



BEATTY & WOZNIAK, P.C.
ENERGY IN THE LAW

BIOGRAPHY: Matthew J. Lepore

Matthew J. Lepore



Member
Beatty & Wozniak, P.C.
216 Sixteenth Street
Suite 1100
Denver, CO 80202-5115
(303) 407-4496
mlepore@bwenergylaw.com

Experience

- *State Conservation Commission permitting and compliance issues*
- *Onshore oil and gas litigation*
- *Environmental tort litigation*

Industries

- *Oil and Gas*
- *Natural Resources*
- *Renewable Energy*

Matthew J. Lepore

AREAS OF CONCENTRATION

- Oil and Gas Conservation Commission Practice
- Environmental Tort Litigation
- Environmental Compliance Counseling.

EXPERIENCE

Matt joined Beatty & Wozniak in July, 2011 and is concentrating his practice on representing clients before the Colorado Oil and Gas Conservation Commission, general oil and gas litigation, and environmental tort litigation. Immediately prior to joining the firm, Matt was a Colorado Assistant Attorney General, and was counsel to the Oil and Gas Conservation Commission. He represented the Commission in all litigation matters before the state trial and appellate courts. He counseled the Commission concerning interpretation and application of the Oil and Gas Conservation Act and the Commission's implementing regulations. Matt also assisted the Commission in administrative enforcement and adjudicatory matters, and agency rule making.

Prior to his tenure with the Attorney General's office, Matt was a partner in a large Denver-based regional private practice, where he represented corporations and individuals in complex litigation, specializing in class action and multi-party personal injury, wrongful death, and property damage claims allegedly arising from environmental contamination. In addition, he provided environmental compliance counseling and liability risk assessment for business and property transactions, and represented clients in regulatory enforcement proceedings under CERCLA, RCRA, NEPA, state oil and gas, and storage tank regulations. His clients included Fortune 100 aerospace, transportation, and mining companies, alternative energy developers, lenders, private investment companies, and small businesses and individuals in Colorado, California, New Mexico, Pennsylvania, and Texas. His experience includes:

- ❖ Successful defense of class action and multi-party property damage and personal injury claims arising from environmental impacts to surface water and groundwater (solvents, metals, BTEX, nitrates, perchlorate), soil (petroleum hydrocarbons, metals, PCBs), and indoor and ambient air (radiation, asbestos, lead paint, mold).
- ❖ Conducting environmental due diligence, compliance counseling and liability assessment for wind farms, natural gas



BIOGRAPHY: Matthew J. Lepore

production operations, and uranium mining and exploration projects.

- ❖ Prosecuting a CERCLA contribution action against the United States Navy, and representing potentially responsible parties at Superfund sites including landfills, dry cleaners, used oil recycling facilities, and major chemical spill sites.

PROFESSIONAL ACTIVITIES, HONORS, AND MEMBERSHIPS

- Chairman, Colorado Bar Association Environmental Law Section, 2011-2012
- Vice Chair, American Bar Association Tort and Insurance Practice Section, Toxic Tort and Environmental Law Committee, 2004-2009
- Colorado Lawyers for the Arts, Board of Directors 1998-2000, Chairman 2000-2001
- Associate editor, *The Stanford University Law Review*

SPEECHES

- “Cap and Trade Legislative Proposals,” Boulder County Business Reporter Green Summit, June 2009
- “Risks and Rewards of a Carbon Trading World,” Denver Democratic Business Coalition, March 2009
- “Federal Climate Change Legislation,” National Business Institute CLE, March 2008
- “Wind Farm Permitting” CLE International 2nd Annual Renewable Energy Conference, December 2007
- “Tools and Tricks of the Environmental Litigator,” CBA Environmental Law Section, April 2007

PUBLICATIONS

- “Legislating Carbon Sequestration: Pore Space Ownership and other Policy Considerations” *The Colorado Lawyer*, October 2011. Co-author with Derek L. Turner
- “Nanotechnology and Human Health: We Don’t Know Nano” *American Bar Association Toxic Tort and Environmental Law Committee Newsletter*, Spring 2008



BEATTY & WOZNIAK, P.C.
ENERGY IN THE LAW

BIOGRAPHY: Matthew J. Lepore

EDUCATION

1993 - J.D., Stanford University

1987 - B.A., *summa cum laude*, University of Colorado, Boulder

INTERESTS

Matt is an avid recreational cyclist, and passionate alpine and telemark skier. He enjoys climbing Colorado's Fourteeners with his wife, son, and dog.

REPRESENTATIVE CASES

Litigation and Regulatory Enforcement Matters

Grand Valley Citizens' Alliance v. Colorado Oil and Gas Conservation Commission. Represented Commission before the Colorado Court of Appeals in citizens' challenge to Commission rule defining who may request a Commission hearing on drilling permits. Prepared Petition for Writ of Certiorari to Colorado Supreme Court. Petition is pending.

