



David M. Stahl OF COUNSEL

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David Stahl, one of the founding partners of Eimer Stahl LLP, has practiced complex commercial litigation for more than forty years. He has had numerous bench and jury trials in state and federal court, as well as administrative proceedings, involving a wide variety of matters including attorney malpractice cases, construction disputes, antitrust claims, securities law violations, breach of contract cases, refusal to defend cases, and toxic torts. He has focused intensively in litigation in the electric energy area. Some matters in which he has been involved in that area include:

CASE EXPERIENCE

- Representation of the Central & South West system (now part of American Electric Power) in proceedings before the Nuclear Regulatory Commission, Federal Energy Regulatory Commission, Securities Exchange Commission and United States District Court in Dallas involving the electric interconnection of the Texas electric grid with the grid in the eastern portion of the United States.
- Representation of Consumers Energy Company in an arbitration with the Midland Cogeneration Joint Venture over the applicability of a "regulatory out" clause in the Power Purchase Agreement between Consumers and MCV, and prices to be paid for power from the MCV Facility.
- Representation of Commonwealth Edison Company in proceedings before the Illinois Commerce Commission challenging ComEd's decision to continue the construction of the Braidwood nuclear generating station in lieu of building other facilities or promoting

PRACTICE FOCUS

Energy
Government Regulation

EDUCATION

J.D., University of Michigan Law School, 1971
M.A., University of Michigan, 1971
B.A., University of Illinois, 1968

ADMISSIONS

U.S. District Court for the Northern District of Illinois
U.S. District Court for the Northern District of Illinois, Trial Bar
U.S. Court of Appeals for the District of Columbia
U.S. Court of Appeals for the Fifth Circuit
U.S. Court of Appeals for the Seventh Circuit
U.S. Court of Appeals for the Ninth Circuit

demand response measures, and related rate proceedings to include in ComEd's retail rates the Company's investment in both Braidwood and the Byron nuclear generating station.

- Representation of Kimberly-Clark Corporation in litigation and related arbitrations involving K-C's decisions to close its pulp mill in Mobile, Alabama and to terminate its power purchase agreement applicable to that mill with a subsidiary of the Southern Company.
- Representation of Commonwealth Edison Company in numerous retail rate proceedings at the Illinois Commerce Commission (2005, 2007, 2011, 2012, 2013, 2014).
- Lead counsel for Dundee Cement Company and Santee Portland Cement Corporation (now part of Holcim U.S., one of the largest cement suppliers in the world) in Cement and Concrete Antitrust Litigation, Sherman Act Section 1 proceedings in the District of Arizona.
- Lead counsel for Commonwealth Edison Company in state court litigation in cases involving the constitutionality of so-called "stranded cost" recovery; the constitutionality of Illinois legislation removing certain subsidies previously granted to waste-to-energy facilities; and the alleged non-compliance with an Illinois Commerce Commission order concerning the deployment of "smart meters."
- Counsel for the architectural firm that designed the John Hancock Center in Chicago in a case seeking the recovery of lost investment and profits allegedly resulting from certain construction-related problems and cost over-runs on the project.
- Representation of CITGO Petroleum Corporation in Robinson-Patman Act litigation in the Southern District of Florida, alleging discriminatory pricing in the distribution of gasoline to retail dealers.
- Representation of Abbott Laboratories in antitrust litigation in California state court, alleging an industry-wide agreement to prevent the importation of drugs from Canada.
- Lead counsel for the then-owners of the Three First National Plaza office tower in Chicago in class action litigation alleging misrepresentations made to prospective tenants of that building.
- Counsel for Kimberly-Clark Corporation in toxic tort cases in Alabama and Maine state courts alleging exposure to dioxin and resulting illness and disease.
- Representation of Commonwealth Edison Company in litigation matters at the Illinois Commerce Commission to determine the legality of competition for retail customers in the Sears Tower (1997) and to authorize the sale of ComEd's fossil generating stations (1995-96 and 1998), and proceedings at the FERC to determine the legality of "retail wheeling" to the Chicago Housing Authority and the University of Illinois (1997-98), and an arbitration with the City of Chicago over alleged non-compliance with commitments in ComEd's Franchise Agreement with the City (1996-98)
- Representation of Exelon Generation in market restructuring proceedings at the Public Utility Commission of Ohio (2011-2012).
- Representation of CITGO Petroleum Corporation in litigation against AEP Texas Central involving reliability of power supply to CITGO's Corpus Christi, Texas refinery.
- Representation of Kimberly-Clark Worldwide in a jury trial brought by a supplier of biomass fuel to a co-generation facility at Kimberly-Clark's former pulp and paper mill in Everett, Washington.

HONORS & AWARDS

Mr. Stahl was recognized as Chicago *Lawyer of the Year* for Energy Law in 2013 and 2018, and was named the number one Illinois Public Utilities lawyer in 2015.

Chambers: ". . . a brilliant regulatory lawyer, . . . absolutely terrific, . . . an outstanding trial lawyer."

NEWS

Best Lawyers Recognizes Eimer Stahl Attorneys in 2023 *The Best Lawyers in America*® and *Best Lawyers: Ones to Watch in America*™

August 18, 2022

Eimer Stahl—Recognized by Chambers for Two Decades—Earns High Rankings for Antitrust, Commercial Litigation, Energy Practices

June 3, 2022

PUBLICATIONS

Business and Commercial Litigation in Federal Courts, Fourth Edition (Public Utility Litigation chapter), American Bar Association Section of Litigation, David M. Stahl and Lisa M. Cipriano

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