



# Eric B. Gallon

*partner*

Eric handles a variety of complex business and corporate litigation matters involving energy law, environmental law and complex commercial disputes. His practice includes work with chemical and industrial manufacturing entities, as well as energy exploration, production, transmission and distribution companies.

## Environmental

Eric advises clients with regard to state and federal regulatory compliance issues, including interpreting the New Source Review (NSR), New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAP) programs under the federal Clean Air Act and Ohio's air pollution control statute and regulations; reviewing draft and proposed permits-to-install, permits-to-install and operate, and Title V permits; appealing final permits to the Environmental Review Appeals Commission (ERAC); preparing comments on proposed state and federal rulemakings; responding to state and federal notices of violation; defending clients in administrative, state court and federal court enforcement proceedings; and preparing petitions for reinstatement of debarred companies. Eric has advised both the Ohio Chemistry Technology Council and the Energy & Environment Committee of the Ohio Chamber of Commerce on environmental and regulatory issues.

## Energy & Public Utilities

Eric's energy and public utilities practice focuses on representing public utilities in rulemaking, ratemaking and complaint case proceedings before the Public Utilities Commission of Ohio and the Supreme Court of Ohio. Eric advises competitive retail electric service (CRES) and competitive retail natural gas service (CRNGS) providers on certification and compliance with Ohio's marketing, solicitation, enrollment and billing requirements. Eric also helps companies conduct due diligence for projects and transactions in the public utility and energy space, including potential acquisitions of ownership interests in utility holding companies and affiliates, new pipeline and generation facilities, and regular and virtual power purchase agreements.

## CONTACT

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## SOCIAL MEDIA

### Blogs

bankingandfinancelawreport.com  
energylawreport.com

## EDUCATION

University of Chicago Law School,  
J.D., 1999

The Ohio State University, B.A.,  
*magna cum laude*, 1996

## SERVICES

### Litigation

- Commercial litigation
- Appellate and Supreme Court practice
- Class actions, mass torts and MDLs
- Regulatory and administrative law

### Energy

- Oil and gas
- Utility regulation and power siting
- Clean energy
- Renewable energy and sustainability initiatives

## Litigation

With a focus on high-stakes, complex litigation, Eric's work has included antitrust, racketeering and state-law tort claims. He has experience in both state and federal class actions, and has appeared in federal district court and in all levels of Ohio state courts, including the Supreme Court of Ohio.

Eric also regularly lectures on the application of the attorney-client privilege and work-product doctrine and the standards for expert witness testimony under Ohio and federal law. In 2017, he authored a book titled *The Attorney-Client Privilege and the Work-Product Doctrine* (Juris Publishing).

## BAR ADMISSIONS

- Ohio
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio

## PRESENTATIONS

- "Expert Testimony," Trial Evidence for the Ohio Practitioner, Ohio State Bar Association, 2005-2021, 2023
- "Climate Change and the Changing Generation Mix: Environmental Effects, Technological Advances and Policy Options for 2021 and Beyond," ABA Infrastructure and Regulated Industries Section panel discussion, Oct. 22, 2020
- "Attorney-Client Privilege for In-House Counsel," Central Ohio Association of Corporate Counsel, Feb. 20, 2020
- "When Something Goes 'Boom' in the Night...Reporting Obligations Under CERCLA/EPCRA, Clean Air Act 112(r) and Ohio's Malfunction Rule," Environmental Permitting in Ohio Conference, Manufacturers' Education Council, July 2019
- "Applying the Attorney-Client Privilege in the Corporate Context: Common Questions and Misconceptions," Porter Wright Annual Ethics & Trends in Litigation Seminar, Dec. 7, 2017
- "Recent Legal Developments in Major NSR," Conference on Air & Water Permits, July 2017
- "The Clean Power Plan: EPA's Far-Reaching Proposal for Reducing Carbon Emissions," "Air Modeling Law in Ohio," Conference on Air & Water Permits, Manufacturers' Education Council, July 2015

## PUBLICATIONS

- "The 'Major Questions' Doctrine sinks the Clean Power Plan and marks a major milestone in administrative law," ABA Infrastructure and Regulated Industries Section, Winter 2022
- "Environment" chapter, *Recent Developments in Infrastructure and Regulated Industries*, American Bar Association, 2019-2021
- "The ACE Rule and the *Chevron* doctrine," *Infrastructure*, Fall 2021
- "Moving toward a zero-carbon energy sector: The potential negative effects of removing natural gas from the generation mix," *Infrastructure*, Spring 2021

## SERVICES (CONTINUED)

### Environmental

- Chemical industry

### Governmental & Regulatory Affairs

- Regulatory advocacy

### Business Growth & Operation

- Chemicals

- *The Attorney-Client Privilege and the Work-Product Doctrine*, Juris Publishing, 2017
- “Part two: The clean power plan: Legal challenges and prospects,” *Infrastructure*, American Bar Association Infrastructure and Regulated Industries Section, Winter 2017
- “Part one: The clean power plan: Legal challenges and prospects,” *Infrastructure*, American Bar Association Infrastructure and Regulated Industries Section, Fall 2016
- “Electricity” chapter, *Recent Developments in Public Utility, Communications and Transportation Industries*, American Bar Association, 2016
- “Environment” chapter, *Recent Developments in Public Utility, Communications and Transportation Industries*, American Bar Association, 2010-2016
- “Air Quality” chapter, *The Year in Review*, Section of Environment, Energy and Resources, American Bar Association, 2014-2015

#### PROFESSIONAL ASSOCIATIONS

- American Bar Association, Infrastructure & Regulated Industries Section, Environmental Committee Chair

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- Ohio Super Lawyers, Rising Stars Edition