

Steven J. Elie

Partner, Los Angeles, Orange County Offices

✉ s.elie@musickpeeler.com

☎ (213) 629-7745

📠 (213) 624-1376



PRACTICE GROUPS

- Environmental & Public Law
- Litigation
- Water Law
- Insurance
- Land Use
- White Collar and Government Investigations
- Charter Schools

EDUCATION

UC Hastings College of Law, J.D., 1987

State University of New York at Albany, B.A., *cum laude*, 1984

PROFESSIONAL SUMMARY

Steven J. Elie is a partner specializing in complex business, insurance and environmental litigation and counseling. Although based in Los Angeles, he routinely handles matters throughout the entire State.

AREAS OF PRACTICE

Mr. Elie has extensive experience defending and prosecuting a broad range of environmental, administrative and litigation matters. Mr. Elie has handled a wide variety of insurance, commercial litigation and white collar criminal matters as well as pre-litigation counseling for businesses, non-profit organizations and public entities.

Mr. Elie has extensive experience in complex environmental, insurance and tort litigation and environmental counseling. His environmental and tort litigation experience includes dozens of actions in California State Courts and Federal District Courts relating to, among other things, groundwater contamination, as well as actions brought under or involving CERCLA, RCRA, CEQA, NEPA, the Clean Water Act and myriad local ordinances before and with many City, County, State and Federal

agencies. Mr. Elie has significant experience in and has been lead trial counsel in the resolution of complex, multiparty litigation and administrative actions.

Mr. Elie's insurance litigation and insurance coverage advice experience spans over 30 years, representing insurers in disputes arising under primary, excess and umbrella policies. These actions have involved coverage claims relative to first party claims and third party claims involving environmental contamination, product defects, construction and design defects, bodily injury due to chemical exposure and "bad faith" issues arising from such disputes.

Mr. Elie serves as outside general counsel to several mid-size companies and has guided those clients through myriad legal, business and regulatory matters. He is also Musick, Peeler's General Counsel, regularly representing and advising the Firm's attorneys.

Mr. Elie regularly advises clients with respect to regulatory proceedings, voluntary agency mandated investigation and remediation of contaminated land, responses to agency orders, handling of hazardous substances, evaluation of potential human exposure to chemicals, waste management, soil and water resources, and many other environmental issues. He has experience in all aspects of litigation, including pre-litigation notices, discovery, motions, settlement negotiations, mediation, arbitration, trial, appeal, and writ practice.

Representative Trial and Litigation Experience

Mr. Elie obtained a defense verdict after a seven-month bench trial on equitable and statutory claims in *Orange County Water District vs. Northrop, et al.* In subsequent motion practice, Mr. Elie's client prevailed on the remaining tort claims and obtained a complete victory for the client. This case involved a claim for more than \$200 million in purported past and future clean-up costs associated with alleged groundwater contamination in Fullerton and Anaheim, California. Mr. Elie was lead trial counsel for the Firm's client and obtained a decision from the Court that the client had not in fact contaminated groundwater or threatened to contaminate groundwater. The Court of Appeal affirmed this finding in full.

Mr. Elie obtained judgment on all claims in *Orange County Water District vs. Sabic Innovative Plastics, et al.* on behalf of a publicly-traded company. The case involved a claim for tens of millions of dollars in purported future damages associated with alleged groundwater contamination. He obtained summary judgment on four of the six causes of action and then judgment after a multi-week trial on the remaining two causes of action.

Mr. Elie represented the City of Morro Bay in connection with its prosecution of a novel administrative trial under its nuisance abatement ordinances against an oil company with respect to MTBE pollution. This innovative proceeding was conceived and executed within six months resulting in the City being made whole, including all attorneys' fees and expert costs.

Mr. Elie also represented the City of Morro Bay in connection with the design, planning, regulatory approval and construction of a proposed 1200 Megawatt power plant. In addition to analysis,

workshops and evidentiary hearings in multiple substantive areas under the extensive CEC licensing process, he was also involved in negotiating and analyzing a Habitat Enhancement Program as an option to a proposed alternative cooling system. He worked with all applicable regulatory agencies including the California Energy Commission, the Regional Water Quality Control Board, California State Parks, U.S. Fish & Wildlife Service, the California Coastal Commission and the California Department of Fish and Game.

Mr. Elie successfully defended the seller of two suntan salons in a bench trial where the Plaintiff buyer claimed fraud and contract damages for the businesses that failed shortly after Plaintiff purchased them. After two days of testimony and argument, the Court adopted Mr. Elie's argument that the Plaintiff had buyer's remorse and held in favor of the Firm's client on all counts.

