

**Notice of a Public Meeting held by
the City of El Paso’s Public Service Board
to consider a Contingent Fee Contract for Legal Services**

Pursuant to Section 2254.1036 of the Texas Government Code, this written notice to the public contains certain information regarding a contingent fee contract for legal services that will be considered by the Public Service Board (“PSB”) under the Executive Session agenda item:

In re: **Aqueous Film-Forming Foam Products Liability Litigation
– United States Judicial Panel on Multi-District Litigation –
MDL NO. 2873 (551.071)**

at their regular meeting held on the date, time and location listed below and live-streamed at www.epwater.org

8:00 a.m. M.T.

November 8, 2023

Public Service Board Meeting Room 4th Floor
1154 Hawkins Blvd., El Paso, Texas 79925

The PSB will consider the following matters for purposes of determining whether to approve a contingent fee contract for legal services with the law firms of Baron & Budd, P.C., Cossich, Sumich, Parsiola & Taylor, LLC, Slack Davis Sanger, LLP, and Law Offices of Snapper L. Carr (“Law Firms”). If approved by the PSB, the contract would then be submitted to the Texas Attorney General for approval.

Pursuant to Tex. Gov’t Code Sec. 2254.1036, the following public notice is given:

- A. Reasons for pursuing the matter that is the subject of the legal services for which the attorney or law firm would be retained and the desired outcome of pursuing the matter.**

The proposed contingent fee contract is for legal services with respect to a class action lawsuit styled, *In Re: Aqueous Film-Forming Foam Product Multi-District Litigation MDL NO. 2873*, where Defendants, 3M Company and Dupont, have agreed to pay a settlement amount to Public Water Systems that have been impacted by Perfluoroalkyl and Polyfluoroalkyl substances (“PFAS”) and are eligible class members. The reason EPWater is considering whether to pursue this matter is that it is a member of the class action lawsuit. If the PSB approves such a contract, the desired outcome is for the effective legal representation of EPWater as a Public Water System and member of the class action in order to receive any and all available relief under the law.

- B. The competence, qualifications, and experience demonstrated by the attorney or law firm selected under Section 2254.1032.**

The Law Firms have been appointed by the federal court as the Class Counsel in the class action settlement agreement. Exhibit A of this notice describes the competence, qualifications and experience demonstrated by of each law firm.

C. The nature of any relationship, including the beginning of the relationship, between the political subdivision or governing body and the attorney or law firm selected under Section 2254.1032.

Under the contingent fee contract, the Law Firms and their attorneys will serve as attorneys for EPWater in an attorney-client relationship beginning upon approval of the contingent fee contract by the Texas Attorney General. In exchange for providing legal services on behalf of EPWater relating to the class action lawsuit, EPWater will compensate the law firms based on a contingency fee basis, contingent on the settlement outcome under the methodology set forth in the class action agreement that allows for the fee to be calculated based upon a percentage of recovery. EPWater does not have any prior engagements or relationships with the attorneys or Law Firms selected under Section 2254.1032 of the Texas Government Code.

D. The reasons the legal services cannot be adequately performed by the attorneys and supporting personnel of the political subdivision.

The Law Firms have been appointed by the federal court as the Class Counsel in the class action settlement agreement as part of managing the organizational structure of consolidating multiple litigation. Class Counsel has been granted specific authority by the court to advocate on behalf of the class members across the country and be the designated point of contact with the Court and Defendants' counsel. The legal services are specialized and require significant knowledge and expertise in class action litigation and PFAS, which is not an area of expertise inside the EPWater Office of General Counsel or supporting personnel.

E. The reasons the legal services cannot be reasonably obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency.

The legal services cannot reasonably be obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency because the basis for the work required under this class action lawsuit would likely exceed the amount of fees collected on a contingency fee basis due to multiple filings in the class action, voluminous paperwork, amount of time and expertise to complete sample testing as part of the class action and legal issues. Further, the Court has ordered that Class Counsel's time and expenses be submitted to the court to be awarded and paid in a manner established by the Court.

F. The reasons entering into a contingent fee contract for legal services is the best interest of the residents of the political subdivision.

The Public Service Board will ultimately determine the best interest of the ratepayers, customers and residents of the City of El Paso in regards to water services including legal services related to such water services. If the PSB chooses to enter into the contingent fee contract proposed, it would

provide a high-quality legal representation for a specialized class action litigation while using the most fiscally conservative method of compensation for legal services.



Cary McDougal

Shareholder, Attorney at Law

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Fax: (214) 523-6600

Cary L. McDougal, a shareholder with Baron & Budd, has served as lead attorney in more than 75 jury trials in state and federal court. Over the more than two decades that he has practiced law, Mr. McDougal has proven to be a formidable trial lawyer with unflinching

resolve to serve his clients. He has tried cases involving such diverse areas of the law as premises liability, product liability, general personal injury, medical malpractice, insurance litigation and environmental litigation.

For the first 14 years of his legal career, Mr. McDougal handled the defense of matters involving complex litigation throughout Texas and Oklahoma as a partner at two Dallas firms. He focused his practice on civil litigation, and he managed and tried all litigation for several North Texas health care agencies. He co-founded the law firm Aldous and McDougal, which gained recognition for its trial successes on behalf of plaintiffs in medical malpractice, contractual disputes and other matters. Mr. McDougal joined Baron & Budd in 2005.

A shareholder and manager of Baron & Budd's Environmental Litigation Group, Mr. McDougal currently represents more than 200 municipalities and water providers across the country that are seeking clean-up costs for the contamination of their water supplies. His practice includes management of Baron & Budd's cases in the Multi-District Litigation (MDL) MTBE water contamination litigation, which is considered one of the most complex pieces of litigation in the country. He also manages other environmental contamination cases involving chemicals such as TCP, TCE and dioxin.

