

**SCOTT SUMMY**  
**“THE WATER LAWYER”**

**Summy’s Water Practice**

Mr. Summy is a shareholder in the law firm of Baron & Budd, P.C., one of the largest and oldest firms in the United States that specializes in environmental litigation. Mr. Summy heads up the firm’s Water Contamination Practice Group, whose practice is dedicated to complex environmental cases all over the country. Summy was recently appointed to the Plaintiffs’ Executive Committee (EC) (one of four appointed) by the United States District Court – Eastern District in: *In Re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010*, MDL 2179. Summy was also appointed to the Plaintiffs’ Steering Committee (PSC). In addition, he was appointed as Class Counsel for the Settlement Class. The Deepwater Horizon/BP Spill is the largest environmental disaster in U.S. history. The Water Contamination Practice Group also represents the office of Coastal Restoration and Protection, designated Trustees and the Governor’s Office of the State of Louisiana in the Deepwater Horizon/BP litigation, as well as hundreds of commercial businesses impacted by the spill.

Summy also represents public water providers, i.e. municipalities, water districts and utilities, and school districts whose water is contaminated by an intrusive chemical. On behalf of these clients, Summy seeks cost recovery for treatment facilities, operation and maintenance costs of the treatment facility, out of pocket expenses and administrative costs. Summy also represents private well owners around the country whose wells are contaminated. Summy and the Water Contamination Practice Group currently represent or have represented over 200 public water providers across the country with MTBE contamination. Summy filed and litigated the first MTBE case in the United States to a successful resolution in 1997. Summy has faced the major oil companies, including, BP, ExxonMobil, Shell and Chevron in dozens of cases across the United States for the last 17 years. Summy is also designated Co-Lead Counsel for all Plaintiffs in: *In Re: MTBE*, MDL No. 1358; and also serves on the Plaintiffs’ Steering Committee (PSC). Summy has reached settlements with most of the defendants in these cases totaling approximately \$500 million. Summy is continuing to file new MTBE cases across the country.

Summy and the Water Contamination Group are currently representing over 45 water systems in atrazine litigation. In May, 2012, Summy was appointed as Class Counsel for the Atrazine Settlement Class by Judge J. Phil Gilbert. Other chemicals of concern involved in Baron & Budd’s practice include: TCP, TCE, and PCE. Baron & Budd is the largest firm in the United States representing public water providers and private well owners on a contingency fee basis. For more information on Baron & Budd’s water practice please visit [www.thewaterlawyers.com](http://www.thewaterlawyers.com). Summy is also licensed by the National Football League Players Association (NFLPA) to represent players in the League.

**Clean Water:**

**Mr. Summy has obtained settlements for his clients in excess of \$1 billion. These results have helped provide clean drinking water and a cleaner environment to millions of Americans.**

## **Environmental Cases Handled By Summy**

### **1. In Re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico on April 20, 2010, MDL 2179**

Summy currently represents over 1,000 commercial businesses and individuals impacted by the spill. Summy has also spent substantial time in New Orleans in 2010 and 2011 fulfilling his roles on the EC and PSC. Summy also Co-Chairs the Science Group of the PSC which is responsible for developing evidence and hiring experts to determine the full impact of the spill, including Gulf seafood and the coastline. Summy is also involved in the discovery aspect of the case and has taken depositions in the United States and London, England.

Results: To date, PSC has secured an uncapped settlement fund to benefit many businesses and individuals impacted by the spill. (BP values this initial settlement at \$7.8 billion.) Remainder of case is currently set for trial in January 2013.

### **2. MTBE and TBA Multi-District Litigation (“MDL 1358”) and Individual Actions** [First MDL Settlement]

Summy currently represents or has represented over 200 public water providers including municipalities, water districts and utilities, and school districts across the country against the Major Oil Companies who made the decision to add MTBE to gasoline. Summy’s clients have experienced MTBE and/or TBA contamination to their wells and seek damages/cost recovery to treat the contaminant(s). The clients represented by Summy are:

**California:** California-American Water Company, California Water Service Company, Citrus Heights Water District, City of Riverside, Del Paso Manor Water District, Fair Oaks Water District, Florin Resource Conservation District, M & P Silver Family Partners II, et al., Fruitridge Vista Water Company, Quincy Community Services District, Rio Linda Elverta Community Water District, Riverview Water District, Yosemite Spring Park Utility Co, Inc.

