

## Robert P. Doty

PARTNER

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### Overview

Robert is a leading real estate redevelopment attorney who provides strategy and counsel to a wide variety of clients dealing with contaminated site remediation and brownfield redevelopment, including environmental due diligence and related litigation. His projects have included hundreds of contaminated sites including industrial plants, landfills, rail yards, bulk terminals, closed military facilities, timber mills, dry cleaners, commercial nurseries, schools, and service stations.

### Banking Background Benefits Transactional Clients

Property owners, developers, financial institutions, government agencies, and manufacturers rely on Robert during transactions for his ability to guide them through due diligence review, acquisition/disposition negotiations, regulatory and entitlement approvals, and insurance and financial underwriting. Robert's commercial banking background provides a real-world business perspective on these matters.

### Effective Solutions In Complex California Litigation

On the litigation side of his practice, Robert has successfully litigated more than \$100 million of environmental cost recovery claims in federal and state courts, including bench and jury trials as well as appeals. He has also successfully litigated environmental tort claims, Clean Water Act citizen suits, contract claims, eminent domain matters, and disputes arising under the phase out of California's Community Redevelopment Law.

#### Practice Areas

- Environmental
- Litigation & Counseling
- Environmental Dispute Resolution
- Real Estate

#### Industries

- Banking & Financial Institutions
- Energy & Renewable Energy
- Hospitality
- REITs
- Technology

#### Real Estate Sectors

- Affordable Housing
- Industrial
- Mixed-Use
- Multifamily
- Office
- Residential, Mixed-Use Development & Homebuilding
- Retail

## Bar & Court Admissions

State Bar of California

## Education

J.D., University of California, Berkeley School of Law, 1990

B.B.A., University of Texas McCombs School of Business, 1983, highest honors

## Experience

Obtained settlements in excess of \$13 million from a multi-national chemical manufacturer, a multi-national paint manufacturer, and several other parties in a combined environmental cleanup/ eminent domain action. The litigation, on behalf of a municipal redevelopment agency, involved multiple simultaneous state trial court proceedings, including a five-week jury trial in one action, as well as federal district court litigation in which our client obtained a summary judgment leading to the final settlement. A state appellate ruling validated the client's position on the appropriate interaction of eminent domain and environmental cost recovery proceedings.

Represented a Northern California municipality and redevelopment agency in cost recovery litigation against several different former operators of city-owned port site contaminated with hydrocarbon and PCE contaminants. Marshaled resources to assist city with extensive review of city records and historical data to locate and pursue former operators from decades earlier. Handled related insurance litigation as part of assisting city in its defense of contribution claims.

Defended a gasoline distributor in contamination claim for strict liability, negligence, trespass, and nuisance brought by operator of water system for alleged actual and threatened MTBE contamination of the drinking water system arising from releases of gasoline.

Represented a company in products liability and toxic torts litigation involving MTBE contamination of groundwater.

Obtained a settlement in excess of \$15 million from a major oil company on behalf of a municipal redevelopment agency client in a multi-party, multi-jurisdiction case arising out of an environmental cleanup necessary for the second phase of a multi-phase urban redevelopment project. This litigation involved the concurrent handling of common law claims, a statutory environmental cost recovery claim, eminent domain claims, federal appellate litigation over the extent to which a prior federal action partially resolved this state court action, and an extensive administrative process before a state agency.

Obtained summary judgment for a municipality on claims that its historic management of waterfront areas within the city, its development of road and sewer infrastructure, and its land reclamation activities had contributed to environmental contamination at a site near the historic shoreline of San Francisco Bay.

Represented an agency and municipality in Polanco Act and nuisance action for cost recover related to remediation of brownfield.

Obtained settlements, on behalf of a land developer client, in excess of \$10 million from two governmental entities in connection with a 300 acre project site where the governmental entities historic burn dump operations, and their subsequent mismanagement of the cleanup process, damaged the client's development opportunities.

Defended a chemical-producing subsidiary of a major wood and paper products manufacturer against claims for a multi-million dollar penalty in an enforcement/penalty proceeding under California's Hazardous Waste Control Law.

Defended a municipality against claims based on alleged violations of the Clean Water Act and Resource Conservation and Recovery Act (RCRA).

Obtained a settlement in a CEQA action, on behalf of a citizen opposed to a port authority's expansion project, that provided for various project revisions and payment of attorney's fees.

Represents a global REIT as a defendant in ongoing Superfund litigation over a \$100 million groundwater remediation program in Southern California.

Represents the plaintiffs in a cost recovery action over a \$50 million soil and groundwater remediation program in Northern California.

Trial counsel for the Emeryville Redevelopment Agency in a 7-year process of acquiring, cleaning up, and preparing a highly contaminated 4-acre parcel for redevelopment. Obtained \$23 million and fee title through settlements, and a \$3 million trial court judgment following an 8-week bench trial.

