



Davina Pujari

Partner

Davina is the co-chair of the Environment and Natural Resources Group at Hanson Bridgett. She is an experienced trial attorney who has practiced environmental and criminal law for over twenty-five years, handling complex matters in federal and state court. Davina focuses on the defense of environmental enforcement actions and prosecutions, environmental litigation against the government and between companies, allocation of environmental costs, and internal investigations. Davina also handles cases before arbitrators, administrative judges, regulatory agencies, and mediators.

Davina is a former EPA enforcement attorney and environmental prosecutor, offering clients an understanding of governmental priorities, procedures, and tactics. As a Senior Assistant DA with the San Francisco District Attorney's Office, Davina investigated and prosecuted environmental and white collar cases involving the illegal disposal of hazardous waste, water pollution, false statements and reports, and obstruction of justice. As an Assistant United States Attorney in the Northern District of California, Davina investigated and prosecuted environmental cases under the Lacey Act, Endangered Species Act, Clean Water Act, and other federal environmental laws. Davina also prosecuted and tried cases involving bribery, false statements, fraud, identity theft, and use of the internet for criminal purposes. Davina began her legal career at the U.S. Environmental Protection Agency in the Office of Enforcement (now OECA), filing enforcement actions under TSCA, FIFRA, and EPCRA, and developing nationwide enforcement policies and priorities.

Representative Work

Representative Criminal Environmental Matters

- Represented public agency in federal criminal investigation of alleged violations of the Clean Water Act and reporting laws. No charges were filed.
- Represented company and its employees in federal criminal investigation of alleged violations of the Endangered Species Act relating to the importation and sale of listed species. No charges were filed.
- Represented individual in federal criminal investigation of alleged violations of Section 404 of the Clean Water Act for unlawful filling in

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Firm Leadership

Environmental Crimes &
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Air Quality
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Environmental Crimes &
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Food and Beverage
Land Use
Litigation & Dispute Resolution
Proposition 65
Transportation & Logistics

waters of the United States. No charges were filed.

- Represented individual in federal Clean Water Act prosecution for alleged falsification of reports and unlawful discharges to water. Obtained reduced Sentencing Guidelines calculation based on ambiguities in discharge permit.
- Represented individual in state prosecution for overfishing. Probation granted.
- Represented company in state prosecution for failure to file updated Hazardous Materials Business Plan. Resolved case via plea agreement to an infraction.
- Represented chemical company in parallel criminal/civil and state/federal investigations for labeling and marketing violations under pesticide laws. Resolved case via misdemeanor plea.
- Represented employee in investigation and prosecution under the Act to Prevent Pollution from Ships for alleged dumping of oil in ocean. Charges were dismissed.

Representative Civil Environmental Matters

- Lead trial counsel for chemical company in 7-week arbitration hearing before JAMS tribunal to allocate costs at complex Superfund site in Kentucky.
- Lead counsel for environmental remediation contractor defending multiple governmental enforcement actions and private cases alleging falsification of data at Superfund site in California.
- Represented company in investigation by multiple California District Attorneys involving alleged unlawful disposal and handling of hazardous waste and hazardous materials. Resolved case via favorable civil settlement.
- Represent company in connection with contaminated property assessment and response, protection of workers from possible vapor intrusion, and threatened litigation with landlord and neighboring property owners.
- Represented company in investigation by Cal OSHA for alleged workplace safety violations leading to severe employee injury. Resolved case via administrative settlement.
- Represented individual in action by District Attorney and California Department of Fish & Wildlife alleging violations of Fish & Game Code. Resolved case via civil settlement.
- Represented oil company in toxic tort litigation involving hundreds of plaintiffs, while defending company in civil and criminal actions filed by environmental agencies.
- Represented company in action by District Attorney alleging violations of the California Accidental Release Prevention program. Resolved case via civil settlement.
- Represent and counsel companies responding to investigations and enforcement actions following environmental spills and incidents.
- Counsel companies regarding acquisition of environmentally impacted properties and protection from potential liability.
- Represent companies in defense of suits under California's Proposition 65.

Representative White Collar Criminal Matters

- Represented individual charged with antitrust crimes and mail fraud for alleged "bid-rigging" activities at public foreclosure auctions. Negotiated plea agreement with reduced Sentencing Guidelines calculations.
- Represented companies under investigation by the California Attorney General for alleged Medi-Cal fraud.
- Represented individual charged with bank fraud and tax evasion in context of mortgage and real estate transactions. Obtained variance from Sentencing Guidelines.
- Represented employees of community mental health provider who were called as witnesses in state homicide prosecution.
- Represented material witness in Grand Jury investigation of alleged telemarketing billing violations.
- Represented individual charged with distribution of controlled substances via internet pharmacy.