Mr. Elie represented the City of South Pasadena on all CEQA and NEPA reviews of issues associated with the construction of a light-rail system throughout the City, including a review of noise, vibration, traffic, safety and economic concerns.

Mr. Elie also successfully represented two water providers in review of a County landfill's proposed project to inject water into a landfill (which had already leaked contamination into the water resource) in order to increase the potential useable methane gas. As a result of Mr. Elie's CEQA analysis and work, the proposed project was abandoned thus avoiding additional contamination to the groundwater.

Mr. Elie represented a private land development company in its efforts to design and construct several hundred homes in the Inland Empire. The project required a full review of environmental reports and related documents, and handling an array of administrative appeals related to the project before the State Water Board.

PUBLICATIONS

INSURANCE NOTES

- Insurance Agent Cannot Be Sued For Breach Of Fiduciary Duty 06.08.2011
- CGL Policy's Duty To Defend Any "Suit" Includes Calderon Act Proceedings 08.11.2010
- Party's Insurer Cannot Be Sanctioned For Failing To Offer More At Mandatory Settlement Conference 05.21.2009
- Course of Performance of Insurance Contract Admissible in Limited Circumstances in Coverage Action 05.09.2008
- Full Performance Of Defense And Indemnity Obligations In The Insurance Contract Does Not Preclude Bad Faith Liability For Failure To Settle 08.16.2007
- Insurers' Settlement With Insured Does Not Preclude Contribution Action By Coinsurer 09.11.2006

COMMUNITY

Since 2010, Mr. Elie has served as an elected Director at the Inland Empire Utilities Agency ("IEUA"), a

member agency of the Metropolitan Water District which provides water, recycled water and wastewater services to over 875,000 residents in Western San Bernardino County. Mr. Elie is currently Secretary/Treasurer of the IEUA Board and also serves as a board member of the Chino Basin Watermaster. In his role at IEUA and related boards, Mr. Elie reviews and works on many of the same issues from the client perspective as he faces in his practice on behalf of the Firm's clients.

NEWS

- National Water Research Institute elects Musick Peeler's Steve Elie board chair 05.13.2022
- Inland Empire Utilities Agency Elects 2022 Board Officers 12.08.2021
- Congratulations to Partner Steve Elie. As President of the Inland Empire Utilities Agency, Steve was honored with the WaterNow Alliance Impact Award. 05.17.2017
- Partner Steve Elie was on CBSLA/KCAL9 News regarding the impact of the current rains in California on the drought. 01.12.2017
- Congratulations to Partner Steve Elie who has been elected to serve as Board President to the Inland Empire Utilities Agency 01.05.2017
- Partner Steve Elie is quoted concerning Turning Food Waste into Energy 04.22.2016
- Steve Elie is a Panelist in the 30th Annual Environmental Law Section Spring Super Symposium 04.08.2016
- Partner Steve Elie weighs in on Chino Basin achievements 03.02.2016
- Partner Steve Elie writes Op-Ed in SB Sun and Ontario Daily Bulletin re water quality achievement in the Chino Basin 02.24.2016
- Monday, February 10, 2015, Steven J. Elie, spoke at the AGWA-AGWT Annual Conference (Association of Ground Water Agencies - American Ground Water Trust) in Ontario, California, which focused on Groundwater Contamination Issues in Southern California. 02.25.2015
- Steve Elie Seated as Inland Empire Utilities Agency Board Members and Officer 01.27.2015
- Steve Elie Elected Chair of LACBA Section 05.16.2012
- Steve Elie Elected to Inland Empire Utilities Agency Board 11.10.2010
- Steve Elie Prevails in Breach of Contract Case 03.04.2010
- Steve Elie elected Vice-Chair of Community Foundation 07.08.2009

EVENTS

- Partner Steve Elie is a moderator at the LACBA's 32nd Annual Environmental Law Section's Spring Super Symposium. 04.12.2018
- Partner Steve Elie will be speaking at the upcoming Urban Water Institute's Spring Water Conference 01/17/2018

ADMISSIONS & PROFESSIONAL ASSOCIATIONS

- State Bar of California
- Ninth Circuit Court of Appeals
- United States District Court for the Central, Northern, Eastern and Southern Districts of California
- Inland Empire Utilities Agency (IEUA), Elected Director & Board Secretary/Treasurer
- Chino Basin Watermaster, Board Member