



J. Chad Mitchell

Litigation, Environmental
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Profile Introduction

Chad has extensive experience handling complex commercial disputes, and advises on environmental matters both foreign and domestic. Chad has tried cases in state and federal courts, and before international tribunals. He joined Summit Law Group from Kirkland & Ellis LLP in Chicago.

Representative Cases/Matters

International Engagements:

- Defending Taiwanese, French, U.S. and Bermudian companies in \$350 million toxic tort collective lawsuits, the first of their kind in Taiwan. Advising U.S. client on recognition and enforcement issues in the United States.
- Defended Greek company in \$85 million International Chamber of Commerce (ICC) arbitration in London regarding privatization of satellite imaging.
- Represented one of the world's leading manufacturers of household products in a post-closing purchase price adjustment before a German arbitral tribunal (ICC).
- Represented auto-industry OEM in post-closing purchase price adjustment dispute against French company in ICC arbitration seated in Toronto.
- Represented client in challenges and response to cleanup orders from Taiwan's regulators and oversight of cleanup of former manufacturing facility in Taiwan.
- Drafting and negotiating arbitration provisions in commercial agreements.
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Advising on the recognition and enforcement of foreign judgments.

Domestic Engagements:

- [*Hanford Challenge, et al. v. Perry, et al., \(E.D. Wash. 2016\)*](#): Successfully defended Washington River Protection Solutions in a preliminary injunction brought by the State of Washington, Hanford Challenge and Local Union 598 pursuant to RCRA's citizen-suit provisions regarding Hanford Tank Farms and chemical vapors.
- *Columbia Energy & Environmental Services v. Washington River Protection Solutions, et al.* (Benton County Superior Court): Representing defendants WRPS, AECOM, and Atkins in defense of Plaintiff's breach of contract, tortious interference, and trade secrets claims related to clean-up of the Hanford Tank Farms.
- *EFT Holdings, Inc., et al. v. Meifu Development Co., Ltd., et al.* (Los Angeles County Superior Court): Represented two foreign defendants who challenged the court's jurisdiction and also moved to have the case tried in Taiwan per *forum non-conveniens*. After filing those pleadings, the case was dismissed by plaintiffs who sought approximately \$22 million in damages.
- *Plymouth Grain Terminals, LLC, et al. v. Lansing Grain Company, LLC, et al.* (E.D. Wash.): Two-week jury trial that settled mid-trial. Represented defendants in a multi-million dollar breach of contract action regarding corn merchandising.
- *EnergySolutions, LLC v. ABW Technologies, Inc.* (Benton Co. Superior Court, Wash.): Representing EnergySolutions in contract dispute involving fabrication of gloveboxes for remediation of Savannah River Site in South Carolina.
- *Heckler and Koch, Inc. v. Precision Airsoft, Inc.* (E.D. Wash.): Represented plaintiff in trademark and trade dress dispute, which was favorably settled.
- *Numbers Licensing, LLC v. bVisual USA, Inc.* (E.D. Wash.): Defeated motion for preliminary injunction (reported at 643 F. Supp. 2d 1245) and successfully settled matter for defendants.
- *Winthrop Construction Inc. v. Terra Blanca Vintners, Inc.* (Wash.): Using streamlined arbitration proceeding, obtained favorable award for plaintiff, including nearly \$250,000 in attorneys' fees and costs.
- *International Game Technology v. Casino Data Systems, Inc.* (D. Nev.): Counsel for plaintiff electronic gaming manufacturer in lawsuit for patent infringement claims and defended against anti-trust counterclaims.
- *Shapo v. Engle* (N.D. Ill.): Defended client against \$200 million RICO claims in connection with liquidation of Illinois insurance company. Successfully had complaint against client dismissed.
- *Independent Trust Corp. v. Capriotti* (Ill.): Represented plaintiff as receiver for Illinois trust company. Obtained \$68 million summary judgment rulings for fraud, breach-of-contract, and breach-of fiduciary-duty claims.
- *In re Exide Technologies, Inc.* (Bank. D. Del.): Represented debtor at Bankruptcy Confirmation Hearing for public company with over \$2.5 billion in revenues.
- *Miller v. Material Sciences Corporation* (N.D. Ill.): Defended public company in securities fraud class action.
- Represented multiple clients in connection with post-closing purchase price adjustment disputes.



Environmental Matters:

- Advised client on response to cleanup orders from Taiwan's regulators (EPA and EPB) and remediation of former manufacturing facility in Taiwan.
- *W.R. Grace & Co. v. Goodyear Tire and Rubber Co.* (W.D. Mich.): Successfully obtained summary judgment for plaintiff seeking contribution for responding to an EPA emergency administrative order under the Safe Drinking Water Act.
- Represented client in federal (C.D. Ill.) and state (Ill.) cost recovery lawsuits and federal grand jury investigation (C.D. Ill.) in connection with environmental incident resulting in a fish kill.
- Represented multiple clients in connection with CERCLA actions and environmental regulatory matters.