Mr. McDougal oversees Baron & Budd's representation of public entities and individuals harmed by per- and polyfluoroalkyl substances (PFAS), polychlorinated biphenyl (PCB), methyl tertiary-butyl ether (MTBE), and trichloroethylene (TCE), including GenX. He manages the firm's lawsuits against DuPont and Chemours for poisoning North Carolina drinking wells and the Cape Fear River with numerous toxic PFAS compounds. In addition, he oversees the firm's cases involving firefighting foams that release toxic perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) into drinking water supplies nationwide. Most recently, he has directed Baron & Budd's effort to seek justice for veterans and their family members who were exposed to contaminated drinking water at Camp Lejeune.

Mr. McDougal completed his law degree at the University of Texas School of Law and attained a Master of Public Policy degree from the University of Texas LBJ School of Public Affairs. He continues to serve as a consultant to the LBJ school on issues concerning public policy. He has authored numerous legal papers on civil litigation and trial practice and has spoken at seminars before health care professionals, consumer groups, the insurance industry and attorneys on issues relative to civil litigation.

Mr. McDougal has been inducted into the prestigious American Board of Trial Advocates (ABOTA), a recognition by his peers for his jury trial experience, commitment to the jury process, and ethics. He also holds the top rating from the Martindale-Hubbell Law Directory and was named a Texas Super Lawyer (Thomson Reuters 2005-2006).

Education

University of Texas School of Law (J.D. 1988)

University of Texas LBJ School of Public Affairs (M.P.A. 1988)

Baylor University (B.A. 1984)

Bar & Court Admissions

Texas

United States District Courts for the Northern, Eastern, and Western Districts of Texas

Awards

Top 100 Civil Plaintiff Trial Lawyers (National Trial Lawyers, 2017)

Professional Associations

American Board of Trial Advocates (ABOTA)

American Bar Association

American Association for Justice

Texas Bar Association, Civil Litigation and Environmental Law Sections

Also of Interest

[Our Attorneys \(https://baronandbudd.com/our-attorneys/\)](https://baronandbudd.com/our-attorneys/)

[Chad Taylor \(https://baronandbudd.com/our-attorneys/chad-taylor/\)](https://baronandbudd.com/our-attorneys/chad-taylor/)

[Personal Injury Attorneys Seek Answers for... \(https://baronandbudd.com/news/baron-budd-personal-injury-attorneys-seek-answers-for-grieving-family/\)](https://baronandbudd.com/news/baron-budd-personal-injury-attorneys-seek-answers-for-grieving-family/)

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Our Practice Areas

[Class Actions \(https://baronandbudd.com/class-actions/\)](https://baronandbudd.com/class-actions/)

[Dangerous Drugs & Devices \(https://www.druginjurynews.com/\)](https://www.druginjurynews.com/)

[Environmental \(https://www.environmentallitigationgroup.com/\)](https://www.environmentallitigationgroup.com/)

[Mesothelioma \(https://baronandbudd.com/mesothelioma/\)](https://baronandbudd.com/mesothelioma/)

[Serious Accidents \(https://baronandbudd.com/serious-accidents/\)](https://baronandbudd.com/serious-accidents/)

[Whistleblower Representation \(https://www.becomeawhistleblower.com/\)](https://www.becomeawhistleblower.com/)

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(https://www.google.com/maps/place/Baron+%26+Budd,+P.C./@32.8090935,-96.8079239,15z/data=!4m2!3m1!1s0x0:Csa=X&ved=0ahUKewjxueVmKvVAhXKwFQKHT5LBPQQ_BII5QwZg)

Office Locations

Chico, CA (<https://baronandbudd.com/contact-us/>) | Los Angeles, CA (<https://baronandbudd.com/about/office-locations/los-angeles-california/>)

Baton Rouge, LA (<https://baronandbudd.com/about/office-locations/baton-rouge-la/>) | New Orleans, LA (<https://baronandbudd.com/about/office-locations/new-orleans-la/>)

San Diego, CA (<https://baronandbudd.com/contact-us/san-diego-solana-beach-ca/>) | Washington, DC (<https://baronandbudd.com/contact-us/washington-d-c/>)

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MENU

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ATTORNEYS/SCOTT-SUMMY/#)



Scott Summy

Shareholder, Attorney at Law

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Scott Summy is the leader of the Environmental Litigation Group (ELG) and a shareholder at Baron & Budd. ELG was started by Mr. Summy in 2002 and is comprised of 30 attorneys and support professionals who concentrate on large environmental litigation across the country. In 2020, Law360 recognized ELG with its highly prestigious *Practice Group of the Year* awards for the United States in the category of Environmental Law.

Mr. Summy has served both in court-appointed leadership positions and directly represented clients in some of the country's largest environmental cases with national significance. It all began with a single phone call in August 1995 when Mr. Summy was a new lawyer. He received a call from a prospective client in North Carolina who had learned that he and his neighbors had been ingesting the chemical MTBE in their drinking water wells for years. Mr. Summy took the case, and after years of fighting for the residents' rights and going to trial, the case resulted in a record settlement.

Mr. Summy soon learned that MTBE was contaminating drinking water wells all over America. That case proved to be only the first of many to come. Mr. Summy was hired by public water providers all over the country whose residents had contaminated wells. He became the "go to" lawyer for public entities facing environmental contamination which impacted their public resources. Mr. Summy has represented public entities from the east coast to the west coast and all across middle America. He and his ELG Team have recovered billions of dollars on behalf of their clients in environmental litigation.

