



Joshua N. Levine

Partner

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Joshua Levine has more than 30 years of experience representing clients in all stages of the litigation process, including jury and court trials, arbitrations, mediations, and appeals. Josh is known for constructing supportable and understandable narratives out of cases that have complex histories and present highly technical issues. Josh has used those skills to guide clients through complicated environmental matters, including claims involving turn-of-the-century waste dumps, chlorinated solvent distribution centers, aerospace and semi-conductor manufacturing operations, eutrophic lakes, dry-cleaners, and recycling facilities.

Josh has successfully represented public entities and multinational clients in a wide variety of complex cases, including claims involving environmental contamination, breach of contract, toxic tort, habitability, and business torts. Josh specializes in the use of motion practice to narrow litigation issues before trial. He also has significant experience successfully preparing and arguing motions brought under California anti-SLAPP statutes. Josh also is proficient in negotiating and crafting settlements in matters that take into account client concerns over “long-tail” and uncertain risks presented by ongoing contamination. However, if necessary, Josh does not hesitate to take a matter to trial, and is skillful in presenting a compelling story to a jury.

Environmental

Josh is experienced in litigating matters arising under all aspects of federal and state environmental laws including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), the Endangered Species Act (ESA), the California Hazardous Substance Account Act (HSAA), and common law claims such as nuisance and trespass. He also represents parties in their dealings with regulatory agencies in connection with investigatory and remedial orders relating to site contamination.

Services

- Environmental
- Toxic Tort
- Commercial Litigation
- Complex Tort & General Casualty

Josh has represented clients in connection with claims involving chlorinated solvents, PCBs, nutrients, arsenic, lead, chlorides, petroleum hydrocarbons, dioxins, and other contaminants. He has represented municipalities in claims involving horse stables, water treatment plants, manufactured gas plants, municipal separate storm sewer systems (MS4s), agricultural run-off, waste dumps, shipyards, and other alleged sources of contamination. He has represented multinational companies in cases arising from manufacturing operations in the aerospace, electronics, and other industries. He also has represented environmental remediation and investigation companies in negligence and indemnification claims. Josh frequently represents owners of industrial property in environmental matters arising from past or present operations of tenants.

Toxic Tort

Josh has represented clients in connection with claims of personal injury due to alleged exposure to a wide variety of hazardous substances, including mold, chlorinated solvents, lead, asbestos, acids, silica, and benzene. He has represented equipment manufacturers, property managers, chemical distributors, and other businesses in claims based on product liability, habitability, negligence, statutory violations, and contractual violations.

Education

- University of California, Los Angeles School of Law (J.D., 1994)
 - Board Member, Moot Court Honors Program
- Cornell University (B.S. Public Administration, 1991)

Bar Admissions

- California
- Arizona

Court Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Northern District of California

Awards & Honors

- Commendation, City of Lancaster for "demonstrated excellence in trial advocacy," 2013
- Named Southern California Rising Star™ by *Los Angeles Magazine*, 2005–2008
- Award of Meritorious Service, Consumer Attorneys of California, 2006

Representative Matters

Obtained a \$3.6 million CERCLA award after a hotly contested court trial in a U.S. District

Court. Represented the property owner who was seeking recovery against a prior tenant who contaminated the property, and the tenant cross-claimed against the property owner claiming that it had contributed to and profited from the contamination. After investigation, secured the testimony of a prior worker for the tenant who testified to working bare-handed on transformers filled with PCB-containing liquids. The court, after a full trial, found that 100 percent of liability should be allocated to the prior tenant and awarded nothing to the tenant on its cross-claim.

Represented a city in a federal jury trial on a claim that the city had contaminated a school site through historical operations of a municipal dump, manufactured gas plant, and pesticide applications on a golf course. Obtained a settlement for a fraction of the prior demand a week into trial.

Represented a city in a claim that a sewer backup allegedly resulted in 60,000 gallons of raw sewage being released onto the plaintiff's beachfront residence. Obtained a settlement far below the original pre-trial demand two weeks into trial.

Represented an environmental consultant sued for defamation over allegedly misrepresenting the efficacy of a proposed remedial treatment. Obtained early dismissal of the action through the California Anti-SLAPP act.

Served on the trial team that obtained a \$24.2 million jury verdict for their client in a complex health care contractual dispute – the seventh largest jury verdict in California in that year.

Successfully prepared and argued motions for summary judgment and adjudication resulting in the dismissal of numerous complaints and claims, including a class action complaint alleging improper escheatment practices against an aerospace client, an interference with contract complaint against an information technology client, a multimillion-dollar stock option claim against a manufacturer client, a loss of profits claim against an environmental consultant client, and an inverse condemnation claim against a municipality.

Reported Opinions

Voggenthaler v. Maryland Square LLC, 724 F.3d 1050 (9th Cir. 2013)

Pentair Thermal Mgmt., LLC v. Rowe Indus., Inc., No. 06-CV-07164 NC, 2013 WL 1320422, (N.D. Cal. Mar. 31, 2013)

Nat'l Union Fire Ins. Co. of Pittsburgh, PA v. Cambridge Integrated Servs. Grp., Inc., 171 Cal. App. 4th 35 (2009)

Roosevelt Irrigation Dist. v. Salt River Project Agric. Improvement & Power Dist., No. 210CV00290DAEBGM, 2017 WL 2721439 (D. Ariz. 2013)