Representative Internal Investigations and Audits

- Conducted internal investigation of alleged air violations made by whistleblower and provided recommendations for improved compliance protocols for major company.
- Conducted multi-facility audit for biotechnology company regarding possible violations of environmental laws governing use and reporting of chemicals, and developed reporting strategy and protocols to minimize potential penalties.
- Designed and conducted periodic facility audits for submittal to U.S. EPA, U.S. DOJ and private adverse company under federal, state and local emergency planning, worker safety and hazardous materials management laws, as well as applicable safety and building codes.
- Conducted internal investigation for company following threats of workplace violence by employee, including interviews of supervisors, threatened employees, and subject employee.
- Conducted time-critical internal investigation for company victimized by employee fraud and theft. Assisted FBI and U.S. Attorney's Office in computation of loss and identification and prosecution of co-conspirators. Obtained restitution and negotiated civil settlement agreements.

Publications

"California DTSC's Efforts to Address the Segregation of Pollution" co-author, Environmental Law Institute (July, 2019)

"Clean Water Act Cases Head to the High Court," co-author, *Daily Journal* (March 2019)

"Clean Up On Aisle 3: How to Avoid Hazardous Waste Enforcement," co-author, *Waste Dive* (September 2018)

"Expert Opinion: Hazardous waste compliance is different in California," co-author, *Chain Store Age* (March 2018)

"Cases provide insight into shifting environmental policy," co-author, *Daily Journal* (January 2018)

"Efforts Seek to Rein in Chevron Deference," co-author, *Daily Journal* (August 2017)

"U.S. Department of Justice Announces Elder Justice Task Force," co-author, *Litigation & Dispute Resolution Alert* (April 2016)

"EPA Enforcement Actions Reflect Shifting Priorities," co-author, *Law.com* (February 2016)

"The first stage in bringing Volkswagen to justice?" co-author, *Daily Journal* (January 2016)

"Criminal VW case may get messy," co-author, *Daily Journal* (October 2015)

"Criminal Prosecutions Signal New Era of Heightened Enforcement in Organic Food Industry," *Food Manufacturing* (December 2014)

"Minority Powerbrokers Q&A: Barg Coffin's Davina Pujari," *Law360* (November 2014)

"Learning from GM: Objectivity in Internal Investigations From The Experts," co-author, *Corporate Counsel* (May 2014)

"What Defense Counsel Can Learn From The W. Va. Spill," *Law360* (February 2014)

"Frac Sites Facing Increased Scrutiny," co-author, *The American Oil & Gas Reporter* (January 2014)

"Environmental Criminal Investigations – Differences, Do's & Don'ts," *San Francisco Daily Journal* (July 2012)

Presentations

"Environmental Arbitration: Trial Light or Trial 2.0?," co-speaker, The Bar Association of San Francisco (May 2019)

"Diversity, Inclusion and the Bottom Line: From Pledge to Profitability," co-speaker, The Bar Association of San Francisco (September 2018)

"Environmental Law Basics: Understanding Hazardous Waste," co-speaker, The Bar Association of San Francisco (November 2017)

"Corporate Counsel Round Table," co-speaker, SABA's Annual Convention: Fueling Our Future (May 2016)

"Oxford Debater," Northern District of California Judicial Conference (April 2014)

"Navigating Environmental Accidents and Catastrophes – Government and Defense Perspectives," moderator, Bar Association of San Francisco (November 2013)

"What You Don't Know Can Hurt You – Internal Investigations & Environmental Crimes," co-presenter, Bar Association of San Francisco (May 2012)

Press

"Waste Disposal Suits Raise Hackles Among Company Defense Lawyers," *Daily Journal* (September 2018)

"Calif. Spill Conviction Is A Wake-Up Call For Pipeline Cos.," *Law360* (September 2018)

Honors & Awards

Appellate Panel Member, Criminal Justice Act Panel, United States District Court, Northern District of California (2014-2017)

Northern California Super Lawyers, Criminal Defense: White Collar (2012-2017)

Trial Panel Member, Criminal Justice Act Panel, United States District Court, Northern District of California (2010-2013)

Department of Justice Director's Award for Superior Performance as an Assistant United States Attorney (2002)

Wiley W. Manuel Award for Pro Bono Legal Services (1999)

Medal for Commendable Service, U.S. Environmental Protection Agency (1994)

Professional Affiliations

The Environmental Law Institute, Leadership Council Member

American Bar Association – Women in White Collar Committee; White Collar Crime Northern California Regional Subcommittee

Women’s White Collar Defense Association, Co-Chair of San Francisco Chapter

National Association of Criminal Defense Lawyers

Bar Association of San Francisco

South Asian Bar Association

Asian American Bar Association

Education

J.D., Lewis and Clark Law School (1992)

B.A., North Carolina State University (1988)

Admissions and Courts

California

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the District of Columbia Circuit

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California