**Connecticut:** Town of East Hampton, American Distilling and Mfg. Co. Inc., Our Lady of the Rosary Chapel, United Water Connecticut, Inc.

**Florida:** Emerald Coast Utilities Authority f/k/a Escambia County Utilities Authority

**Indiana:** Town of Campbellsburg, Town of Mishawaka, North Newton School, City of Rockport, City of South Bend

**Iowa:** City of Galva, City of Ida Grove, City of Sioux City

**Illinois:** City of Island Lake, Village of East Alton

**Kansas:** City of Bel Aire, Chisholm Creek Utility Authority, Dodge City, City of Park City

**Louisiana:** City of Marksville, Town of Rayville

**Massachusetts:** Brimfield Housing Authority (Brimfield, MA), Centerville-Osterville-Marsons Mills Water Department, Chelmsford Water District (Chelmsford, MA), Dedham Westwood Water District, City of Brockton, City of Lowell, City of Methuen, City of Peabody, Cotuit Fire District Water Department (Cotuit, MA), East Chelmsford Water District (Chelmsford, MA), Hillcrest Water District (Leicester, MA), Leicester Water Supply District (Leicester, MA), Massasoit Hills Trailer Park, Inc., North Chelmsford Water District (Chelmsford, MA), North Raynham Water District, Sandwich Water District, Sudbury Water District, Town of Avon, Town of Bedford, Town of Bellingham, Town of Billerica, Anawan Associates Realty, LLC, Town of Barnstable, Dennis Water District, Lunenburg Water District, Raynham Center Water District, Town of Douglas, Town of Marshfield, Town of Orange, Town of Provincetown, Town of Scituate, Town of Sterling, Town of Charlton, Town of Danvers, Town of Dover, Town of Dudley, Town of Duxbury, Town of East Bridgewater, Town of East Brookfield, Town of Easton, Town of Edgartown, Town of Halifax, Town of Hanover, Town of Hanson, Town of Holliston, Town of Hudson, Town of Merrimac, Town of Millis, Town of Monson, Town of Norfolk, Town of North Attleborough, Town of North Reading, Town of Norwell, Town of Pembroke, Town of Reading, Town of Spencer, Town of Stoughton, Town of Tewksbury, Town of Tyngsboro, Town of Ware, Town of Wayland, Town of West Bridgewater, Town of West Brookfield, Town of Weymouth, Town of Wilmington, Town of Yarmouth, United Methodist Church (Wellfleet, MA), Water Supply District of Acton, Westport Federal Credit Union, Westview Farm, Inc. (Monson, MA), Town of Middleborough, City of Lawrence, Town of Burlington, Town of Townsend, Town of Uxbridge, Town of Webster, Town of Lakeville, Indian Hills Realty, Town of Holden.

**New Jersey:** Borough of Penns Grove, City of Bridgeton, City of Camden, City of Gloucester City, Township of Winslow, City of Vineland, Elizabethtown Water Company, Little Egg Harbor Township, Mount Holly Water Company, Mount Laurel Municipal Utilities Authority, New Jersey American Water Company, Inc., Penns Grove Water Supply Company, Inc., Point Pleasant, Southeast Morris County Municipal Utilities Authority, Township of Montclair, United Water Arlington Hills, Inc., United Water Hampton, Inc., United Water New Jersey, Inc., United Water Toms River, Inc., United Water Vernon Hills, Inc.

