



Stephen R. Berlin

Partner

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Services

Anti-Counterfeiting & Gray Markets Retail & Consumer Goods

Environment & Product Regulation

Government & Regulatory

Litigation

Industries

Stephen Berlin has significant experience in several areas of environmental law, including environmental litigation, business transactions involving environmental issues and environmental compliance matters. Since joining the firm, he has worked in most areas of environmental litigation, both in federal and state courts with an emphasis on private environmental costs recovery actions and representations of potentially responsible parties at Superfund sites and RCRA issues. Mr. Berlin has handled matters both at the trial and appellate levels in both federal and state courts. He has handled numerous matters involving plaintiff's claims of injury caused by contamination.

Mr. Berlin has been lead counsel for some of the largest Brownfields projects in the Southeast U.S. In recent years, he has litigated toxic tort, Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) cases in all the district courts of North and South Carolina and successfully argued a case involving the interpretation of CERCLA to the Fourth Circuit Court of Appeals. During the course of this career, he has acted as lead environmental counsel for several multi-million dollar business transactions involving manufacturing concerns throughout the United States.

Mr. Berlin was recognized in *The Best Lawyers in America*® for Environmental Law in 2020 and the 11 years immediately preceding. He was also named a 2016, 2018 and 2019 "Greensboro Lawyer of the Year" in the area of Environmental Law and a 2020 "Triad Lawyer of the Year" for Environmental Law by *The Best Lawyers in America*®. Mr. Berlin has also been recognized in the 2019 and the ten years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* and named to *Business North Carolina's* "Legal Elite" list in 2010 and also in 2019 and the seven years immediately preceding and in 2019, he was selected to *Business North Carolina's* "Legal Elite Hall of Fame" in the area of Environmental Law. He was recognized among the Triad's "Most Influential" professional executives by the *Triad Business Journal* for the seventh consecutive year. In 2017, Mr. Berlin was named a "Triad Power Player" by the *Triad Business Journal*. He has been recognized as a North Carolina "Super Lawyer" by *Super Lawyers* magazine for Environmental Litigation



and Land Use/Zoning in 2010 and for Environmental Law in 2010, and again in 2019 and the seven years immediately preceding, and recognized in *The International Who's Who of Business Lawyers* for 2010 and 2011. Mr. Berlin was named one of *North Carolina Lawyers Weekly's* "Leaders in Law" in 2015. He is AV[®] rated by Martindale-Hubbell.*

*CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

Experience

The firm served as lead counsel for Lowe's Home Centers, Inc., in an environmental litigation case regarding property and business damages due to migration of off-site contamination onto Lowe's property.

The firm served as lead counsel for defendant, A.B. Carter, a supplier of spinning accessories throughout the yarn manufacturing sector of the textile industry, in an environmental litigation case brought under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and various state claims. Successfully obtained summary judgment on behalf of defendant totally dismissing them from the case.

Represent property developer, Wake Forest University, in a major research park's negotiations with the North Carolina Department of Environment and Natural Resources to obtain a Brownfields Agreement for property redevelopment. As a result of the negotiations, the property developer was permitted to redevelop the property as the Brownfields process unfolded instead of upon conclusion of the process. We continue to report annual activity for this matter on an on-going basis.

The firm serves as lead counsel on behalf of a paper manufacturing company in environmental complex business litigation regarding a liability dispute associated with the historic mercury contamination and the resulting remediation of the property.

The firm served as lead counsel on behalf of third party defendant, Achieve Bank N.A., and successfully argued the first reported case before the U.S. Fourth Circuit Court of Appeals regarding the security interest holder exemption from liability for contribution under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Represented Kim's Greensboro Real Estate, LLC in the redevelopment of property that was the former site of a manufacturing plant for general commercial use as an international marketplace for a variety of ethnic foods and products. The firm assisted Kim's Greensboro Real Estate, LLC with site environmental assessment and remediation issues, and negotiation and implementation of a Brownfields Agreement with the State of North

Carolina.

Represented the City of Winston-Salem, North Carolina in writing, obtaining, and implementing its first Brownfields Assessment Grant and its first Brownfields Revolving Loan Fund Grant from the U.S. Environmental Protection Agency.

Represented Forsyth County and Winston-Salem, North Carolina, in various environmental matters, including the expansion of existing landfills, work issues concerning obtaining water from the Yadkin River, and various Brownfields matters.

Represented Stratford Metal Finishing Inc., an electroplating company, regarding Resource Conservation and Recovery Act (RCRA) hazardous waste issues in negotiations and litigation with the North Carolina Department of Environment and Natural Resources and the U.S. Environmental Protection Agency resulting in a large reduction of fines against the client company.

Rose Acre Farms, Inc. challenged several proposed water quality requirements contained in a draft operating permit to be issued by the North Carolina Department of Environment and Natural Resources. After negotiations with the state agency, the client received the necessary operating permit containing suitable conditions.

Represented subsidiary companies of La-Z-Boy Inc. in a large group of de micromis and de minimis parties regarding hazardous waste disposal and Superfund issues at a bankrupt waste disposal site.

Represented Hanesbrand, Inc. as the developer in negotiations with the NC Department of Environment and Natural Resources to obtain a Brownfields Agreement for property redevelopment. This was the first time the State of North Carolina had allowed the property owner to be the developer of a Brownfields site with liability protection.

Represented construction company with real property acquisition, site environmental assessment and remediation issues, and negotiation and implementation of a Brownfields Agreement with the State of North Carolina. The subject property was initially the site of a textile manufacturing plant located on approximately 36 acres. The plant had been closed and the entire site was sold to our client. The property was then redeveloped for commercial/mixed retail uses including Circuit City and Costco.