Lead counsel for the successful appellees in [*City of Emeryville v. Robinson*], 621 F. 3d 1251 (9th Cir. 2010), a seminal case clarifying the interplay of the federal Superfund statute and California's good faith settlement mechanism.

## Insights

### News

Forty-Four Cox, Castle & Nicholson LLP Lawyers Recognized as Best Lawyers® Award Recipients  
Press Release, *Best Lawyers*, 8.17.23

Nine Attorneys Named Northern California Super Lawyers  
Press Release, *Super Lawyers*, 6.27.23

Forty-One Cox Castle Lawyers Named to 2023 Best Lawyers® List  
Press Release, *Best Lawyers*, 8.18.22

Thirty-Four Attorneys Named 2022 California Super Lawyers  
Press Release, *Super Lawyers*, 8.1.22

35 Cox, Castle & Nicholson LLP Lawyers Named to 2022 Best Lawyers® list  
Press Release, *Best Lawyers*®, 8.19.21

Nine Attorneys Named Northern California Super Lawyers

Press Release, *Super Lawyers*, 7.7.21

32 Cox, Castle & Nicholson LLP Lawyers Named to 2021 Best Lawyers® list

Press Release, *Best Lawyers®*, 8.21.20

Fourteen Attorneys Named Northern California Super Lawyers

Press Release, *Super Lawyers*, 7.1.20

Twenty-Nine Cox, Castle & Nicholson Attorneys Have Been Selected for the 2020 Edition of The Best Lawyers in America®.

Press Release,

The Best Lawyers in America®, 8.16.19

Fourteen Cox, Castle & Nicholson Attorneys Recognized As 2019 Northern California Super Lawyers & Rising Stars

Press Release, *Super Lawyers*, 7.15.19

Twenty-Six Cox, Castle & Nicholson Attorneys Have Been Selected for the 2019 Edition of The Best Lawyers in America®.

Press Release,

The Best Lawyers in America®, 8.15.18

Fifteen Cox, Castle & Nicholson Attorneys Recognized As 2018 Northern California Super Lawyers & Rising Stars

Press Release, *Northern California Super Lawyers*, 7.13.18

Twenty-Three Cox, Castle & Nicholson Attorneys Have Been Selected for the 2018 edition of The Best Lawyers in America®.

Press Release, *The Best Lawyers in America®*, 8.15.17

Ten Cox, Castle & Nicholson Attorneys Recognized As 2017 Northern California Super Lawyers & Rising Stars

Press Release, *Northern California Super Lawyers*, 7.7.17

Eleven Cox, Castle & Nicholson Attorneys Recognized As 2017 Northern California Super Lawyers & Rising Stars

Press Release, 7.7.17

Twenty-Two Cox, Castle & Nicholson Attorneys Have Been Selected for the 2017 edition of The Best Lawyers in America®.

Press Release, 9.12.16

Twenty-One Cox, Castle & Nicholson Attorneys Have Been Selected for the 2017 edition of The Best Lawyers in America®.

Press Release, *The Best Lawyers in America®*, 9.12.16

Eleven Cox, Castle & Nicholson Attorneys Recognized As 2016 Northern California Super Lawyers & Rising Stars  
Press Release, *Northern California Super Lawyers*, 7.8.16

Twenty Two Cox, Castle & Nicholson Attorneys Recognized As 2016 Best Lawyers In America  
Press Release, *Best Lawyers in America*, 8.17.15

11 Cox Castle Attorneys Named 2015 Northern California Super Lawyers  
News, *Super Lawyers*, 7.7.15

20 Cox, Castle & Nicholson Attorneys Recognized as 2014 Best Lawyers  
Press Release, 7.18.14

41 Cox, Castle & Nicholson Attorneys Recognized As 2014 Super Lawyers  
Press Release, 7.17.14

Five Trends That Defined 2013  
News, *BISNOW*, 12.30.13

Nine San Francisco Attorneys Listed For 2013 Top 100 Attorneys In Northern California  
Press Release, *Super Lawyers*, 7.1.13

Twenty-three Cox Castle & Nicholson LLP Attorneys Are Selected To Be Published In The 2012 Super Lawyers Business Edition  
Press Release, 9.4.12

Calif. Refinery Fire Sparks Legal Onslaught Against Chevron  
News, *Law360.com*, 8.10.12

Eight Cox, Castle & Nicholson LLP Attorneys Are Recognized As 2012 Northern California Super Lawyers  
Press Release, *Super Lawyers*, 7.6.12

Environmental And Land Use Groups Ranked Top In Northern California By The Recorder  
Press Release, *The Recorder*, 4.11.12