**New Mexico:** People of the State of New Mexico Through the Office of the Attorney General

**New York:** Franklin Square Water District, Great Neck North, Hicksville Water District, Jericho Water District, Long Island Water Corporation, Nassau County, Port Washington Water District, Roslyn Water District, Suffolk County, Suffolk County Water Authority, Town of Wappinger, United Water New York, Inc., Village of Hunter, Village of Pawling, Village of Sands Point, Western Nassau Water Authority

**Pennsylvania:** Northampton/Bucks County Municipal Authority

**Vermont:** Craftsbury Fire District #2, Town of Hartland

**Virginia:** Buchanan County School Board, Greensville County Water & Sewer Authority, Patrick County School Board

**West Virginia:** Town of Matoaka

**Wisconsin:** Town of Freedom, Freedom Sanitary Water District, Capital Credit Union, Coffey Insurance Services, St. Nicholas Parish, Brenda Abrahamson, et al. (private well owners)

**Result: To date, settlements with Oil Company Defendants total over \$450 million and an agreement by 70% of the Major Oil Companies to pay for the treatment of new wells that become contaminated with MTBE and certain preconditions for the next 30 years. The well protection provided by the settlement protects over 3600 wells serving millions of Americans.**

Notables:

1. Summy was aligned with the New Mexico Attorney General's office representing the State of New Mexico in their statewide MTBE case.
2. Many of the MTBE/TBA cases have been consolidated in a Multidistrict Litigation in New York before the Honorable Shira A. Scheindlin. Mr. Summy has been designated as co-lead counsel by Order of the Court for the plaintiffs in In re: MTBE, MDL 1358. Summy is a member of the Plaintiffs' Steering Committee and also serves as Treasurer for this Committee.
3. The total value of partial settlements reached to date is in excess of a half a billion dollars - the largest settlement in the history of MTBE litigation in the United States.

3. **MTBE and TBA Multi-District Litigation ("MDL 1358") and Individual Actions**  
[Second MDL Settlement]

Plaintiffs: City of Pomona, California; City of Santa Barbara, California; Village of Bethalto, Illinois; City of Nokomis, Illinois; Village of Roanoke, Illinois; Town of Kouts, Indiana; Bridgewater Water Department, Massachusetts; Russell Water Department, Massachusetts; Mayor and Council of Berlin, Maryland; City of Aberdeen, Maryland; Town of Chestertown, Maryland; City of Salisbury, Maryland; Commissioners of Sharptown, Maryland; City of Taneytown, Maryland; County Commissioners of Worcester County, Maryland; City of Kennett, Missouri; Mound City, Missouri; City of Pattonsburg, Missouri; Coraopolis Water & Sewer Authority, Pennsylvania; Harrisville Fire District, Rhode Island; Town of Kingston, Rhode Island

Result: Settled for \$19,471,486.86

4. ***Hurshel L. Ashcraft, et al. v. Conoco, Inc., et al.***

(North Carolina) (1997)

Plaintiffs: 178 Residents of 2 Mobile Home Parks

Wells: 2 groundwater wells

Contaminants: Benzene and MTBE

Result: Tried to a jury in 1997. Settled when jury was out determining how much to award in punitive damages. Reportedly settled for \$36 Million.  
Notables: First MTBE case ever tried to a jury in the United States. Largest settlement in North Carolina history at that time.

5. ***Alley, et al. v. Conoco, Inc., et al.***

(North Carolina) (1998)

Plaintiffs: 82 Residents of 2 Mobile Home Parks

Wells: 2 groundwater wells

Contaminants: Benzene and MTBE

Result: Settlement for \$6.85 Million

6. ***Barbara Fulcher, et al. v. Trinity American Corporation***

(North Carolina) (1998)

Plaintiffs: 3 families

Wells: 3 residential groundwater wells

Contaminants: Diesel fuel, chromium/chromate, chlorinated solvents, toluene

Result: Settled for \$900,000.00

7. ***Communities for a Better Environment v. Unocal, et al.***

(California) (2001)

Plaintiff: Communities for a Better Environment

Wells: Injunctive relief action brought to protect groundwater wells, public and private, across the State of California

Contaminants: MTBE

Result: After a partial bench trial, Defendants, Major Oil Companies, entered into settlement agreements, injunctive orders and judgments to change their business practices regarding MTBE. They agreed to provide warnings and incorporate state agency directives on cleanup to a legal judgment making delays contemptible. The settlement involved over 1000 sites and was valued at approximately \$200 Million.

