

# ANNUAL CONFERENCE prop.65clearinghouse

MONDAY, SEPTEMBER 18, 2023

JULIA MORGAN BALLROOM

## Breakout Session

4:00 to 5:00 **The Ethical Questions Raised in Fee Motions**

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Moderator: **Gideon Kracov** Esq., Principal, Gideon Mediation and Conflict Resolution

Panel: **Greg Berlin**, Senior Associate, Alston & Bird  
**Laralei Paras**, Partner, Seven Hills LLP  
**Judith Praitis**, Partner, Faegre Drinker Biddle & Reath  
**Greg Sperla**, Of Counsel, DLA Piper  
**Lucas Williams**, Partner, Lexington Law Group

## Bios

**Gideon Kracov** Esq.  
Principal, Gideon Mediation and Conflict Resolution

Gideon Kracov is a distinguished mediator in Los Angeles, with a focus on civil, environmental and real estate matters. He offers independent dispute resolution honed by thirty years of experience with diverse business, individual, labor, non-profit and government clients. A Daily Journal profile recognized that in the “world of environmental politics, Kracov has managed to obtain credibility with all parties, perhaps the highest currency.”

Mr. Kracov is a Thomson Reuters California Super Lawyer, limited to the top 5 percent of lawyers. He trained in “Mediating the Litigated Case” at the Straus Institute for Dispute Resolution at Pepperdine Caruso School of Law. He is on the U.S. District Court Central District of California Mediation Panel, serves as settlement officer in the Los Angeles Superior Court Resolve Law Mandatory Civil Settlement Conference Program and courthouse mediates

civil harassment matters for the Center on Conflict Resolution.

Mr. Kracov has represented plaintiffs, defendants and the government—experience that perfectly situates him to mediate complex civil disputes. He previously served as a Deputy Los Angeles City Attorney in the Real Property Division where he counseled the Departments of Planning and Sanitation on public works and real estate projects and successfully defended the City in hard-fought trials. He was on the team that negotiated the \$168 million settlement to remove trash from the Los Angeles River and advised the City's property redevelopment program. He also led civil prosecutions in the City Attorney's Environmental Protection Department.

Before his public sector work, Mr. Kracov practiced at Rose, Klein & Marias LLP, a plaintiff's trial law firm. There he handled toxic tort and personal injury matters that helped shape these areas of the law. Mr. Kracov started his legal career at the prominent Los Angeles firm Weston, Benshoof LLP (now Alston & Bird LLP), where his practice involved toxic tort defense for Fortune 500 clients in product liability, mass tort and environmental contamination cases.

Mr. Kracov is the former Chair of the California Lawyers Association Environmental Law Section Executive Committee. In that role, he led education and program activities on behalf of the Section's 2,500+ lawyer members with an authoritative yet approachable temperament.

Mr. Kracov serves on the adjunct faculty at the Loyola Law School where he teaches land use law and regulation. Mr. Kracov proudly coached the Loyola Law School team to first place in the 20th Annual California Lawyers Association Environmental Law Student Negotiation Competition. He is the California Governor appointee to both the California Air Resources Board (CARB) and the South Coast Air Quality Management District Governing Board. CARB is the state's lead air pollution and climate change regulatory agency. In these roles, he hears from a wide array of stakeholders on complex public policy issues and is tasked with reaching satisfactory outcomes while maintaining trust and accessibility. Previously, he chaired the three-member Department of Toxic Substances Independent Review Panel created by statute to provide governance oversight of the agency.

He graduated from Berkeley Law, University of California Boalt Hall where he completed the Environmental Law Certificate Program.

## **Greg Berlin**

Senior Associate, Alston & Bird

Greg Berlin is a Senior Associate in Alston & Bird's Environment, Land Use, and Natural Resources Practice Group. He represents well-known corporations, including multinational oil and gas companies, the world's largest retail corporations, and food and drink processing conglomerates in litigation involving the environment, natural resources, and consumer products.

Greg has particular expertise representing companies throughout the supply chain in hundreds of Proposition 65 matters, including compliance counseling and litigation defense.

Greg earned his J.D., cum laude, from the University of California, Hastings College of

Law, with a certificate in environmental law. He served as the executive symposium editor of the Hastings Law Journal and a judicial extern to the Hon. Edward M. Chen of the U.S. District Court for the Northern District of California.