Twenty-three Cox Castle & Nicholson LLP Attorneys Are Selected To Be Published In The 2011 Super Lawyers Business Edition  
Press Release, 9.1.11

Top Brownfield Renewal Professionals  
News, *Brownfield Renewal*, December 2010

Seven Cox, Castle & Nicholson LLP Attorneys Are Recognized As 2010 Northern California Super Lawyers  
Press Release, *Super Lawyers*, 8.1.10

Sherwin-Williams Denied Legal Fees In Cleanup Suite  
News, *Law360*, 12.1.08

Cox, Castle & Nicholson LLP Is Recognized By The Prestigious Legal 500 U.S. Edition  
Press Release, *CCN Press Release*, 8.1.08

Emeryville Has Worked Hard To Achieve Growth  
News, 02.03.06

### Speaking Engagements

2018 Center for Creative Land Recycling Conference  
Conference, Carson Civic Center, Carson, CA, 10/24/18-10/25/18

Redeveloping Contaminated & Blighted Properties Seminar  
Conference, DoubleTree By Hilton Hotel, Los Angeles, California, 3.7.17

Western Brownfields Workshop  
Conference, Holiday Inn, San Francisco, California, 9.29.16

CALED Webinar - Brownfields Updates  
Webinar, 6.15.16

CALED Webinar - Brownfields Update: Test  
Webinar, 6.8.16

CALED Annual Conference - Seizing Opportunities  
Conference, Mission Inn Hotel and Riverside Convention Center, Riverside, California, 4.21.15

County Counsel's Association of California - 2014 Spring Public Works And Contracts & Environmental Law And  
Regulation Conference  
Conference, Westin Hotel, San Diego, California, 5.15.14

CLE Environmental Law Update: "New Developments Affecting California"  
Conference, Hotel Nikko, San Francisco, 1.31.14

CBIA's 45th Select Conference On Industry Litigation  
Conference, Ojai Valley Inn & Spa , La Quinta, California, 11.16.13

The 86th Annual State Bar Meeting  
Conference, San Jose McEnery Convention Center, San Jose, California, 10.11.13

CBIA 44th Select Conference on Industry Litigation  
Conference, The Meritage Resort & Spa, Napa, California, 4.21.13

CBIA's 43rd Select Conference on Industry Litigation  
11.17.12

Long Term Stewardship at Brownfields Sites - Successful Implementation  
California Redevelopment Association 2008 Annual Conference  
Conference, Disneyland Hotel & Convention Center, Anaheim, California, 3.26.08

Is it the Right Time For Redevelopment, Rejuvenation and Enviro-Funds  
4.23.07

Eliminating Bias: What are the Benefits and Hurdles in the Practice of Environmental Law  
10.20.06

The Interplay Between the Polanco Act and Eminent Domain: Condemning Contaminated Property  
8.10.06

Brownfields Practicum and Regulatory Update  
1.5.06

Hot Topics in Residential Development  
12.8.05

Recycling's Brownfields  
4.25.05

2005 National Planning Conference  
3.21.05

California Land Recycling Conference 2018  
Conference, Carson Event Center, Carson, CA, 1.1.00

## Publications

SB 820: SACRAMENTO EXTENDS CALIFORNIA'S BEST (REMAINING) TOOL FOR BROWNFIELD RENEWAL  
Client Alert, 11.7.16

Brownfield Redevelopment: Local Government Is Back In The Game  
Client Alert, *CCN Client Alert*, 10.10.13

The Polanco Redevelopment Act: A How To Guide  
Article, 02.01.06

Practical Changes To Environmental Due Diligence Under the New All Appropriate Inquires (AAI) Rule (PDF)  
Client Alert, 12.01.05

Powerine  
Client Alert, 09.01.05

## Awards & Affiliations

### Honors & Recognitions

*Best Lawyers In America*, Environmental Law, 2013-2021

AV Preeminent Attorney, *Martindale Hubbell*, 2001-2017

Northern California Super Lawyers, 2010-2021

*Who's Who in American Law*, 18th Edition, 2014-2015

*Top Attorneys In Northern California*, San Francisco Magazine, 2015

Leading Lawyer, Real Estate/Northern California, *The Legal 500*, 2008

### Professional Affiliations

Urban Land Institute (ULI), Redevelopment and Reuse Council, Founding/Current Member

California Bar Association, Environmental Law Section Executive Committee

California Association for Local economic Development, Legislative Affairs and Brownfield and Land Revitalization Committees, 2014-Present

California Redevelopment Association, Brownfields, Legal Issues, and Sustainability Committees, 1997-2012

Center for Creative Land Recycling Training Program, Faculty Member, 2000-2008

Editor in Chief, *Ecology Law Quarterly*, 1989-1990