

# ANNUAL CONFERENCE

# prop.65clearinghouse

MONDAY, SEPTEMBER 23, 2019

JULIA MORGAN BALLROOM

4:00 to 5:00

## Prop. 65 Enforcement: Legal and Ethical Responsibilities for Plaintiff and Defense Attorneys

Moderator: **Sue Fiering**, Deputy Attorney General, Retired Annuitant

Panel: **Amy Lally**, Partner, Sidley Austin  
**David Sadwick**, Partner, Tatro Tekosky Sadwick  
**Parker Smith**, Attorney, Sy & Smith  
**Mark Todzo**, Principal, Lexington Law Group

### Bios

#### **Sue Fiering**

Deputy Attorney General, Retired Annuitant

Susan Fiering joined the Environment Section of the Attorney General's Office in 1989, working first as a Deputy Attorney General and then as a Supervising Deputy Attorney General. As a Supervisor she was in charge of the Proposition 65 matters statewide. She retired from the Attorney General's Office at the end of 2019 and is now working as a re-tired annuitant, concentrating on Proposition 65 matters.

#### **Amy Lally**

Partner, Sidley Austin

Amy Lally is a trial lawyer who practices in all areas of litigation, including class actions, contract dispute litigation and real estate litigation. She serves as a global co-leader of Sidley's Consumer Class Actions practice area. Amy has broadly represented the consumer products and services industries in litigation arising under Proposition 65, California's Unfair Business Practices Act (UCL, Section 17200), False Advertising Law (FAL, Section 17500), the Consumer Legal Remedies Act (CLRA), labeling laws (including on comparative pricing and Made in America), the California Invasion of Privacy Act (CIPA), TCPA, the Song-Beverly Credit Card Act and California's Shine the Light law. She is a leading member of Sidley's CCPA Litigation Task Force, a dedicated group of lawyers focused on the California Consumer Privacy

Prop. 65 Enforcement

Act (CCPA), counseling clients on how to assess and mitigate litigation risks by putting in place the policies, procedures and protocols that comply with the new law. Her clients include numerous consumer goods manufacturers and retailers, including vitamin and dietary supplement companies, pharmaceutical companies, apparel, furniture and home goods companies and e-commerce companies. Amy also has represented a wide variety of other businesses such as financial institutions, hedge funds, accounting firms and oil and gas companies.

Amy has tried cases to verdict in both California state and federal court and the Court of Federal Claims. She litigates cases in multiple courts throughout California, including in the counties of Alameda, Los Angeles, Orange, Riverside, Sacramento, San Diego, San Francisco and San Mateo.

Clients have described Amy as “an excellent trial lawyer; she is an aggressive and knowledgeable advocate in Prop. 65 Cases” (Chambers USA, 2015). She was also recommended in the 2017 edition of The Legal 500 for dispute resolution.

Amy earned her J.D. from Georgetown University Law Center and her B.A. from Boston College, summa cum laude, and was a member of Phi Beta Kappa, Golden Key National Honor Society and Cross and Crown Honor Society.

## **Experience**

### **David Sadwick**

Partner, Tatro Tekosky Sadwick

David Sadwick is a partner at Tatro Tekosky Sadwick in Los Angeles. He specializes in Prop. 65; Environmental Law; Pharmaceutical; Technology; Environmental Litigation; Unfair Competition; and OSHA.

He was a Judicial Law Clerk to Hon. David Thompson, U.S. Ninth Circuit Court of Appeals. Stanford Environmental Law Journal, 1984-1986. Former Partner, Preston Gates & Ellis. Founding Partner, Tatro Tekosky Sadwick Mendelson, LLP.

He was a Contributing Editor: “Proposition 65 News – Proposition 65 Litigation Reporter,” 1996-2000; Co-Author: “How has California Handled Toxic Torts?” Toxic Torts Practice Guide, McGraw-Hill, 1994-1996; “Inactive Sites – The Superfund Process,” Environmental Law Practice Guide: State and Federal Law, Matthew Bender, 1992-1995.

He is a member of the Los Angeles County Bar Association (Member, Environmental Law Section); State Bar of California (Member, Environmental Law Section); District of Columbia Bar.

### **Parker Smith**

Attorney, Sy & Smith

Parker A. Smith, Esq. co-founder and managing attorney at Sy and Smith, has experience in Civil Litigation, Environmental Law/Proposition 65, Personal Injury, Estate Planning, Immigration Law, and Family Law.

Prior to joining forces at Sy and Smith, Parker worked for one of the top U.S. consulting firms and managed his own legal practice.

Parker received his Juris Doctor from Thomas Jefferson School of Law. During law school he gained valuable legal experience as a law clerk for the highly respected Honorable Lloyd D. George, U.S. District Court of Nevada and was hand selected to join a highly competitive Negotiation Team, where he successfully competed in numerous nationwide competitions.

Parker has a BS degree in business finance from Brigham Young University, and spent several years working in the banking industry before deciding to pursue his dream of becoming an attorney. Parker’s dedication to his craft as an attorney is based on his belief that every client should have their case handled with compassion, care, and understanding to help them obtain their desired results.

Parker has spent several years living abroad in Chile and China. He understands the challenges of moving to a new country, learning a new language, culture, and laws.

Parker is a member of the California State Bar. He is fluent in Spanish. Outside of the office, he loves sports,

traveling, and spending time with his wife and two daughters.

## **Mark Todzo**

Partner, Tatro Tekosky Sadwick

Since 1993, Mark N. Todzo has devoted his practice of law to the representation of plaintiffs in consumer and environmental protection litigation. In that time, he has represented aggrieved individuals, nonprofit organizations and public entities in litigation that has curbed abusive and illegal corporate practices. Mr. Todzo's varied work has, among other things, helped to remove toxic chemicals from the environment, increased staffing in nursing homes, reformed deceptive advertising practices and recovered millions of dollars for the benefit of consumers. Mr. Todzo has argued cases in state and federal trial courts as well as courts of appeal and the California Supreme Court.

Mr. Todzo has focused much of his legal practice on eliminating and reducing the emission of toxic chemicals and individuals' exposure to such chemicals. He has been a tireless advocate in cases seeking to remove lead from a host of children's products and the environment and served as lead counsel in a case that resulted in the removal of over 500,000 pounds of lead per year from California roadways.

Mr. Todzo has served as class counsel in numerous class action lawsuits as well as liaison counsel in complex coordinated actions. He and has represented classes of individuals in a variety of different cases including a class of purchasers of fake organic products sold by Hain Celestial, a class of Comcast subscribers who were blocked from using peer-to-peer file sharing programs in breach of their contracts and classes of nursing home residents who were denied access to sufficient nursing staff.

Mr. Todzo is presently currently working on cases seeking to reduce emissions of hexavalent chromium in Paramount, California and styrene from factories throughout southern California. He is also playing a leadership role in the litigation against Southern California Gas Company relating to the 2015 methane gas blowout in Aliso Canyon.

Mr. Todzo joined the Lexington Law Group, LLP in 1998 and is a principal of the firm. Mr. Todzo received his law degree from Hastings College of the Law in 1993 and received an A.B. from Duke University in 1986. In addition to the practice of law, Mark enjoys running, biking and participating and coaching team sports.