

## JONATHAN W. RAUCHWAY

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DAVIS  
GRAHAM &  
STUBBS

### EXPERTISE

Natural Resources and Environmental Litigation,  
Oil & Gas Litigation, General Commercial Litigation,  
and Appeals

### EDUCATION

Fordham University School of Law, J.D., 1997  
Cornell University, B.A., 1994

### ADMITTED IN

Colorado

Jon Rauchway is a partner in the Trial Group, and he leads the firm's Environmental & Public Lands Practice Group. He defends class-action and mass-joinder lawsuits alleging environmental contamination based on common-law theories, and represents plaintiffs and defendants in litigation involving CERCLA, the Clean Water Act, the Clean Air Act, and related state statutes. He also handles litigation involving nearly all aspects of the energy and mining industries, such as disputes over royalty payments, operating agreements, and ownership interests.

In addition to his work in the trial courts, Mr. Rauchway is an experienced appellate advocate, having argued appeals before the U.S. Courts of Appeals for the Second, Ninth, and Tenth Circuits, as well as state appellate courts in Colorado and elsewhere. For over a decade, he was a member of the Criminal Justice Act Panel for the U.S. Court of Appeals for the Tenth Circuit and appeared regularly before the Court during that period.

Prior to joining DGS, Mr. Rauchway practiced at an international law firm in New York City and spent one year clerking for a U.S. District Judge in Dallas, Texas.

Mr. Rauchway currently serves on the board of advisors for the Institute for Energy Law. He is active in the community, having served on the boards of local non-profit organizations, including The Urban Farm and the Colfax Community Network (former board chair), and he served two terms on the board of trustees for the Legal Aid Foundation of Colorado.

He is listed in *The Best Lawyers in America*® and as a Local Litigation Star by *Benchmark Litigation*. In 2023, Mr. Rauchway received "Lawyer of the Year" by Best Lawyers® in Product Liability Litigation – Defendants. In 2018, he was named the Barrister's Choice "Best Environmental Attorney" as well as "Lawyer of the Year" by *Law Week Colorado*. Mr. Rauchway is listed by Lawdragon as one of the "500 Leading U.S. Environmental Lawyers" as well as one of the "500 Leading U.S. Energy Lawyers" in its annual guide.

### RECENT REPRESENTATIONS

- Led DGS trial team defending a CERCLA contribution case brought by the current owner of an aluminum smelter. The plaintiff sought to impose over 90% of cleanup costs on our client, a former operator. After a trial, the court adopted the precise allocation proposed by DGS, assigning 65% of the costs to the plaintiff.
- Defended a public utility in a Clean Water Act citizen suit in one of the first cases to apply the Supreme Court's "functional equivalent" test. The jury returned a complete defense verdict.
- Led defense team in 13-year lawsuit brought by over 100 landowners claiming their properties had been contaminated by the operations of a smelter in Anaconda, Montana. DGS developed a novel defense to these common-law claims based on the federal CERCLA statute. Mr. Rauchway argued this defense

without success four times in lower courts, including the Montana Supreme Court. The United States Supreme Court reversed, upholding the CERCLA-based defense in large part.

- Defended a company facing multi-million-dollar damage claims by a group of Nevada property owners who claimed their land and water had been contaminated by the company's Superfund site. After a three-week trial in federal court, the jury returned a complete defense verdict.
- Brought a lawsuit on behalf of our client against the United States concerning the past and future costs of environmental cleanup at four phosphate mines in Idaho. Cleanup costs were estimated in the hundreds of millions of dollars. Successfully obtained summary judgment on the liability of the government on all asserted grounds—CERCLA owner, operator, and arranger—at all four sites.
- Represents defendants in Clean Water Act citizen suits in several western states.
- Represents defendants in toxic tort and environmental contamination cases around the country.
- Represents oil and gas producers in royalty payment disputes in several western states.