



Edward P. Sangster

Partner

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OVERVIEW

Edward Sangster is a partner in K&L Gates' San Francisco office. He has more than 30 years of experience helping clients resolve complex business and environmental disputes through counseling, litigation, and trial. His experience is broad, including commercial contracts, environmental, business torts, insurance coverage, and Uniform Commercial Code (UCC) cases. Although the types of cases have varied over time, his case load has consistently involved current cutting-edge issues, resulting in numerous published decisions in federal district and appellate courts.

The cases Edward litigates often turn on the resolution of highly technical scientific, engineering, regulatory, or economic issues. His environmental experience includes numerous cases concerning the California Environmental Quality Act (CEQA), cases involving groundwater contamination and administrative agency actions. Other examples include preemption of statutory limits on mortgage interest, illegal title insurance products, venture capital investments, defective heat treatment of metal alloys, and allegedly invalid publicly traded securities. He has handled many disputes governed by Article 2 of the UCC involving a wide range of products, from the mundane (boxes and food ingredients) to the exotic ("smart bomb" components and medical devices). His experience with intricacies of contract formation, "battles of the forms," warranty disclaimers, breaches and damages expedites the analysis and resolution of cases. He is authorized to practice before all state and federal courts in California, as well as the U.S. Court of Federal Claims. He has jury and bench trial experience in both state and federal courts, and he has briefed and argued numerous appeals.

Edward has more than 20 years of experience defending clients in Proposition 65 litigation. He has also been actively engaged in counseling clients concerning the implementation of practical compliance strategies, including compliance with new regulations governing the provision of warnings that will take effect on August 30, 2018.

Edward has repeatedly been recognized as a Northern California *Super Lawyer* since 2008, and is a senior fellow of the Litigation Counsel of America, a trial lawyer honorary society composed of less than one-half of one percent of American lawyers.

ACHIEVEMENTS

- BTI Client Service All-Star, 2016 (one of approximately 300 attorneys honored nationally based on nominations of corporate counsel)
- Trial Lawyer of the Year Finalist, Public Justice Foundation, 2010
- Award for exemplary pro bono service, presented by the U.S. District Court, Northern District Conference, 1997
- Outstanding Volunteer in Public Service, presented by the Bar Association of San Francisco, 1996
- Commendation by California State Bar Board of Governors in recognition of outstanding contributions to the delivery of pro bono legal services, 1988

PROFESSIONAL / CIVIC ACTIVITIES

- Richard M. Sangster American Inn of Court
- Senior Fellow, Litigation Counsel of America
- IINREEL (International Institute for Natural Resources, Energy and Environmental Law)
- California Lawyers Association (Litigation and Environmental sections)
- American Bar Association (Litigation section)
- Bar Association of San Francisco

ADDITIONAL BACKGROUND

PUBLISHED DECISIONS

- *Citizens for Ceres v. City of Ceres*, 3 Cal. App. 5th 237 (2016) (California Environmental Quality Act)
- *Tuolumne Jobs & Small Business Alliance v. Superior Court*, 59 Cal. 4th 1029 (2014) (California Environmental Quality Act)
- *Friends of Oroville v. City of Oroville*, 219 Cal. App. 4th 832 (2013) (California Environmental Quality Act)
- *Citizens for Ceres v. Superior Court*, 217 Cal. App. 4th 889 (2013) (California Environmental Quality Act)
- *Tuolumne Jobs & Small Business Alliance v. Superior Court*, 210 Cal. App. 4th 1006 (2012) (California Environmental Quality Act)
- *Chacoan v. Rohrer*, 2009 U.S. Dist. LEXIS 40662 (E.D. Cal. 2009) (federal civil rights)
- *Quicken Loans, Inc. v. Wood*, 449 F.3d 944 (9th Cir. 2006) (preemption of state mortgage laws)
- *Wells Fargo Bank, N.A. v. Boutris*, 419 F. 3d 949 (9th Cir. 2005) (preemption of state mortgage laws)

- *Fontana Empire Center, LLC v. City of Fontana*, 307 F. 3d 987 (9th Cir. 2002)
- *Emeryville v. Elementis Pigments, Inc.* 2001 WL 964230 (N.D. Cal. 2001)
- *Anesthesia Care Associates Medical Group v. Blue Cross of California*, 187 F.3d 1045 (9th Cir. 1999)
- *Atchison, Topeka & Santa Fe Railway Company v. Hercules Incorporated*, 146 F.3d 1071 (9th Cir. 1998) (CERCLA cost recovery)
- *TH Agriculture & Nutrition, Inc. v. Aceto Chemical Co.*, 884 F. Supp. 357 (E.D. Cal. 1995) (CERCLA cost recovery)
- *Kaufman and Broad -- South Bay v. Unisys Corp.*, 822 F. Supp. 1468 (N.D. Cal. 1993) (CERCLA cost recovery)
- *Eureka Financial Corp. v. The Hartford Accident & Indemnity Co.*, 136 F.R.D. 179 (E.D. Cal. 1991) (insurance coverage)

