

# BALCH & BINGHAM LLP

ATTORNEYS & COUNSELORS



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R. BRUCE BARZE, JR. is a member of the Environmental Litigation, Business Litigation, and Product Liability and Casualty Practice Groups.

During eighteen years of law practice, Bruce has tried commercial disputes, fraud cases, environmental claims, and wrongful death and personal injury cases. He has significant experience defending high exposure personal injury and wrongful death litigation. Bruce served as national coordinating counsel for a pharmaceutical company in the phen-fen litigation, and serves as state or regional counsel for a number of companies, including product manufacturers who make heavy trucks, other vehicles, and electrical equipment. Bruce also advises clients on matters involving environmental issues, commercial disputes, and insurance coverage.

Bruce is a Past President of the Alabama Defense Lawyers Association (ADLA) and has been on the ADLA Board of Directors since 1999. He is listed in *The Best Lawyers in America* (Bet-the-Company Litigation, Commercial Litigation, Product Liability Litigation), has been selected for inclusion in "Alabama Super Lawyers" by Law & Politics and as a "Future Star" by Benchmark Litigation. He is a Fellow of the American Bar Foundation, an active member of the International Association of Defense Counsel (IADC), and is the DRI State Representative for Alabama. He also is active in the Alabama State Bar, having served on the Character and Fitness Committee since 1998. Bruce is admitted to practice in all State and Federal courts in Alabama, as well as the U.S. Court of Appeals for the Eleventh Circuit and the United States Supreme Court. He

## SERVICES & PRACTICES:

- ∴ [Environmental Litigation](#)
- ∴ [Business Litigation](#)
- ∴ [Product Liability & Casualty](#)

## PRACTICE SPECIFIC BIOGRAPHIES:

- ∴ [Main Biography](#)
- ∴ [Product Liability and Casualty Litigation](#)

## EDUCATION

- The University of Alabama School of Law, J.D., 1992, *summa cum laude*; Alabama Law Review; Order of the Coif; M. Leigh Harrison Scholar; Hugo Black Scholar.
- Vanderbilt University, B.A., 1987

## BAR ADMISSIONS

- Alabama, 1992

## LEGAL ASSISTANTS

- Pauline Cotten  
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has litigated matters in courts throughout the Southeastern U.S. and in Colorado, Ohio, Pennsylvania, West Virginia and Wisconsin.

Bruce is married and the proud father of two children. He is a member of the Board of Directors of The Bell Center, which provides programs and services for young children who are at risk for developmental delay ([www.thebellcenter.org](http://www.thebellcenter.org)).

Some of Bruce's relevant experience includes:

- Obtained a \$2.09 million jury verdict for a corporate client in a breach of contract and bad faith lawsuit in federal court in Tennessee.
- Obtained six-figure settlement in a trademark infringement/deceptive trade practices lawsuit in Ohio on behalf of one of the world's largest electrical engineering companies.
- Serves as counsel to the Local Redevelopment Authority overseeing the environmental remediation and re-development of property formerly comprising the U.S. Army's Ft. McClellan.
- Served as coverage counsel for an insurer and helped it settle a dangerous wrongful death case. Also filed a suit seeking reimbursement of the settlement amount from a company that agreed to indemnify our client's insured and that company's insurer. Following aggressive discovery and briefing and argument of several dispositive motions, we settled the case and recovered nearly \$1.6 million for our client.
- Currently representing defendants in cases in Alabama and West Virginia filed by coal miners alleging exposure to polymeric diphenyl methane diisocyanate (PMDI).
- Served as national coordinating counsel for a pharmaceutical company in the fen-phen litigation, managing thousands of cases and numerous lawyers in Alabama, California, Florida, Georgia, Mississippi, and North Carolina, as well as multidistrict litigation proceedings in Pennsylvania.

- Obtained dismissal of lawsuit challenging Corps of Engineers permit issued to the City of Cullman for construction of dam and 650-acre drinking water reservoir. *Alabama Rivers Alliance v. U.S. Army Corps of Engineers*, 2009 WL 6084649 (N.D.Ala. March 31, 2009).
- Successfully represented a venture capital company in a dispute with a developer of a multi-million dollar Florida waterfront community and marina. Following a trial, the Court declared the developer in default and granted complete relief to our client, including an award of attorneys' fees.
- Obtained summary judgment in wrongful death case filed against a heavy truck manufacturer. Plaintiff's decedent was killed after he fell off the rear riding step on a refuse truck. The court dismissed Plaintiff's claims following a successful Daubert challenge of Plaintiff's expert's qualifications. *Beam v. McNeilus Truck and Manufacturing, Inc.*, 2010 WL 1069616 (N.D.Ala. March 24, 2010).
- Obtained a defense verdict for part-owner of a hotel sued for shareholder oppression and fraud by a minority shareholder.
- Obtained a multi-million dollar settlement for a commercial nursery in a Clean Water Act lawsuit filed against a neighboring business. Our client's nursery crops and business were damaged as a result of the defendant's contamination of our client's irrigation pond with agricultural pesticides and other chemicals.
- Obtained summary judgment for refractory company in asbestos litigation and successfully litigated appeal in which plaintiffs sought to circumvent the Alabama personal injury statute of limitations by arguing CERCLA preemption. *Chestang v. W.R. Grace & Co.*, 709 So. 2d 470 (Ala. 1998).
- Successfully challenged EPA administrative order subjecting TVA to civil penalties under the Clean Air Act after court determined that EPA's statutory scheme was unconstitutional. *TVA v. Whitman*, 336 F.3d 1236 (11th Cir. 2003).
- Prevailed on correct legal tests to be applied against electric utility in Clean Air Act case brought by EPA as part of its New Source Review enforcement initiative. Court held that EPA interpretation was not entitled to deference and

that EPA attempted to redefine rules through litigation rather than rulemaking. *U.S. v. Alabama Power Co.*, 372 F. Supp. 2d 1283 (N.D. Ala. 2005).

