

David Meyer

Counsel



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Practices/Industries

- Environmental
- Energy, Natural Resources & Utilities
- Real Estate/
Environmental Litigation

Education

Thomas More College
(B.S., *cum laude*, 1991)
Northern Kentucky University
– Salmon P. Chase College
of Law
(J.D., *cum laude*, 1996)

Overview

With a background in physics and mathematics, David's environmental law practice is rooted in a deep understanding of and appreciation for science. His practice encompasses a broad range of environmental and energy-related matters for clients operating in a number of major industries. He also represents property owners, contractors, and developers on real estate, construction, and commercial contracts. David has significant experience counseling clients on a transactional level by assisting with the environmental, construction, insurance, finance, and related commercial aspects of real estate and corporate transactions, and has experience litigating environmental, construction and other commercial disputes and regulatory compliance matters. His broad experience allows him to engineer practical solutions that are efficient, effective, and neatly aligned with the needs of the businesses he serves.

Experience

- Represents business entities and developers in all phases of environmental compliance, permitting and litigation.
- Counsels clients subject to regulatory enforcement actions under federal, state and local laws.
- Counsels property owners and developers in real estate transactions on due diligence, permitting, environmental remediation, construction and other development issues.
- Defense of developer in an alleged clean water act violation for impacts to over 100 acres of wetlands.
- Represented client developing CNG service stations in the Midwest; joint venture with national energy company.
- Represented restaurant owners/developer for remedial plan to satisfy SBA loan requirements.
- Represented national retailer on evaluation of ground settlement and methane gas intrusion associated with development over former landfill; coordinated expert investigations, negotiations with landlord and eventual store closing, lease termination, and post-termination claims by landlord.
- Evaluated environmental conditions and oversight of ongoing remediation at various Ohio sites, including brownfield cleanups and Ohio VAP properties, for development by national retailer.
- Represented cokemaking and coal logistics company on transactions in Ohio and Kentucky.
- Due diligence for various real estate and corporate transactions including establishing due diligence plans for buyers, analyzing results, and developing strategy to deal with known or potential contamination, evaluating third-party reports, and preparing properties for sale.

Experience (Cont)

- Ohio PUCO representation for national retail client opposing rate filings by Ohio utilities.
- Negotiated terms for real estate and corporate transactions to allocate environmental liabilities and establish pre- or post-closing procedures to address known or discovered contamination.
- Successfully prosecuted claims against environmental contractor on behalf of design-builder.
- Successfully defended Seller of Industrial property against claim for environmental damages by buyer.

Publications

- "Deadlines for Ohio's Brownfield Remediation and Site Revitalization Programs Fast Approaching," Ulmer & Berne LLP *Client Alert* (December 2021)
- "New Ohio Law Protects Purchasers of Contaminated Property," Crain's Cleveland Business Guest Blog (September 2020)
- "Environmental Solutions During the Pandemic," *Properties Magazine* (June 2020)
- "U.S. EPA May Excuse Violations Caused by COVID-19; States May Not Follow Suit," Ulmer & Berne LLP *Client Alert* (April 2020)
- "Tools for Brownfield Redevelopment," *Properties Magazine* (June 2017)

Presentations

- "New Phase I ESA Standard & Solving Environmental Problems During Real Estate Transactions," Ulmer & Berne LLP Webinar (April 2022)
- "Environmental Due Diligence in Real Estate Transactions: Phase II," Ulmer & Berne LLP Webinar (September 2021)
- "Environmental Due Diligence for Real Estate Transactions," Ulmer & Berne LLP Webinar (June 2021)
- "Alternative Financing Sources for Redevelopment of Property," Cleveland Metropolitan Bar Association, Environmental Law Institute: The Redevelopment and the Revival of Cleveland (December 2017)
- "Developments in Federal and Ohio Environmental Law," HalfMoon Engineering Law and Ethics Seminar (June 2017)
- "Environmental Update for Construction Professionals," Ohio ABC Seminar (March 2017)
- Environmental Liabilities in Real Estate, National Business Institute (December 2016)
- "Construction and Environmental Law for Commercial Real Estate Licenses," (December 2014)
- "University of Cincinnati College of Law Institute for the Global Practice of Law," (July 2014)
- "Legal Considerations in Sustainable Design/Construction, SAME Conference," (November 2012)
- "Going Green – A Real Estate Broker's Primer of Green Building Initiatives," (December 2011)
- "Green Buildings & New Technology Conference Program," (October 2008)
- "Getting into Green vs. Leaping into LEED Conference," (September 2008)

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Presentations (Cont)

- “Environmental Issues in Real Estate Transactions,” (December 6, 2006)

Involvement

Professional Affiliations

- Ohio State Bar Association, Environmental Law Committee
- Kentucky Bar Association, Natural Resources Section
- Cincinnati Bar Association, Environmental and Construction Law Committees
- Cincinnati USA Regional Chamber, Energy and Environment Committee (2010-2014)
- Northern Kentucky Chamber, Energy and Environment Committee
- Ohio Supreme Court New Lawyer Mentoring (2008-Present)
- U.S. Green Building Council (USGBC), Cincinnati Chapter, Board Member (2012-2013)

Community Involvement

- Fort Thomas Economic Development Committee
- Northern Kentucky Soccer Academy, Board Member/President
- Campbell County North Soccer Club, former Board Member/President

Admissions

- State of Ohio
- State of Kentucky
- U.S. District Court, Southern District of Ohio