



## → Jeffrey J. Parker

### **Partner**

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Jeff Parker is a partner in the firm's Los Angeles office, where he specializes in complex commercial, products liability, and environmental litigation through trial and appeal, as well as environmental law. Although based in Los Angeles, he routinely handles matters throughout California and works out of the firm's many offices.

### **Areas of Practice**

Jeff's clients range from family-owned businesses to multi-national corporations in diverse industries such as energy, petroleum, chemicals, aerospace and defense, pharmaceuticals, manufacturing, real estate, construction, asphalt and aggregate production, financial services, high-tech, computer manufacturing, consumer goods, in-store and online retail, food and beverage sporting goods, and transportation.

Jeff has extensive experience in complex commercial, environmental, and tort litigation and environmental counseling. His commercial litigation experience includes actions involving ownership of intellectual property, rights of first refusal, shareholder disputes, challenges to mergers, corporate dissolution, breach of contract, injunctions, and allegations of fraud, breach of fiduciary duty, and violation of the Unfair Competition Law (UCL) and the Consumer Legal Remedies Act (CLRA). His environmental and tort litigation experience includes dozens of products liability actions in California state and federal district courts and multi-district litigation proceedings in the Southern District of New York that arise out of MTBE contamination of drinking water aquifers, as well as actions brought under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), California Proposition 65, the Clean Air Act, the California Hazardous Substances Account Act, and various state and federal criminal laws, environmental laws, and tort doctrines. He also advises clients in connection with PFAS issues, including regulatory compliance, response to CLRA notices, and litigation. Jeff is experienced in all aspect of litigation, including discovery, motions, settlement negotiations, mediation, arbitration, trial, appeal, and writ practice.

He helps clients develop Prop 65 warnings programs and guides clients through evaluating and responding to pre-lawsuit notices of intent to sue under various state and federal statutes. He has also advises clients with respect to the California Air Resources Board and South Coast Air Quality Management District variance proceedings, Regional Water Quality Control Board permit proceedings, and resulting writs of mandate. He has 25 years of experience advising on voluntary and agency mandated investigation and remediation of contaminated land, response to agency orders, handling of hazardous substances, and evaluation of potential human exposure to chemicals.

### **Recent Trial and Litigation Experience**

In 2019, Jeff defended Exxon Mobil Corporation and ExxonMobil Oil Corporation in a jury trial in the U.S. District Court for the Central District of California in *Orange County Water District v. Unocal, et al.*, a product liability and nuisance lawsuit that was initially part of a Federal multi-district litigation matter in the Southern District of New York, then remanded to California for trial. The plaintiff initially sought hundreds of millions in damages, but the case settled very favorably after the defendants' opening statements. Earlier in the case, Jeff obtained a major summary judgment victory in the Southern District of New York, disposing of most of the claims asserted by the plaintiff.

In 2013, Jeff obtained summary judgment on 4 of 5 claims in *City of Merced Redevelopment Agency v. Exxon Mobil Corporation, et al.*, a Federal multi-district litigation matter in the Southern District of New York. In 2015, after transfer to the Eastern District of California for trial, he prevailed on a second motion for summary judgment dismissing the plaintiff's remaining claim for cost recovery under the Polanco Act.

In 2013, Jeff obtained summary judgment on all claims in *Orange County Water District v. SABIC Innovative Plastics, et al.* The case involved a claim for tens of millions of dollars in purported future damages associated with alleged groundwater contamination in Orange County asserted against approximately 40 property owners and manufacturers.

In 2013, Jeff obtained a TRO and preliminary injunction against the California Department of Toxic Substances Control, enjoining an order shutting down Exide Technologies' lead recycling facility in Vernon, California. He was also co-lead trial counsel in a related administrative trial against the Department of Toxic Substances Control.

In 2011-2012, Jeff was lead trial counsel for Exxon Mobil Corporation in *City of Merced v. Chevron U.S.A. Inc., et al.*, a 4½ month products liability jury trial in Merced Superior Court. He obtained dismissal or directed verdict of punitive damages and millions of dollars in claimed compensatory damages, followed by a favorable jury verdict.

In 2010, Jeff tried the case of *Sullins v. Exxon Mobil Corporation* in the Northern District of California, obtaining a jury verdict for the defense in July 2010 and a bench trial judgment for the defense on the remaining claims in January 2011.

In 2010, Jeff obtained summary judgment in *D&H v. Exxon Mobil Corporation*, which was affirmed in full on appeal in 2011.

## **Appellate Experience**

Jeff's significant appellate victories include the landmark environmental decision *Consumer Advocacy Group v. Exxon Mobil Corporation*, 104 Cal. App. 4th 438 (2002), in which the California Court of Appeal held that "passive migration" or "continued presence" of chemicals in soil or water did not constitute a "discharge or release" under Prop 65. Other significant appeals include: *Consumer Defense Group v. Shell Oil Company, et al.*, Cal. Ct. of Appeal, 4th App. Dist. Case No. G034935 (2006 (unpub.)) (same issue as *Consumer Advocacy Group v. Exxon Mobil Corporation*); *Kashani v. Tsann Kuen China Enterprise Co., Ltd.*, 118 Cal.App.4th 531 (2004) (defined summary judgment burdens of proof on affirmative defenses of illegality and violation of public policy in matter involving contract for export of computer technology from Taiwan and China to Iran by US citizens); and *Mylan Laboratories Inc. v. Soon-Shiong*, 76 Cal. App. 4th 71 (1999) (established that a non-party can simply file a motion to assert a privilege in a pending action without intervening to become a party). He also obtained California

Supreme Court review in *D.J. Nelson v. Exxon Mobil Corporation, Cook Endeavors v. Superior Court*, 179 Cal. App. 4th 633 (2009); reviewed granted (2010) (addressing the effect on punitive damages of a transfer of the claims on which such damages are sought; case settled before oral argument).

