



## Jonathan M. Ettinger

### Partner

*Boston*

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Jonathan Ettinger has an active practice in both litigation and administrative law, with a record of effectiveness demonstrated by his ranking as one of the top environmental lawyers in Massachusetts by Chambers USA: America's Leading Lawyers for Business, his inclusion in The Best Lawyers in America and Massachusetts Super Lawyers, and his selection as co-chair of the Boston Bar Association's Environmental Law Section. He has a particular focus on a wide range of environmental law and insurance recovery issues, emphasizing four distinct areas of counsel.

### PRACTICES

Environmental Compliance

Environmental Litigation

Insurance Recovery

Litigation

Product Liability & Complex Tort

Class Action

### EDUCATION

Northeastern University School of Law,  
J.D., 1988

Dartmouth College, A.B. in Chemistry  
(with Environmental Studies Certificate),  
1982

- **Insurance Recovery:** Jonathan represents clients seeking defense and indemnification from insurance companies. He has helped clients recover millions of dollars from insurance companies in such cases, both in litigation and in settlement (through mediation and otherwise).
- **Hazardous Waste:** Jonathan advises clients on hazardous waste remediation and litigation under the federal and state Superfund laws, including the Massachusetts Oil and Hazardous Materials Release Prevention Act, M.G. L. Chapter 21E. He has worked on remediation of Superfund sites nationwide, including resolution of disputes involving more than a dozen sites through the use of professional mediators and judges in Alternative Dispute Resolution proceedings.
- **Brownfields redevelopment:** Jonathan advises clients in connection with the redevelopment of contaminated property, so-called "brownfields" sites.
- **Environmental compliance counseling and litigation:** Jonathan represents clients in negotiating and litigating matters governed by numerous environmental statutes, including federal and state Superfund laws, the Safe Drinking Water Act, Toxic Substances Control Act, the Endangered Species Act, the Marine Mammal Protection Act, the Clean Air Act, and the Clean Water Act.

In addition to his environmental law and insurance recovery litigation practice, Jonathan has represented such diverse clients as Safety Environmental Control, Inc., Intertek Testing Services NA, Inc., and Lucent Technologies Inc., in a wide variety of commercial disputes. He has litigated claims involving breach of contract, breach of fiduciary duties, breach of covenants not to compete, legal malpractice, breach of warranty, negligence, fraud, and unfair or deceptive trade practices.

### BAR ADMISSIONS

- Massachusetts

## COURT ADMISSIONS

- Supreme Judicial Court of Massachusetts
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court for the District of Massachusetts
- U.S. District Court for the Eastern District of Wisconsin

## REPRESENTATIVE EXPERIENCE

### Insurance Recovery

- Represents an electronics component manufacturer in litigation against numerous insurers arising from environmental contamination of over seventeen separate sites located in over seven separate states. Through those claims, we have obtained summary judgment requiring various insurers to pay our client's defense costs and prevailed at trial on both indemnification and defense obligations. We have also obtained settlements through which our client has been reimbursed substantial portions of the sums it has incurred in addressing its potential environmental liabilities.
- Represented a major utility company in litigation seeking to recover from its insurers millions of dollars in environmental remediation costs. Case settled after mediation.
- Represents an electronics component manufacturer in coverage dispute over environmental cleanup costs associated with a former manufacturing facility.

### Safe Drinking Water Act

- Represented the City of Portland, Oregon in a challenge to the Environmental Protection Agency's Long-Term 2 Enhanced Surface Water Treatment Rule in the United States Appeals Court for the District of Columbia
- Represented the Massachusetts Water Resources Authority in its successful trial against the United States involving Safe Drinking Water Act claims that the water supply for eastern Massachusetts should be filtered. See [United States v. Massachusetts Water Resources Authority](#), 97 F.Supp.2d 155 (D.Mass. 2000), affirmed 256 F. 3d 36 (2001)

### Hazardous Waste

- Represented MPM Silicones LLC in its suit against Union Carbide Corporation for allocation of cleanup costs at a manufacturing site. After trial, the court awarded MPM 95% of its remedial response costs. Currently on appeal from the Second Circuit Court of Appeals.
- Represented ConocoPhillips Company, Phillips 66 Company, and Conoco Oil Company, in a dispute over the allocation of remediation costs for a large petroleum facility
- Representing an electronics component manufacturer in connection with the investigation and remediation of environmental contamination (volatile organic compounds and polychlorinated biphenyls) at a former manufacturing site in Venice,