Notables: The CBE legal team headed by Summy received the California Lawyer Attorneys of the Year (CLAY) Award for Environmental Law.

8. ***City of Santa Monica v. Shell Oil Company, et al.***

(California) (2003)

Plaintiffs: City of Santa Monica and Southern California Water Company

Wells: 5 public groundwater wells extracting from the Charnock Basin

Contaminants: MTBE and TBA

Result: Settlement valued by the Court at \$315.5 Million.

Notables: The settlement obtained for the City and Water Company requires the Defendants to pay for the design, construction, operation and maintenance of the filtration system until all wells are clean. Additionally, the Defendants paid the City approximately \$120 Million in cash. This allows the City to pay for its attorneys without going out of pocket.

9. ***Kimberly Kirkman, et al. v. ExxonMobil, et al.***  
(Pennsylvania) (2003)  
Plaintiffs: 7 Plaintiffs  
Wells: 1 commercial groundwater well and 3 residential groundwater wells  
Contaminants: MTBE  
Result: Settled for \$670,000 cash. In addition, 2 plaintiffs obtained hook-up to public water and 4 plaintiffs obtained a Value Assurance Program to assist Plaintiffs in selling their homes
  
10. ***Salah Bichmaf, et al. v. ExxonMobil Corporation***  
(New Jersey) (2003)  
Plaintiffs: 8 Families  
Wells: 5 groundwater wells  
Contaminants: MTBE and Benzene  
Result: Confidential settlement.  
Residents also hooked up to public water
  
11. ***Theodore Holten, et al. v. Chevron, U.S.A., Inc., et al***  
(New Jersey) (2004)  
Plaintiffs: Approximately 45 Private Residences  
Wells: Approximately 45 Residential groundwater wells  
Contaminants: MTBE, Benzene and TBA  
Result: Settlement for \$2.6 Million
  
12. ***Communities for a Better Environment, et al. v. Tosco, et al.***  
(California) (2006)  
Plaintiffs: Communities for a Better Environment and Nicole McAdam  
Wells: Acting as private Attorney General brought action under Prop 65 to protect groundwater, public and private groundwater wells throughout the State of California  
Contaminants: Benzene and Toluene  
Result: Settlements with defendants include injunctive relief, penalties, attorneys' fees and costs. The settlements have been valued in excess of \$100 Million.  
Notables: This is the largest Prop 65 settlement to date in the state of California.
  
13. ***Village of East Alton v. Premcor Refining Group Inc. f/k/a Clark Refining & Marketing Inc.***  
(Illinois)  
Plaintiffs: Village of East Alton  
Wells: 2 groundwater wells  
Contaminants: MTBE and TBA  
Result: Settlement with refiners for \$8 Million. Case still pending against station owners.

14. ***Francis Misukonis, et al. v. Atlantic Richfield Company, et al.***  
(Illinois)  
Plaintiffs: Private well owners  
Results: Injunctive relief and attorneys' fees
  
15. ***Thomas G. Browning, et al. v. Explorer Pipeline Company, et al.***  
(Texas) (2005)  
Plaintiffs: Approximately 19 private residents requesting recovery for property damage  
Results: Settlement over \$1.5 Million
  
16. ***Fruitridge Vista Water Company v. ExxonMobil, et al.***  
(California)  
Plaintiff: Fruitridge Vista Water Company  
Wells: 4 Groundwater Wells  
Results: Settlement with station owners and refiners for over \$1.2 Million  
Case is still proceeding against ExxonMobil.
  
