

HUNTERS POINT SHIPYARD LITIGATION

INFORMATIONAL SESSION

OCTOBER 4, 2018

Presented By:

**BOWLES
& VERNA LLP**
PROFESSIONAL TRIAL LAWYERS

GIRARDI | KEESE
LAWYERS

Bowles & Verna LLP



- Founded in 1985 by Richard T. Bowles
- General Litigation Practice With Many Disciplines
 - \$44 million verdict against developer in land fraud case
- Plaintiff's Practice
 - Aviation Cases
 - Asiana - SFO Crash
 - Korean Airlines - \$31.5 million settlement for victims of airline crash
 - Air Philippines - \$135 million settlement for victims of airline crash
 - Mass Torts
 - Auto Accidents
- B&V has obtained verdicts and settlements in excess of \$1 billion for their clients over the years
- Environmental Torts - Colony Park (Concord, CA) with Girardi | Keese
- Will serve as local counsel in partnership with Girardi | Keese

Girardi | Keese



- One of the premiere Plaintiff's firms in the Nation
- Represented Bryan Stow in his case against the Dodgers
 - \$19 million verdict
- Hinkley v. PG&E (Erin Brockovich case)
 - Groundwater poisoning in town of Hinkley
 - 350 million gallons of chromium-6 dumped
 - \$333 million settlement; Erin Brockovich II - \$300 million
- Girardi | Keese has obtained verdicts and settlements exceeding \$10 billion
 - \$4.85 billion settlement against Vioxx manufacturer
 - \$1.9 billion against utility companies for fraud and manipulation of gas prices
 - \$785 million against chemical manufacturers for toxic tort claims

Hunters Point Shipyard

▣ History

- 1948 – 1974: Naval shipyard in operation
- 1948 – 1969: Naval Radiological Defense Lab
- 1989 - Designated as EPA Superfund site
- **1999 – SF Redevelopment Agency selects Lennar/Five Point as lead developer**
- 2002 - US Navy contracts with Tetra Tech to perform nuclear remediation work
- 2012 – Whistleblowers start going public with concerns the cleanup was botched
- **2013 – Lennar breaks ground on first homes in Hunters Point**
- 2018 – Up to 97% of sampling data appeared suspect and may have been falsified

Hunters Point Parcel Map



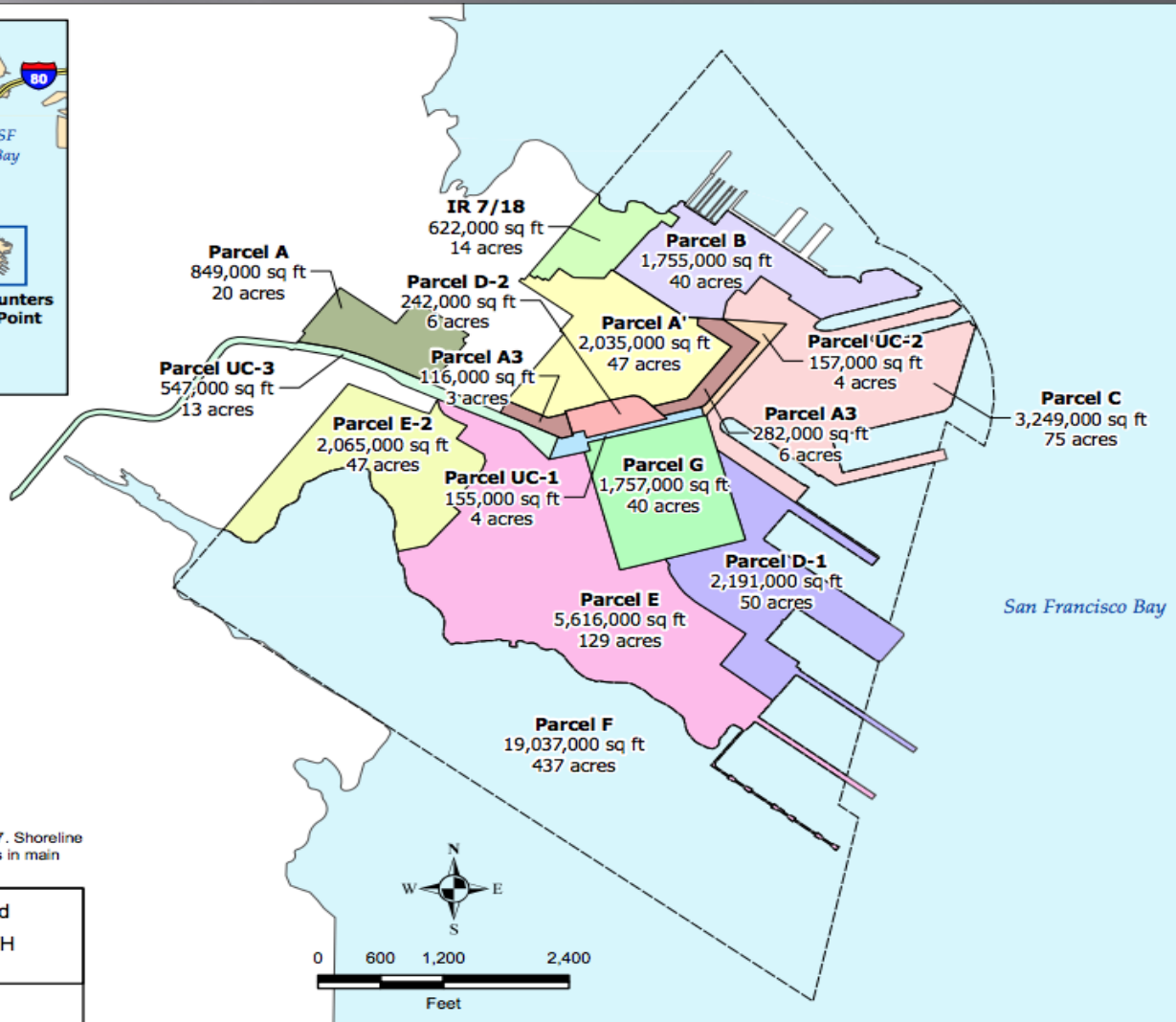
Parcel	Acreage
A	20
A'	47
A3 (combined)	9
B	40
C	75
D-1	50
D-2	6
E	129
E-2	47
F	437
G	40
IR 7/18	14
UC-1	4
UC-2	4
UC-3	13
Total	935

