

MVP: Napoli Shkolnik's Paul Napoli

By Madeline Lyskawa

Law360 (October 30, 2024, 2: 13 PM EDT) -- Paul Napoli of Napoli Shkolnik LLP secured four massive settlements with 3M, Tyco Fire Products, DuPont de Nemours and BASF Corp. ranging from \$316.5 million to \$12.5 billion on behalf of public water systems impacted by "forever chemical" contamination, earning him a spot as one of the 2024 Law360 Environmental MVPs.

His biggest accomplishment this year:

Napoli's biggest accomplishment over the past 12 months has been reaching a number of significant settlements with major drinking water polluters.

Kicking off the year with a bang, Napoli secured final approval in February as a lead class counsel of a \$1.2 billion settlement between water utilities affected by forever chemicals and DuPont de Nemours, Chemours and Corteva. Later in April, Napoli acted as a lead class counsel in securing final approval for an up to \$12.5 billion settlement between 3M and public water systems in South Carolina federal court.

In approving the deal, U.S. District Judge Richard Gergel found it would compensate more than 12,000 public water systems for costs incurred in cleaning up PFAS, or perfluoroalkyl and polyfluoroalkyl substances.

That same month, Napoli and fellow class attorneys also reached a \$750 million settlement on behalf of public water systems impacted by PFAS with Tyco Fire Products, a producer of firefighting foam containing the forever chemicals. Napoli reached a fourth, \$316.5 million deal in May with BASF on behalf of public water systems that detected PFAS contamination from PFAS-based filmforming foam products.

"Those settlements have put in place money that was not available to communities to put treatment on their water systems that will remove chemicals from community drinking water," Napoli said. "And the communities that need them most are really all around the country, many of which don't have the funds available to remove these contaminants."

His biggest challenge this year:

In any environmental litigation, there are always significant challenges, including the duration of the contamination, Napoli said.

"A lot of these chemicals have been put in use or used years and years ago. Sometimes the companies are long gone from the location where these chemicals have been used. So, it's hard to determine who was the actual polluter, what were the products that were used," Napoli said.

As a result, finding out who is responsible for making the product and spilling it into the environment requires a lot of deep investigation and discovery, Napoli said.

"All these defendants like to say it was not them and feign ignorance as to where their product was or where it was used. And so, we developed a way in using experts to help identify or fingerprint a lot of these chemicals," Napoli said.

While that type of "fingerprint analysis" does not answer all questions, Napoli said, it helps his team get "a step closer to finding responsibility."

Why he became an environmental attorney:

After graduating from law school, Napoli said, he stumbled into environmental litigation when he started trying cases for other lawyers, often taking on cases that they did not want, including medical malpractice cases, product liability cases and eventually environmental litigation. "They were always very hard, very expensive, and the law was developing, and it wasn't always in the favor of plaintiffs. And because I was a young lawyer, I was willing to sort of take on those tougher cases, because those were the cases I was able to get," Napoli said.

Over time, and after having honed his skills, Napoli said, the law has developed and so has the public's understanding that there are chemicals in the environment affecting their daily lives, whether it be PFAS in their drinking water or plastics in their food.

"And so that's made it a lot easier too, because there's broad acceptance of the public that there is contamination, and it does have ill effects on people," Napoli said.

His advice for junior attorneys:

Napoli's advice for junior attorneys boils down to three things: Go with your instincts on whether or not there is a case, spend time investigating the case and think outside the box.

When he first started handling environmental cases, Napoli said, he did not know all the environmental statutes, leading him to turn to what he knew, which was product liability law and negligence, and approach these cases from a different angle.

"When you are trained as an environmental lawyer, you look to those citizen suits and [environmental] statutes and sort of get pigeonholed in that one direction, and there's so many different types of tools available to a lawyer that might not be something you think of at first blush," Napoli said.

At the end of the day, Napoli said, the \$14 billion in settlements he worked to secure over the past year stemmed from product liability law, not necessarily environmental laws.

--As told to Madeline Lyskawa. Editing by Vaqas Asghar.

2024

LAW360[®]
MVP



Paul J. Napoli
Napoli Shkolnik