



## **Matthew D. Neumann**

Partner

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### **Renewable Energy, Infrastructure, Project Finance, Energy and Utilities, Environmental, Real Estate, Development, Land Use and Zoning, Cleanups and Remediations, Brownfields and Redevelopment**

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Matthew is Co-Chair of the Firm's Renewable Energy Practice and a core member of the Firm's Real Estate & Environmental and Litigation Practices. Matthew Neumann focuses his practice in the areas of Renewable Energy, Infrastructure, Project Finance, Energy and Utilities, Environmental, Brownfields and Redevelopment and Cleanups, Remediations and Cost Recovery.

Matthew represents developers, investors and lenders in renewable energy projects, including acquisitions, developments, and debt and tax equity financings of utility-scale wind and solar energy projects. Matthew's practice includes transactional, regulatory and litigation components, and he has represented entities of all sizes, from conglomerated multi-national corporations, to municipalities and universities, to smaller family-owned companies, to startups, entrepreneurs and individuals. Mr. Neumann represents companies in many industries and sectors, with an emphasis on renewable energy, energy, industrial/manufacturing, real estate, financial institutions, pharmaceuticals, life science, agribusiness and health care. In the industrial/manufacturing sector, Mr. Neumann represents companies engaged in light manufacturing, heavy manufacturing, energy, telecommunications, metal processing, plating and surfacing, machine shops, tool & die companies, gas stations, dry cleaners, printing, automobile supply and automobile service companies.

Matthew has represented clients in regulatory and compliance matters, enforcement proceedings and government investigations involving the following governmental agencies: EPA, IDEM, DNR, OSHA, IOSHA, IURC, FERC, DOL, IDOL, and IDOI.

#### **Education**

- J.D., *magna cum laude*, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana, 2010
- B.A. in International Studies, Indiana University, Bloomington, Indiana, 2004

#### **Bar & Court Admissions**

- Indiana (2010)
- U.S. District Courts for the Northern and Southern Districts of Indiana (2010)

## Practices

- Environmental
- Real Estate Services
- Litigation and Dispute Resolution
- Economic Development
- Business Services
- Commercial and Real Estate Lending
- Financial Services
- Energy and Public Utilities
- Renewable Energy
- Data Privacy and Cybersecurity
- Health Care

## Industries

- Real Estate
- Health Care
- Government
- Financial Services
- Construction

## Representative Experience

### **ENERGY – INFRASTRUCTURE, UTILITIES, RENEWABLE ENERGY, PROJECT FINANCE**

- Represent solar developer in acquisition and further operational development of 100 MW solar project
- Represent institutional investor and lender in connection with development and financing of \$110 million, 200 MW solar project
- Represent institutional investor and lender in connection with development and financing of \$250 million, 300 MW wind project
- Represent institutional investor and lender in connection with portfolio acquisition, development and financing of \$530 million, 400 MW wind project
- Represent battery storage developer in project development, land acquisition, permitting and regulatory matters
- Represent project developer in all aspects of carbon capture and sequestration project, including project development, land acquisition, permitting and regulatory matters
- Represent joint venture developer / energy company in the development and installation of interstate natural gas pipeline
- Represent conglomerated utility in its acquisition of municipal water and wastewater utilities

## **ENVIRONMENTAL – COMPLEX BROWNFIELD REDEVELOPMENT PROJECTS**

- Counsel, advise and oversee complex Brownfield redevelopment projects impacted by environmental issues, including management of due diligence, investigations, remediations, Comfort Letter process, environmental risk allocation, soil management issues, offsite migration and liability management, indoor air investigations and mitigations (vapor intrusion), institutional and engineering controls and environmental insurance
- Counsel to municipal development corporation regarding environmental due diligence, redevelopment and environmental risk management issues for multi-phase, multi-parcel, mixed-use redevelopment project involving New Market Tax Credit, DINO tax credits, historic tax credits and municipal bonds financing structure
- Counsel to municipal corporation in multi-parcel, multi-phase development of mixed use campus with significant environmental impacts, active remediation, environmental insurance negotiations, environmental risk allocation and complex financing considerations
- Counsel to universities in acquisition, redevelopment and re-purposing of real estate with historical environmental impacts
- Counsel to real estate development company in bid process for multi-parcel acquisition of large, 100+ acre former manufacturing facility for mixed-use industrial redevelopment project
- Represent buyers, sellers and lenders in procurement, placement and negotiation of specialized environmental insurance policies as a risk mitigation and allocation strategy for complex redevelopment projects
- Represent buyers with respect to applying for and obtaining financing through Brownfield grants and funding programs