17. ***Howard Graham, et al v. Shell Oil Company, et al.***  
(Illinois)  
Plaintiffs: Private well owners  
Results: Injunctive relief and attorneys' fees

#### **Other Toxic Tort Cases Handled by Summy**

1. ***Charlene LaVerene Mercurio, et al. v. Alcoa, Inc., et al.***  
(Illinois)  
Plaintiffs: Residents of the town of Rosiclare, Illinois  
Contaminants: Lead and other heavy metals  
Results: Confidential Settlement
  
2. ***Sandra Sue Fullen, et al. v. Philips Electronics North America, et al.***  
(West Virginia)  
Plaintiffs: Former employees of the Fairmont, West Virginia Philips plant  
Contaminants: Mercury  
Results: Confidential Settlement
  
3. ***Lori Lynn Moss and Randy Moss, et al., v. Venoco, Inc., et al.***  
(California)  
Plaintiffs: Former students, and others in the community, who were exposed to toxic materials near Beverly Hills High School  
Results: Settled for \$30,000,000

#### **TCP**

Summy currently represents several public water providers in California whose wells have been contaminated by TCP. These water providers are:

*California Water Services  
City of Bakersfield  
City of Delano  
City of Livingston  
City of Oceanside  
City of Wasco  
Lamont Public Utility District  
Montara Water & Sanitary District*

Results:        *City of Livingston* settled in 2011 for \$13,000,000  
                  *City of Oceanside* settled in 2011 for \$3,750,000  
                  *City of Shafter* settled in 2012 for \$13,500,00

## **PCE**

Summy currently represents California Water Services and the City of Sunnyvale in California due to the fact that their wells have been contaminated by PCE. He also represents Suffolk County Water Authority in New York.

## **Atrazine**

Summy currently represents several water providers in the mid-west whose water supply has been contaminated by atrazine. These water providers include:

**Illinois:** Illinois-American Water Company, City of Carlinville, City of Coulterville, City of Fairfield, City of Flora, City of Gillespie, City of Greenville, City of Hillsboro, City of Litchfield, City of Mount Olive, Holiday Shores Sanitary District, City of Mattoon, Village of Evansville, Village of Farina

**Indiana:** Indiana-American Water Company, City of Jasper

**Iowa:** Iowa-American Water Company, Chariton Municipal Water Works, Creston Municipal Utilities, City of Gladbrook

**Kansas:** City of Carbondale, City of Dodge City, City of Hillsboro, City of Marion, City of Oswego, City of Plains, Rural Water District No. 2 of Miami County

**Missouri:** Missouri-American Water Company, City of Cameron, City of Concordia, City of Vandalia, City of Maryville

**Ohio:** Ohio-American Water Company, City of Upper Sandusky, Village of Monroeville, Village of Ottawa

Results:        Pending Class Action Settlement \$105,000,000  
Notables:      In May, 2012, Summy was appointed as Class Counsel for the Atrazine Settlement Class by Judge J. Phil Gilbert.

## **Summy's Memberships and Affiliations**

Summy is actively involved in organizations that are important to his clients, public and private well owners. Summy was also selected in 2003 to become a member of the Board of Directors for the nationally acclaimed Western Environmental Law Center. Organizations in which Summy actively participates are as follows:

### Water

American Water Works Association (AWWA)  
Association of Metropolitan Water Agencies (AMWA)  
National Association of Water Companies (NAWC)  
Association of California Water Agencies (ACWA)  
American Ground Water Trust

### Environmental

Mealey's Environmental Section  
Western Environmental Law Center - Advisory Council (2003 – 2005)

### Legal

American Association for Justice (Co-Chair Gulf Coast Oil Spill Litigation Section;  
Environmental Law Section)  
State Bar of Texas  
Public Justice - Board of Directors (2008 – 2011)  
Environmental Law Section - State Bar of Texas  
State Bar of North Carolina  
International Municipal Lawyers Association (IMLA)  
Fellow of Dallas Bar Association  
Texas Trial Lawyers Association  
State Bar of New York  
Mass Tort Trial Lawyers Association

### Charitable

1. Mr. Summy is the founder and President of Supreme Court Youth Organization (“SC”). SC is an organization which supports youth basketball teams as they compete nationally. It provides assistance to underprivileged kids that could not otherwise afford to participate. It also established and supports SASO (“Scholars and Athletes Serving Others”), which is a service organization of young men and their mothers who devote substantial service time to charitable events.

