Jessica K. Rosell

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PRACTICE AREAS

Appellate Practice

Class Action Defense

Environmental Law

Environmental Litigation

Contaminants & Toxic Tort

PFAS (per- and polyfluoroalkyl substances)

Superfund

COURT MEMBERSHIPS

- Missouri
- Kansas
- U.S. District Court for the District of Kansas
- U.S. District Court for the Western District of Missouri
- U.S. District Court for the Eastern District of Missouri

EDUCATION

Jessie Rosell concentrates her practice in environmental, litigation, and appellate matters, representing clients in negotiating administrative claims with federal and state environmental agencies, advising clients in initiating and maintaining environmental regulatory compliance programs, and assisting in complex environmental and toxic tort litigation in federal and state courts. Jessie advises clients on compliance and permitting under federal environmental laws and regulations, including the Clean Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund), and the Resource Conservation Recovery Act (RCRA).

Jessie's litigation experience includes complex toxic tort claims, including class actions, contribution claims under CERCLA and state counterparts, and general tort and business claims. Her work on complex environmental litigation includes pretrial discovery and motions practice, playing a key role in securing summary judgments and voluntary dismissals and defeating class certification at the pleadings stage. Jessie also assists in preserving issues for appeal at the trial court level and briefing appellate issues, including a successful brief in opposition to a petition for writ of certiorari to the U.S. Supreme Court. Jessie serves as an Adjunct Professor at Wichita State University, where she teaches on the U.S. Supreme Court.

Jessie's extensive experience handling highly technical issues in state and federal regulatory matters and in litigation uniquely positions her to advise on emerging contaminants, particularly PFAS issues related to due diligence, regulatory compliance, remediation, and litigation avoidance. Her PFAS experience includes defending multi-thousand-

Washington University School of Law, J.D., *cum laude*, 2008

Trinity University, B.A., Political Science & Spanish, *magna cum laude*, 2005

- Phi Beta Kappa

LANGUAGES

Spanish

plaintiff mass tort claims, class action litigation seeking remedial action and money damages, and a citizen suit seeking to prevent PFAS use, receipt, and discharge to surface water.

Jessie's experience with Superfund site issues includes successor liability, PRP liability allocation, orphan share issues, natural resource damages, cost recovery litigation, and negotiations with federal and state governmental agencies. She also regularly assists clients with environmental due diligence on real estate and corporate transactions. Her work includes review of environmental assessments, evaluation of potential environmental liabilities, and availability of landowner liability defenses.

Representative Experience

- Defended a chemical company against multiple class-action lawsuits filed in federal and state courts claiming exposure to chemicals used in fertilizer. Co-authored successful summary judgment motion in lead state court case and federal putative class action case, with the remaining claims voluntarily dismissed.
- Defended a national waste management company in a series of multiple-plaintiff claims under the Price Anderson Act alleging personal injury based on exposure to residual Manhattan Project waste, with claims ultimately dismissed.
- Co-authored a successful brief in opposition to a petition for writ of certiorari to the U.S. Supreme Court on an issue under the Class Action Fairness Act.
- Researched and drafted issues certified to the South Carolina Supreme Court in an odor nuisance case regarding limits on damages for temporary nuisance and parameters of trespass and nuisance claims for a national waste management company.

Events

- The PFAS Roadmap and Beyond
  December 8, 2021

Presentations

- Co-presenter, *The PFAS Roadmap and Beyond: PFAS Regulatory Update*, Colorado Environmental Management Society Luncheon, April 12, 2022

- Speaker, *Environmental Liability: Developments in Preemption of State Law*, American Law Institute CLE, February 2014
- Speaker, *Real Estate Law: Advanced Issues and Answers - Environmental Issues in Real Estate*, National Business Institute, June 2013
- Speaker, *Law and Risk Management: Environmental Law and Concerns*, Building Owners and Managers Institute International, May 2013
- Speaker, *Environmental Issues and Federal Regulations Affecting Real Estate Transactions*, The Missouri Bar, February 2013
- Speaker, *Hot Topics in Environmental Law*, Kansas City Metropolitan Bar Association, June 2012