Note:

Inset map interstate highways from ESRI, 2007. Shoreline from San Francisco Enterprise GIS. Shorelines in main map adapted from TetraTech GIS data.

Hunters Point Naval Shipyard
 PARCEL BOUNDARIES WITH
 APPROXIMATE AREAS

Treadwell&Rollo



Tetra Tech's Fraud

- 2009: Tetra Tech Whistleblower takes soil sample in Parcel UC-2, which tested positive for cesium at a level well above the acceptable clean up limit ¹. The Whistleblower was instructed to stay quiet and get rid of the soil sample.



Yellow: Parcel A

Green: Parcel UC-2

- 2010: Tetra Tech hauls away contaminated dirt and soil from Shipyard without being tested or cleared for radiation.²
- 2011: Tetra Tech raised the alarm set point for its “portal monitors” to 8.5 deviations from 6 deviations above background in 2008. ²
- 2012: Navy determines that soil samples were inconsistent with previous findings. Tetra Tech’s own investigation determined sampling was falsified and collected from locations different than the ones specified – areas that had already tested clean for radiological contamination. ³

¹<https://www.nbcbayarea.com/investigations/Former-Hunters-Point-Worker-Claims-He-Found-High-Radiation-Level-on-Land-Near-New-Construction---420826844.html>

²<https://www.nbcbayarea.com/investigations/Former-Contractors-Claim-Hunters-Point-Cleanup-is-Botched-259871511.html>

³<https://www.nbcbayarea.com/investigations/Contractor-Submitted-False-Radiation-Data-at-Hunters-Point-279025911.html>

Lennar Planned Redevelopment



Lennar Planned Redevelopment

LENNAR



Integrity.

All of us at Lennar are committed to doing the right thing for the right reason. We are dedicated to being an innovator in the industry and are constantly focused on improving the quality of our homes. We approach each day with the highest level of integrity:

- For our customers
- For our community
- For our environment
- For our associates
- For our shareholders
- For our trade partners

**Our Lennar core principles:
Quality. Value.
Integrity.**

At Lennar, we hold ourselves to the utmost standards in caring for our customers, associates, shareholders and community. Lennar's commitment to Quality, Value and Integrity is the underlying foundation upon which we were built. And today, with more than half a century of experience behind us, this commitment continues to guide us forward.

Hunters Point Shipyard

- ▣ Concerns
 - Health
 - Property Value

Hunters Point Shipyard

- ▣ Recent Developments
 - Re-scanning found 36 naturally occurring anomalies (potassium) and 1 abnormal anomaly (deck marker)
 - Re-scanning not yet complete
 - Surface scanning only goes 6-12 inches
 - **Radioactive deck marker found in early September 2018**

What Does This Mean For You?

- ▣ Diminution of Property Value
- ▣ Stigma Damages
- ▣ Other