2. Mr. Summy is also a member of the Advisory Board of Pro Players Foundation. The Pro Players Foundation combines the time and talents of numerous professional athletes and business and community leaders to assist disadvantaged youth in North Texas.

## **Presentations**

Summy regularly presents at both legal and environmental seminars. Of note, in 2003 Summy was invited to present at a seminar to discuss American Indian Tribal Concerns regarding Perchlorate contamination in the Colorado River. Summy's presentations include the following:

Mealey's Emerging Toxic Torts, "UST and MTBE Litigation Conference" (Co-Chairman, November 15, 1999).

Mealey's Toxic Tort Conference: Plaintiff, Defense and Expert Perspectives (April 17-18, 2000).

Mealey's MTBE Conference (May 11-12, 2000).

American Bar Association Section of Environment, Energy, and Resources 30<sup>th</sup> Annual Conference on Environmental Law (March 8-11, 2001).

Mealey's MTBE Litigation Conference 2001 (May 10-11, 2001).

Mealey's MTBE & USTs Litigation Conference (Co-Chairman, November 4-5, 2002).

United States Composting Council 11<sup>th</sup> Annual Conference (January 28-30, 2003).

Tribal Concerns - Perchlorate Contamination Conference, "How Do We Pay The Costs of Restoration?" (September 10, 2003).

International Municipal Lawyers Association, "Protecting Your Drinking Water: MTBE Detects? The Solution to MTBE Pollution" (October 12 - 15, 2003).

United States Composting Council 12<sup>th</sup> Annual Conference (January 25-28, 2004).

Investigation and Remediation of Dry Cleaner Release Sites - Groundwater Resources Assn., "PCE - The Groundwater Contamination Problem: Who Should Pay to Clean Their Waste From Our Water?", Sacramento, CA (April 7, 2004).

American Ground Water Trust, "Perchlorate in America's Ground Water" (May 3, 2004).

2004 NGWA Groundwater and Environmental Law Conference, "The 2003 Federal Energy Bill and MTBE Liability Protection: If You Fail in Court You Can Win in Congress" (May 5-6, 2004).

"Expert Witnesses," Guest Lecturer, Saint Louis University Law School (September 25, 2004).

International Municipal Lawyers Association, "Emerging Contaminants," (October 5, 2004).

California Nevada Section - American Water Works Association, "Perchlorate - The

Blast That Lasts,” (October 13, 2004)

2004 Page Keeton Civil Trial Conference, “Representing Water Providers in Environmental Litigation,” (October 28, 2004)

2004 Mealey’s MTBE and USTs Litigation Conference, “Lessons Learned in the Settlement and/or Trial of MTBE Cases,” (December 7, 2004)

2005 National Ground Water Association Ground Water Summit, “Emerging Contaminants, MTBE and Their Impact on America’s Water Supply,” (April 18, 2005)

Ohio Section - AWWA Conference, "Atrazine Litigation: Recovering the Costs of Treatment," (September 21, 2005)

2005 International Municipal Lawyers Association Annual Conference, "Representing Public Water Providers in Water Contamination Cases," (September 26, 2005)

Ohio Section - AWWA - 9th Annual Safe Drinking Water Act Seminar, "Atrazine Litigation: Recovering the Costs of Treatment," (November 17, 2005)

360 Advocacy Institute - Gulf Coast Disaster: Representing the Plaintiffs - Individuals to Institutions, “Back to the Future - Limitations of Shipowners’ Liability Act of 1851 (46 U.S.C. § 30505),” (May 20-21, 2010)

HB Litigation Conferences - Oil in the Gulf: Litigation & Insurance Litigation Coverage Conference, “National Survey of Cases Filed to Date & Coordinating State and Federal Cases,” (June 24-25, 2010)

Mass Torts Seminar - Deepwater Horizon/BP Spill, Status of MDL, April 20th Deadline and Status of Scientific Experts (April 13-15, 2011)

"BP Oil Spill Litigation Update," Energy Accounting and Technology Conference, Univeristy of New Orleans, May 15, 2012.

