




# ENVIRONMENTAL LITIGATION

*The Brattle Group*

*Economic,  
Environmental &  
Management Counsel*





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Environmental litigation often requires economic and technical expertise to address damage issues accurately and to develop quantitative data to optimize settlement and litigation strategies.

*ENVIRONMENTAL  
LITIGATION*

*The Brattle Group* offers clients a unique combination of economic, finance, engineering, and regulatory expertise in the environmental area. Our nationally recognized consultants provide expert testimony and support in major environmental matters. Our engagements include the estimation of property value impacts, the valuation of non-compliance penalties, and the allocation and recovery of environmental costs. We also help clients develop litigation and settlement strategies for insurance recovery, toxic tort, and other complex cases.



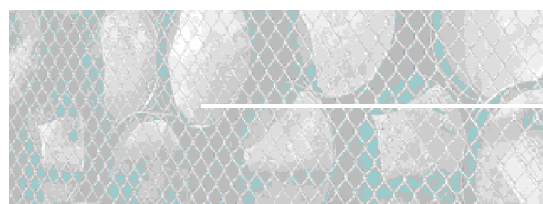


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## *The Brattle Group*

*The Brattle Group* provides consulting services and expert testimony on economic, regulatory, and strategic issues to corporations and law firms world-wide. We offer our clients in-depth industry experience and state-of-the-art analytical techniques to design and implement strategies for responding to changing market conditions or new opportunities. We provide expert testimony on economic damages, antitrust and competitive analyses, financial risk, regulatory economics, and environmental matters.

*The Brattle Group* is distinguished by its innovative solutions to complex problems, close affiliations with leading academics, and effective communication of analytic results.

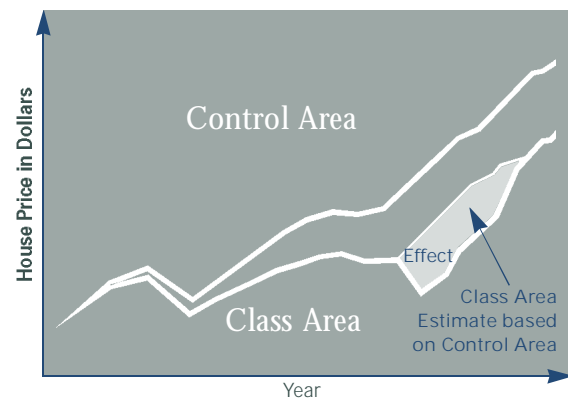


## PROPERTY DAMAGE

Environmental problems frequently lead to claims of property damage from physical contamination or stigma. *The Brattle Group* has provided expert testimony concerning damages in cases involving individual commercial properties and tens of thousands of residential properties. These cases often involve the rigorous application of econometric and statistical techniques.

- *Class Action Stigma Claims*
- *Contaminated Properties*
- *Commercial Property Damage*

## House Prices in a Control Area Can Be Used to Find Effects in the Class Area



## CHALLENGING PENALTIES

The economic benefit obtained through delayed compliance with environmental regulations creates a floor for the non-compliance penalty. Plaintiffs frequently use the BEN model to achieve inflated estimates of the benefit. *The Brattle Group*, using correct economic, engineering, and finance assumptions, has helped defendants challenge plaintiff estimates and achieve favorable results in settlements and adjudicated decisions.

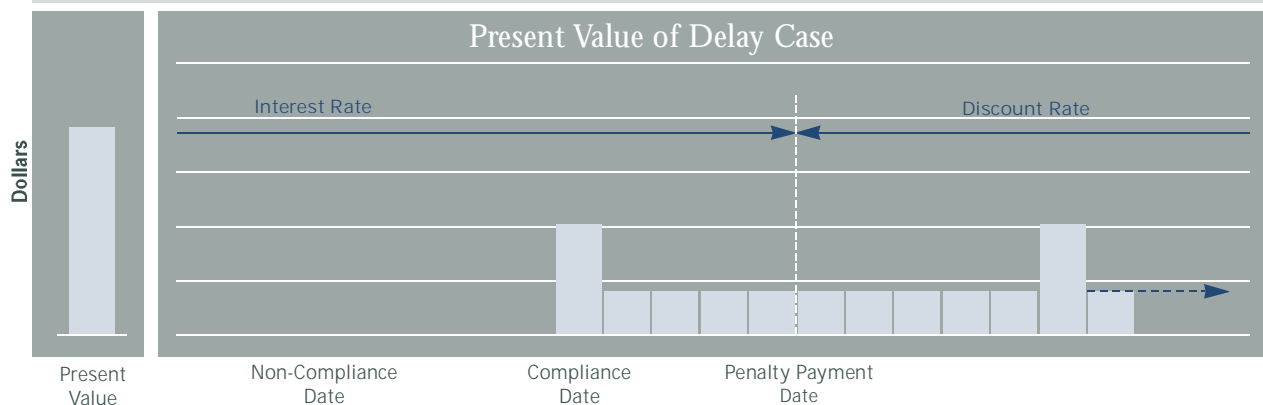
- *Correct Benefit Calculations*
- *Ability to Pay Analysis*
- *Settlement Negotiations*