Publications

- Co-author, "Oral Arguments Signal Sea Change in Future of Administrative Law," *Bloomberg Law*, January 22, 2024
- Co-author, "State PFAS Requirements for Consumer Products Set to Go Into Effect in 2023 and Beyond," ALM | Law.com, January 27, 2023
- Co-author, "PFAS in Agriculture: What Agri-Business Sector Needs to Know about the Latest Emerging Contaminants," Agricultural Business Council of Kansas City, November 29, 2022
- Co-author, "The PFAS and the Furious: Evaluating EPA's New PFAS Lifetime Health Advisories and Implications for the Future of PFAS Litigation," American Bar Association Section of Environment, Energy & Resources (SEER), September 2022
- Co-author, "Illinois Issues One of the Lowest Health Advisory Guidance Levels in the Nation," *Illinois State Bar Association Environmental Law Newsletter*, March 2021

Client Alerts And Blog Posts

- EPA Officially Lists Key PFAS as “Hazardous Substances” Under Superfund
  April 22, 2024
- EPA Officially Lists Key PFAS as “Hazardous Substances” Under Superfund
  April 22, 2024
- EPA Poised to Expand Federal Superfund to Include Key PFAS
  April 18, 2024

- EPA Poised to Expand Federal Superfund to Include Key PFAS
  April 16, 2024
- PFAS Considerations for the Agribusiness and Food Markets
  April 2, 2024
- Oral Arguments Signal Sea Change in Future of Administrative Law
  February 14, 2024
- EPA Encourages Inclusion of PFAS Monitoring in Discharge Permits
  November 6, 2023
- EPA Unveils New Proposed National Limits for PFAS in Drinking Water
  March 16, 2023
- What the Agri-Business Sector Needs to Know About PFAS
  December 2, 2022
- EPA's New Lifetime Health Advisories for PFOA and PFOS Rely on Health Outcome Associations Rejected by the National Academies of Sciences, Engineering, and Medicine
  September 22, 2022
- Quick-Service Restaurant Franchisors Targeted by "Forever Chemical" Class Action Litigation
  June 16, 2022
- Superfund Enforcement of PFAS Moves Closer as EPA Submits Proposed Hazardous Substance Designation to OMB
  January 14, 2022
- Illinois Issues One of the Lowest Health Advisory Guidance Levels in the Nation for PFAS in Drinking Water
  March 10, 2021

In The News

- Law360 Mentions Lathrop GPM Attorneys in Recent Article
  February 2, 2024
- Attorney At Law Magazine Features Lathrop GPM Attorneys Promoted to Partnership
  January 8, 2024
- Bloomberg Law Quotes Counsel Jessica Rosell on Litigation Outlook After EPA Proposes Limits on PFAS in Drinking Water
  March 15, 2023
- Law360 Quotes Counsel Jessica Rosell on Implications & Impacts of EPA's Newly Proposed Limits on 'Forever Chemicals'
  March 15, 2023

- Bloomberg Law Quotes Jessica Rosell on How Water Utilities Brace for Imminent EPA Proposal on PFAS in Water
  February 17, 2023
- Chemical Processing Quotes Jessica Rosell and Matthew Walker on Chemical Regulations to Watch in 2023
  February 6, 2023
- Chemical Watch Quotes Jessica Rosell on Potential Impacts of New EPA Health Advisories
  June 30, 2022
- Chemical Watch Quotes Jessica Rosell on Growing Number of PFAS Class Action Lawsuits In The US
  May 3, 2022
- Inside Washington Publishers: Missouri Case Could Test EPA's Use of 'Flow' as Stormwater Surrogate
  June 29, 2011

News Releases

- Lathrop GPM Strengthens Tort, Insurance & Environmental Practice with Four Additions, Three Promotions
  January 18, 2024
- Four Lathrop GPM Attorneys Promoted to Partnership
  January 8, 2024
- Lathrop GPM PFAS Team Honored in Top Legal Innovations Awards by Missouri Lawyers Media
  December 8, 2021
- Volunteer Lawyers from Lathrop Gage Lead Educational Initiative for Sumner Academy
  September 16, 2009
- Lathrop Gage Announces Nine New Associates
  September 16, 2008

Professional Affiliations

- Lawyers Association of Kansas City, Young Lawyers Section, Board of Directors, 2011-2012

Community Involvement

- Music Theatre Wichita, Board of Directors, 2019- 2022
- Citizens of the World Charter Schools, Community Advocates Committee, 2014-2016

Honors

- Missouri Lawyers Media, Top Legal Innovations Award, Emerging Practice Areas, PFAS