## **Publications**

Summy has published articles regarding the legal aspects of handling cases involving chemicals that impact his clients. In 2003, Summy’s MTBE water clients were placed at tremendous risk when the “MTBE Liability Waiver” provision was added to the proposed Energy Bill coming out of the Legislature’s Conference Committee. The MTBE Liability Waiver would have stripped Summy’s MTBE water clients of their rights to pursue the major oil companies under a products liability cause of action. Summy attempted to assist his clients by criticizing the controversial provision. These are cited as follows:

“MTBE Immunity Provision A Bad Idea,” Texas Lawyer, October 13, 2003

“‘Fuel Safe Harbor’ Provision Grants Immunity to MTBE Manufacturers,” New Jersey Law Journal, Vol. CLXXIV - No. 3 - Index 237, October 20, 2003

“Cities May Lose Rights to Pursue Oil Companies for MTBE Contamination,” New

Jersey Conference of Mayors, February, 2004

One article authored by Summy was picked up by legal journals and mainstream publications in 124 instances in 15 states with a readership total of 4,434,256. This article was entitled, "Should the Public Pay for the Oil Industry's Mistake?"

Summy also co-authored an article entitled, "The Texas Residential Construction Liability Act: Framework for Change." It appeared in the Texas Tech Law Review, 27 Texas Tech Law Review 1 - 31 (1996).

"Managing Claims Arising From the Gulf Coast Oil Spill: Multidistrict Litigation v. the \$20 Billion Fund," in TXLR, Vol. 25, # 26, July 8, 2010

"The Legal Challenges and Ramifications of Gulf Oil Spill," Aspatore Special Report - Understanding the BP Oil Spill and Resulting Litigation - An In-Depth Look at the History of Oil Pollution and the Impact of the Gulf Oil Coast Disaster, 2010; Also appeared in West's 2010 Gulf Coast Oil Disaster - Litigation and Liability, October 2010.

### **Testimony Before Legislative Bodies**

Summy testified before the Texas House Civil Practice and Remedies Subcommittee in opposition to HB 1927 designed to provide immunity to manufacturers of gasoline additives.

### **Awards**

Summy has been recognized for his accomplishments in the legal arena by his peers on a number of occasions.

1. California Lawyer Attorneys of the Year (CLAY) Award for Environmental Law (2001)
2. Selected by D Magazine as one of the "Best Lawyers in Dallas" (2003)
3. Selected by Texas Monthly as a "Texas Super Lawyer" (2003)
4. Selected by D Magazine as one of the "Best Lawyers Under 40 in Dallas" (2004)
5. Selected by Texas Monthly as a "Texas Super Lawyer" (2004)
6. Selected by D Magazine as one of the "Best Lawyers in Dallas" (2005)
7. Selected by Texas Monthly as a "Texas Super Lawyer" (2005)
8. Selected to be included in The Best Lawyers in America 2006 edition
9. Selected by D Magazine as one of the "Best Lawyers in Dallas" (2006)
10. Selected by Texas Monthly as a "Texas Super Lawyer" (2006)
11. Selected by Texas Monthly as a "Texas Super Lawyer" (2007)
12. Selected to be included in The Best Lawyers in America 2007 edition
13. Selected as one of "The American Trial Lawyers Association's Top 100 Trial Lawyers for Texas - 2008"
14. Selected by D Magazine as one of the "Best Lawyers in Dallas" (2008)
15. Selected by Texas Monthly as a "Texas Super Lawyer" (2008)
16. Selected to be included in The Best Lawyers in America 2008 edition
17. Selected to be included in The Best Lawyers in America 2009 edition
18. Selected to be included in Lawdragon, 500 Leading Attorneys in the US 2009 edition