Significant Cases

PCBs

These cases focus on the importance of stormwater and the waterbodies that stormwater drains into. ELG represents multiple public entities that have sued Monsanto for the effects of legacy contamination from PCBs. Municipal public entities are being required to expend monies to lower the levels of PCBs from their stormwater systems. States are dealing with the effects of PCBs to precious natural resources including all forms of sea life, including fish and whales. These natural resources are being impacted by PCBs in part due to contaminated stormwater being released into some of the country's most precious waterbodies and impacting the sea life that lives there. Monsanto knew about the toxic effects of PCBs decades ago. It also acknowledged that its product had reached the status of "global contaminant". These lawsuits are based in tort in multiple jurisdictions and are the first product liability tort cases in America dealing with stormwater.

Mr. Summy helped negotiate a landmark \$648M nationwide class settlement with Monsanto on behalf of permitted stormwater operators who discharge into PCB impaired waterbodies. The settlement was approved by Judge Olguin in the Central District of California. This is believed to be the first case in U.S. history to hold the manufacturer of a product responsible for stormwater contamination. The Court overseeing the settlement has appointed Scott Summy, John Fiske and Carla Pickrel, all of ELG, as Lead Class Counsel. Separate settlements totaling \$167.6M have also been reached on behalf of the States of Washington, the District of Columbia and New Mexico.

Many of ELG's clients filed the individual lawsuits that resulted in the class settlement and these clients are serving as proposed Named Class Representatives. They include the Cities of Baltimore, Berkeley, Chula Vista, Long Beach, Oakland, Portland, San Diego, San Jose, Seattle, Spokane and Tacoma; the Port of Portland; Counties of Baltimore and Los Angeles; District of Columbia and the States of Washington and New Mexico due to PCB contamination.

MTBE

Mr. Summy represented more than 200 public water providers (e.g., municipalities, water districts, utilities, and school districts) and private well owners whose water was contaminated by MTBE and/or TBA. Many of these cases were consolidated in an MDL where Mr. Summy was appointed Co-Lead Counsel and a member of the Plaintiffs' Steering Committee. On behalf of these clients, Mr. Summy sought cost recovery for treatment facilities, operation and maintenance costs, out-of-pocket expenses, and administrative costs. Settlements in these cases totaled over \$1 billion dollars. A settlement of particular note was for the City of Santa Monica, which was valued by the Court at \$315.5 million. Mr. Summy currently represents the State of Rhode Island in MTBE litigation.

Atrazine

Mr. Summy also represented all public water providers in the United States whose water was contaminated with atrazine, a common agricultural chemical used on corn and other crops. On behalf of these water providers, the Group brought claims against Syngenta, the company that makes atrazine and was aware that its normal use caused drinking water contamination. Mr. Summy negotiated a settlement awarding \$105 million to more than 2,000 water providers. Mr. Summy served as Co-Lead/Class Counsel appointed by the Court on behalf of all class members.

California Wildfires

Mr. Summy and ELG currently represent more than 20 public entities in litigation resulting from the devastating 2015, 2017 and 2018 California wildfires. The firm also represents hundreds of individuals and businesses. These fires were caused by the electrical utilities' failure to recognize permanent alterations in weather patterns caused by climate change. The utilities also failed to maintain their equipment and to adequately trim foliage surrounding their equipment. The cases are pending in four consolidated pieces of litigation – two in the North: Northern California Fires, JCCP 4955 and Camp Fire Cases, JCCP 4995; and two others in the South: Southern California Fires, JCCP 4965 and Woolsey Fires, JCCP 5000. Mr. Summy currently serves, along with Baron & Budd shareholder John Fiske, as Co-Lead Counsel for the public entities in Southern California and Woolsey Fire JCCPs. He was also appointed as Co-Lead Counsel for the public entities in the Northern California JCCP prior to PG&E filing bankruptcy. Those cases are now pending in the bankruptcy court.

Mr. Summy recently reached a tentative settlement for the Northern California Public Entities for \$1 billion. The clients include Butte County, Butte-Glenn Community College District, City of Chico, City of Clearlake, City of Cloverdale, Lake County, Mendocino County, City of Napa, Napa County, Nevada County, City of Santa Rosa, Paradise Recreation & Park District, Sonoma County, Thermalito Water and Sewer District, Town of Paradise, Town of Windsor and Yuba County.

He previously settled cases on behalf of several public entities for damages suffered as a result of the Butte Fire. Those entities include Calaveras County, Calaveras County Water District, Ebbetts Pass Fire District, San Andreas Fire District and West Point Fire District.

Mr. Summy also secured a \$360 million settlement from Southern California Edison on behalf of 23 public entities for taxpayer losses caused by the 2017 Thomas Fire, the 2018 Montecito Debris Flows, and the 2018 Woolsey Fire. These clients include Carpinteria-Summerland Fire Protection District, City of Agoura Hills, City of Calabasas, City of Hidden Hills, City of Malibu, City of Santa Barbara, City of Thousand Oaks, City of Ventura, City of Westlake Village, Conejo Valley Recreation and Park District, Conejo Open Space Conservation Agency, Los Angeles County, Los Angeles County Consolidated Fire Protection District, Los Angeles County Flood Control District, Montecito Water Protection District, Montecito Fire Protection District, Rancho Simi Recreation and Park District, Santa Barbara County and several related agencies and Ventura County and several related agencies.

In addition to public entities, Mr. Summy represents thousands of families and businesses who lost everything due to the negligent maintenance, inspection, and operations of these investor-owned utilities.