Colorado Oil and Gas Assoc. v. Colorado Oil and Gas Conservation Commission. Represented Commission in trade association's judicial challenge of extensive Commission rule making. Successfully negotiated voluntary dismissal of COGA's judicial review and related Colorado Open Records Act suits.

Wilcox v. Homestake Mining Co. Represented Homestake Mining Company in a mass tort suit by individuals who resided near Homestake's uranium mill near Grants, New Mexico. Plaintiffs alleged their exposure to radioactive and non-radioactive hazardous substances released from the mill resulted in various illnesses, injuries and death. Obtained dismissal or summary judgment against all plaintiffs for failure to prove causation. Co-lead counsel responsible for all aspects of case strategy, motion practice, discovery, expert witnesses, in-depth jury study, and settlement negotiations.

Stalcup v. Schlage Lock Co, et al. Represented defendant battery manufacturer Eagle-Picher Technologies in class action property damage case in U.S. District Court, District of Colorado. Plaintiff property owners alleged diminution in property value due to groundwater contamination allegedly released from defendants' manufacturing facilities. Obtained early, favorable class-wide settlement following intensive fact investigation and discovery, including class representative and expert witness depositions. Lead counsel, responsible for all aspects of case preparation and development.

Smith v. Schlage Lock, et al. In this personal injury case arising from the same facts as the *Stalcup* case, obtained voluntary dismissal with prejudice of Eagle-Picher Technologies after deposing plaintiff's first expert witness and before any written discovery or other depositions.



BEATTY & WOZNIAK, P.C.
ENERGY IN THE LAW

BIOGRAPHY: Matthew J. Lepore

Nonsuch Natural Gas Company – COGCC Enforcement Action.

Representing independent natural gas producer in proceedings before the Colorado Oil and Gas Conservation Commission arising from alleged violations of Commission Rules.

Tallahassee Area Community, Inc. v. Fremont County Board of Comm'rs.

Representing Black Range Minerals, Colorado, LLC, a mining exploration company, in Rule 106 action in Colorado District Court. Black Range applied for and was granted a Conditional Use Permit by the Fremont County Board of Commissioners. Plaintiff citizen's group is challenging the issuance of the permit on multiple grounds.

Star Ranch Plaza, LLC, et al., v. Gopal. Represented individual defendant in CERCLA cost recovery action brought by property owner against former owner of dry cleaning facility. Reached early settlement following mediation with third-party private mediator. Lead counsel, responsible for all aspects of case.

In re Redlands Tort Litigation. Defense of Lockheed Martin Corporation in consolidated cases in state court in Southern California. Personal injury and wrongful death litigation by 800 residents of community near LMC's former rocket fuel production facility, in which plaintiffs alleged exposure to TCE and ammonium perchlorate. Plaintiffs asserted an array of cancers, immunodeficiency disorders, thyroid malfunction, and other diseases. Successfully moved to dismiss claims for fraudulent concealment, unlawful business practices, and strict liability for failure to warn. Responsible for discovery, depositions, motion practice and trial preparation of both fact and expert witnesses related to facility operations, including standard of care, industry practices, and plant safety.

Environmental Compliance Counseling and Liability Assessment

Nonsuch Natural Gas, Inc. Providing on-going compliance counseling with respect to natural gas production operations in Colorado.

Confidential Client (multi-family housing owner). Guided client's response to discovery of asbestos-containing building materials in 100-unit apartment complex represented to have been asbestos-free. Secured regulatory approval for proposed response action, coordinated remediation contractors and consultants, oversaw revisions to client's asbestos O&M plan and internal compliance procedures, including lease amendments, tenant, employee and worker notifications.



BEATTY & WOZNIAK, P.C.
ENERGY IN THE LAW

BIOGRAPHY: Matthew J. Lepore

Confidential Client (Private homeowner/landlord). Coordinated client's investigation of and response to alleged release of lead paint dust inside rental property following exterior painting. Coordinated all communications with tenant, property manager, and remediation contractors and consultants. Resolved to tenant's satisfaction without litigation.

Confidential Client (Mining and mineral development company). Coordinated environmental due diligence related to potential acquisition of significant uranium property in Wyoming.

Confidential Client (Private Investment Co.). Performed due diligence for client's acquisition of grey metal foundry in Michigan, guided client's compliance with statutory safe-harbor provisions for purchasers of environmentally impaired property, and negotiated environmental indemnification, representations and warranties in transaction documents.

Confidential Client (Non-profit provider of low income housing). Guided client's response to discovery of significant mold infestation in multi-family housing units in both Colorado and California. Coordinated communications with impacted tenants, implemented improvements to client's internal response procedures, drafted lease amendments and tenant disclosures, and coordinated remediation consultants and contractors.