Served as lead counsel for Krispy Kreme Doughnut Corporation in a case that arose from allegations by Fairfax County, Virginia that waste water discharge from a Krispy Kreme Doughnut Corporation doughnut manufacturing plant in Lorton, Fairfax County, Virginia damaged the County's sewer system. Krispy Kreme



responded that the county operated its sewer system despite faulty design and construction, and with knowledge that the sewage would become stagnant over time, thereby creating conditions that caused the failure of its system. This was a major Federal Clean Water Act case which was favorably settled for our client.

Representing Arvato Digital Services LLC, a supply chain solutions provider, regarding environmental regulatory permitting and matters associated with air emissions, hazardous waste, stormwater, waste water, and hazardous materials.

Education

Wake Forest University School of Law, J.D. (1984) *cum laude*

Wake Forest University, B.A. (1981) *magna cum laude*, Phi Beta Kappa

Admissions

North Carolina (1984)

Clerkships

U.S. District Court for the Middle District of North Carolina - Chief Judge Hiram H. Ward

Professional & Community Activities

Chair of Arts Council Board of Trustees

Immediate Past Chair of Winston-Salem Business Inc.; member of Board

Wake Forest Law School Board of Visitors

Board of Trustees University of North Carolina School of the Arts

Executive Committee Forsyth Futures

Past Chair of Arts Council CEO Search Committee

Founding Board Member of Winston-Salem Children's Museum

Past Chair Development Committee of Winston-Salem Children's Museum

Wake Forest University School of Law, Adjunct Professor and coach of the National Trial Court Team

Forsyth County Bar Association, Past President (2003)

Past Chair of Enrichment Center Board

Rotary Club of Winston-Salem

Insights



[News Releases](#)

Triad Power Players | Stephen Berlin

November 18, 2019

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Best Lawyers in America® 2020 Names Kilpatrick Townsend Attorneys "Lawyers of the Year"

August 15, 2019

[News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020

August 15, 2019

[News Releases](#)

Kilpatrick Townsend Achieves Top-Tier Recognition from Chambers USA 2019

May 2, 2019

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Former Krispy Kreme Doughnuts Executive Rejoins Kilpatrick Townsend

April 2, 2019

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Kilpatrick Townsend Attorneys Named 2019 North Carolina Super Lawyers

January 28, 2019

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Kilpatrick Townsend Attorneys Selected To Business North Carolina Magazine's 2019 "Legal Elite"

January 10, 2019

[In The News](#)

Triad Power Players 2018: Steve Berlin

November 9, 2018

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Best Lawyers in America® Names Kilpatrick Townsend Attorneys 2019 Lawyers of the Year

August 21, 2018



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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019
August 20, 2018

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Kilpatrick Townsend Achieves Recognition From Chambers USA 2018
May 11, 2018

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Kilpatrick Townsend Attorneys Named 2018 North Carolina Super Lawyers
February 6, 2018

[In The News](#)

Kilpatrick Townsend's Steve Berlin Named to Business North Carolina's Legal Elite Hall of Fame for Environmental Law
January 15, 2018

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Kilpatrick Townsend Attorneys Selected To Business North Carolina Magazine's 2018 "Legal Elite"
January 11, 2018

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Kilpatrick Townsend's Steve Berlin Named a "Triad Power Player"
November 2, 2017

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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018
August 15, 2017

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Best Lawyers in America® Names Kilpatrick Townsend Attorneys 2018 Lawyers of the Year
August 16, 2017

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Kilpatrick Townsend Achieves Recognition From Chambers USA 2017
May 30, 2017



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What's Happening in...Winston-Salem

April 5, 2017

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Kilpatrick Townsend Attorneys Named 2017 North Carolina Super Lawyers

January 30, 2017

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Kilpatrick Townsend Attorneys Selected To Business North Carolina Magazine's 2017 "Legal Elite"

January 11, 2017

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Kilpatrick Townsends Steve Berlin and Charles Calkins Once Again Named "Most Influential People" in the Triad

November 8, 2016

[In The News](#)

Kilpatrick Townsend's Media Report, October 22 - November 4, 2016

November 7, 2016

[News Releases](#)

Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017

August 16, 2016

[News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2016

May 31, 2016

[In The News](#)

Kilpatrick Townsend's Media Report January 22-28, 2016

January 29, 2016

[News Releases](#)

Kilpatrick Townsend Attorneys Selected To Business North Carolina Magazine's 2016 "Legal Elite"

January 19, 2016



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Kilpatrick Townsend Attorneys Named 2016 North Carolina Super Lawyers

January 15, 2016

[In The News](#)

Kilpatrick Townsend's Media Report December 3-10, 2015

December 11, 2015

[In The News](#)

Kilpatrick Townsend's Media Report November 6-19, 2015

November 20, 2015

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Kilpatrick Townsends Steve Berlin and Charles Calkins Named 2015 Most Influential in the Triad

November 13, 2015

[In The News](#)

Kilpatrick Townsend's Media Report October 2-8, 2015

October 9, 2015

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Kilpatrick Townsends Steve Berlin Named One of North Carolina Lawyer's Weekly 2015 Leaders in Law

October 6, 2015

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Best Lawyers in America Names Kilpatrick Townsend Attorneys 2016 Lawyers of the Year

August 20, 2015

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016

August 19, 2015

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Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2015

May 22, 2015



[In The News](#)

Kilpatrick Townsend's Media Report April 23-30, 2015

May 1, 2015

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Kilpatrick Townsend Attorneys Named 2015 North Carolina Super Lawyers

January 28, 2015

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Kilpatrick Townsend Attorneys Selected To Business North Carolina Magazine's 2015 "Legal Elite"

January 19, 2015

[In The News](#)

Kilpatrick Townsend's Media Report December 19, 2014 - January 8, 2015

January 9, 2015