PFAS/AFFF

AFFF MDL – Mr. Summy was recently appointed as Co-Lead Counsel by the court in AFFF MDL No. 2873 pending in federal district court in South Carolina. This litigation focuses on PFAS contamination to the environment by its use in fire foam. The litigation focuses on the manufacturers of AFFF and PFAS and seeks damages for extensive contamination. This is the hottest environmental issue in the United States presently. Mr. Summy represents numerous public entities in the MDL. They include Bakman Water Company, California Water Service Company, City of Lauderhill, City of Pensacola, City of San Jose, City of Sioux Falls, Coraopolis Water & Sewer Authority, Emerald Coast Utilities Authority, England Economic and Industrial Development, Lakefront Management Authority, Sioux Falls Airport Authority, South Adams County Water and Sanitation District, Town of Ayer, Town of Barnstable, Town of Danvers and Town of Maysville.

Mr. Summy is also serving as Co-Chair of the General Liability Discovery Committee and the Science Committee. Baron & Budd Shareholder Carla Burke Pickrel is also serving as Co-Chair of the Law and Briefing Committee.

GEN-X – Mr. Summy and the Group are currently seeking relief on behalf of public water providers and individuals against E. I. du Pont de Nemours and The Chemours Company for decades-long contamination of the Cape Fear River, along with the air and groundwater near the Fayetteville, North Carolina plant from Gen-X compounds and dozens of other per- and polyfluoroalkyl substances in the PFAS chemical family. For 35 years, DuPont and Chemours have contaminated the river and more than a hundred private wells around their plant. Mr. Summy and the Group represent Brunswick County, the Town of Wrightsville Beach, and the Lower Cape Fear Water & Sewer Authority as they seek to recover the costs of removing all PFAS chemicals before the water is distributed to the public. The Group also represents the owners of most of the private wells around the plant that have been contaminated, and is seeking damages for well filtration, all costs associated with filtration, and property damage. This case is of national significance as focus has shifted to the prevalence of PFAS chemicals across the country.

Gulf Oil Spill

Mr. Summy's experience with environmental litigation led to a leadership role in the litigation arising from the Deepwater Horizon explosion and oil spill in the Gulf of Mexico. In 2010, he was appointed to the Plaintiffs' Executive Committee and Plaintiffs' Steering Committee in the Gulf Oil Spill Multi-District Litigation in the Eastern District of Louisiana. In that capacity, he played a critical role in negotiating a settlement and claim procedure for the tens of thousands of individuals, businesses, and governmental entities injured by the oil spill. To date, the value of this settlement is estimated to exceed \$14 billion. Mr. Summy and the Group also represented hundreds of businesses with claims against BP and have recovered in excess of \$100 million on behalf of these clients.

Mr. Summy also represented a number of public entities who sustained loss of tax revenue due to the oil spill and assisted in the recovery of their significant damages. These entities include City of Anna Maria, City of Bristol, City of Holmes Beach, City of Marathon, City of Monticello, City of Niceville, City of Palmetto, City of Pensacola, City of St. Marks, City of Tallahassee, Collier County, Escambia County, Jackson County, Jefferson County, Lee County, Leon County, Manatee County, Monroe County, Okaloosa Gas District, Pensacola Downtown Improvement Board, Santa Rosa County, School Board of Calhoun County, School Board of Escambia County, School Board of Jefferson County, School Board of Leon County, School Board of Martin County, School Board of Miami-Dade County, School Board of Monroe County, School Board of Palm Beach County, School Board of Polk County, School Board of Santa Rosa County, School Board of Volusia County, School Board of Wakulla County, Town of White Springs, Village of Islamorada, and Wakulla County.

TCP

Mr. Summy and the Group were involved in developing successful product liability theories against the makers of nematicides applied to crops in California. These nematicides contained the scavenger chemical 1,2,3TCP. Over the last decade, Mr. Summy and the Group have represented many California public entities whose public drinking water wells

were impacted by TCP. The public entities represented include California Water Services, City of Bakersfield, City of Delano, City of Livingston, City of Oceanside, City of Shafter, City of Wasco, Lamont Public Utility District and Montara Water & Sanitary District. Results to date exceed \$200 million. The group currently represents San Joaquin County in their litigation.

Santa Barbara Oil Spill

Mr. Summy represented the City of Santa Barbara and Santa Barbara County against Plains All-American Pipeline. The company's pipeline ruptured, spilling oil in the vicinity of Santa Barbara residents and the Pacific Ocean. These cases were successfully resolved.

Coal Ash – Duke Energy

Mr. Summy and the Group were part of the team that successfully resolved litigation for residents living nearby Duke Energy Coal Ash ponds. Chemicals have leaked from these ponds and contaminated drinking water wells with hexavalent chromium and other dangerous chemicals.

Presentations

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

- > ABA Class Actions Institute 2022 – Public Nuisance Panel (April 12, 2022)
- > 5th Annual Class Action Money & Ethics Conference. “Easily Found and Hard to Forget: Class Action and Forever Chemicals-Environmental PFAS Liabilities: The Plaintiffs’ Perspective” (June 29, 2021)
- > California Coast Chapter of ABOTA: “Wildfire Litigation Spreads to Mass Tort” (February 21, 2018)
- > 360 Advocacy, Damages: Go Big, Always Go Big, “Many Ways to Go Big – A Different Perspective on Environmental Cases.” (June 12-14, 2016)
- > ABA Section of Environment, Energy, and Resources, 21st Fall Conference, Water, Wind, Waste, and More: Navigating New Tides in Environment, Energy and Resource Regulation “Low Dose Litigation ‘The Plaintiff’s Perspective,’” (October 9-12, 2013)
- > “BP Oil Spill Litigation Update,” Energy Accounting and Technology Conference, University of New Orleans, May 15, 2012
- > Mass Torts Seminar – Deepwater Horizon/BP Spill, Status of MDL, April 20th Deadline and Status of Scientific Experts (April 13-15, 2011)

