



J. Alan Truitt

Partner

Alan primarily represents manufacturing and other heavily regulated industrial clients in complex litigation and administrative matters. He regularly defends environmental and toxic tort litigation, and handles general commercial litigation on behalf of foundries, pipelines, plastics and chemical companies, steel mills, mining operations, coking facilities and similar industrial and manufacturing operations. Alan also provides compliance counseling and permitting advice and represents clients before U.S. E.P.A., and OSHA, and various state and local regulatory agencies. He has experience defending state and federal enforcement proceedings, qui tam actions, whistle-blower cases and citizen suits under the Clean Air Act, Clean Water Act and the Resource Conservation and Recovery Act.

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Education

University of Texas School of Law
(1990, J.D., with honors)

Rhodes College (1987, B.A., magna cum laude; Phi Beta Kappa; Omicron Delta Kappa)

Admitted to Practice

State Bar: Alabama
U.S. Court of Appeals: Eleventh Circuit, D.C. Circuit
U.S. District Court: Alabama (Middle, Northern, Southern)

Awards

The Best Lawyers in America[®] Lawyer of the Year, Environmental Law, 2015

The Best Lawyers in America[®], Energy Law, Environmental Law, Litigation - Environmental, Mass Tort Litigation/Class Actions - Defendants, Natural Resources Law, 2006-2016

Alabama Super Lawyers[®], Environmental Litigation, Environmental, Personal Injury Defense: Products, 2008-2015

Representative Experience:

Representative of the clients that Alan has represented are Argos USA Corporation, U.S. Steel Corporation, McWane, Inc., Kinder Morgan, Inc., Synagro Technologies, Inc., Koppers, Inc., Hexcel Corporation, CEMEX, Mueller Water Products, Inc., and the Birmingham Airport Authority. Representative matters include:

- *JGB, LLC v. Argos USA Corporation*, U.S. District Court for the Northern District of Alabama (Defense of quarry in breach of contract litigation).
- *Austin, et. al. v. Alabama Dep't. of Transportation, et al.*, U.S. District Court for Northern District of Alabama (Defense of ALDOT in NEPA challenge to highway project).
- *Katie Lowery, et al. v. Honeywell International, Inc.*, et al., Circuit Court of Jefferson County, Alabama (Toxic tort suit brought by 400+ adjacent property owners; defended 5-week bellwether trial).
- *In the Matter of McWane, Inc.*, FTC Docket No. 9351 (Defended nine-week trial against claims of illegal monopolization and price fixing brought by the Federal Trade Commission).
- *Tube City IMS, LLC v. Payne Superior Automotive, Inc.*, U.S. District Court for the Southern District of Alabama (Defended mill services provider in commercial dispute involving RICO, breach of fiduciary duty and tortious interference allegations).
- *Empire Coke Litigation*. Representation of a former coke plant that had ceased operations in a series of interrelated cases brought in state and federal court by several hundred individual plaintiffs alleging personal injury, wrongful death and property damage. Resolved by way of a contingent global settlement involving individual personal injury settlements and an opt-out class to resolve the property damage claims.
- *Meigs County, Tennessee v. David Stewart*, Chancery Court of Meigs County, Tennessee (successfully pursued motion to dismiss of claims against landowner whom County sought to ban from land applying biosolids under zoning regulations).
- *Becki Parsons, et al. v. Mueller Water Products, Inc.*, Circuit Court of Jefferson County, Bessemer Division (personal injury and property damage suit

by *Birmingham Magazine*, Named Top Environmental Lawyer, 2011

Birmingham Magazine Top Attorneys, 2013

Martindale-Hubbell AV® Preeminent Rating

brought by neighboring families, including minors, against manufacturing facility).

- *Nettie Wade, et al. v. Plantation Pipeline Company*, United States District Court for the Middle District of Alabama (toxic tort suit brought by multiple parties following pipeline rupture).
- *United States of America v. McWane Inc, et al.*, United States District Court for the Northern District of Alabama (criminal Clean Water Act case).
- *Tommy White, on behalf of himself and all other similarly situated v. U.S. Steel Mining Company, LLC, et al.*, Circuit Court of Jefferson County, Bessemer Division (toxic tort suit brought by class of adjacent landowners).
- *United States of America v. FMC Corporation*, U.S. District Court for the Middle District of Alabama (CERCLA cost recovery action brought by U.S. Department of Justice).
- *United States of America v. Nucor Corporation*, United States District Court for the Northern District of Alabama (DOJ civil enforcement action under the Clean Air Act).
- *E. G. Baker, et al. v. Union Foundry*, Circuit Court of Calhoun County, Alabama (toxic tort suit brought by class of adjacent landowners).
- *Jobnie L. Brown, et al. v. SMI Steel, Inc.*, Circuit Court of Jefferson County, Alabama (nuisance and trespass action brought by adjacent property owners).
- *Kent Byram and Angela Byram v. USX Corporation, et al.*, Circuit Court of Jefferson County, Alabama, Bessemer Division (negligence, trespass and nuisance action arising out of alleged release of industrial water) brought by class of downstream landowners.

Mr. Truitt has handled numerous matters before EPA, state and local environmental agencies including administrative litigation and the negotiation of administrative consent orders, e.g.:

- *Teledyne Continental Motors, Inc. v. ADEM*, EMC Docket No. 02-08.
- Union Foundry Company, ADEM Consent Orders 01-113-CWP and 01-114-CWP.
- M&H Valve Company, ADEM Consent Order No. 01-042-CWP.
- *Morton International, Inc. v. Alabama Department of Environmental Management*, EMC Docket No. 98-14.

Mr. Truitt also routinely works with clients to address permitting, release reporting, recordkeeping and compliance issues, and has assisted clients in multiple states in addressing real property contamination in real property transactions.