Allyson Cunningham

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PRACTICE AREAS

Environmental Law

Class Action Defense

Insurance Recovery & Counseling

Odor Nuisance

PFAS (per- and polyfluoroalkyl substances)

COURT MEMBERSHIPS

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

Ally Cunningham is a Partner, focusing on the areas of environmental, toxic tort and other crisis-related litigation. Ally's national practice consists of trials, arbitrations, administrative proceedings, mediations and negotiations to resolve high stakes, technical, complex disputes involving environmental and tort liability and at times, related insurance coverage disputes. These high-stakes cases often involve large groups of claimants and demand a deep experience in both mass tort and class action law. Ally advises clients on compliance and permitting under federal and state environmental laws and regulations, including the Clean Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), and the Resource Conservation Recovery Act (RCRA).

Ally's litigation experience includes complex, nationally profiled toxic tort claims, including class actions, contribution claims under CERCLA and state counterparts, and general tort and business claims. Her key wins include defeating class certification on pleadings alone, and dismissal of putative class actions at the summary judgment stage, and voluntary dismissals of high-profile class actions related to alleged exposure to radioactive materials from the Manhattan Project. Her work on complex environmental litigation includes cost-effective management of pretrial discovery, including ESI disputes, and motions practice, playing a key role in securing summary judgments and voluntary dismissals and defeating class certification at the pleadings stage. Ally is presently defending numerous complex putative class actions, mass actions, and individual toxic tort and odor nuisance cases in South Carolina, Illinois, Missouri, Texas and Tennessee.

- U.S. Court of Appeals for the Eighth Circuit
- U.S. Supreme Court

EDUCATION

University of Missouri-Columbia School of Law, J.D., *magna cum laude*, 2012

University of Missouri-Kansas City, B.A., *summa cum laude*, 2009

Ally's extensive experience handling highly technical issues in state and federal regulatory matters and in litigation uniquely positions her as a thought leader on emerging contaminants, particularly PFAS. Her PFAS experiences includes defending multi-plaintiff tort claims, advising clients on regulatory compliance, remediation, and litigation avoidance.

Ally also works closely with clients to manage and address crisis-related litigation. She strategically implements a multifaceted approach to every client problem with a combination of litigation defense, regulatory compliance, and where appropriate, government and public affairs work. Building off her work as a lobbyist before attending law school, Ally works with clients to identify a holistic solution to the most complex problems.

Representative Experience

- Defended a manufacturer of chrome plated plastic parts for the automotive and commercial truck industries in a multi-plaintiff action alleging PFAS contamination and exposure. The case included property damage, medical monitoring and remedial claims and alleged that PFAS was present in the blood serum of multiple plaintiffs. After early dipositive motion practice dismissed multiple counts of the case, the matter reached early resolution prior to extensive ESI and discovery.
- Defended and won dismissal for a national waste management company in a series of multi-plaintiff federal court actions asserting cancers and other personal injuries were the result of alleged exposure to residual Manhattan Project radioactive waste stored in various areas of St. Louis County.
- Defended numerous Price-Anderson Act lawsuits, including a putative class action, alleging widespread damage and illnesses due to radioactive exposure.
- Successfully defended and secured dismissal of an approximately 10,000-home propose class action alleging property damage and physical injuries resulting from odor and emissions from a Texas landfill.
- Worked as part of a team charged with pursuing a coverage action after a national waste management client was denied insurance coverage for litigation expenses and remediation efforts related to four landfill sites. The insurer ultimately agreed to resolve the case

for an eight-figure payment, which successfully opened additional layers of excess coverage.

Events

- PFAS & Food Packaging – What Franchisors and Restaurant Chains Need to Know
  August 10, 2022
- PFAS & Cosmetics – What the Personal Care Products Industry Needs to Know
  March 15, 2022
- The PFAS Roadmap and Beyond
  December 8, 2021
- State of Litigation Virtual Event Series
  Session 1 - Wednesday, June 9; Session 2 - Wednesday, June 16; Session 3 - Wednesday, June 23
- Exploring PFAS in Food
  May 5, 2021

Presentations

- Co-presenter, "Managing Your Company's Environmental Legal Risk: What You Need to Know," Association of Corporate Counsel - Mid-America Chapter, April 7, 2021
- Legal Perspective Panel, Missouri Waste Control Coalition Conference, 2014
- Illinois Agri-Woman Changing the Face of Agriculture conference, 2014

Publications

- 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, "Why 2021 Could Be a Year Like No Other for PFAS," DRI - For the Defense, June 2021 Issue

