

Nancy J. Rich

Partner

Chicago Office

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Practices

Commercial Litigation
Corporate
Private Equity
Real Estate
Real Estate Development
Real Estate Finance and Lending

Industries

Construction
Energy
Finance and Financial Markets
Hospitality
Insurance and Risk Management
Manufacturing and Industrials
Private Equity

Education

JD, Loyola University Chicago School of Law

AB, Loyola University Chicago, *Honors Program*

Bar Admissions

Illinois

Court Admissions

US District Court, Northern District of Illinois, Trial Bar

US District Court, Central District of Illinois

US Court of Appeals, Seventh Circuit

US Court of Appeals, District of Columbia Circuit

Nancy Rich provides practical guidance to clients confronting environmental and safety legal issues, whether they arise in litigation, transactions or regulatory matters. A former environmental prosecutor with the Illinois Attorney General's Office, Nancy has a detailed understanding of regulatory agencies and the laws they enforce. She regularly advises corporate, real estate and financial services clients.

Efficiency that closes deals, mitigates compliance issues, resolves cases

Nancy's experience as an environmental prosecutor gives her an insider's understanding of how agencies operate, how they view the law and how they determine their enforcement priorities. That includes an understanding of facts likely trigger agency action and potential liability. She combines that background with her years of experience at Katten to develop solutions that mitigate risk and allow her clients to pursue their business goals. She does that with a rigorous focus on providing advice that is both practical and efficient in bringing her client's legal issue to resolution, whether it is a regulatory matter or a deal closing.

The formula works. Clients value her efficiency, for instance, in ensuring that technical consultants develop only the information her clients need to address their immediate issue. They also value the nimbleness that Nancy brings to her matters. Realizing that a situation may change, she stands ready to adapt her strategies as new information warrants. Throughout, she remains focused on her client's current circumstance and goals.

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Community Involvements

American Bar Association, Section of Real Property, Trust and Estates– Green and Sustainable Transactions Committee; past Commercial Real Estate Transactions Group Chair

The Chicago Bar Association, pro bono counsel; former Board member and Chair

Representative Experience

- Represented major manufacturer of automotive and truck fuel additives in negotiations regarding a federal regulatory proposal to ban the use of a critical component of one of the client's leading products. Regulators ceased efforts to ban the additive after we worked with the client and technical experts to present detailed technical evidence documenting the lack of available effective substitutes.
- Advised various manufacturing clients regarding emergency regulatory requirements for manufacturing hand sanitizer during COVID-19 pandemic.
- Defended Clean Water Act regulatory enforcement action brought against management of commercial / residential skyscraper.
- Defended food manufacturer against alleged multiple, repeat violations of worker health and safety requirements. Obtained reduction of several hundred thousand dollars in OSHA penalty case.
- Represented client in obtaining cost of defense settlement of federal Superfund cost recovery lawsuit after locating and deposing the plaintiff's retired employee. The employee testified that waste from the plaintiff's manufacturing line was dumped outside on the ground at the plaintiff's property on multiple occasions over a period of years.
- Represented client in negotiating with co-lender, defaulting borrower and regulatory agency to avoid environmental litigation on a Brownfield development loan. Developed a strategy that allowed client to exit the loan and recoup most of the loan value.
- Developed and oversaw multi-layered liability and allocation and insurance plan which allowed client to successfully divest an environmentally challenged business.

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- Advised nonprofit, off-the-grid incubator for sustainable businesses on applicability of federal and state environmental and utility laws and regulations applicable to its anaerobic digester and combined heat and power system. As a result, client qualified for a loan to build the system to supply the building's energy needs, saving hundreds of thousands of dollars in energy costs over the life of the facility.
- Analyzed and edited client's draft sustainability and climate change disclosures to the Securities and Exchange Commission pertaining to the COP26 United Nations Climate Change Conference.
- Counseled foreign investor in acquiring US manufacturing plants by implementing an environmental investigation plan to develop an appropriate environmental baseline for lenders. Persuaded seller to retain certain assets that would likely impede financing of the acquisition.
- Counseled acquirers of nearly one million acres of timberland regarding oil and gas well liability issues. Negotiated contractual provisions to carve out locations and liabilities of concern.

