

## Joseph J. McGovern

PARTNER

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LOCATED IN

Philadelphia, PA



### MEET JOE

Joe is the Chair of Obermayer’s Environmental Law Department. He represents a diverse client base locally and serves as special environmental counsel for clients based in Pennsylvania, New Jersey, Ohio, New York, Massachusetts, Connecticut and Michigan.

Joe knows his clients and their industries and develops problem-solving strategies to achieve success using practical and cost-effective means.

Joe also devotes time to providing pro bono assistance to a variety of organizations and individuals.

In his free time, Joe enjoys visiting historic sites, writing about ecology and the environment and boating with his family and dogs on the Eastern Shore of Maryland.

### EXPERIENCE

Joe has litigated environmental claims arising from high-rise office building fires; electrical equipment failures; pipeline accidents; hazardous materials spills; historic waste disposal practices; and alleged non-compliance with federal and state regulations applicable to manufacturers and recyclers. He has also successfully represented corporate officers alleged to have violated criminal provisions of the Federal Clean Water Act, and has conducted “in house” investigations on behalf of boards of directors, in connection with claims by EPA against corporate officers and managers.

Prior to joining Obermayer in 1990, Joe was senior counsel in the [Environmental Enforcement Section of the U.S. Department of Justice](#), Washington, D.C., where he served as litigation team leader in high priority enforcement cases brought under Superfund, the Resource Conservation and Recovery Act, the Clean Water Act and the Clean Air Act. While with the Justice Department, he was one of the government’s principal litigators in numerous cases of national significance. Before joining the

Environmental Enforcement Section, Joe served for four years as an Assistant United States Attorney for the District of Massachusetts.

Joe's notable work includes:

- Proved theft in federal court and recovered damages in the mid-eight figures from defendants in India when a client's intellectual property, consisting of chemical formulae and processes, were stolen by disgruntled employees and transferred to Indian industrial interests;
- Represented the owner of a high rise office tower that suffered a devastating fire which spread environmental contamination throughout the building. Prevailed in litigation against the owners' insurer, who denied coverage for environmental losses, obtaining over \$60 million in property damage;
- Served as Common Counsel for 30 parties in cost recovery litigation that involved more than 100 parties at a Superfund Site where the cleanup costs exceeded \$25 million. He led a team that developed a formula for allocating cleanup costs at the site, a municipal waste "co-disposal" facility, based on the parties' volumetric contributions and the toxicity of their waste streams. This approach to cost allocation was adopted by the court after a 52-day trial. It was estimated that the successful cost allocation approach saved the clients over \$6.4 million;
- Represents an international insurance company, providing defense for its insureds, and bringing follow up subrogation actions, in all environmental claims presented to the company arising from petroleum delivery and accidental spills in Pennsylvania, New Jersey, and Delaware.

Selected reported federal cases in which Joe has had lead counsel responsibility include:

- BRO-TECH Corporation t/a the Purolite Company. v. THERMAX, INC., 2010 WL 147921 (E.D.Pa. 2010)
- BRO-TECH Corporation t/a the Purolite Company. v. THERMAX, INC., 651 F. Supp.2d 378 (E.D.Pa. 2009)
- BRO-TECH Corporation t/a the Purolite Company. v. THERMAX, INC., 2009 WL 737349 (E.D.Pa. 2009)
- In re American Business Financial Services, Inc., 384 B.R. 80 (Bkrtcy.D.Del., March 20, 2008)
- In re American Business Financial Services, Inc., 384 B.R. 66 (Bkrtcy.D.Del., March 20, 2008)
- Miller v. Santilli, 2008 WL 355516 (E.D.Pa., February 07, 2008)
- In re American Business Financial Services, Inc., 375 B.R. 112 (Bkrtcy.D.Del., September 07, 2007)
- Miller v. Santilli, 2007 WL 839981 (E.D.Pa., March 15, 2007)
- In re American Business Financial Services, Inc., 362 B.R. 135 (Bkrtcy.D.Del., February 13, 2007)
- In re American Business Financial Services, Inc., 361 B.R. 747 (Bkrtcy.D.Del., February 13, 2007)
- In re American Business Financial Services, Inc., 360 B.R. 74 (Bkrtcy.D.Del., February 13, 2007)
- Portnoy v. Omnicare Pharm., Inc., No. 02-2905, 2004 U.S. Dist. LEXIS 12235 (E.D. Pa. June 25, 2004)
- Allianz Ins. Co. v. SSR Realty Advisors, Inc., No. 02-7253, 2003 U.S. Dist. LEXIS 9585 (E.D. Pa. June 5, 2003)
- Thompson Precision Ball Co. v. PSB Assocs. Liquidating Trust, No. 99 C 6943, 2001 U.S. Dist. LEXIS 340 (D.Conn. Jan. 11, 2001)