Publications & Speaking Engagements

- Author, "[Building a Client-Centered Law Firm](#)," NALP Bulletin, August 2020
- Author, "[Preventing COVID-19-Related Actions Against Employers in Washington State](#)," May 2020
- Author, "[COVID-19 Checklist For Employers in Washington State](#)," April 2020
- Presenter, ABA's SEER Essentials Panel: Emerging Trends in Litigating RCRA Citizens Suits, September 2019
- Author, "Minority Report: The Future of Legal Services and AI," Chambers and Partners, eDiscovery & Disclosure 2019, Trends and Developments, January 2019
- Author, "[Selecting and Effectively Using Expert Witnesses](#)," 2018 Federal and Civil Trial Practice Seminar [[Brochure](#)], May 2018
- Author, "[Significant Proposed Changes to the Local Rules of the United States District Court for the Eastern District of Washington](#)," November 2017
- Author, "[Creating Opportunities for Early Resolution of Lawsuits](#)," Desert Bar, November 2017
- Author, "Recognition and Enforcement of Foreign-Country Judgments in the United States," [International Aspects of U.S. Litigation](#), American Bar Association, 2017, pp. 607-47
- Author, "Proposed Amendments to the FRCP," Benton Franklin Counties Bar Association 9th Annual Federal Civil Trial Practice Seminar, May 2015
- Presenter, "Alternative Fee Structures," Washington State Bar Association's Legal Lunchbox, February 2015
- Author, "A Cougar, a Lawyer and a Dinosaur Walk Into a Bar ... Proposed Amendments to the FRCP," Benton Franklin Counties Bar Association, January 2015
- Presenter, "Federal Arbitration Act," 8th Annual Federal Civil Trial Practice Seminar, May 2014
- Author, "Recognition and Enforcement of Foreign Judgments in the U.S.," Desert Bar, June 2013
- Author, "A Cougar, a Lawyer and a Dinosaur Walk Into a Bar ... Opportunities in a Shifting Legal Marketplace," Desert Bar, September 2012
- Author, Teresa Rider Bult, quoted in "[You've Got Mail, but Have You Been Served?](#)", *ABA Litigation News*, Summer 2012, p. 12-13
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- Author, "[5 Things Lawyers \(and Innovators\) Can Learn from College Football Coach Mike Leach](#)," *ABA Journal*, June 26, 2012
- Author, "[Anti-Enforcement Injunctions in the US? – The Second Circuit Says 'No.'](#)" *International Litigation News*, May 2012, at 56
 - Presenter, "Lessons & Benefits of New Models of Legal Practice," NALP 2012 Annual Education Conference, April 2012
 - Author, "[The Ten Paces: Guaranteed Arbitration Award in Six Months](#)," *ABA Journal*, January 2012
 - Author, "Non-Traditional, Value-Based Approaches to Law Firm Services," Center For Competitive Management, February 2011
 - Author, "Dispute Resolution: Doing More with Less," *Desert Bar*, February 2011
 - Author, "A Stitch in Time Saves Nine: Managing Risk Through Contracts," National Association of Women in Construction, January 2010
 - Author, "Abnormally Dangerous Activities at Hanford," *Desert Bar*, September 2009
 - Author, "A Personal Jurisdiction Dilemma: Collateral Attacks on Foreign Judgments in U.S. Recognition Proceedings," *Brigham Young University International Law & Management Review*, Volume 4, Spring 2008, 123
 - Author, "A Personal Jurisdiction Dilemma: Collateral Attacks on Foreign Judgments in U.S. Enforcement Actions," Center for International Legal Studies, December 2007
 - Author, "Arbitration Options for Cross-Border Transactions and the Two-Minute Drill," Center for International Legal Studies, February 2006
 - Author, "The Balancing Act: Work and Family," J. Reuben Clark Law Society, University of Illinois Student Chapter, November 2005
 - Comment, "An Alternative Approach to the Fourth Amendment in Public Schools: Balancing Students' Rights with School Safety," 1998 *BYU L. REV.* 1277
 - Robert H. Freilich, "Planning Blight: The Anglo American Experience," *URB. LAW.*, Spring 1997, at vii

Memberships

- American Bar Association; International Litigation Committee of the Litigation Section of the ABA
- IBA's North American Regional Forum
- United States Council for International Business, Arbitration Committee
- President of the Natural Resources Law Forum
- Chair, Columbia River Chapter of J. Reuben Clark Law Society
- Alumni Board, J. Reuben Clark Law School
- J. Reuben Clark Law School Board of Visitors

Honors

- Named in *The Best Lawyers in America* (2016-2020)
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Listed in Washington Super Lawyers (2017-2020)

Community Service

- Annual Federal Civil Trial Practice Seminar Planning Committee
- Richland High School Lacrosse Club Head Coach - Varsity Boys
- J. Reuben Clark Law Society, Service and Outreach Committee
- City of Richland's Housing and Community Development Advisory Committee
- Richland School District's School Safety Committee
- Volunteer Leader, Boy Scouts of America
- Volunteer Coach for youth athletics (football, basketball)
- Richland Citizens for Good Schools
- Executive Committee and Board Member, Boys and Girls Club of Benton & Franklin Counties

Education

- J. Reuben Clark Law School, Brigham Young University (J.D., 1998, *magna cum laude*); Executive Editor, *BYU Law Review*
- Eastern Oregon University (B.S., 1995, College Honors Graduate)

Bar Admissions

- Washington State
- United States District Court, Eastern District of Washington
- United States District Court, Western District of Washington
- Illinois
- United States District Court, Central District of Illinois
- United States District Court, Northern District of Illinois
- United States District Court, Western District of Michigan
- United States District Court, Eastern District of Wisconsin
- United States District Court, District of Colorado
- United States Court of Appeals for the Third Circuit