Recognitions

Recognized or listed in the following:

- *Best Lawyers in America*
 - Litigation - Environmental | Environmental Law, 2020–2023
- *Chambers USA*
 - Environment: Litigation, 2008–2022
- *Leading Lawyers Network*
 - Top 100 Women Real Estate-Related Lawyers, 2015

Nancy J. Rich

Partner

- *Super Lawyers*
 - Illinois, 2006–2009, 2013–2015, 2022–2023
- *Who's Who in American Law*

News

- Katten Attorneys Recognized by *Best Lawyers*® (August 18, 2022)
- Katten Ranked Leading Law Firm by *Chambers USA 2022* (June 1, 2022)
- Katten Attorneys Named to 2022 Illinois Super Lawyers, Rising Stars Lists (January 28, 2022)
- Katten Attorneys Help Drive \$3.2 Billion US Car Dealership Deal (October 6, 2021)
- Katten Attorneys Listed in *The Best Lawyers in America*® (August 19, 2021)
- Katten Boosts Rankings in *Chambers USA 2021* (May 20, 2021)
- Katten Attorneys Distinguished as Top Legal Talent in the 2021 *Best Lawyers in America* and *Best Lawyers: Ones to Watch* Lists (August 20, 2020)
- Katten Rated Top Law Firm by *Chambers USA 2020* (April 23, 2020)
- Katten represents Highlander Partners in purchase of top pork rind producer (August 8, 2019)
- Katten Lauded Top Ranked Law Firm by *Chambers USA 2019* (April 25, 2019)
- Katten Rated as Leading Law Firm by *Chambers USA 2018* (May 3, 2018)
- Katten Recognized as Leading Law Firm by *Chambers USA 2017* (May 30, 2017)
- Nancy Rich Quoted on How Property Values Are Impacted After Brownfields Sites Are Cleaned Up (January 6, 2017)

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- *Chambers USA* 2016 Distinguishes 22 Katten Practices and 50 Attorneys (May 27, 2016)
- Katten Attains 22 Practice and 58 Attorney Rankings by *Chambers USA* 2015 (May 20, 2015)
- Fifty-Three Katten Attorneys Recognized in 2015 Illinois *Super Lawyers* List (January 12, 2015)
- *Chambers USA* 2014 Distinguishes 24 Katten Practices and 54 Attorneys (May 23, 2014)
- Fifty-Four Katten Attorneys Recognized in 2014 Illinois *Super Lawyers* List (January 13, 2014)
- *Chambers USA* 2013 Recognizes 24 Katten Practices and 49 Attorneys (May 24, 2013)
- Partner Nancy Rich Featured in *Leading Lawyers Magazine* (January 23, 2013)
- Sixty-Nine Katten Attorneys Included on 2013 Illinois *Super Lawyers* List (January 4, 2013)
- *Chambers USA* 2012 Distinguishes 19 Katten Practices and 45 Attorneys (June 7, 2012)
- Eighty-Six Katten Attorneys Named 2012 Illinois Super Lawyers (February 28, 2012)
- Katten Earns Recognition for 17 Practices and 44 Attorneys in 2011 *Chambers USA* Guide (June 10, 2011)
- Nancy Rich Talks to *Chicago Tribune* About Cleanup of Contaminated Gas Plant Sites (July 5, 2010)
- Katten Lands 16 Practices and 39 Attorneys in *Chambers USA* Guide (June 24, 2010)
- Partner Nancy Rich Interviewed by Good and Green E-ssentials on Green Marketing (July 2009)
- Partner Nancy Rich Talks with *Chicago Lawyer* (June 22, 2009)

Nancy J. Rich

Partner

- Katten Lands 14 Practices and 37 Attorneys in *Chambers USA* Guide (June 12, 2009)
- Katten Launches Sustainability and Climate Change Practice (March 2, 2009)
- Katten Obtains Dismissal of CERCLA Claims on Behalf of Client, Lovejoy Inc. (February 5, 2009)
- Katten Lands 14 Practices and 32 Attorneys in *Chambers USA* Guide (June 13, 2008)
- Partners Laura O'Connell and Nancy Rich Quoted in Law360 on Toxic Tort Litigation (November 16, 2007)