- > 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)
- > 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)
- > Ohio Section – AWWA – 9th Annual Safe Drinking Water Act Seminar, “Atrazine Litigation: Recovering the Costs of Treatment,” (November 17, 2005)
- > Speaker, “Update on MTBE Litigation,” 4th Annual Energy Litigation Conference, October 19, 2005
- > 2005 International Municipal Lawyers Association Annual Conference, “Representing Public Water Providers in Water Contamination Cases,” (September 26, 2005)
- > Ohio Section – AWWA Conference, “Atrazine Litigation: Recovering the Costs of Treatment,” (September 21, 2005)
- > 2005 National Ground Water Association Ground Water Summit, “Emerging Contaminants, MTBE and Their Impact on America’s Water Supply,” (April 18, 2005)
- > 2004 Mealey’s MTBE and USTs Litigation Conference, “Lessons Learned in the Settlement and/or Trial of MTBE Cases,” (December 7, 2004)
- > 2004 Page Keeton Civil Trial Conference, “Representing Water Providers in Environmental Litigation,” (October 28, 2004)
- > California Nevada Section – American Water Works Association, “Perchlorate – The Blast That Lasts,” (October 13, 2004)
- > International Municipal Lawyers Association, “Emerging Contaminants,” (October 5, 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)
- > American Ground Water Trust, “Perchlorate in America’s Ground Water” (May 3, 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)
- > United States Composting Council 12th Annual Conference (January 25-28, 2004)
- > International Municipal Lawyers Association, “Protecting Your Drinking Water: MTBE Detects? The Solution to MTBE Pollution” (October 12 – 15, 2003)
- > Tribal Concerns – Perchlorate Contamination Conference, “How Do We Pay The Costs of Restoration?” (September 10, 2003)

- > United States Composting Council 11th Annual Conference (January 28-30, 2003)
 - > Mealey's MTBE & USTs Litigation Conference (Co-Chairman, November 4-5, 2002).
 - > Mealey's MTBE Litigation Conference 2001 (May 10-11, 2001)
 - > American Bar Association Section of Environment, Energy, and Resources 30th Annual Conference on Environmental Law (March 8-11, 2001)
 - > Speaker, "Plaintiff, Defense and Expert Perspectives," Mealey's Toxic Tort Conference, April 17-18, 2000
 - > Mealey's MTBE Conference (May 11-12, 2000)
 - > Mealey's Toxic Tort Conference: Plaintiff, Defense and Expert Perspectives (April 17-18, 2000)
 - > Mealey's Emerging Toxic Torts, "UST and MTBE Litigation Conference" (Co-Chairman, November 15, 1999)
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Publications

Mr. Summy has published articles regarding the legal aspects of handling cases involving chemicals that impact his clients. In 2003, Mr. 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 Mr. Summy's MTBE water clients of their rights to pursue the major oil companies under a products liability cause of action. Mr. Summy attempted to assist his clients by criticizing the controversial provision. These are cited as follows:

- > "Unnatural Disasters" American Association of Justice – Trial Magazine, January 2019. Co-authored with John Fiske.
- > "Poison In The Well" American Association of Justice – Trial Magazine, August 2016. Co-authored with John Fiske and Carla Burke Pickrel
- > "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
- > "Cities May Lose Rights to Pursue Oil Companies for MTBE Contamination," New Jersey Conference of Mayors, February 2004
- > One article authored by Mr. 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? 2003

- > "Fuel Safe Harbor' Provision Grants Immunity to MTBE Manufacturers," New Jersey Law Journal, Vol. CLXXIV – No. 3 – Index 237, October 20, 2003
 - > "MTBE Immunity Provision A Bad Idea," Texas Lawyer, October 13, 2003
 - > He 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)
-

Reported Cases

- > In Re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010, MDL 2179
- > *In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, 175 F. Supp.2d 593 (S.D.N.Y. 2001).
- > *Ashcraft v. Conoco, Inc.*, 218 F.3d 282 (4th Cir. 2000).
- > *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000).
- > *Hartford Ins. Co. v. Commerce & Industry Ins. Co.*, 864 S.W.2d 648 (Tex. App. — Houston [1st Dist.] 1993, writ denied).
- > *Sherwin-Williams Co. v. Trinity Contractors, Inc.*, 852 S.W.2d 37 (Tex. App. – Waco 1993, writ denied).

Education

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*)

Bar & Court Admissions

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

Awards

Law360 – Practice Group of the Year – Environmental Law category (2020)

9-Figure Litigator (America’s High Stakes Trial Lawyers, 2020)

Selected as a Fellow of the American Bar Association (2019)

Selected to America’s Top 100 High Stakes Litigators (2018 – 2020)

Selected to be included in the National Trial Lawyer – Top 10 Environmental Trial Lawyers Association (2018)

Selected to be named to the National Law Journal’s Plaintiff’s Lawyers Trailblazer List

Recognized as a “recommended” attorney in Baron & Budd’s selection to the Legal 500 List (2017)

Selected as one of the “Premier 20 Over 20” trial attorneys for Texas for The National Academy of Jurisprudence (2017)

America’s Top 100 Attorneys – Lifetime Achievement Award

Selected as one of the Premier 100 Trial Attorneys for The National Academy of Jurisprudence (2016)

Legacy Award Winner for Civility and Integrity – Tarleton State University 2016

Winner of the prestigious Burton Award for “Poisoning the Well,” Trial Magazine (August 2016)

Selected as Top 10 Environmental Trial Lawyer’s Association National Trial Lawyer Magazine

2016 Best Lawyers – “Lawyer of the Year” Mass Tort Litigation/Class Actions (Dallas/Ft. Worth)

Best Lawyers in America in Mass Tort Litigation / Class Actions – Plaintiffs (2006-2024)

Selected by Benchmark Litigation as a “Local Litigation Star” in Texas 2014 edition

