Greenberg Glusker's Robert Chapman Secures $105M Damage Award in Exxon Groundwater Contamination Trial

October 19, 2009

Acclaimed Veteran Litigator Obtains Victory in Major Public Water Supply Environmental Claim

Greenberg Glusker today announced that Firm Partner Robert S. Chapman served as lead trial counsel on the New York City trial team that today obtained a $104.7 million compensatory damage award against Exxon Mobil Corporation. The federal jury found the oil company responsible for poisoning the City's groundwater and drinking water supply with the gasoline additive methyl tertiary butyl ether (MTBE).

The case, brought by the City of New York, was the first MTBE litigation in the country to go to trial and result in a verdict. According to the financial news agency Bloomberg, the City of New York's verdict is the 13th largest jury verdict in the nation in 2009.

“Today, we achieved justice for the environment and improved safety for the people of New York,” said Chapman. He told Bloomberg that his argument to the jury came down to these simple questions, “Can Exxon pollute the city’s groundwater and get away with it? Can Exxon put MTBE into the city’s groundwater and have a license to pollute?”

During the 11-week trial, Chapman served as counsel along with attorney Victor Sher of Sher Leff, LLP, a San Francisco law firm that specializes in water quality cases, with overall case oversight by Susan Amron of the New York City Law Department.

Chapman is a preeminent litigator and trial advocate with an extensive track record of prevailing in high-profile, contentious matters. He has litigated entertainment cases in both trial and appellate courts for more than 30 years. He obtained a number of multi-million dollar trial court awards, including an $80 million jury verdict, which is the largest ever obtained against a motion picture studio. His litigation skills transferred readily to the high-stakes, New York venue and contributed to the significant courtroom victory for cities and water utilities.

In the action, the City of New York accused Exxon Mobil, the biggest U.S. oil company, of contaminating drinking water wells in the borough of Queens. It sued for the costs of removing MTBE.
from the water supply. Thirty-three oil companies previously settled
similar contamination claims with New York. Exxon Mobil was the
lone holdout defendant. According to the City’s press release,
“The jury found Exxon liable for product liability for failure to warn
people about the dangerous nature of its product as well as
trespass, public nuisance, and negligence.”