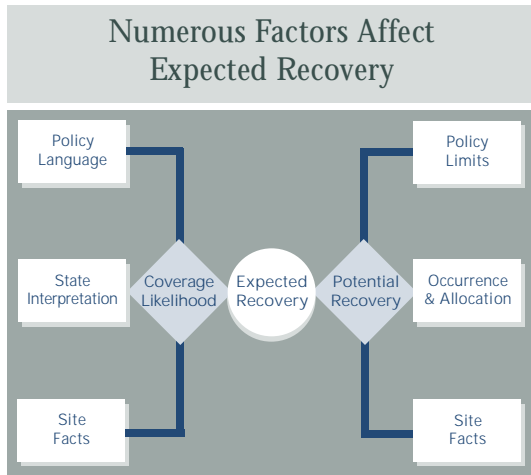
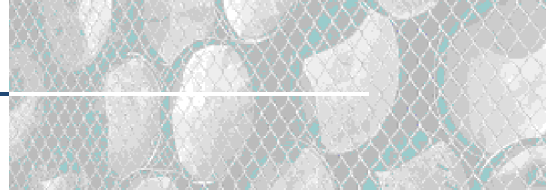
## ALLOCATION & COST RECOVERY

Recovery of environmental costs and allocation of liabilities among responsible parties are often complex and contentious issues. We have provided assistance to groups as third party neutrals and presented expert allocation testimony on behalf of individual parties. We have also provided expert testimony concerning the consistency of claimed costs with the National Contingency Plan.

- *Expert Allocation Testimony*
- *Third Party Neutrals*
- *NCP Consistency*

## The Interest and Discount Rates Differ in a Correct Economic Benefit Calculation





## INSURANCE RECOVERY

Companies with liabilities at multiple sites insured by numerous carriers face complex, expensive insurance recovery litigation with highly uncertain outcomes. *The Brattle Group* has helped clients value the expected return to litigation and understand the risks associated with possible litigation results. This allows our clients to optimize recovery strategies and to achieve settlements that avoid protracted legal efforts.

- *Optimize Litigation Strategy*
- *Achieve Early Settlements*
- *Mediate Disputes*

## NATURAL RESOURCE, TOXIC TORT, AND OTHER DAMAGES

Natural resource damage claims often lead to the controversial use of contingent valuation methods to measure the impact on non-market goods. *The Brattle Group* is experienced in contesting the improper use of these approaches. We have also assessed damages in connection with complex toxic tort matters, billion dollar product liability matters, and cases involving claims of business damages.

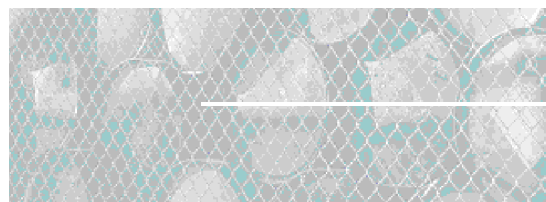
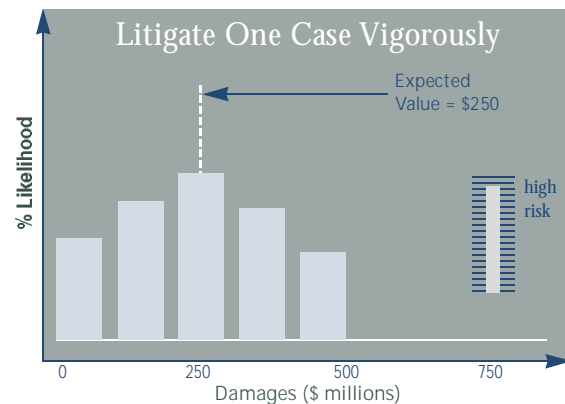
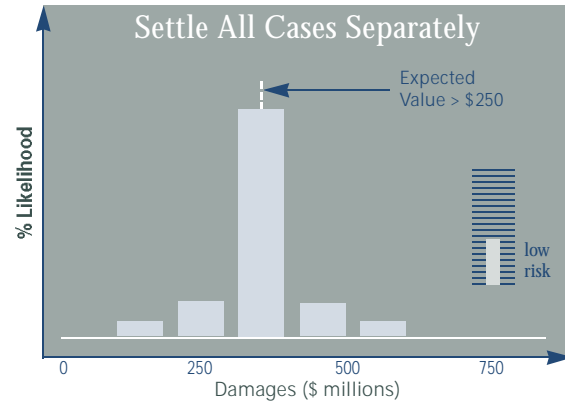
- *Natural Resource Damages*
- *Business Damages*
- *Toxic Torts*

## CASE MANAGEMENT ASSISTANCE

Environmental litigation often relies upon expertise from diverse areas. *The Brattle Group* has helped clients to determine the required skills and to assemble effective expert teams. We have also helped to coordinate the activities of the various team members to ensure that the work of each is properly focused on key case issues and is consistent with that of the others.

- *Expert Identification*
- *Team Coordination*
- *Cost Control*

### Litigation Analysis Reveals the Cost/Risk Tradeoff of Different Strategies



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