Selected as Texas Super Lawyer – 12 consecutive years

Selected by Texas Monthly to be included in “Super Lawyers Business Edition” (inaugural publication)

Selected to be included as a 2013 Top Rated Lawyer in Energy, Environmental, & Natural Resources in the April issue of The American Lawyer & Corporate Counsel magazine

Two Time Finalist for the Prestigious national Public Justice Trial Lawyer of the Year Award (2009, 2013)

Recognized as a “highly recommended” attorney in Baron & Budd’s selection to the Legal 500 List (2012)

Selected by Benchmark Litigation, the Guide to America’s Leading Litigation Firms and Attorneys, as a Leading Plaintiffs Star in Texas (2012)

Selected as one of “The American Trial Lawyers Association’s Top 100 Trial Lawyers for Texas – 2008-2009”

Selected to be included in Lawdragon, 500 Leading Attorneys in the U.S. (2009 edition)

Selected as one of “The American Trial Lawyers Association’s Top 100 Trial Lawyers for Texas 2008”

Best Lawyers Under 40 in Dallas (*D Magazine*, 2004)

Selected by D Magazine as one of the “Best Lawyers in Dallas” (4 years)

California Lawyer Magazine Trial Lawyer of the Year Award (CLAY) for Environmental Law – MTBE Litigation 2001

Selected as 2022 Texas’ Best Lawyers

Professional Associations

Mr. Summy is actively involved in organizations that are important to his clients, public and private well owners. He was 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

Association of Metropolitan Water Agencies (AMWA)

National Association of Water Companies (NAWC)

Association of California Water Agencies (ACWA)

American Ground Water Trust

Environmental

Western Environmental Law Center – Advisory Council (2003 – 2005)

Legal

American Association for Justice (Co-Chair Gulf Coast Oil Spill Litigation Section; Environmental Law Section; Interim Co-Chair – Wildfire Litigation Group)

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

The National Trial Lawyers: Top 100 Trial Lawyers

National Academy of Jurisprudence

Consumer Attorneys of San Diego

Fellow of the American Bar Association

Mr. Summy is AV Preeminent rated by Martindale-Hubble

Charitable

Supreme Court Youth Organization (Founder and President)

Texas Tech Law School Foundation (Board of Trustees)

Mr. Summy has endowed a Pre-Law Scholarship in his namesake at his alma mater, Tarleton State University

We speak Spanish & Vietnamese. Se habla español. Chúng tôi có một thông dịch viên tiếng Việt có sẵn.

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Philip F. Cossich, Jr.

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Philip F. Cossich, Jr.

Founding Partner

Contacts

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Biography

Philip F. Cossich, Jr. is the senior partner of Cossich, Sumich, Parsiola & Taylor, L.L.C. He earned a bachelor of arts degree, magna cum laude, from Tulane University in 1980 and a Juris Doctor degree, cum laude, from Tulane School of Law in 1983.

His law practice focuses in the areas of personal injury, admiralty, complex business litigation, class action, multi district litigation and insurance law. Phil has experience litigating cases arising out of contamination caused by Trichloroethylene (TCE) and Perfluorinated Chemicals (PFCs). He served on the Plaintiffs' Steering Committee for the BP Multidistrict Litigation and as class counsel for all plaintiffs in the economic and property class settlement. Phil is also one of the top hurricane litigation attorneys in the country. He has recovered for his clients, tens of millions of dollars in damages resulting out of lawsuits from natural disasters and oil contamination.

He has also served on the boards of Catholic Charities of New Orleans, Isidore Newman School, Academy of the Sacred Heart and Greater New Orleans Foundation. He has been honored with Louisiana Association of Justice President's Award, Youth Leadership Council Role Model 2011, and the New Orleans Regional Leadership (NORLI) Class of 2008. He presently serves on the board of the Plaquemines Community Foundation. He serves on the Executive Committee of the Louisiana Association for Justice. He is currently on the Science and Discovery Committees for In re: Aqueous Film-Forming Foam Products Liability Litigation, MDL-2873, before the Honorable Richard M. Gergel in the United States District Court for the District of South Carolina.

Education

Tulane School of Law, J.D. 1983

Tulane University, B.A. 1980

Court Admissions

Phil is admitted to practice before all Louisiana courts, the United States Supreme Court, the United States Court of Appeals for the Fifth and Sixth circuits, and the United States Court of Federal

Memberships

Louisiana State Bar Association
American Association of Justice
Louisiana Association of Justice
Plaquemines Parish Bar Association (Past-President)

Recognition

Selected as 2008 – 2021 Super Lawyers
Selected as Honoree 2020 AV Preeminent Attorney – Judicial Edition
The National Trial Lawyers: Top 25 Class Action Trial Lawyers Association
Selected to be included in St. Charles Avenue Magazine as Top Attorneys in Louisiana
National Trial Lawyers, Class Action Top 25 (2021)
Awarded an AV Peer Review Rating from Martindale-Hubbell (1994-2021)
Selected as Member of the Million Dollar Advocates Forum
2014 National Trial Lawyers: Top 100
2012 Martindale-Hubbell Peer Review Rating AV Preeminent
1994-2009 Martindale-Hubbell Peer Review Rating AV for 15 years
January 2008, 2009, & 2011 Top Attorneys in Louisiana in Louisiana Life Magazine
January 2010 & 2013 Top Attorneys in Louisiana in St. Charles Avenue Magazine
Million Dollar Advocate

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□



Michael L. (Mike) Slack

**Slack Davis Sanger, L.L.P.
Managing Partner & Co-Founder**

Practice Areas

- Airplane (<https://www.slackdavis.com/services/aviation-accident/>) & Helicopter Crashes (<https://www.slackdavis.com/services/aviation-accident/helicopter/>)
- Catastrophic Personal Injury (<https://www.slackdavis.com/personal-injury/>)
- Dangerous Products (<https://www.slackdavis.com/defective-vehicles/>)
- Truck Accidents (<https://www.slackdavis.com/truck-accidents/>)
- Wrongful Death (<https://www.slackdavis.com/personal-injury/wrongful-death/>)
- Class Actions (<https://www.slackdavis.com/class-action/>)

Mike Slack focuses on the most challenging and demanding areas of civil litigation, including aviation law and product liability cases against major corporations. A licensed pilot and former NASA aerospace engineer, Mike combines his technical knowledge and skills with his extensive litigation and trial experience for the benefit of his clients.



