

# Brian Thomas Stansbury

Partner

*Environmental, Health and Safety*

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Brian Stansbury focuses his practice on crisis management, U.S. and international government regulatory and enforcement matters, complex litigation, and environmental-toxic tort litigation. Brian has represented clients and managed international attorney teams in environmental counseling, product recall, and custom enforcement matters in the U.S., Europe, the Middle East, East Asia, Latin America, and Australia. Brian routinely counsels companies in the wake of catastrophic incidents and other corporate crises and brings a calm, holistic, and solutions-oriented approach to managing and reducing related enforcement and litigation liability. Brian also counsels clients on how best to prepare for or avoid crises. Brian has represented clients researching and pursuing opportunities in the Republic of Cuba, including on issues of FCPA compliance. Brian has represented numerous clients in civil and criminal matters with respect to federal, state, and common law environmental claims arising from alleged groundwater and air contamination in Montana, Florida, South Carolina, Indiana, New York, New Jersey, North Carolina, Pennsylvania, Illinois, California, and Connecticut.

## Matters

### **Government Investigatory, Regulatory, and Enforcement Matters**

Lead coordinating counsel for international recall and customs enforcement actions arising from discovery of asbestos-containing materials in youth-oriented products. Advised on related corporate communications, designed and implemented remediation plan, developed product testing protocols, and convinced regulators not to seek import fines or criminal prosecutions.

Confidential representation of non-road mobile machinery manufacturer in connection with alleged excess emissions of carbon monoxide in the European Union. Convinced regulator not to require a product recall and helped maintain critical customer relationships for client.

Confidential representation of client under investigation for alleged criminal violations of EPA lead safe work practices, including the development of a large-scale remediation plan.

Coordinated and implemented emergency response plan for chemical company after a plant explosion.

Provided confidential advice to client regarding FCPA risk and compliance in Cuba.

Provided confidential advice to client regarding its claims against the Cuban government in connection with expropriated assets.

Counseled swaps and options traders under investigation by the CFTC and/or DOJ in investigations involving LIBOR and/or ISDAfix benchmarks.

Prepared CFTC commissioner appointee for his confirmation hearing. Nominee was confirmed by the Senate.

Conducted investigation of an international technology consulting company with respect to alleged FCPA violations involving improper use of agents and leisure travel in China, Indonesia, and Malaysia.

Represented insurance broker in connection with investigation conducted by employer and the NASD.

Through his pro bono representation of Voto Latino, Brian is a leader of UndocuNeighbor, which is a coalition consisting of law firms, private industry and subject matter experts that represents and/or financially assists individuals facing deportation or needing assistance with DACA renewals.

Personal counsel to the widow of Ken Saro-Wiwa.

### **Toxic Tort, Product Liability and Environmental Litigation and Counseling**

Counsel to Porsche in nationwide lawsuits filed by state attorneys general alleging that diesel engines contained defeat devices and generated excess emissions of NOx.

Counsel for W.R. Grace & Co. in successful defense of federal prosecution arising out of the operation and closing of a former vermiculite mine in Libby, Montana. Government's allegations included criminal violations of The Clean Air Act, obstruction of justice, and wire fraud. A Montana jury found Grace not guilty on all counts of the indictment.

Confidential representation of two international auto manufacturers under investigation by DOJ and EPA regarding alleged excess NOx emissions arising from undisclosed defeat devices.

Advised food company on potential liability arising from alleged occupational diacetyl exposures.

Developed and coordinated scientific defenses for chemical and energy companies facing nationwide toxic torts claims.

Represented BP in defamation lawsuit that was consolidated in the *In re Deepwater Horizon* MDL. Primary focus involved developing scientific defense to claim that BP misrepresented the petrophysical qualities of the M57B sand. Judge ruled in favor of BP on this issue.

Represented Celanese in class action involving RCRA, property damage, and medical monitoring claims arising from alleged releases of 1,4-Dioxane and chloroform into groundwater and surface water.

Represented chemical company in lawsuit alleging adverse health effects arising from alleged in utero exposure to drinking water contaminated with atrazine.

Counsel for W.R. Grace in bankruptcy proceeding involving the estimation of personal injury liability arising from alleged environmental and occupational exposure to asbestos.

Represented Chemtura during its bankruptcy proceeding with a focus on reducing billions of dollars of alleged federal and state environmental liabilities.

Represented Raytheon Company in class action in Florida arising from alleged contamination of groundwater in a residential community. The court entered voluntary dismissal of all claims prior to class certification hearing.

Advised non-U.S. based company facing numerous personal injury lawsuits arising from alleged environmental exposures to toxic substances.

Advised 3D printing company to identify and reduce the risk of products liability litigation

Represented waste disposal company in breach of contract suit

### **Commercial and Antitrust Litigation**

Obtained dismissal of Florida Deceptive and Unfair Trade Practices Act class action lawsuit filed against digital medical records retrieval company.

Defended parcel tanking company against class-actions and attempted "class-wide" arbitration involving alleged violations of the Sherman Antitrust Act.

Defended generic pharmaceutical manufacturer in antitrust MDL actions brought by direct purchasers, indirect purchasers, and state attorneys general involving alleged violations of the Sherman Antitrust Act.

Defended cable television provider against nation-wide class actions filed in Federal court in Illinois, Pennsylvania and Massachusetts alleging violations of the Sherman Antitrust Act.

Defended cable television provider in Maryland, Oregon, Florida, Alabama, Utah, Washington D.C., and Indiana against state-wide class action lawsuits involving the cable company's billing practices, including allegations of charging usurious late fees.

Defended vitamin supplement retailer against nation-wide class action filed in Illinois and Florida alleging violations of state consumer protection acts and deceptive trade practices act arising out of the retailer's pricing practices.

## **Credentials**

### **EDUCATION**

B.A., The University of Texas at Austin

J.D., University of Virginia

### **ADMISSIONS**

U.S. District Court for the District of Maryland

District of Columbia

Maryland

Texas

### **ASSOCIATIONS**

Founding Trustee, School for Ethics and Global Leadership

Board Member and Treasurer, Voto Latino

## **Insights**

## CLIENT ALERT

*June 5, 2020*

EPA's Revised Rule for Ethylene Oxide ("EtO") Manufacturers

*April 24, 2020*

Supreme Court Holds Some Groundwater Discharges Subject to Clean Water Act

*February 24, 2020*

Emerging Regulation, Enforcement, and Litigation Involving Ethylene Oxide, a Critical Substance for Sterilizing Medical Products and Devices

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## Events

### CONFERENCE

*July 17, 2019*

UndocuNeighbor DACA Initiative CLE and Training

### SPEAKING ENGAGEMENT

*March 4, 2020*

Brian Stansbury, Alejandra Apecechea to Speak at University of Wisconsin – Whitewater

### WEBINAR

*May 19, 2020*

Legislative, Regulatory and Enforcement Activity Involving PFAS and Ethylene Oxide

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## News

### CASES & DEALS

*September 23, 2019*

King & Spalding Pro Bono Team Assists Asylum Seekers at Border

### IN THE NEWS

*November 1, 2019 • Source: Texas Observer*

Alejandra Apecechea and Brian Stansbury explain how the Trump Administration could eventually rescind DACA, even if the Supreme Court rules in favor of the Dreamers and their supporters

### RECOGNITION

*June 15, 2020*

King & Spalding Earns Top-Tier Rankings in Legal 500 United States 2020 Guide

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