigerators

The Recorder

July 8, 2011

L.A. Reaches Settlement Over Urban Oil Field

Los Angeles Daily Journal

July 7, 2011

Culver City groups settle suit with oil company, L.A. County

Los Angeles Times

July, 2011

Cleaning up: "Resolving your environmental liabilities with other people's money"

Smart Business Magazine

November, 2009

Powering Down: Data center power consumption has doubled since 2000—and environmentalists are taking notice

Inside Counsel

June, 2009

Real Estate Considers Role In State Cap-and-Trade System

California Real Estate Journal

January, 2009

Questions Crop Up Over Cost Of CARB's Scoping Plan: Real estate braces for financial consequences of AB32

California Real Estate Journal

2000

Insurance Coverage for Environmental Claims, Losses & Liabilities

California Environmental Law and Land Use Practice

September, 1997

Strategies for Buying Contaminated Properties in the 21st Century: The Management of Environmental Risk

California Environmental Law Reporter

April 1, 1992

Environmental Insurance Coverage Disputes-Issues and Strategies for Resolution from the Policyholder's Perspective

California Environmental Law Reporter

GREENberg bLAWg

Where the Law and the Environment Connect.

March 9, 2016

In the Heart of the Rainy Season: The New (Stayed) Clean Water Rule Covers Vernal Pools in California

After years of drought, the El Niño storms have been bringing much-needed rain and snow to California—albeit in quantities significantly less than we hoped for thus far. In addition to the anticipated snowpacks, flowing rivers, and replenished reservoirs, the...

July 12, 2011

Cleaning Up: Resolving Your Environmental Liabilities with other People's Money

David E. Cranston, chair of the Environmental Law Group, was published in Smart Business Magazine regarding how clients can avoid being stuck with cleanup costs in environmental contamination cases. A client of ours faced significant costs in cleaning up...

December 27, 2010

California Air Resources Board Adopts Cap and Trade Regulations

Recently, the California Air Resources Board or ARB adopted its long-anticipated regulations for controlling greenhouse gas emissions (GHGs) through a market-based cap and trade system. California's regulations represent a significant development in the regulation GHGs. California could well set the model for...

August 5, 2010

Owners at the Time That Cleanup Costs are Incurred are "Current" Owners Under CERCLA, Court Says

In another recent decision on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9601 et seq. , the Ninth Circuit clarified that the "current" owner is the owner at the time that cleanup costs are incurred for purposes of...