California. Negotiated a Consent Decree with government and private party claimants. Currently overseeing the implementation of the remedial action

- Represented Hasbro, Inc. in successful claim for contributions for millions of dollars in environmental cleanup costs at a site in Lancaster, Pennsylvania. See *CBS Inc. v. Hasbro, Inc.*, 1994 WL 421365, 39 ERC 1742 (E.D. Pa. 1994)
- Represented a computer manufacturer in claim, ultimately settled through mediation, for contribution for environmental cleanup costs resulting from disposal of scrap containing polychlorinated bipheyls
- Served as common counsel to fifteen defendants in a private contribution action (ultimately settled in mediation) arising in connection with the Lemberger Superfund Site in Manitowoc, Wisconsin
- Represented a public authority in litigation, ultimately settled through mediation, against several major oil companies in contribution claim over environmental contamination at numerous service stations
- Worked on numerous state and federal Superfund sites around the country, including the Charles George Landfill (MA), Bennington Landfill (VT), Boliden Metech Site (RI), Shaffer Landfill (MA), Former CBS/Playskool Site (PA), Yakima Railway Site (WA), Norwood PCB Superfund Site (MA), Lemberger Landfill and Transport & Recycling Sites (WI), Peterborough Landfill (NH), the Somersworth Landfill (NH), the Beede Waste Oil Site (NH), and the H&M Drum Sites (MA), Cornell-Dubilier Electronics Superfund Site (NJ)
- Oversees implementation of, and compliance with, Consent Decrees negotiated with Federal and State agencies

## Clean Water Act

- Serves as a special Assistant Attorney General representing the Massachusetts Water Resources Authority in connection with the litigation involving cleanup of Boston Harbor
- Represents the Boston Water and Sewer Commission in connection with litigation, and now Consent Decree compliance, relating to alleged Clean Water Act violations for discharges to Boston Harbor and the Charles River
- Represents Massachusetts Development Finance Agency in defense of action by Conservation Law Foundation relating to stormwater discharges (including PFAS) at the former Fort Devens

## Other

- Representing City of South Portland, Maine, in a suit regarding the regulations of the oil pipeline between South Portland and Montreal. Prevailed at trial in August, 2018. See *Portland Pipe Line Corp. v. City of South Portland*, 332 F. Supp. 3d 264, 2018 U.S. Dist. LEXIS 144422. Case currently on appeal to the First Circuit Court of Appeals
- Represented The Coalition for Buzzards Bay in a suit brought by the United States to invalidate the Massachusetts Oil Spill Prevention Act. Prevailed twice at United States Court of Appeals for the First Circuit. See *U.S. v. Massachusetts*, 493 F.3d 1 (1st Cir. 2007), 644 F.3d 26 (1st Cir. 2011)
- Represents corporations defending against claims of personal injury due to exposure to hazardous substances

## HONORS & INVOLVEMENT

### Honors

- Listed in CHAMBERS USA: America's Leading Lawyers for Business
- Named BEST LAWYERS' Boston Litigation-Environmental Lawyer of the Year (2017)
- Listed in THE BEST LAWYERS IN AMERICA
- Listed in MASSACHUSETTS SUPER LAWYERS
- Buzzards Bay Guardian Award (2011)

### Involvement

- American Bar Association (Environment, Energy and Resources, Litigation, and Tort Trial and Insurance Practice sections)
- Massachusetts Bar Association
- Boston Bar Association, Co-chair Environmental Law Section (2010-2012), Co-chair Environmental Litigation Committee (2008-2010), Sustainability Task Force (2011-2012).
- Boston Bar Journal, Board of Editors (2000-2003)
- Ten Webster Avenue Corporation (Hanover, NH), Director and President

## SPEAKING ENGAGEMENTS

- Panelist, "How to Present Environmental Data at Trial," Trying Environmental and Land Use Cases, CLE presented by the Environmental Law Section of the BBA, November 2014