Mike's legal experience includes more than 36 years and litigating hundreds of lawsuits arising from catastrophic injuries and deaths due to unsafe products or practices. For most of his legal career, he has focused on aviation accident cases, handling a diverse array of aviation accident cases in every aviation realm from major airline disasters to smaller general aviation aircraft. Besides providing the highest-quality legal services, Mike believes that it is his firm's responsibility not just to serve as our clients' legal advocate, but also to provide a comprehensive support system for our clients who have experienced a tragedy in their lives. In his legal career Mike has litigated or tried lawsuits in state or federal courts in 36 states.

As an engineer, Mike is a problem solver. He relentlessly seeks to identify the problem that led to the accident or loss and identify ways to correct deficiencies in the product or practice. Mike makes it a priority to be proactive in a lawsuit and reduce or eliminate the risk of similar accidents or losses from happening in the future. He has received national media attention as an advocate for aviation safety, especially stronger federal oversight over unsafe products or practices in the realms of aircraft design and operations of air ambulances, charters, air tours and commercial hot air balloons.

Mike has achieved record settlements and verdicts in numerous cases against aviation operators and manufacturers. Besides securing optimum monetary compensation for his clients, Mike aggressively seeks to eliminate dangerous defects for unsafe products or practices. In a case where the product defect was being ignored by the manufacturer and the Federal Aviation Administration, he was able to negotiate a voluntary recall program as part of the settlement, in which the helicopter manufacturer agreed to establish a retrofit program for its owners to obtain a redesigned fuel system that eliminated the risk of a post-impact fire in otherwise survivable accidents. That agreement also included an inspection protocol where he could visit the manufacturer's facility and inspect the retrofit production line with no prior notice to the manufacturer.

Prior to becoming a lawyer, Mike was a senior aerospace engineer at NASA, where he worked on the Apollo-Soyuz and Space Shuttle programs and received special recognition from NASA for his contributions. While at NASA he innovated a system, later used on Space Shuttle launches, which greatly mitigated flight loads during ascent. In 2002, the American Institute of Aeronautics and Astronautics named Mike an Associate Fellow, a unique honor for an attorney. He has been honored with the Outstanding Aerospace Engineer and Distinguished Aerospace Engineer Alumni Awards by the Texas A&M University's Department of Aerospace Engineering in the Dwight Look College of Engineering.

Mike is certified by the National Board of Trial Advocacy as a Civil Trial Advocate and by the Texas Board of Legal Specialization in Personal Injury Trial Law.

Education

- B.S. and M.S., Aerospace Engineering, *Texas A&M University* (<https://www.tamu.edu/index.html>)
- J.D., *The University of Texas at Austin* (<http://university%20of%20texas%20school%20of%20law/>)

Licenses

- Licensed Extra Class Amateur Radio Operator W5QKM
- Private Pilot Single Engine Land, Instrument Rating

Professional Associations

- State Bar of Texas
- American Bar Association
- American Board of Trial Advocates
- Texas Trial Lawyers Association
 - Past President (1997)
 - Board of Directors
- American Association for Justice
 - Past Chair, Aviation Law Section

- Board of Governors
- Lawyer-Pilots Bar Association
- American Astronautical Society
- American Institute of Aeronautics and Astronautics (AIAA)
- International Society of Air Safety Investigators
- Department of Aerospace Engineering, Texas A&M University, Advisory Board (2005-2019)
- Judicial Compensation Commission, State of Texas (2008–2017)
- Texas Pattern Jury Committee Volume I (2008–2017)
- Texas Pattern Jury Oversight Committee (2018-present)
- Texas A&M Hagler Institute for Advanced Study External Advisory Board (2023)

Honors & Awards

- Board Certified, Texas Board of Legal Specialization, Personal Injury Trial Law
- Board Certified, National Board of Trial Advocacy, Civil Trial Law
- Registered Professional Engineer (Aerospace), Texas (Inactive)
- Licensed Pilot, Airplane Single Engine Land, Instrument Rating
- *The Best Lawyers in America*, 1999-present
- AV Preeminent Rated by Martindale-Hubbell
- Super Lawyers, 2003-present
- Bendix National Student Design Team Award Recipient (Unmanned Venutian Lander), 1973
- National Aeronautics and Space Administration (1981) (Mission STS-2)
- 73rd Texas Legislature, Lt. Gov. Bob Bullock (Contributions to Products Liability Bill)
- Outstanding Aerospace Engineer, Texas A&M University (2014)
- Distinguished Aerospace Engineering Alumni, Texas A&M University (2018)
- Distinguished Aggie Lawyer, Texas A&M University (2023)





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cy.com

We help our clients accomplish their goals by developing the right strategy, implementing tactics that work, and incorporating our firm's executive and grassroots networks in our customized, client-driven advocacy solutions.