- Cigna Ins. Co. v. Didimoi Prop. Holdings, 110 F.Supp.2d 259 (D.Del. 2000)
- Keystone Coke Co. v. Pasquale, No. 97-6074, 1999 U.S. Dist. LEXIS 2591 (E.D. Pa. Mar. 9, 1999)
- Keystone Coke Co. v. Pasquale, No. 97-6074, 1999 U.S. Dist. LEXIS 2589 (E.D. Pa. Mar. 9, 1999)
- Keystone Coke Co. v. Pasquale, No. 97-6074, 1999 U.S. Dist. LEXIS 170 (E.D. Pa. Jan. 7, 1999)
- Hyde Athletic Indus., Inc. v. Continental Cas. Co., 969 F.Supp. 289 (E.D. Pa. 1997)
- United States v. Keystone Sanitation Co, No. 1:CV-93-1482, 1996 U.S. Dist. LEXIS 13651 (M.D. Pa. Aug. 22, 1996)
- United States v. Atlas Minerals and Chemicals, Inc., No. 91-5118, 1995 WL 510304 (E.D. Pa. Aug. 22, 1995)
- United States v. Atlas Minerals and Chemicals, Inc., 851 F.Supp. 639 (E.D. Pa. 1994)
- United States v. Keystone Sanitation Co., 885 F.Supp. 672 (E.D. Pa. 1994)
- United States v. Atlas Minerals and Chemicals, Inc., No. 91-5118, 1993 WL 485561 (E.D. Pa. Nov. 15, 1993)
- United States v. Atlas Minerals and Chemicals, Inc., No. 91-5118, 1993 WL 406727 (E.D. Pa. Oct. 4, 1993)
- Blount Int'l, Ltd. v. Schuylkill Energy Res. Inc., No. 88-3886, 1990 U.S. Dist. LEXIS 17366 (E.D. Pa. Dec.17, 1990), aff'd 16 F.3d 402 (3d Cir. 1993)
- Macht v. Skinner, 916 F.2d 13 (D.C. Cir. 1990)
- Macht v. Skinner, 715 F.Supp. 1131 (D.D.C. 1989)
- United States v. Charles George Trucking Co., 823 F.2d 685 (1st Cir.1987)
- United States v. Mattiace Indus. Inc., 73 B.R. 816 (E.D.N.Y. 1987)
- United States v. Charles George Trucking Co., 624 F.Supp.1185 (D.Mass. 1986)
- United States v. Metropolitan Dist. Comm'n, No. 85-0489-MA, 83-1614-MA, 1985 WL 9071 (D.Mass. Sept. 5, 1985)
- Conservation Law Found. of New England, Inc. v. Clark, 590 F.Supp.1467 (D.Mass. 1984)
- Greenwald v. Olsen, 583 F.Supp. 1002 (D.Mass. 1984)
- Bouchard v. Sec'y of Health and Human Serv., 583 F.Supp. 944 (D.Mass. 1984)
- Maslauskas v. United States, 583 F.Supp. 349 (D.Mass. 1984)
- Ahern v. U.S. Army Materials and Mechanics Research Ctr., 580 F.Supp. 1405 (D.Mass. 1984)
- United States v. 125.2 Acres of Land, 732 F.2d 239 (1st Cir. 1984)
- United States v. 0.37of an Acre of Land, 577 F.Supp. 236 (D.Mass. 1983)
- 9 to 5 Org. for Women Office Workers v. Bd. of Governors of the Fed. Res. System, 721 F.2d 1 (1st Cir. 1983)
- United States v. 177.5 Acres of Land, 716 F.2d 78 (1st Cir. 1983)

- United States v. 125.02 Acres of Land, 707 F.2d 11 (1st Cir. 1983)
- United States v. 176.10 Acres of Land, 558 F.Supp. 1379 (D.Mass. 1983)
- Fitzpatrick v. Pierce, 553 F.Supp. 167 (D.Mass. 1982)
- 9 to 5 Org. of Women Office Workers v. Bd. of Governors of the Fed. Res. System, 551 F.Supp. 1006 (D.Mass. 1982)
- United States v. 125.07 Acres of Land, 667 F.2d 243 (1st Cir.1981)
- Branning v. United States, 654 F.2d 88 (Cl. Ct. 1981)
- Appeal of Goodrich Engineering Inc., 80-2 BCA P 14780, 1980 WL 2737 (A.S.B.C.A. Oct. 10, 1980)
- Appeal of Brinegar & Fuller Inc., 80-1 BCA P 14334, 1980 WL 2964 (A.S.B.C.A. Feb. 28, 1980)

## ACTIVITIES & HONORS

- Programs Vice Chair: American Bar Association's Section of Environment, Energy, and Resources Environmental Transactions and Brownfields Committee (2012-2013)
- Lecturer: EPA Region II, Environmental Regulation Conference
- Lecturer: U.S. Dept. of Justice, Environmental Enforcement Section Lecture Series
- Lecturer: U.S. Dept. of Justice, Attorney General's Advocacy Institute
- Student Advisor: Trial Advocacy Workshop, Harvard Law School
- Leader of Explorer Post 912: (Careers in the law), Exploring Division of Philadelphia Council of Boy Scouts of America
- Board Member: Cystic Fibrosis Foundation, Bethesda, MD
- Patient Liaison: Family Support Services, St. Christopher's Hospital, Philadelphia, PA
- Member: Cystic Fibrosis Patient and Family Advisory Board, The Children's Hospital of Philadelphia, PA
- Cabinet Member: World Affairs Council of Philadelphia

## Awards Won\*



\*[Click here](#) for a description of the standard or methodology on which the awards and honors are based. No aspect of this advertisement is approved by the Supreme Court of New Jersey.

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## EDUCATION

- Boston University, BA
- New England Law, JD

## ADMISSIONS

- Massachusetts
- Pennsylvania
- Washington DC

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## CAPABILITIES

### Litigation

Appellate  
Commercial Litigation  
Construction Litigation  
Environmental  
Insurance

### Business & Finance

Corporate  
Intellectual Property  
Real Estate

### Labor & Employment

Employment Litigation  
Employment-Related Agreements  
Labor Arbitration

### Trusts & Estates

Trust & Estate Administration

### Industry Focus

Financial Services  
Individuals & Private Clients  
Local Governments & Municipal Authorities  
Real Estate & Construction  
Universities & Secondary Schools