- Obtained summary judgment for electric utility in case where two construction workers were killed when their crane made contact with a power line. On appeal, Supreme Court of Alabama agreed that power company did not have requisite notice of construction activity. *McGregory v. Lloyd Wood Const. Co.*, 736 So. 2d 571 (Ala. 1999).
- After a week of trial, successfully resolved lawsuit filed against major nationwide retailer by adjacent property owner claiming property damage as a result of leaking underground gasoline storage tanks.
- Resolved for a nominal amount a case filed against one of North America's largest producers of oriented strand board. The plaintiff was an adjacent property owner claiming damage to his pond and property from storm water runoff and other alleged contaminants.

#### PROFESSIONAL ACTIVITIES

- Listed in *The Best Lawyers in America* (Bet-the-Company Litigation, Commercial Litigation, Product Liability Litigation), 2010-2011
- Listed in *Alabama Super Lawyers*, 2008-2010
- Named a "Future Star" by Benchmark Litigation, 2009-2011
- Fellow, American Bar Foundation
- Alabama Defense Lawyers Association, President, 2007-08. Board of Directors, 1999-present
- Alabama State Bar, Character and Fitness Committee, 1998-present
- Appointed by Supreme Court to Advisory Committee on the Alabama Rules of Evidence, 2009-present
- Birmingham Bar Association
- International Association of Defense Counsel (Southeast Regional Membership Chair. Chair, Technology Committee, 2008-10. Chair, Environmental, Energy and Maritime Law Committee, 2004-2007)
- Defense Research Institute (DRI), Alabama State Representative

## COMMUNITY RELATIONS

- Member, Board of Directors, The Bell Center  
(Chairman of Funding Committee)
- Member, Early Warning Panel, Mountain Brook  
School System

## NEWS

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August 23, 2010 [Trial Victory for Balch & Bingham Insurance Coverage Litigation Group](#)

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March 29, 2010 [Bruce Barze and Todd Lowther obtain summary judgment in the \*Beam v. McNeilus Truck and Manufacturing, Inc.\*](#)

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January 30, 2010 [Balch & Bingham Co-Sponsors Joint CLE Seminar for the Environmental, Mass Torts, and Product Liability Sections of the ABA](#)

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April 02, 2009 [Federal Judge Upholds Duck River Permit](#)

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June 16, 2008 [Thirty Balch & Bingham Attorneys Named to \*Alabama Super Lawyers\*](#)

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August 27, 2007 [Bruce Barze quoted in "Athens Nursery Owner Takes Contamination Case to Court"](#)

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August 26, 2007 [Bruce Barze quoted in "Killer Water in Limestone County? Nursery Owner Alleges Co-op Contaminating"](#)

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June 24, 2007 [Bruce Barze Elected President of Alabama Defense Lawyers Association](#)

## RECENT PUBLICATIONS

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March 2010 [Update on Climate Change Litigation](#). IADC Committee Newsletter- Environmental, Energy & Maritime Law

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April 2009 [You Can Get Out of Greene County: The Emergence of "Interest of Justice" Prong Alabama's \*Forum Non Conveniens\* Statute](#).

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August 2008 ["Production of Information Contained in Litigation Reserves"](#). IADC Business Litigation Committee Newsletter

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April 2008 [A Turn of Events in Alabama Toxic Tort Law. \*The Alabama Defense Lawyers Association Journal\*, Vol. 24, No. 1](#)

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April 2007 [Massachusetts v. Environmental Protection Agency](#). IADC Newsletter, Vol. 4

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March 2007	Global Warming Litigation: Just a Bunch of Hot Air?. IADC Committee Newsletter- Environmental, Energy & Maritime Law
January 2007	Maine People's Alliance & Natural Resource Defense Council v. Mallinckrodt, Inc.. IADC Newsletter, January 2007 Vol. 2
October 2006	What Are The "Waters Of The United States" In Light of Rapanos v. United States?. Int. Association of Defense Counsel Newsletter
December 2005	Defining the Terms in the New Source Review Equation. IADC Newsletter
April 2005	Securing the Homeland: Recent Developments in Maritime & Energy Policy. IADC Newsletter

#### SPEAKING ENGAGEMENTS

January 24, 2009	Hot Topics in Mass Tort Litigation
July 7, 2008	Climate Change: Do You Feel the Temperature Rising?
July 5 & 7, 2008	Law Office--Year 2012
February 12, 2008	Climate Change: Just a Bunch of Hot Air?
February 10, 2008	Hands on With Trial Director
December 6, 2007	Insurance Coverage Litigation
November 2, 2007	Global Warming Litigation: Just a Bunch of Hot Air?
May 24, 2007	Insurance Law Update: Understanding Current Coverage Trends
February 19, 2007	Managing Quality and Cost in Mega-Document Productions
January 2007	IADC Satellite Trial Academy
January 13, 2007	Technology: A Tool for Trial and a Means to Coordinate with Sophisticated In-House Counsel
December 5, 2006	Evaluating and Litigating Alabama Insurance Coverage Disputes
December 5, 2006	Insurance Coverage Litigation
July 17, 2006	Surviving in the Wake of the Storms of 2005
March 22, 2006	Evaluating and Litigating Alabama Insurance Coverage Disputes

November 04, 2005	Technology Update: Tools for the Effective Litigator
July 2005	Update on Effects of Western Energy Crisis
March 5, 2002	Alabama Construction Law: What Do You Do When...?
July 2001	Advanced Construction Law in Alabama
November 17, 2000	Removal and Remand: The Revolving Door of Federal Jurisdiction

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