FOCUSED ADVOCACY

Our Leadership Team



Curt Seidlits

FOUNDER AND CEO

Seidlits is one of Austin's premier government affairs and lobby strategists. Before founding Focused Advocacy, Seidlits was Senior Vice President of Public Affairs for Energy Future Holdings, formerly TXU Corp. He oversaw federal, state, and local governmental advocacy, as well as public policy and political action committees. Before joining TXU, Seidlits was the president and CEO of the Association of Electric Companies of Texas, a group representing the investor-owned electric companies in Texas. During Seidlits' thirteen-year tenure in the electric industry, he helped engineer the public policy change

EXHIBIT A

establishing competition in the electric industry and led the ensuing debates over several legislative sessions. Seidlits served in the Texas House of Representatives from 1986 - 1996. He served on a variety of House Committees including Judiciary, Ways and Means, and Elections and Redistricting. In 1993, he was appointed chairman of the House State Affairs Committee and during his tenure he oversaw many diverse issues, including tort reform, ethics, utility regulation, public information and procurement. Seidlits sponsored legislation that substantially rewrote the state's electric and telecommunications regulations. Seidlits earned both his law degree and bachelor's degree in political science from Baylor University in Waco, Texas. He began his legal career as a prosecutor and has spent more than forty years in legal practice.



Brandon Aghamalian

PARTNER AND PRESIDENT

Aghamalian is a recognized expert on municipal issues, economic development, property taxes, and transportation and transit. He has worked in and around Texas state government for over twenty years. Aghamalian joined Focused Advocacy in 2010 to establish the firm's lobby practice and local government advocacy group. Prior to that, Aghamalian founded and managed a local government practice for HillCo Partners, representing dozens of cities before the Legislature. From 2002 to 2006, Aghamalian was the Director of Government Relations for

the City of Fort Worth, where he served in the administrations of Mayors Ken Barr and Mike Moncrief. Earlier in his career, Aghamalian worked in various capacities at the State Capitol, including stints as Director of the House Committee on Business and Industry, Chief of Staff for State Representative Kim Brimer, and Legislative Director for Representative Todd Smith. Aghamalian is a graduate of the Texas State University (BA in Accounting) and earned a Doctor of Jurisprudence from the UT School of Law and a Master of Public Affairs from LBJ School of Public Affairs.



Snapper Carr

PARTNER AND GENERAL COUNSEL

Carr joined Focused Advocacy in 2010 to establish the firm's lobby practice and local government advocacy group. His primary focus is representing the needs of local governments before the Texas Legislature. From 2006 to 2010, Carr founded and managed a local government practice for HillCo Partners, representing dozens of cities before the Legislature. Previously, Carr served as the Legislative Counsel and Associate for the Texas Municipal League (TML) from 1998 to 2006, representing municipal interests before state and federal legislative, administrative and judicial bodies. At TML, Carr earned a reputation as an expert in the fields of land usage, utilities, military and water issues. From 1994 to 1998, Carr served as the committee clerk for two Texas House committees -- the Committee on State

Affairs and the Committee on Land and Resource Management. Carr is a graduate of The University of Texas at Austin, where he earned a Bachelor's degree in Communications and Government and a Doctor of Jurisprudence from the UT School of Law.

Client Success Team



LYNLIE HURD, LEGISLATIVE AND REGULATORY COUNSEL

Lynlie provides strategic counsel to a diverse client base to aid in the development of individualized strategies to achieve clients' legislative goals. She possesses 17 years of experience in facilitating the development of



JOSH MEEKS - COMMUNICATIONS DIRECTOR

Josh is a seasoned public affairs professional who specializes in creative communication solutions at the Texas Capitol and statewide. The founder of Republic Square Media, Josh delivers writing, digital design

public policy in both local and state government. Prior to joining Focused Advocacy, she served as chief of staff for a former chairman of the Texas House Natural Resources Committee for over a decade. Lynlie's background includes serving as a member of the Bexar County Commissioners Court staff, consulting on multiple federal, state, and municipal political campaigns, and working as a public affairs account executive for a regional public relations firm. She holds a Bachelor of Arts in Government from Angelo State University and Doctor of Jurisprudence from St. Mary's University School of Law.

and storytelling support to former and current clients include local governments, issue campaigns, statewide trade associations, Fortune 10 companies, and more. Josh's work inside the Texas Legislature includes nearly a decade of service as legislative director and communications director in the Senate, where he staffed the Senate Finance Committee, state budget conference committee, and more. Josh currently manages Focused Advocacy's communications, social media and crisis management operations.

Our Specialties

Focused Advocacy is a premier public affairs firm based in Austin, Texas. With a seasoned team and a large research staff, we help our clients accomplish their goals by developing the right strategy, implementing tactics that work, and incorporating our firm's executive and grassroots networks in our customized, client-driven advocacy solutions.

Our specialties include lobbying on behalf of municipal policy issues, navigating regulatory issues for utility and energy interests, developing procurement strategies that work, and advocating for the values we share with our clients.

We are proud that Focused Advocacy continues to set best practices for local government and utility-related advocacy at the Texas Capitol. We are grateful that our diverse roster of clients continue to trust our team with their government relations priorities.



LEGISLATIVE ADVOCACY

The legislative advocacy team at Focused Advocacy have more than 100 years of combined experience at the Texas Capitol. With nearly a thousand bills passed and partners who maintain one of the richest network of relationships in the advocacy industry, we're proud of the results our clients have accomplished.



MUNICIPAL GOVERNMENT LOBBYING

Focused Advocacy's second-to-none municipal advocacy team are proud to support the continued success of cities large and small across Texas. Without exception, our municipal government practice is recognized by experienced insiders as the premier lobbyists for cities statewide.



UTILITIES AND ENERGY-RELATED REGULATORY CHALLENGES

Our regulatory team have served as front-line decision makers in the legislative and regulatory arenas for nearly three decades. Our successes help our clients protect investment, maintain the stability of critical services, and establish paths for client-driven initiatives that lead to long-term success,



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