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SUITS



POLLY TOWILL  
(SHEPPARD MULLIN)

## MOSS ET AL. V. VENOCO

On January 9, a California state court judge dismissed the city of Beverly Hills as a defendant in a major toxic torts case led by famed paralegal Erin Brockovich-Ellis.

The ruling comes on the heels of an earlier decision by Judge Wendell Mortimer, Jr., to dismiss on medical causation grounds the cases of 12 selected plaintiffs in which defendants included the city, school district, and five oil companies.

In their individual suits filed in 2003, roughly 1,000 plaintiffs, most former students of Beverly Hills High School, alleged that oil wells and a utility plant on and around the school's campus released the chemical benzene and compounds hexavalent chromium and polychlorinated biphenyls (PCBs). They claim that these chemicals either put them at increased risk or caused them to develop a variety of cancers. Plaintiffs were recruited by Brockovich-Ellis, director of environmental research at Westlake Village, California's Masry & Vititoe.

The high school, which boasts a litany of famous alums, has had oil wells on its campus since opening in 1927. The wells were originally operated by the Beverly Hills Oil Company, later by the Wainoco Oil & Gas Company, and today by Venoco, Inc. Chevron Corporation also owns wells nearby. Both the city and school district have received millions in royalties from oil production.

In February 2004, 12 representative plaintiffs, all of whom had cancer, were selected by both sides to be heard first. After extensive discovery, trial was set for November 27, 2006. But on November 22, the judge threw out all 12, ruling that epidemiologists had failed to prove during discovery that the emitted toxins were legitimate causes of the plaintiffs' cancers. Even if plaintiffs had proved a link, the judge added, the levels emanating from the facilities were so low as to be irrelevant. A decision on a similar summary judgment motion by another defendant, the city's school district, is expected sometime in March.

Attorneys for the 12 representative plaintiffs say they plan to appeal. Pending that appeal's resolution, all the remaining

claims have been stayed.

### FOR PLAINTIFFS LORI LYNN MOSS, ET AL. (BEVERLY HILLS)

**BARON & BUDD:** Steve Jensen, James Piel, Allen Stewart, and associate Scott Frieling. (All are in Dallas.) The firm was contacted by Masry & Vititoe about the litigation, and it assumed the role of lead trial counsel.

**MASRY & VITITOE:** Nancy Eichler and Edward Masry. (Eichler is in Westlake Village, California; Masry worked on the case before his death in 2005.) Brockovich-Ellis, now employed by the firm as a director of environmental research, brought the litigation to the firm.

### FOR DEFENDANT CHEVRON CORPORATION (SAN RAMON, CALIFORNIA)

**IN-HOUSE:** Counsel David Chang.  
**LATHAM & WATKINS:** Cynthia Cwik, Ernest Getto, Kirk Wilkinson, of counsel Collie James IV, and associates Elidia Dostal, Robert Huie, David Johnson, and Robert Knaier. (Wilkinson and Johnson are in Los Angeles, Cwik, Dostal, Huie, and Knaier are in San Diego, Getto is in San Francisco, and James is in Costa Mesa, California.) Latham won the matter in a beauty contest. The firm was the lead counsel for all defendants in the motions for summary judgment except for Sempra Energy.

### FOR DEFENDANT BEVERLY HILLS OIL COMPANY (BEVERLY HILLS)

**SEDGWICK, DETERT, MORAN & ARNOLD:** Randall Miller, special counsel Mark Graf and Robert Kum, and associate Bijan Esfandiari. (All are in Los Angeles.)

### FOR DEFENDANT SEMPRA ENERGY (SAN DIEGO)

**IN-HOUSE:** Senior counsel Marlin Howes and David Keitel.  
**MORGAN, LEWIS & BOCKIUS:** V. Thomas Meador III, Deanne Miller, of counsel Martina Bernstein, and associates Kavita Lesser and P. Daffodil Tyminski.

(All are in Los Angeles.) The company is a longtime firm client.

**FOR DEFENDANT VENOCO, INC. (DENVER)**  
**SHEPPARD, MULLIN, RICHTER & HAMPTON:** Candace Matson, Stephen O'Neil, Polly Towill, of counsel Robert Philibosian, and associate Olivier Theard. (All are in Los Angeles.) The firm has handled other litigation for Venoco.

### FOR DEFENDANT FRONTIER OIL CORPORATION (HOUSTON)

**STEPTOE & JOHNSON:** Kevin Mayer and Lawrence Riff. (Both are in Los Angeles.) The firm was retained as cocounsel to Frontier's wholly owned subsidiary, Wainoco Oil & Gas Company.  
**GALLAGHER & GALLAGHER:** Martin Refkin. (He is in Los Angeles.) The firm also served as cocounsel to Wainoco.

**FOR DEFENDANT BEVERLY HILLS UNIFIED  
SCHOOL DISTRICT (BEVERLY HILLS)**  
**HAIGHT, BROWN & BONESTEEL:** William Ireland and Jeffrey Vinnick. (Both are in Los Angeles.) The firm declined to comment on how it got the litigation but said this is the first case it has handled for the school district.

**FOR DEFENDANT CITY OF BEVERLY HILLS  
(BEVERLY HILLS)**  
**LEWIS, BRISBOIS, BISGAARD & SMITH:** Christopher Bisgaard, Judd Gilefsky, John Shimada, Judith Zipkin, and associate Nadia Moussa. (All are in Los Angeles, except Moussa, who is in New York.) The firm won the matter in a beauty contest. It was retained by the city as special outside trial counsel.  
**RICHARDS, WATSON & GERSHON:** Laurence Wiener. (He is in Los Angeles.) The firm is the city's outside counsel. —BRIAN BAXTER

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