

Jeffrey M. Hamerling

San Francisco, California
Of Counsel

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Areas of Practice & Industry Specialties

Litigation; Energy & Natural Resources; Intellectual Property Law;
Products Liability



Jeffrey M. Hamerling is Of Counsel in Buchalter's San Francisco office, and is a member of the Firm's Litigation Practice Group. Mr. Hamerling represents companies nationally and globally, and has more than 25 years of experience handling business and litigation matters involving franchise, marketing and distribution, and environmental issues. Mr. Hamerling focuses his practice on representing petroleum companies matters involving commercial, franchise, distribution, and environmental issues. He has appeared in over 100 matters involving the Petroleum Marketing Practices Act, where several of these cases established major precedents in the petroleum retail industry.

Mr. Hamerling regularly represents franchisors on commercial, California regulatory, and litigation matters. He also advises a broad range of companies on environmental matters involving federal and state statutes, unfair business practice and antitrust claims, trademark and copyright matters, and general litigation matters. In addition, he has extensive experience representing engineering companies on major professional liabilities matters including construction design litigation across the world.

Mr. Hamerling is a member of the American Bar Association's Environmental Law Section and Natural Resources subsection. He is also a member of the San Francisco Bar Association and serves on the Board of Directors for Contra Costa Legal Services.

Awards and Recognitions

- *Martindale-Hubbell, AV Preeminent*
- *San Francisco's Top Rated Lawyers*
- *Northern California Super Lawyers 2005-2006*

Representative Matters

Representative Experience

Counseling and Transactional Matters

- Provided advice and drafted documents involving sale of major oil company's gasoline retail properties in Midwest market.*
- Provided counseling regarding purchase of downstream petroleum facilities by large independent refiner.*
- Negotiated and drafted numerous agreements on behalf of clients regarding environmental remediation and cost allocation agreements, including refinery, retail service station facilities, bulk plans, and third party properties.*
- Advised and counseled several petroleum companies on regulatory franchise, risk management, pricing and distribution issues.*
- Advised a petroleum company on commercial, environmental, landlord-tenant and environmental issues in connection with service portfolio.*

- Advised on environmental and landlord/tenant advice to major shopping center owner.*
- Advised a television and radio company on environmental issues related to acquisition and disposition of properties.*

Litigation Matters

- Represented BP West Coast Products in five different federal District Court cases in which franchisee/dealers challenged the methodology BP used in offering dealers right of first refusal to purchase gas station properties sold under a sealed-bid process involving over 40 facilities. After extensive discovery, he obtained summary judgments in favor of BP, which were recently affirmed by the Ninth Circuit, *BP West Coast Products LLC v. May et al*, 447 F.3d 658 (9th 2006).*
- *Consumer Defense Group v. Shell Oil Company*, Represented BP West Coast Products in Proposition 65 case in which plaintiff alleged major oil companies and industrial companies violated Proposition 65 by not adequately remediating landfill and posting Propositions 65 warnings. BP's demurrer was sustained by the Orange County Superior Court and case was affirmed by the California Court of Appeal for the 4th.*
- *H-Cap v. Creto Industries, Inc.* Represented US/Hong Kong concrete sealant manufacturer in trademark infringement and breach of contract action against US company in United States District Court for Nevada. After extensive briefing and argument, District Court entered a judgment and permanent injunction requested by H-Cap.*
- *Department of Health Services v. Chevron*, Defended major oil company in cost recovery action filed by State of California against numerous parties for sending waste oil from 1950 to 1980 to a waste oil recycling facility in Sacramento.*
- Represented numerous franchisors on litigation involving termination and regulatory matters.*

International Matters

- Prosecuted and negotiated claim for payment by major US engineering company and defended claim of professional negligence.*
- Defended claim of professions negligence involving bridge collapse in Palau.*

* Represents experience from a previous law firm.

Education

Mr. Hamerling received his J.D. from the University of California, Davis School of Law and his B.A., with honors from the University of California, Berkeley.

Bar Admissions

- California