19. Selected by Super Lawyers, to be included in Super Lawyers Corporate Counsel Edition (2009)
20. Selected as one of “The American Trial Lawyers Association’s Top 100 Trial Lawyers for Texas - 2008-2009”
21. Finalist – Public Justice Trial Lawyer of the Year (2009)
22. Selected by Texas Monthly as a “Texas Super Lawyer” (2009)
23. Selected to be included in The Best Lawyers in America 2010 edition
24. Selected by Super Lawyers, to be included in Super Lawyers Corporate Counsel Edition (2010)
25. Selected by Texas Monthly as a “Texas Super Lawyer” (2010)
26. Selected by Texas Monthly to be included in “Super Lawyers Business Edition” (inaugural publication)
27. Selected to be included in The Best Lawyers in America 2011 edition
28. Selected by Texas Monthly as a “Texas Super Lawyer” (2011)
29. Selected to be included in The Best Lawyers in America 2012 edition
30. Selected by Texas Monthly to be included in “Super Lawyers Business Edition” (2012)
31. Selected by Texas Monthly as a “Texas Super Lawyer” (2012)
32. Recognized as a “highly recommended” attorney in Baron & Budd’s selection to the Legal 500 List (2012)
33. Selected by Benchmark Litigation, *the Guide to America’s Leading Litigation Firms and Attorneys*, as a Leading Plaintiffs Star in Texas (2012)
34. Selected to be included in The Best Lawyers in America 2013 edition

### **Educational Background**

Texas Tech University School of Law, J.D. 1990  
Phi Delta Phi  
Board of Barristers  
John Marshall Moot Court Team  
National Moot Court Team  
Recipient: American Jurisprudence Award for Appellate Advocacy  
Tarleton State University, B.A. 1986 (cum laude)

### **Admitted to Practice in the Following Courts**

Summy is frequently allowed to practice in states all over the country by applying for admission “pro hac vice.” This allows Summy to handle individual water cases in numerous states. Summy is licensed in the following states and courts:

Supreme Court of Texas  
All State Courts in Texas  
Federal Eastern District of Texas  
Federal Northern District of Texas  
Federal Southern District of Texas  
Federal Western District of Texas  
Fifth Circuit Court of Appeals  
Supreme Court of North Carolina

All State Courts in North Carolina  
All State Courts in New York  
Federal Northern District of Indiana  
Federal Southern District of Illinois  
Superior Court of the State of California, County of Contra Costa

Summy is also AV rated by Martindale-Hubble.

**Reported Cases:**

1. 1998 WL 404491 (E.D.N.C.), *Hurshel L. Ashcraft, et al., Plaintiffs, v. Conoco, Inc., et al., Defendants*, No. 7:95-CV-187-BR(3), United States District Court, E.D.N.C.
2. 218 F.3d 282, *Hurshel L. Ashcraft, et al., Plaintiffs, v. Conoco, Inc., et al., Defendants*, No. 7:95-CV-187-BR(3), United States District Court, E.D.N.C.
3. 218 F.3d 288, *Hurshel L. Ashcraft, et al., Plaintiffs, v. Conoco, Inc., et al., Defendants*, No. 7:95-CV-187-BR(3), United States District Court, E.D.N.C.
4. 2000 WL 1679502 (D. Virgin Islands), *Josephat Henry (Harvey), et. al v. St. Croix Alumina, LLC., et al.*, No. Civ. 1999-0036, District Court of the Virgin Islands, Division of St. Croix, Appellate Division.
5. 864 S.W.2d 648, *The Hartford Insurance Company, Appellant v. Commerce & Industry Insurance Company, Appellee*, No. 01-92-01166-CV, Court of Appeals of Texas, Houston (1<sup>st</sup> Dist.).
6. 852 S.W.2d 37, *The Sherwin-Williams Company, Appellant v. Trinity Contractors, Inc., Appellee*, No. 10-92-251-CV, Court of Appeals of Texas, Waco
7. 578 F.Supp.2d 519, *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y. 2008)
8. 2008 WL 2944653, *In re: Methyl Tertiary Butyl Ether (“MTBE”) Products Liability Litigation*, No. M 21-88, MDL 1358 United States District Court, (S.D.N.Y., Jul 30, 2008)
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