## **ENVIRONMENTAL – CLEANUPS, REMEDIATIONS, LITIGATION, COST RECOVERY, INSURANCE RECOVERY**

- Represent clients in cleanups, remediations, cost recovery (PRP) litigation and insurance coverage litigation for contaminated sites involving all media (soil, groundwater, soil gas and indoor air) and varied contaminants (VOCs, TCE, PCE, PAHs, petroleum, metals, coal ash, CCBs, PCBs)
- Represent conglomerated, global manufacturing company in at Superfund site in EPA investigation of VOC-impacted groundwater at waste disposal sites
- Represent industrial manufacturing facility at federal Superfund site in EPA investigation of historical VOC impacts to groundwater and municipal drinking supplies
- Represent industrial manufacturing facility at federal Superfund site in EPA investigation and remediation of historical VOC impacts to groundwater, including contamination of residential drinking wells and residential vapor intrusion investigations and mitigations
- Represent former drycleaner in PRP litigation and insurance cost recovery
- Represent landlord in investigation and remediation of VOC impacts and corresponding cost recovery litigation against historical operators at the site
- Represent industrial/manufacturing company against the Environmental Protection Agency (EPA) at Superfund site and corresponding insurance recovery efforts against multiple decades of Commercial General Liability (CGL) and excess/umbrella insurers to secure defense and indemnity coverage
- Represent municipality in multi-faceted environmental matters arising from former manufacturing/industrial site with environmental impacts, including Brownfields redevelopment efforts, investigation and remediation overseen by the Indiana Department of Environmental Management (IDEM), cost recovery efforts against former owners and operators, and cost recovery efforts against multiple decades of CGL and excess/umbrella insurers to secure defense and indemnity coverage

## **INSURANCE COVERAGE – POLICYHOLDER REPRESENTATIONS**

- Represent companies in all aspects of insurance coverage matters, including claims handling matters, coverage disputes, coverage litigation, cost recovery matters, enterprise risk management, policy procurement and coverage counseling CGL, Property, Pollution/Environmental, D&O, E&O, Fiduciary Liability, EPL, Cyber, Data Security & Privacy, Health Care, Life Science, Product Liability, Fidelity/Crime and Umbrella/Excess policies.
- Represent companies in insurance recovery litigation arising from multi-site environmental liabilities under CERCLA, RCRA and Clean Water Act
- Represent pharmaceutical company in insurance coverage dispute over defense and indemnity coverage under D&O and Life Science policies for pharmaceutical Multi-District Litigation
- Represent health care provider to obtain defense and indemnity coverage under D&O insurance policies arising from anti-competitive claims resulting from development of surgery center
- Represent health care provider in insurance coverage dispute with general liability and D&O insurance carriers regarding coverage False Claims Act/Qui Tam Medicare/Medicaid billing litigation
- Representation and counseling to multi-state health care institution as policyholder in insurance coverage dispute and claims handling guidance arising from data breach incident under cyber liability and D&O insurance policies
- Perform multi-decade insurance coverage archaeologies for entities to identify historical CGL carriers, umbrella and excess carriers and other insurers to pursue claims and, if necessary, litigate regarding defense and indemnity coverage to facilitate cost recovery
- Represent entertainment service company in catastrophic injury litigation and corresponding insurance coverage litigation arising from breach of contract for failure to honor defense and indemnity obligations under CGL policy

## **GOVERNMENT INVESTIGATIONS / REGULATORY ENFORCEMENT**

- Represent clients in regulatory and compliance matters, enforcement proceedings and government investigations before the following government agencies: EPA, IDEM, DNR, OSHA, IOSHA, IURC, FERC, DOL, IDOL, and IDOI.
- Represent multi-site industrial/manufacturing company in IDEM investigation and enforcement proceeding regarding RCRA hazardous waste, Clean Air Act and air permitting enforcement matters
- Represent regional, multi-state industrial service company in environmental enforcement proceedings and corresponding regulatory compliance investigations before IDEM
- Represent international manufacturer in environmental and workplace safety enforcement proceedings before IDEM and IOSHA
- Represent gas station owner and operator in enforcement proceedings before IDEM regarding alleged violation of Indiana's Spill Rule
- Represent municipality in dispute before the Office of Environmental Adjudication (OEA) regarding issuance and validity of NPDES permit
- Represent joint venture energy project regarding the acquisition and condemnation of real estate for installation of interstate pipeline