## **Representative Environmental Regulatory and Proposition 65 Experience**

For over 25 years, Jeff has advised clients with respect to conducting environmental and health safety investigations and remediation, as well as associated community and governmental relations issues. Examples include:

- preparing responses to California Water Code § 13267 and § 13304 orders issued by the Regional Water Quality Control Board; and
- working with client personnel and outside consultants on complex and comprehensive investigation and remediation projects and related regulatory submissions, as well as interacting and negotiating with community groups, neighbors, Regional Water Quality Control Boards, the DTSC, local oversight program agencies, and State and County prosecutors.

Jeff's Prop 65 experience includes development of Prop 65 warnings programs, advice on product reformulation, response to pre-lawsuit notices, and defense of lawsuits filed by the California Attorney General, County District Attorneys, and private enforcers related to alleged groundwater contamination and alleged exposure to chemicals in consumer products and occupational settings. Examples of matters alleging groundwater contamination involve industrial properties, refineries, bulk storage facilities, and service stations. His consumer product cases have involved alleged exposure to numerous listed chemicals, including chromium in leather goods; diesel emissions from school buses; phthalates in cosmetic bags/cases, eyewear and accessories, and dozens of other consumer products; titanium dioxide in makeup; phenolphthalein and radionuclides in consumer water-testing products; benzene from using propane cooking appliances; toluene from manufacture of window coverings; numerous chemicals in hot mix asphalt, floor coverings, and new homes; and lead in cookware, computer power and other cords, electronics, and artificial turf.

## **Honors**

Lawyer of the Year – Environmental Litigation, *Best Lawyers*, 2020

Best Lawyer in America, *Best Lawyers*, 2013-2023

Recommended Lawyer – Environment Litigation, *Legal 500*, 2019-2022

Leading Lawyer, *Chambers USA*, 2012-2016

Profiled by Los Angeles Business Journal as one of "L.A.'s Leading Environmental Lawyers."

## **Articles**

- PFAS and food packaging: Regulatory changes create ripple effects for PFAs-related litigation  
*Food Navigator-USA.com*, 11.14.2022

## **Real Estate, Land Use & Environmental Law Blog Posts**

- "PFAS and Food Packaging: Regulatory Changes Create Ripple Effects for PFAs-Related Litigation,"  
November 16, 2022

- "PFAS Regulations Could Open Floodgates to Prop 65 Enforcement – Assess & Manage Your Exposure Now," June 27, 2022
- "PFAS Regulations Could Open Floodgates to Prop 65 Enforcement - Assess & Manage Your Exposure Now," June 27, 2022
- "Under the Radar Changes to Proposition 65 – OEHHA Issues New "Guidance" For Web Purchases (Is it an Illegal 'Underground Regulation?)," March 8, 2018
- "WARNING: Prop 65 Has Changed – If Your Product Is Sold In California Or You Do Business In California, Pay Attention," January 16, 2018

## Media Mentions

California to look at latest IARC findings for potential Prop 65 expansion  
*Chemical Watch*, 08.22.2022

California to consider listing two additional PFASs under Prop 65  
*Chemical Watch*, 07.13.2022

National Restaurant Association Says Legislators Seek to Forever Change the Legal Landscape of Forever Chemicals  
*Restaurant News Resource*, 07.06.2022

EPA Advisories May Subject More PFAS To Prop. 65 Warnings, Lawyers Say  
*InsideEPA*, 07.06.2022

Retailers Get Help from Lawsuits When New Prop 65 Regulations Take Effect  
*Legal News Line*, 02.27.2018

## Events

PFAS & Consumer Products: Navigating Evolving Liability & Litigation  
Presented by Sheppard Mullin and Ramboll  
Webinar, 06.23.2022

PFAs Litigation and Policy Concerns  
Webinar, 06.08.2022

## Memberships

Member, California State Bar

Member, Litigation and Environmental Law Sections of the State Bar of California

Member, Litigation and Environmental Law Sections of the Los Angeles County Bar Association

Member, California Association of Business Trial Lawyers

Member, National Aerospace Engineering Honor Society

Member, National Engineering Honor Society

## Practices

Real Estate, Energy, Land Use & Environmental  
Environmental  
Litigation  
Environmental Litigation  
Toxic Tort and Product Liability  
Proposition 65

## Industries

Aerospace & Defense  
Cannabis  
Construction  
Energy, Infrastructure and Project Finance  
Financial Services  
Government Business Group  
Life Sciences  
Retail, Fashion & Beauty  
Sports  
Transportation  
Trucking and Logistics

## Education

J.D., University of Southern California, 1991, articles editor and published author for the *Southern California Law Review*

B.S., Aerospace Engineering, University of Notre Dame, 1987, *with honors*

## Admissions

California

U.S. District Courts for the Southern, Central, Eastern and Northern Districts of California

U.S. Court of Appeals for the Ninth Circuit