Publications

- Sixth Circuit Will Not Rehear WOTUS Jurisdiction Case (April 22, 2016)
- Sixth Circuit Denies Motions to Dismiss Challenges to Waters of the US Rule (February 23, 2016)
- Judicial Panel Rejects Request to Consolidate District Court Challenges to Waters of the U.S. Rule (October 14, 2015)
- Sixth Circuit Issues Order Staying Waters of the United States Rule Nationwide (October 9, 2015)
- Supreme Court Rules that CERCLA Does Not Preempt State Statute of Repose (June 10, 2014)
- Supreme Court Poised to Limit Tort Claims for Historic Pollution (April 16, 2014)
- ASTM Approves New Phase I ESA Standard and EPA Withdraws Direct Final Rule Referencing New Standard (November 14, 2013)
- EPA Amendment to Standards and Practices for All Appropriate Inquiries (August 15, 2013)
- EPA Conditionally Excludes Solvent-Contaminated Wipes from Hazardous Waste Management Regulations (July 25, 2013)

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- Federal Appellate Court Rules that CERCLA Preempts State Statute of Repose, Allowing Common Law Nuisance Claim to Proceed Against Company (July 15, 2013)
- Court Dismisses Private Claim for CERCLA Contribution Based on Potentially Responsible Party's Failure to Explicitly Waive CERCLA Contribution Protection in Private Tolling Agreement (July 9, 2013)
- The American Power Act - US Senate Climate and Energy Bill Released (May 17, 2010)
- Preparing Your Form 10-K? Here Are Some Action Items to Comply with New SEC Climate Change Disclosure Guidance (February 11, 2010)
- Q&A With Katten's Nancy Rich (July 13, 2009)
- Industry Study Fails to Consider Impact of Government Incentives on Green Building Cost-Benefit Analysis (April 21, 2009)

Presentations and Events

- American Bar Association RPTE CLE Program (May 22, 2022) | *Finance Documents and Due Diligence*
- American Bar Association RPTE National CLE Seminar (April 27, 2022) | *Emerging Legal Issues in Real Property – Environmental and Sustainability*
- American Bar Association RPTE National CLE Seminar (May 15, 2020) | *The Forever Chemicals and Other Emerging and Not So New Environmental Issues*
- Association of Corporate Counsel, Real Estate Network (May 24, 2018) | *Presenter | Keeping Your Clients Clean – Mitigating Environmental Risks in Real Estate Transactions*
- American Bar Association RPTE National CLE Seminar (May 10, 2018) | *Redeveloping Urban Brownfields - Navigating the Maze of Incentive and Funding Programs*

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- Real Property Trust and Estates (RPTE) Section's Spring CLE Symposia (May 10–11, 2018) | *Presenter* | *Urbanization and Gentrification: Tools to Increase Social Equity While Revitalizing City Centers*
- Spring CLE Symposia (May 12–13, 2016) | *Speaker* | *Environmental Insurance – Identifying, Negotiating and Allocating Liabilities*
- Florida Bar Association Real Property and Title Law Committee (November 16, 2015) | *Speaker* | *Digging Through the Field of Environmental Insurance – Identifying and Addressing Legal Issues Through Negotiation*
- American Bar Association eCLE (January 7, 2015) | *Panelist* | *Building the Survey Team – Addressing Critical Project Issues*
- Client CLE Presentation (June 24, 2014) | *Speaker* | *Environmental Due Diligence – Legal Liability and Strategy Issues*
- Spring CLE Symposia (May 1–2, 2014) | *Speaker* | *Due Diligence and Negotiation of a Brownfield Development Purchase and Sale Agreement*
- ABA RPTE Leadership Meeting (November 8, 2013) | *Speaker* | *New Issues in Environmental Property Assessment*
- 30th Annual New York Airfinance Conference (April 26–27, 2010) | *Panelist* | *Carbon Emissions Trading: What to Expect in the Next 5 to 10 Years*
- Good and Green (December 2–4, 2008) | *Speaker*