

THOUGHT LEADERSHIP

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Husch Blackwell Wins Unanimous 12-0 Defense Verdict in California Property Contamination Trial

A Husch Blackwell trial team lead by partner Mhare Mouradian successfully defended two defendants in an environmental property contamination lawsuit when a 12-person California jury unanimously ruled in favor of the defendants—the owners of a shopping center and the tenants.

The jury found the defendants were not negligent in their use of the property, did not recklessly or negligently cause harmful chemicals to enter plaintiff's property and did not create or permit a condition to exist that was harmful to health.

In 2007, the California Regional Water Quality Control Board, San Francisco Bay Region ("Board") conducted an investigation into perchloroethylene (PCE)—a chemical commonly used by dry cleaners—contamination in Marin County, California. A year later, the Board opened up a case and issued several work orders for site clean-up.

The plaintiff filed suit against the adjacent property's owner, landlord and tenants for nuisance, trespass, negligence, negligence per se, declaratory relief and injunctive relief and claimed loss of property value by more than \$6 million. In its suit, plaintiff Catholic Charities CYO of the Archdiocese of San Francisco alleged that dry cleaning businesses at an adjacent property released PCE into soil under the dry cleaning building, outside the back door of the building and extended on plaintiff's property.

The verdict follows a five week trial in a heavily litigated dispute that dates back to 2017 in Marin County Superior Court. The jury unanimously agreed, after deliberating for approximately three hours, that none of the defendants were liable and awarded zero damages to plaintiff.

“We are grateful for the jury’s efforts during this long and complex trial, and thankful that they were able to determine the facts that absolved our clients of any liability,” Mouradian said.

The case was tried by Mouradian, Jules Zeman and Shayan Heidarzadeh.