

## Matthew S. Covington

San Francisco, California  
Shareholder

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### Areas of Practice & Industry Specialties

Environmental Law Practice; Litigation; Real Estate; Energy & Natural Resources Law; Construction Law & Public Contracts



Matthew S. Covington is the Managing Shareholder of Buchalter's San Francisco Office, and a member of the firm's Litigation and Energy and Natural Resources groups. With 30 years of experience, Mr. Covington focuses his practice on franchise, real estate, environmental, commercial and construction disputes. Among other clients, he routinely represents energy and petroleum companies.

Mr. Covington's technical background is particularly useful in technically complex cases. He has represented clients in matters involving refinery operations, cogeneration plants, unmanned submarines, geotechnical investigations, and hydrostatic testing.

Mr. Covington is a member of the ABA Sections on Litigation and Environmental Law.

### Representative Matters

#### *Petroleum Company Representative Matters*

- A major petroleum company in dispute concerning purchase of electric generation capacity.
- A major California petroleum retailer in multiple arbitrations concerning "bona fide offers" to dealers.
- BP West Coast Products in five 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 affirmed by the Ninth Circuit. *BP West Coast Products LLC v. May et al.*, 447 F.3d 659 (9th Cir. 2006).
- *Consumer Advocacy Group v. Exxon, et al.* Represented Atlantic Richfield Company in Proposition 65 case alleging theory of daily "continuous discharges" from underground storage tanks. Defense group defeated this theory on summary judgment which was affirmed on appeal.
- *Watson Land Company v. Atlantic Richfield Company et al.*, Represented Atlantic Richfield Company's refinery in soil and groundwater contamination lawsuit. Court approved good faith settlement in which client obtained access to a tax exempt Qualified Settlement Fund for use in remediation.

#### *Real Estate Representative Matters*

- Petroleum companies in easement disputes and environmental disputes.
- Commercial landowners in litigation involving enforceability of restrictive covenants.
- Developers in land use and zoning disputes.

#### *Product Defect and False Advertising Representative Matters*

- Representation of retailers in class action multi-district litigation alleging false and misleading advertising and personal injuries arising out of sale and use of electronic cigarettes.
- A manufacturer of unmanned submarines used for oil and gas exploration against foreign supplier of control cables.

- A major design, consulting, and construction firm in a lawsuit alleging errors in geotechnical investigations, design recommendations and quality assurance during construction of crane rail foundation upgrades.

#### *Finance Representative Matters*

- A lender in major “subscription credit line” dispute with a real estate investment company and members. Issues involved secured transactions law, securities claims and failed real estate investments.
- Financial institutions in loan disputes, real estate foreclosures, and related bankruptcies.
- A Fortune 500 Company concerning alleged damages/valuations regarding the sale of an insurance company.
- A machinery manufacturer in dispute over design and implementation of ESOP Trust.

#### *Transactional Representative Matters*

- Franchise agreements, ROFRs and multi-site operator agreements for petroleum companies.
- Advised and drafted purchase and sale provisions in various matters involving sales of cement manufacturers, major oil company’s gasoline retail and refinery assets, and sales of port facilities.

### **Education**

Mr. Covington earned his J.D. *cum laude* at Harvard Law School in 1991, and received his B.A. with honors from Stanford University, in 1988.

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### **Bar Admissions**

- California

### **Court Admissions**

- California State Courts
- United States District Courts for the Northern, Eastern, Central and Southern Districts of California
- United States Supreme Court
- Ninth Circuit Court of Appeals