- Co-author, "Cos. Should Review Insurance Policies for PFAS Coverage," Law360, June 2, 2021
- Co-author, "Food Packaging Emerges as PFAS Battleground," Food Industry Executive, May 24, 2021
- Co-author, "Cosmetics Manufacturers Should Watch Out for PFAS Developments," Happi, April 29, 2021
- Co-author, "What You Need to Know About PFAS Remediation in 2021," Industry Today, January 28, 2021
- Co-author, "How to Deal with New PFAS Contamination Rules," Mergers & Acquisitions Magazine, December 29, 2021
- Co-author "PFAS Regulations for Groundwater Could Be Imminent, " Bloomberg Law, November 3, 2020
- Featured, "Trustees' Alumna Expands Resume," UMKC Trustees' Scholar Newsletter, November 2018

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 Finalizes First-Ever Federal Enforceable Drinking Water Standard for Certain PFAS
  April 17, 2024
- EPA Finalizes First-Ever Federal Enforceable Drinking Water Standard for Certain PFAS
  April 11, 2024
- EPA On the Cusp of Issuing First-Ever Federal Enforceable Drinking Water Standard for Certain PFAS
  April 1, 2024
- EPA On the Cusp of Issuing First-Ever Federal Enforceable Drinking Water Standard for Certain PFAS
  April 1, 2024
- 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
- EPA Adds Five PFAS Compounds to its List of Regional Removal Management Levels and Regional Screening Levels
  July 14, 2022
- Quick-Service Restaurant Franchisors Targeted by "Forever Chemical" Class Action Litigation
  June 16, 2022
- Wisconsin State Natural Resources Board Adopts Rule Setting Limits in Drinking Water, Approves Rule Limiting PFAS in Surface Water, and Rejects Proposed PFAS Groundwater Rule
  March 18, 2022
- Superfund Enforcement of PFAS Moves Closer as EPA Submits Proposed Hazardous Substance Designation to OMB
  January 14, 2022
- EPA Requests Science Advisory Board Review Health Effects of PFOA and PFOS — Likely Leading to New Drinking Water Standards
  November 19, 2021
- EPA Responds to Petition for PFAS Rulemaking
  November 5, 2021
- Biden Administration Unveils Strategic Roadmap to Address PFAS
  October 21, 2021
- New Study Reports Finding PFAS, an Allowed Component, in Cosmetics; Legislation Ensues Despite a Lack of Any Established Health Risks
  June 21, 2021
- ATSDR Releases Final Toxicology Profile for PFAS
  May 14, 2021
- PFAS Action Act of 2021 Announced with Bipartisan Support
  April 29, 2021
- Proposed PFAS Accountability Act Would Create Medical Monitoring Program for PFAS Exposure
  April 19, 2021
- EPA to Set Enforceable Drinking Water Standards for PFOA and PFOS
  March 4, 2021

- PFAS in sunscreen?
  March 2, 2021
- Food and Drug Administration Posts Information about PFAS in Cosmetics for the First Time
  March 2, 2021
- Minnesota Calls for Stronger State Regulation of PFAS Chemicals
  February 17, 2021
- What You Need to Know About PFAS Remediation in 2021
  January 28, 2021
- How to Deal with New PFAS Contamination Rules
  December 29, 2020
- PFAS Regulations for Groundwater Could Be Imminent
  November 3, 2020
- The Fight Over PFAS in Food is About to Get More Intense
  October 20, 2020

In The News

- Law360 Mentions Lathrop GPM Attorneys in Recent Article
  February 2, 2024
- Bloomberg Law Quotes Partner Ally Cunningham on 3M, DuPont Facing PFAS Liability Risks Beyond Drinking Water
  June 13, 2023
- Bloomberg Law Quotes Partner Ally Cunningham on Effective PFAS Treatment for Drinking Water Utilities
  June 8, 2023
- Law360 Quotes Partner Ally Cunningham In Summary of Biggest Environmental Cases To Watch In 2023
  January 2, 2023
- Bloomberg Law Quotes Partner Ally Cunningham Amid Global PFAS Guidance Debate, EPA Tap Water Limits Loom
  October 19, 2022
- Bloomberg Law Quotes Partners Bill Beck and Ally Cunningham on Recently Released Federal PFAS Exposure Report
  October 11, 2022
- Franchise Times Quotes Ally Cunningham, Craig Miller and Matthew Walker on PFAS and the Restaurant Industry Following Webinar
  September 2, 2022
- Food on Demand Quotes Ally Cunningham, Craig Miller and Matthew Walker On Best Practices Regarding PFAS Regulations In

