



## Thomas D. Lupo

**Partner**  
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Thomas Lupo has devoted his practice for over three decades to the representation of business entities in complex environmental and commercial litigation cases. Tom handles Superfund/CERCLA, government enforcement matters, compliance, substantial mass and individual toxic tort litigation, and employment litigation.

He served in the United States Army JAG Corps, retiring from the U.S. Army Reserves with the rank of Lieutenant Colonel.

Tom was a Thomas J. White Scholar at The Notre Dame Law School and managing editor of its *Journal of Law, Ethics, and Public Policy*.

### Professional Affiliations

- American Bar Association
  - Section on Environment, Energy and Resources
    - Superfund and Cost Recover Committee, Vice-Chair, 2017 – Present
    - Superfund and Natural Resources Damages, Vice-Chair, 2015
  - Section of Litigation, Environmental Litigation Committee
    - Environment and Energy Litigation Subcommittee, Vice-Chair, 2017 – Present
    - CERCLA Law Subcommittee, Co-Chair, 2013 – 2015
  - Environmental and Toxic Torts Committee, Vice-Chair, 1999 – 2003

### Honors & Awards

- Recognized by his peers as a "Leading Lawyer" in the categories of Environmental Law and Toxic Torts Defense Law
- Rated by Martindale-Hubbell for ethics and legal ability

### Representative Matters

Tom works closely with his clients to develop and implement strategies and has successfully litigated and resolved significant cases in many areas. A selection of his representative cases includes:

#### Practices

Commercial Litigation  
Environmental  
Labor & Employment  
Sustainability & ESG  
Transactional Insurance

#### Education

J.D., University of Notre Dame Law School, 1985  
B.A., University of Notre Dame, 1982

#### Admissions

Illinois  
U.S. Court of Appeals for the Armed Forces, the Seventh Circuit, and the Eighth Circuit  
U.S. District Court for the Central and Northern Districts of Illinois  
U.S. District Court for the Eastern District of Wisconsin



- Represented clients in environmental litigation and other matters in at least 27 states.
- From 2013 to 2020, defended two corporations in the United States District Court trials and related U.S. Court of Appeals for the Eighth Circuit against Department of Justice (DOJ) led multi-seven figure civil penalties and cost recovery action. The cases involved numerous experts, corporate and fact witnesses, and substantial motion practice.
- Substantially reduced major initial U.S. EPA calculated allocation share of paint manufacturer to zero via cross-examination of Milwaukee-area drum reclaimer facility manager and his Chicago route truck drivers.
- Successfully defended a paint manufacturer in a toxic tort suit at a CERCLA site, resulting in a settlement for nuisance value in the Milwaukee area.
- Represented a major automotive systems manufacturer in central New York State. After privately interviewing the owner of a 1970s waste oil reclaiming company, our client's share was reduced from top tier to early de minimis cash out.
- Lead trial and strategy counsel for a transformer manufacturing company and its former corporate parent in 18 related mass toxic tort (PCB) actions venued in various state and federal jurisdictions and arising from a central Mississippi transformer manufacturing facility, with substantial removal practice, dispositive motion, Daubert challenges, and presenting and challenging of over 30 experts.
- Represented an Alabama-based aircraft refurbisher and government contractor. Successfully negotiated a settlement with zero penalty and reduced remedial action scope and cost in response to a seven-figure RCRA penalty groundwater enforcement demand.
- Represented a major automotive component systems manufacturer and negotiated within the existing PRP Group to reduce the client's participation share by two-thirds without invoking formal group-wide allocation procedures.
- Boldly opted out of de minimis settlement at potentially \$100+ million Superfund site, subsequently resulting in over 90 percent decreased cost to the client and deferred assessments.
- Criminal enforcement and environmental counsel to a prominent white-collar crime legal team defending an Indianapolis, Indiana, battery reclaiming facility plant manager, among others. Deeply involved in preparing defense expert witnesses (opinion disclosures and testimony) and cross-examination of U.S. government expert witnesses and legal briefings on Clean Water Act issues.
- Common litigation counsel charged with identifying, adding as third parties, and litigating substantial contributions from third-party defendants while also defending major paint manufacturers in United States' CERCLA cost recovery action.
- Represented a heavy equipment manufacturer in a citizen's lawsuit regarding underground storage tanks and property damage. Tank removal and minimal settlement resulted from motion practice.
- Managed PRP Group's remedy and interactions with Illinois EPA at an Illinois Superfund Site. Negotiated a favorable remedy and financed much of the site work by cashing out smaller parties.

## Presentations

Tom frequently speaks on topics pertaining to his areas of practice to various professional groups.

## Personal

Tom talks endlessly about playing golf and is an avid college football fan.

## Community/Civic Activities

- Parents Council for Wake Forest University, in Winston-Salem, North Carolina, Past Member
- University of Notre Dame National/International Alumni Board, Past Member