## **HEALTH CARE**

- Represent physician group in acquisition by hospital network concerning environmental due diligence and medical waste handling compliance matters
- Counseling to health care provider regarding discovery of underground storage tanks and environmental issues as part of developing new inpatient facility and surgery center
- Represent large multi-site health care provider regarding negotiation and drafting of property management agreement to delegate management and oversight of main headquarters facilities to property management company specializing in health care facilities
- Represent health care provider in insurance coverage dispute with general liability and D&O insurance carriers regarding coverage False Claims Act/Qui Tam Medicare/Medicaid billing litigation
- Representation and counseling to multi-state health care institution as policyholder in insurance coverage dispute and claims handling guidance arising from data breach incident under cyber liability and D&O insurance policies
- Represent health care provider to obtain defense and indemnity coverage under D&O insurance policies arising from anti-competitive claims resulting from development of surgery center

### Professional Associations

- Vice-Chair, Insurance Coverage Section, Indianapolis Bar Association
- Former Chair, Young Lawyers Division, Indianapolis Bar Association
- Former Vice-Chair, Young Lawyers Division, Indianapolis Bar Association
- Former Executive Committee Member, Young Lawyers Division, Indianapolis Bar Association
- Former Board Member, Young Lawyers Section, Indiana State Bar Association
- Former Board Member, Pro Bono Standing Committee, Indiana State Bar Association
- Former Board Member, Ethics Standing Committee, Indiana State Bar Association
- Former Member, IndyChamber Ambassadors

### Awards & Recognitions

- Best Lawyers in America,®: Ones to Watch - Environmental Law, Real Estate Law, 2021-2024
- Indiana Super Lawyers Rising Stars, Environmental, Real Estate and Insurance Coverage, 2017, 2019-2023
- Distinguished Leadership Award, Indianapolis Bar Association, Young Lawyers Division, 2016
- Leadership in Law "Up and Coming" Lawyer Award, The Indiana Lawyer, 2015
- Indy's Best & Brightest, Junior Achievement, 2015

### Seminars & Presentations

- Moderator, "Flexible Renewable Project Financing Structures," Renewable Finance and Investment North America, June 24, 2022
- Presenter, "Environmental Issues in Real Estate Transactions: Ten Critical Concepts and Important Tools to Manage Risk [WEBINAR]," February 25, 2021
- Panelist, "COVID-19 Checklist for Indiana Businesses: Insurance Coverage," 2020
- Panelist, "Shifting Sands: Enterprise Risk Management Strategies for Novel Coronavirus (COVID-19) – Insurance Coverage Issues," 2020
- Presenter, "EPA's New Hazardous Waste Pharmaceutical Rule: Introduction to RCRA Part 266, Subpart P," 2019
- Presenter, "Lunch and Learn: Environmental Due Diligence for Lenders," 2019

- Presenter, "Environmental Due Diligence and Risk Management for Lender," 2018
- Moderator "Advanced Insurance Coverage Roundtable: Emerging Risks and Core Issues," Indianapolis Bar Association Insurance Coverage Section, 2017
- Moderator, "War Stories: Tales from the Trenches, Lessons Learned and Practical Pointers in Insurance Coverage Litigation," Indianapolis Bar Association Litigation and Insurance Coverage Sections, 2016
- Moderator, "Insurance 101: 10 Things Every Attorney Needs to Know About Insurance," Indianapolis Bar Association, 2016
- Moderator, "If I Knew Then What I Know Now," Applied Professionalism Course, Indianapolis Bar Association, 2014

## Publications

- Author, "Ten Important Tools to Manage Environmental Risks in Real Estate Transactions," March 16, 2020
- Co-Author, "If Our Company Gets Sued Because of COVID-19, Will We be Covered by Insurance?" May 11, 2020
- Co-Author, "Workplace Safety and COVID-19: OSHA's Interim Enforcement Guidance and What It Means for Employers," April 27, 2020
- Author, "Insurance Coverage for COVID-19: Six Steps to Help Your Business Maximize Insurance Coverage That May Be Available to Offset COVID-19 Losses and Claims," March 30, 2020
- "Digital Treasures Play a Role in Estate Planning, Indiana Lawyer," Volume 22, Number 25, 2012
- "Is Indiana's Voter ID Law a Bridge to Nowhere?" 32 N.C. Cent. L. Rev. 68, 2010
- Documenting Disfranchisement: Voter Identification at Indiana's 2008 General Election, 25 Va. J. L. & Pol. 329, 2010 (co-authored with Professor Michael J. Pitts)

## Pro Bono and Community Service

- Ask-A-Lawyer Program, Indianapolis Bar Association
- Homeless Legal Aid Project, Indianapolis Bar Association
- Legal Lines, Indianapolis Bar Association
- Wheeler Mission Ministries, Volunteer

## Certifications

- Legal Lean Sigma® White Belt