### **Laralei Paras**

Partner, Seven Hills LLP

Laralei Paras is a Partner at Seven Hills LLP with 20 years' experience in environmental advocacy.

After earning a Bachelor of Science degree in Conservation and Resources Studies from the College of Natural Resources at U.C. Berkeley, she earned her juris doctor and environmental law certificate at the Northwestern School of Law at Lewis and Clark College.

Since 2002, her practice has concentrated on the enforcement of Proposition 65 on behalf of non-profits and citizen enforcers.

### **Judith Praitis**

Partner, Faegre Drinker Biddle & Reath

Judith Praitis counsels clients on environmental transactional issues and on air, water and waste management permitting, compliance, release reporting and enforcement issues under California and federal law. With decades of experience in environmental law, Judith is a trusted source of legal and business guidance for clients working to develop and implement environmental management systems, audit compliance protocols, and anticipate and adapt to emerging regulatory environments. Judith has particular experience managing complex environmental matters for distressed entities, or those with material legacy environmental liabilities, to orchestrate a controlled resolution of such obligations. She is particularly adept at crafting novel settlements with governmental regulators and prosecutors.

### **Hazardous Waste Management and Site Remediation**

Judith has established herself as an authority in hazardous waste management and site remediation, including the redevelopment of oil field properties and military bases. This experience has also given Judith the knowledge and perspective to confidently assist clients in the legal aspects of brownfields redevelopment. In these matters, she has represented clients in various industries, including chemical producers, hotel companies, food products manufacturers, real estate developers, solar energy companies and health care facilities.

In California, Judith has appeared before the South Coast Air Quality Management District (SCAQMD) and the Bay Area Air Quality Management District (BAAQMD) and has dealt with various regional water quality control boards, the State Water Resources Control Board, and the California Environmental Protection Agency (CalEPA) Department of Toxic Substances Control (DTSC). She has worked with all of California's major regulatory authorities, including the Coastal Commission, Department of Fish and Wildlife, and the Board of Equalization. Over the years, Judith has also resolved California Air Resources Board (CARB) enforcement matters, particularly those concerning volatile organic compound (VOC) consumer product content regulations.

## **Transactions and Environmental Due Diligence**

Through environmental due diligence, insurance and risk mitigation counseling, Judith delivers peace of mind to clients pursuing and finalizing major transactions. She prepares and submits filings for the Securities and Exchange Commission and reviews environmental provisions in leases, loan documents, sale contracts and other contracts on behalf of lenders, borrowers, issuers, buyers, sellers and investors. Some of these transactional matters have involved valuing, banking and trading emissions credits. Judith has managed several large, multi-state, multinational environmental diligence reviews involving hundreds of properties throughout the U.S. and abroad. She has worked on complicated bankruptcy filings and transactions requiring management of environmental matters in jurisdictions throughout the country.

## **Federal Environmental Law**

Judith counsels clients on Resource Conservation and Recovery Act (RCRA) compliance, Superfund case management, stormwater compliance, Emergency Planning and Community Right-to-Know Act (EPCRA) matters and release reporting. In addition, she has participated in the federal rule-making process, including formal administrative and legal challenges to U.S. Environmental Protection Agency (EPA) rules, and has helped to negotiate consent decrees and resolve federal enforcement matters.

## **California Proposition 65**

Judith advises clients on compliance with and, if necessary, litigation of, Proposition 65 matters, particularly those involving the food and supplement industries and other consumer products. She assists clients with compliance under many of California's product- and chemical-specific regulatory regimes, including the Green Chemistry Initiative.

Judith's Proposition 65 representations include some of the most significant and complex matters involving the legislation, including several prosecuted by the Office of the Attorney General of the State of California. Her Proposition 65 work includes cases involving:

- Bottled water
- Chocolate
- Ginseng
- Progesterone creams
- Brass fixtures
- Children's vitamins
- Dietary supplements
- Supplements containing alcohol
- Meal replacement bars
- Textiles
- Glassware
- Electrical cords
- Plastic and vinyl products
- Alleged exposures at hotel

## **Greg Sperla**

Of Counsel, DLA Piper

Greg Sperla is a litigator and regulatory attorney protecting clients in complex litigation and regulatory enforcement matters. He is focused on the science of consumer products, food and beverages, and is broadly experienced in domestic and global regulation of consumer goods and disputes. On behalf of manufacturers, distributors and retailers, Mr. Sperla has conducted trials and appeals and defended matters against local, state, and federal agencies.