The Restaurant Industry
September 1, 2022

- Waste Dive Quotes Ally Cunningham and Craig Miller in PFAS and Food Packaging Webinar Debrief
  August 23, 2022
- Environmental Health News Covers Firm Webinar on PFAS Litigation in the Cosmetics Industry
  March 18, 2022
- Waste Water and Digest Interviews Ally Cunningham on Potential Water-Related PFAS Regulations
  March 3, 2022
- Law360 Quotes Ally Cunningham on Potential Environmental Policy Changes in 2022
  January 3, 2022
- Bloomberg Law Quotes Ally Cunningham on Continued PFAS Regulation and Enforcement in 2022
  December 29, 2021
- Bloomberg Law Quotes Ally Cunningham on Federal Purchasing Ban of PFAS Products
  December 9, 2021
- Bloomberg Law Quotes Ally Cunningham on State and Federal PFAS Soil Standards
  November 10, 2021
- For the Defense Features Article by Mara Cohara and Ally Cunningham on PFAS Regulations and Litigation
  June 2021
- Law360 Features Article by Ally Cunningham, Sarah Lintecum and Alana McMullin on Insurance Coverage for PFAS
  June 2, 2021
- Food industry Executive Features Article by Mara Cohara, Ally Cunningham and Matt Walker
  May 24, 2021
- Inside TSCA Features Article on PFAS in Food Based on Recent Lathrop GPM Webinar
  May 13, 2021
- Happi Magazine Features Article Co-Authored by Ally Cunningham
  April 29, 2021
- Bloomberg Law Quotes Ally Cunningham on PFAS Regulation
  March 29, 2021

- Agri-Pulse Quotes Allyson Cunningham on PFAS Contamination
  February 12, 2021
- Industry Today Publishes Article by Allyson Cunningham, Sarah Lintecum and Matthew Walker on Federal PFAS Action
  January 28, 2021
- WaterWorld Interviews Allyson Cunningham on PFAS in Wastewater
  January 26, 2021
- Mergers & Acquisitions Magazine Features Article on Impacts of PFAS Regulations on M&A Deals Co-Authored by Allyson Cunningham
  December 29, 2020
- Bloomberg Law Features Article on PFAS Regulations for Groundwater by Allyson Cunningham, Sarah Lintecum and Grant Harse
  November 3, 2020
- Food Safety Magazine Features Article by Allyson Cunningham and Sarah Lintecum About PFAS Litigation
  October 20, 2020
- Ally Cunningham Featured in In Kansas City Magazine website for Online Fashion Boutique
  December 18, 2018

News Releases

- Two Lathrop GPM Attorneys Named to Missouri Top 100 POWER List 2023
  January 11, 2024
- Two Lathrop GPM Partners Named to 2023 POWER List for Environmental & Energy Law
  November 21, 2023
- Two Attorneys Named to Missouri Power List for Environmental and Energy Law
  November 29, 2022
- Lathrop GPM PFAS Team Honored in Top Legal Innovations Awards by Missouri Lawyers Media
  December 8, 2021
- Lathrop GPM Partner Ally Cunningham Receives Missouri Lawyers Media Up & Coming Award
  September 16, 2021

- Seven Lathrop GPM Attorneys Named Lawyer of the Year, 100 Ranked as The Best Lawyers in America©
  August 19, 2021
- Lathrop GPM Launches Blog Focused on Quickly Evolving PFAS Landscape
  March 12, 2021
- Lathrop GPM Attorneys Named to The Best Lawyers in America©, Lawyer of the Year, and Ones to Watch for 2021
  August 20, 2020
- Lathrop GPM Promotes Seven Attorneys to Partnership
  January 2, 2020
- Ally Cunningham Joins Lathrop Gage
  October 2, 2012

Professional Affiliations

- Missouri Bar
- Kansas City Metropolitan Bar Association
- Women in Agribusiness
- Associate Member, The Missouri Law Review

Community Involvement

- Missouri Court Appointed Special Advocates (MOCASA)
  - President of the Board of Directors, 2022-2023
  - Statewide Board of Directors
- Mizzou Alumni Association, Boone County Chapter, Board of Directors
- Missouri Court Appointed Special Advocates (MOCASA), Board of Directors
- University of Missouri Alumni Association

Honors

- *Missouri Lawyers Media*, "The POWER List - Environmental and Energy Law," 2022-2023
  - "Top 100 - Environmental and Energy Law," 2023
- *Missouri Lawyers Media*, Top Legal Innovations Award, Emerging Practice Areas - PFAS, 2021
- *Missouri Lawyers Media*, "Up & Coming Award," 2021

- Selected among *The Best Lawyers in America®,* "Ones to Watch," 2021-2022
- Order of the Coif
- Parrish Scholarship
- Covington Scholarship
- CALI Excellence in Contracts Award
- CALI Excellence in Land Use Award
- Judge's Award for Excellence in Constitutional Law
- Senninger Powers Excellence in Copyright Law Award