

# Daily Journal

SEPTEMBER 21, 2016



## Lawyers in California 2016

### LITIGATION

STEVEN M. STRAUSS

COOLEY LLP | SAN DIEGO

SPECIALTY: ENVIRONMENTAL DEFENSE, INTELLECTUAL PROPERTY, REAL ESTATE

Strauss has successfully represented major clients in a wide variety of litigation and never lost a jury trial in his 35 years of practice. One prominent client is Kinder Morgan, whom he defended against a federal suit filed by the city of San Diego alleging the energy infrastructure giant failed to clean up a fuel plume on property near Qualcomm Stadium.

Earlier this year, Strauss helped Kinder Morgan win a number of key motions, including one that reduced the claims period for damages from the 12 years the city sought to three years. *People of the State of California et al. v. Kinder Morgan Energy Partners LP et al.*, 3:07cv1883 (S.D. Cal. 2016).

Faced with an upcoming trial, the city settled the long-running suit in June for \$20 million, a tiny fraction of its initial demand.

“Strong fact development and very good motion practice throughout the case led to the opportunity to settle on favorable terms for Kinder Morgan,” Strauss said.

Kinder Morgan also retained Strauss to represent it in its appeal of a \$100 million judgment for back rent and interest related

to its pipelines running beneath Union Pacific Railroad Company’s right of way.

Strauss successfully argued that Union Pacific did not have sufficient title to collect rent on much of Santa Fe Pacific Pipelines L.P.’s thousands of miles of subsurface pipeline.

In November 2014, the 2nd District Court of Appeal issued a unanimous, published opinion finding that Union Pacific did not have the legal right to charge rent for Santa Fe Pacific’s pipeline running under Union Pacific’s right of way obtained by Acts of Congress.

The case was remanded to the trial court to determine Union Pacific’s property interests, and the appropriate rent for the easements. *Union Pacific Railroad Co. v. Santa Fe Pacific Pipelines, Inc., et al.*, B242864, 231 Cal. App. 4th 134 (2014). Strauss credits his success in the courtroom to both his fastidious preparation and in-court skills.

“Either one by itself is good, but they won’t beat the combination,” he said.

Strauss also said his strong litigation results have played a key role in him attracting high-profile clients. He is currently



representing the family of late NFL star Junior Seau in their wrongful death lawsuit against the NFL that asserts Seau developed chronic traumatic encephalopathy, or CTE, because of repetitive trauma during play.”

— Lyle Moran

# Cooley