

## LILA WYNNE

CO-CHAIR, ENVIRONMENTAL & TOXIC TORT PRACTICE GROUP, NJ  
SHAREHOLDER



### AREAS OF PRACTICE

Environmental & Toxic Tort Litigation  
Insurance Services

### CONTACT INFO

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### ADMISSIONS

New Jersey  
1988

### EDUCATION

Rutgers, The State University  
of New Jersey School of Law-  
Camden (J.D., 1988)

University of Southern  
California (B.A., 1983)

### OVERVIEW

Lila devotes all of her practice to environmental and toxic tort litigation. A trial attorney for nearly 26 years, Lila has litigated hundreds of cases in state and federal courts in New Jersey.

In the environmental arena, Lila has served as counsel in matters involving over 25 CERCLA Superfund sites and over 100 state enforcement sites. She has particular experience in handling Superfund claims, cost recovery and contribution actions, and private-party litigation involving multi-plaintiff property and personal injury claims. She has also served as counsel to Fortune 500 companies in litigation involving natural resource damages claims, leaking underground storage tanks, and groundwater contamination from chemicals such as hexavalent chromium, mercury, trichloroethylene (TCE), benzene, polychlorinated biphenyls (PCBs), perchlorate, pesticides, gasoline and home heating oil, as well as others.

Lila is a graduate of the University of Southern California, with a bachelor of arts degree in the Classics (Latin and Ancient Greek). While at the University of Southern California, in the fall of 1982, Lila attended the Intercollegiate Center for Classical Studies in Rome, Italy, a program sponsored by Stanford University in Palo Alto, California.

### THOUGHT LEADERSHIP

## **Legal Updates for Environmental Law - June 2019**

**Mount Laurel**

**Environmental & Toxic Tort Litigation**

**June 1, 2019**

Five Companies Alleged to Be Responsible for Widespread Pollution of Drinking Water Systems Ordered to Spend Millions to Assess Scope of Contamination and Eventually Clean Up the Pollution.

## **Legal Updates for Environmental Law - November 2018**

**Mount Laurel**

**Environmental & Toxic Tort Litigation**

**November 15, 2018**

Liability Under the Spill Act Does Not Require ‘Smoking Gun’ Evidence of a Discharge by Kevin T. Bright, Esq. The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

## **Legal Updates for Environmental Law - August 2018**

**Mount Laurel**

**Environmental & Toxic Tort Litigation**

**August 9, 2018**

New Jersey Supreme Court Adopts “Daubert” Standard For Expert Testimony by Lila Wynne, Esq.

## **Continuous Trigger of Coverage for Progressive Construction Defect Losses**

**Mount Laurel**

**Architectural, Engineering and Construction Defect Litigation**

**March 1, 2018**

Defense Digest, Vol. 24, No. 1, March 2018 By Lila T. Wynne, Esq.\* Key Points: Defense Digest, Vol. 24, No. 1, March 2018. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

## **On the Pulse...Our Environmental & Toxic Torts Practice Group**

**Mount Laurel**

**Environmental & Toxic Tort Litigation**

**March 1, 2018**

Defense Digest, Vol. 24, No. 1, March 2018 By Lila T. Wynne, Esq.\* Key Points: Defense Digest, Vol. 24, No. 1, March 2018. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

## **CLASSES/SEMINARS TAUGHT**

*Issues in Environmental and Toxic Tort Liability*, which covered the following presentations: *Toxicology of Benzene and Flavorings*; *Asbestos and Silica Litigation Update*; *Introduction to Chemical Oxidation Technologies*; and, *How to Handle a Leaking Underground Storage Tank*, AIG

## **PUBLISHED WORKS**

"Continuous Trigger of Coverage for Progressive Construction Defect Losses" *Defense Digest*, Vol. 25, No. 1, March 2018

*Legal Updates for Environmental Law*, Editor-in-Chief, 2016-present

"SRRA: Are We Better Off Four Years Later?" *The New Jersey Law Journal*, July 18, 2016

"New Jersey Appellate Court Approves Insurance Policy Assignments to Fund Pollution Claims," *Defense Digest*, Vol. 22, No. 1, March 2016

"Being Proactive About Passive Migration," *New Jersey Law Journal*, Environmental Law Supplement, July 20, 2015

"Recent New Jersey Case Law on Environmental Claims," *Defense Digest*, Vol. 21, No. 1, March 2015

*New Jersey Environmental Coverage Handbook*, 2017 Edition

*Toxic Tort Handbook*, 2017 Edition

"Third Circuit Expands Availability of Damages in Environmental Contamination Cases," *Defense Digest*, Vol. 12, No. 3, September, 2006

## RESULTS

### **Successful Defense of Environmental Subrogation Case Involving Leaking Underground Storage Tank.**

#### **Environmental & Toxic Tort Litigation**

**August 24, 2018**

The defense prevailed on a motion for summary judgment as to liability in an environmental case involving claims related to a leaking underground storage tank (UST). Our client sued a fuel delivery company under the New Jersey Spill Compensation and Control Act for delivering fuel oil to the UST while the UST was leaking. Our client also asserted claims for negligence and breach of contract. The defendant also moved for summary judgment, seeking to dismiss our client's claims on the basis of a disclaimer printed on the delivery tickets, which were subsequently mailed to the insured.

### **Defense Prevails in Underground Storage Tank Leak Case**

#### **Environmental & Toxic Tort Litigation**

**August 25, 2016**

Marshall Dennehey attorneys prevailed on a motion for summary judgment as to liability in an environmental case involving claims related to a leaking underground storage tank (UST). In this environmental subrogation case, we represented a major insurance carrier in their capacity as the subrogee of their insured. Our client sued a fuel delivery company under the New Jersey Spill Compensation and Control Act for delivering fuel oil to the UST while the UST was leaking, and also asserted claims for negligence and breach of contract.

# The Defense Cleans Up Mold Exposure Claims

## Environmental & Toxic Tort Litigation

February 16, 2015

Obtained summary judgment in a toxic tort case involving claims of mold exposure. The defense represented an environmental testing company hired by the company that performed a remediation in the plaintiffs' home following a sewage backup in 2007 that resulted in several inches of raw sewage backing up in the plaintiffs' basement. The environmental testing company was not named as a defendant until a guardian for several minor plaintiffs was appointed and filed a separate suit, more than two years later.

## SIGNIFICANT REPRESENTATIVE MATTERS

Obtained summary judgment in favor of client in toxic tort class action involving 3,000 plaintiffs, residing in the state of Alabama, who sued for medical monitoring. The trial court dismissed the action based upon choice of law. Appellate Division affirmed.

Represented client in toxic tort action wherein the plaintiffs alleged exposure to sulfur dioxide at the DuPont facility in Delaware.

Obtained defense verdict in toxic tort action filed by two children and their guardians wherein they alleged exposure to benzene in their well water. Plaintiffs suffered from osteogenic sarcoma and non-Hodgkins lymphoma.

Obtained summary judgment in favor of manufacturer where the plaintiff alleged exposure to benzene in client's product caused acute myelogenous leukemia.

Obtained dismissal in favor of landlord in case involving lead paint exposure.

Obtained dismissal in favor of ink manufacturer in toxic tort action filed by individual alleging exposure to benzene resulting in acute myeloid leukemia.

Represented client in connection with a toxic tort action filed by firefighters who were exposed to contaminants as a result of the fire at Superfund site in Elizabeth, New Jersey.

Represented Top PRP in Superfund cost recovery action in Delaware federal court.

Represented dry cleaning distributor in toxic tort action where plaintiff alleged that exposure to perc and 1-BP caused non-Hodgkin lymphoma.