Mr. Sperla has advised companies of all sizes, including startups and Fortune 500s in dozens of industries, on matters involving California's Proposition 65, consumer class actions, administrative

proceedings, permitting and licensure, hazardous waste, regulatory enforcement, and product labeling and marketing rules, among other issues. He has also advised major trade associations on critical legislative and regulatory matters.

Mr. Sperla is an active litigator with significant experience in federal and state court, including the state's busiest complex litigation departments. He is one of the few attorneys to have obtained a post-trial judgment requiring a Proposition 65 "bounty hunter" to pay costs to a defendant. His passion for both science and civil procedure is reflected in multiple publications, presentations, and panels on cutting-edge issues affecting California litigants and a wide array of companies.

### **EXPERIENCE**

- Represented a Fortune 500 consumer product company at trial and on appeal in a Proposition 65 lawsuit that resulted in a judgment for the company and an award of costs from the plaintiff, a Proposition 65 "bounty hunter."
- Obtained a non-prosecution commitment for an industrial equipment manufacturer from the Enforcement Division of the California Air Resources Board
- Persuaded multiple state agencies, including the California Office of Environmental Health Hazard Assessment and California Department of Agricultural to adopt regulations or modify policies for manufacturer or trade association clients
- Obtained the withdrawal of or agreement not to prosecute dozens of pre-litigation notices of violations of Proposition 65 and the California Consumer Legal Remedies Act
- Negotiated the record lowest settlement of a Proposition 65 matter with prolific Proposition 65 bounty hunter Shefa LMV
- Negotiated numerous unique, industry-leading Proposition 65 settlements for Fortune 500 companies, including a novel settlement for the tea industry approved over the objections of the California Attorney General
- Advised both upstream and downstream companies in contract negotiations and indemnity disputes, and prepared dozens of client-tailored supplier agreements and other documents
- Assisted both startups and multinational corporations on the preparation, drafting, and implementation of compliance programs for a wide variety of regulatory schemes and the investigation and assessment of potential regulatory violations
- Assisted in the successful development of hundreds of new consumer products,

including advise as to state and federal marketing and labeling, formulations, supply chain, and packaging issues, among many others

- Coordinated the simultaneous transfer of over 100 licenses and permits in several states involving over a dozen regulatory agencies on behalf of the purchaser of a West Coast pest control and pesticide business

#### PUBLICATIONS

- New California law adds significant restrictions for recycling claims on products and packaging: action steps, 6 January 2022
- California Proposition 65: OEHHA modifies its proposed changes to popular short-form warning – key points, 16 December 2021
- Preliminary injunction granted in Cal Chamber lawsuit concerning acrylamide Prop 65 warning, 1 April 2021
- California Air Resources Board proposes cuts to VOC limits in consumer products, 17 March 2021
- California Prop 65: OEHHA proposes changing popular short-form warning, 3 February 2021

#### RECOGNITIONS

- The Legal 500 United States
- Recommended, Product Liability, Mass Tort and Class Action: Consumer Products (including Tobacco) (2022)
- Recommended, Product Liability, Mass Tort and Class Actions: Toxic Tort - Defense (2022)

#### FELLOWSHIP

- Senate Fellow, Capital Fellows Program, Class of 2007-2008

### **Lucas Williams**

Partner, Lexington Law Group

Lucas Williams is a partner at Lexington Law Group. Lucas specializes in litigation concerning environmental justice, toxic exposures, and corporate greenwashing. Lucas has been litigating public interest environmental cases since he graduated from Golden Gate University School of Law in 2008. Lucas began his career at GGU's Environmental Law and Justice Clinic as a fellow, where he represented communities of color in cases addressing pollution.

On completion of his fellowship, Lucas joined the Lexington Law Group as an associate in 2012. Lucas returned to Golden Gate University School of Law as a Professor and Staff Attorney at the Environmental Law and Justice Clinic in 2020. At ELJC, Lucas represented communities of color in cases enforcing environmental laws including CEQA and the Clean Air Act. During this time, Lucas also founded his own environmental justice and consumer protection firm, Williams Environmental Law.

In 2023, Lucas rejoined Lexington Law Group as a partner. Lucas spends his free time cycling, running, and reading.