

Stevens & Lee

Powerful partnerships. Standout solutions.



David J. Parsells

Of Counsel

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Valley Forge

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Practice

Environmental

Litigation

Dave represents product manufacturers and other public and private entities in complex litigation and regulatory matters. Dave concentrates his practice on helping clients address environmental, toxic tort and product liability lawsuits. He also guides clients regarding environmental and product regulatory compliance issues. He represents national and regional manufacturing companies and many other kinds of businesses.

Dave has represented companies in their defense of a wide array of both federal and state product liability lawsuits. He has defended many major product liability cases in federal and state courts against allegations related to serious personal injuries and property damage. His defense of chemical exposure lawsuits has included cases related to pesticides, solvents, lead, honing and cutting oils, paints, asbestos, and other products. He also assists clients with proactive response to consumer and government complaints, and with compliance and litigation avoidance, including product labeling, stewardship, and safety issues, and including as appropriate reporting to regulatory agencies including the Consumer Product Safety Commission (CPSC). He has advised clients regarding class actions, consumer complaints, warranties and allegations related to packaging and labeling claims, including those arising from regulation of alleged slack fill of packaging, banned phthalate contents, and other product regulatory issues.

Regarding environmental issues, Dave has represented multiple clients in Superfund litigation matters, including representation of a client at trial, until a favorable settlement was reached after testimony elicited during trial. He also has represented companies and a regional transportation authority in administrative litigation before the Pennsylvania Environmental Hearing Board. He assists clients with issues arising under multiple federal and state statutes, including but not limited to: CERCLA (environmental cleanup liability); RCRA (hazardous waste handling and disposal issues); and FIFRA (EPA administrative litigation regarding

products regulated as pesticides). He has extensive experience litigating and resolving disputes regarding contaminated properties. He also has experience assisting clients in regard to environmental emergency response issues including in regard to Clean Air Act Risk Management Plans, and the Emergency Planning and Community Right-to-Know Act (EPCRA).

Dave has experience litigating cases both at the trial and appellate levels. He served as environmental counsel to a former major magnesium producer in the defense and resolution of more than \$100 million of EPA CERCLA and state of Utah environmental claims in U.S. Bankruptcy Court in New York. He recently litigated a CERCLA cost recovery case for a major chemical manufacturer in a U.S. District Court in the Midwest. He represented a national trucking company in another U.S. District Court in the Eastern District of Pennsylvania.

Dave also is called on periodically by the firm's M&A lawyers to address product liability, warranty, environmental issues, and related risk mitigation or regulatory issues, in the context of liability avoidance or allocation in transactional matters.

Experience

Representative Matters

Environmental Litigation and Counseling

- Representation of major international manufacturer in Superfund matters including federal court litigation in a state in the Midwest and pre-litigation negotiations in a state in the South
- Has represented clients in multiple CERCLA (Superfund) litigation and negotiation matters, including obtaining favorable settlement based on going to trial in one cost recovery case in the U.S. District Court for the Eastern District of Pennsylvania
- Advised president of client firm on scene in the first hours of a 10-acre warehouse fire, said to be the second largest in Philadelphia history. Guided client with immediate retention of emergency response environmental contractors, while personally interfacing with the EPA, Coast Guard, Pennsylvania Department of Environmental Protection and Philadelphia police and fire emergency responders. Also consulted with Philadelphia fire department regarding identification of relevant materials in warehouse, based on Stevens & Lee's prior guidance with regard to the client's EPCRA (Emergency Planning and Community Response Act) records. Client was ultimately issued a commendation by the City of Philadelphia for its exemplary efforts in response to the fire.
- Litigated and successfully resolved environmental issues relating to appeals taken to the Pennsylvania Environmental Hearing Board
- Currently appointed Pennsylvania counsel to a manufacturing company for defense of asbestos cases; previously represented a major asbestos product manufacturer in Philadelphia litigation

Product Liability Litigation and Counseling

- Advises clients on various aspects of governmental compliance and issues concerning product liability and alleged product defects or noncompliance with federal and state regulations, including under the federal Consumer Product Safety Act, the Consumer Product Safety Improvement Act and various state law issues including claims of "non-functional slack fill," Prop 65 compliance and testing and the defense of consumer class action cases.

- Defended to resolution numerous major product liability lawsuits and claims involving consumer products and industrial equipment, including:
 - Quadriplegia caused by construction site explosion of large tool box – mixed allegations of product defect and contractor negligence (Phila. Common Pleas Court)
 - Partial hand amputation in accident due to alleged defective product design of industrial punch press
 - Consumer class action alleging “slack fill” of packaging. Provided advice to multiple other companies facing “slack fill” packaging claims made by District Attorneys (multiple California claims, co-counseling with local CA counsel)
 - Severe burns from hot coffee from allegedly defective shattered stove top glass carafe (USDC Eastern Dist. PA)
 - Amputation of legs allegedly caused by failed brakes of tractor-trailer, based on mixed allegations of negligence and vehicle manufacturing defect
- Defended numerous toxic exposure lawsuits involving a wide variety of chemical substances, including as examples:
 - Myelodysplasia allegedly caused by work place exposure to cutting oils and client’s honing oils used with industrial machinery – *Silva v. Sunnen Products Company*
 - Acute myelogenous leukemia allegedly caused by exposure to solvents supplied by client – *Davis vs. International Paper Co. et al.*
 - Mesothelioma and other cancers allegedly caused by exposure to asbestos allegedly supplied by clients

Affiliations

- American Bar Association, Section of Environment, Energy and Resources; Environmental Litigation and Toxic Torts Committee, Tort and Insurance Practice Section
- Pennsylvania Bar Association, Administrative Law Section; Environmental Law Section
- Environmental Advisory Council, Upper Merion Township, Chair, 2005-2008
- Delaware Valley Environmental Inn of Court, Barrister, Master, 1998-2004
- Defense Research Institute, Member Toxic Torts and Environmental Law Committee; Product Liability Committee
- Philadelphia Bar Association, Environmental Law Section, CERCLA/HSCA Committee Co-Chair, 1996; Executive Committee Member, Young Lawyers Section, 1988-1991; Chair, Merit Selection Committee, 1989-1991

Education

- Dickinson School of Law of The Pennsylvania State University, J.D.
 - Member, Board of Editors, *Dickinson Law Review*
- Kenyon College, B.A.

Bar Admissions

- Pennsylvania

Court Admissions

- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. Court of Appeals for the Third Circuit