EDUCATION

- J.D., University of California Hastings College of the Law, 1985 (*Note/Research Editor, COMMENT, A Journal of Communications and Entertainment Law*)
- A.B., University of California, Berkeley, 1982

ADMISSIONS

- Bar of California
- United States Court of Appeals for the Ninth Circuit
- United States Court of Federal Claims
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

THOUGHT LEADERSHIP POWERED BY HUB

- March 2019, Proposition 65: Recent Developments Affecting Food, Beverage and Dietary Supplement Companies (*Webinar*)
- January 2019, Proposition 65: Recent Developments and Practical Strategies (*Webinar*)

- 20 October 2017, Northern California Wildfires — Important Insurance Coverage Considerations (*Alerts/Updates*)
- 4 January 2017, WARNING: Proposition 65 Warning Requirements Have Changed (*Alerts/Updates*)
- 28 July 2016, The “Most Contentious Issue” — Federal Preemption in the Amended Toxic Substances Control Act (*Alerts/Updates*)
- 5 May 2015, Chemical Regulations: A Legal Primer (*Presentations*)

NEWS & EVENTS

- 3 January 2017, K&L Gates Further Boosts San Francisco Office with Energy and Environmental Partner Hire (*Press Release*)
- 14 September 2016, K&L Gates Expands Corporate/M&A, Latin America Practices with Addition of San Francisco Partner (*Press Release*)
- 22 August 2016, K&L Gates Welcomes San Francisco Investment Management Partner (*Press Release*)

MEDIA MENTIONS

- "Security Firm Granted Response Deadline Extension In False Advertising Lawsuit," *Mealey's IP/Tech*, 8 December 2020

AREAS OF FOCUS

- Complex Commercial Litigation and Disputes
- Appellate Litigation
- Construction and Infrastructure Dispute Resolution
- Consumer Product Safety
- Environment, Land, and Natural Resources
- Insurance Recovery and Counseling
- K&L Gates Trial Academy
- Maritime
- Water and Wastewater

REPRESENTATIVE EXPERIENCE

- Trial counsel for defendant sued for \$26 million fee arising from procurement of significant equity investment in biofuel startup. Judgment following jury trial for amount admitted by client to be owed, which was less than 3 percent of claim.
- Trial counsel for plaintiff class in civil rights litigation. Judgment for clients characterized by a dissenting U.S. Supreme Court justice as “perhaps the most radical injunction issued by a court in our Nation’s history.”
- Trial counsel for defendant venture capital firm sued by founder of portfolio company. Plaintiff sought more than \$240 million for breach of contract, breach of fiduciary duty, and theft of trade secrets. Jury verdict in favor of clients following trial lasting more than four months.
- Represented multiple clients in threatened enforcement action by Department of Toxic Substances Control concerning thermostat reclamation program.
- Defended multiple clients against actions by predecessor of Department of Business Oversight seeking to impose penalties or revoke residential mortgage licenses
- Trial counsel defending party alleged to be liable for more than \$200 million in environmental cleanup costs. Judgment in favor of client after trial lasting approximately five months.
- Trial and appellate counsel for property owners and developers in numerous actions brought pursuant to the California Environmental Quality Act (“CEQA”).
- Advised product manufacturers regarding compliance with chemical emission limitations
- Represented multiple clients in negotiations with California Regional Water Control Boards concerning investigation or remediation of contaminated properties.
- Defended client against claims by California Department of Pesticide Regulation for unlicensed brokerage of alleged pesticides. Agency dropped \$1 million + claim following negotiations.
- Lead counsel for plaintiff-insured in litigation seeking coverage under employee dishonesty insurance policy for 8-figure theft of corporate property. Favorable settlement reached after court summarily adjudicated insurer defenses in favor of client.
- Trial counsel for defendant underwriter in action challenging validity of nearly \$100 million in municipal securities. Judgment for client following validation proceeding
- Defended manufacturer of diesel emission control devices against claim by California Air Resources Board for civil penalties. Claim settled for approximately 6 percent of agency demand.