



Melissa E. Byroade

Partner

mbyroade@kelleydrye.com

Washington, DC
(202) 342-8823

About

Recommended for Environmental Litigation by *US Legal 500*, Melissa Byroade's environmental litigation practice includes representing state governments in expansive actions across the country to address widespread contamination due to per- and polyfluoroalkyl substances ("PFAS") from industrial sites and other sources.

Melissa serves as special counsel to multiple state Attorneys General—including Maryland, New Jersey, North Carolina, Ohio, Indiana, and New Hampshire—seeking natural resource damages and other relief to protect the health, safety, and well-being of the public and state resources.

Melissa also represents the State of Maryland and all State agencies in bringing claims for costs and damages resulting from the M/V DALI's allision with and destruction of the Francis Scott Key Bridge in the Port of Baltimore in March 2024.

In addition, Melissa has significant experience in complex commercial litigation and international arbitration, including cross-border matters involving the Department of Treasury's Office of Foreign Assets Control (OFAC), bilateral investment treaty protections, sovereign immunity, and the enforcement of foreign judgments and awards in U.S. courts.

Experience

Environmental Litigation/Natural Resource Damages

Served as trial counsel for the State of New Jersey in prosecuting New Jersey's case against DuPont for knowingly discharging PFAS and other contamination from DuPont's Chambers Works site into the waters and environment of New Jersey for decades. Following a month of trial in federal court in Camden, DuPont and related companies agreed to a record setting settlement with New Jersey valued at \$2 billion in remediation, restoration, costs, and damages. On the eve of this trial, 3M settled-out for up to \$450 million more in PFAS damages to New Jersey. At \$2 billion, DuPont's settlement with New Jersey is the largest environmental recovery for a single plaintiff – and is one of the largest legal recoveries of any kind – in the history of the country.

Representing the State of North Carolina in litigation against DuPont and its spin-off The Chemours Company for widespread contamination across a broad swath of the Cape Fear River and Coastal

North Carolina, resulting from decades of releases of “Gen X” and many other PFAS from the Fayetteville Works Plant in Fayetteville, North Carolina.

Representing the State of Maryland in litigation against W.L. Gore & Associates, Inc. over the company’s decades-long discharges of PFOA and other PFAS from several fluoropolymer processing facilities in Cecil County, Maryland. The State asserts common law claims as well as claims pursuant to state statutes, CERCLA, and RCRA, and seeks to recover past and future costs to investigate, remediate, and restore the State’s natural resources, as well as damages, restitution, and other equitable relief.

Represented the State of Ohio in litigation against DuPont over the company’s decades-long discharge of PFOA from fluoropolymer manufacturing at its Washington Works Plant in Parkersburg, West Virginia, resulting in a settlement that has funded drinking water treatment for residents of Southeast Ohio.

Representing the States of Indiana, Maryland, and New Hampshire in statewide litigation arising from PFAS contamination, including from the use of aqueous film-forming foam (“AFFF”), industrial facilities, and consumer products.

Represented a Class I railroad in a CERCLA and Texas Solid Waste Disposal Act cost recovery lawsuit, and participated in a bench trial resulting in seven-figure damages award for the client.

Commercial Litigation

Representing a ceramic cookware brand in litigation brought by major PTFE-coated cookware and bakeware brands alleging false advertising, commercial disparagement, and unfair competition.

Defended a putative class action against a major manufacturer of football helmets alleging state consumer protection and false advertising claims relating to the performance of the client’s helmets. Obtained favorable settlement following extensive briefing on class certification.

Represented the largest privately held spirits company in the world as a defendant in a complex commercial/IP dispute involving a multiyear, multimillion-dollar exclusive marketing agreement with a major sports franchise. After extensive discovery and prevailing on numerous discovery motions, successfully negotiated a settlement.

Represented Raymond James Financial and certain of its officers and directors in class action securities fraud claims seeking over \$2 billion. Obtained complete dismissal of action before class certification and prior to discovery.

International Arbitration

Represented HOCHTIEF AG, a major international construction company, in an arbitration brought against the Republic of Argentina, before the International Centre for Settlement of Investment Disputes. HOCHTIEF’s claims in the arbitration were made pursuant to the bilateral investment treaty between Germany and Argentina.

Represented Continental Transfert Technique Limited in an action against Nigeria involving the enforcement of an arbitration award and a foreign judgment confirming the award. The court issued a judgment for approximately \$430 million in favor of the client. In continuing proceedings, Melissa obtained an unprecedented award of sanctions against Nigeria for failing to comply with post-judgment discovery regarding its assets in the United States.

Represented an international entertainment technology company in a multimillion-dollar ICDR arbitration of a dispute with a Panamanian company concerning the purchase and development of movie theaters in Central America, South America and the Caribbean.

Pro Bono

Melissa has decades of experience working on *pro bono* immigration matters, and has helped several clients obtain asylum, permanent legal residence, and other forms of immigration relief. Melissa also led litigation challenging a Virginia statute that denied equal protection to LGBTQ couples, precipitating an amendment to the statute. She received the Commitment to Justice Award from inMotion in 2010.

Honors

Recommended in *US Legal 500* for her work in the Environment Litigation area, 2020-2024.

Selected to New York Metro *Super Lawyers* "Rising Stars," 2014-2017.

Related Services

Litigation
International Arbitration
Environmental
Environmental Litigation
PFAS and Emerging Contaminants
Public Sector and Government Entities
Natural Resource Damages
Rail
Ports
Commercial Litigation
Consumer Class Action Defense
Trademark and Copyright Litigation
Energy
Intellectual Property
Financial Institutions

Education

Georgetown University Law Center, J.D., 2006
University of Virginia, B.A., 1999

Admissions

New York, 2007
District of Columbia, 2019
Maryland, 2024

Courts

U.S. Court of Appeals–Second Circuit
U.S. Court of Appeals–Second Circuit
U.S. Court of Appeals–District of Columbia
U.S. District Court–District of Columbia
U.S. District Court–Southern District of New York
U.S. District Court–Eastern District of New York
U.S. District Court–Western District of Wisconsin
U.S. District Court–Northern District of Illinois

