

Zachary C. Larsen

Senior Attorney



Zachary C. Larsen represents companies in regulatory and environmental litigation and counsels industrial and agricultural businesses through compliance and permitting concerns.

From defending disaster-related lawsuits like the Flint Water and Edenville Dam class actions to filing industrywide administrative challenges or bringing remediation cost recovery actions, Zach has litigated some of Michigan's largest environmental disputes. Zach served for eight years as an Assistant Attorney General for the State of Michigan, including in the Environment, Natural Resources, and Agriculture Division, so he knows what businesses can expect from a state enforcement proceeding and who to connect with to achieve a prompt resolution. Having successfully litigated billion-dollar claims and statewide regulatory challenges and negotiated multi-million-dollar consent judgments, Zach's experience will help him solve a variety of matters.

Zach has litigated cases at all levels—from presenting evidence at trial courts and administrative tribunals to arguing before the Michigan Supreme Court and the U.S. Court of Appeals. Because he served for years advising judges, he understands how judges think and can assemble your case to maximize your likelihood of success.

Though Zach principally represents clients in environmental matters, he also draws on his years with the State of Michigan to help businesses navigate state tax and other regulatory compliance problems and has litigated significant business, sales, and use tax appeals, insurance receivership disputes, liquor control commission appeals, and Freedom of Information Act suits.

Significant Accomplishments

- Achieved dismissal of civil rights and tort claims against former Governor and other state actors in *Guertin v. Michigan*, U.S. Dist. E.D. Mich. Docket No. 16-cv-12412 (issued June 5, 2017). Briefed and argued the appeal and achieved reversal of the district court's denial of qualified immunity to agency heads. *Guertin v. Michigan*, 912 F.3d 907 (6th Cir. 2019) (dismissing MDHHS director and CME).
- Successfully defended the State's \$2.5 billion regulatory overhaul of lead-and-copper rule against declaratory action to invalidate rules raising Administrative Procedures Act violations and constitutional and statutory claims. *Oakland Cty. Water Resources Comm'r v. Mich. Dep't of Env'tl Quality*, Mich. Ct. of Claims Docket No. 18-259-MZ.
- Filed \$350 million parens patriae suit against engineering companies alleged to be responsible for the Flint water crisis and defended suit against motions to dismiss. *Attorney General v. Veolia Water N.A.*, Gen. Cir. Ct. Case No. 17-107576-NM.
- Participated in a multistate petition for review in the U.S. Court of Appeals for the D.C. Circuit against the U.S. EPA challenging the Affordable Clean Energy Rule. *American Lung Ass'n v. EPA*, D.C. Cir. Docket No. 19-1140.
- Briefed and argued 50 consolidated cases at the Michigan Court of Appeals concerning whether the repeal of the Multistate Tax Compact was permissible under the Michigan and U.S. Constitution. Won a favorable published decision saving the State an estimated \$1.65 billion. *Gillette Commercial Operations, N.A. v. Treasury*, 312 Mich. App. 394 (2015).
- Defeated the related applications for leave to appeal to the Michigan Supreme Court. *Gillette Commercial Operations, N.A. v. Treasury*, 496 Mich. 960 (2016).
- Convinced the MSC to grant leave and drafted merits briefs on *Detroit Edison Co. v. Treasury*, 498 Mich. 28 (2015), addressing whether the transmission and distribution of electricity is exempt "industrial processing." Argued at the Michigan Supreme Court. Won a partial reversal and received three votes for total reversal.
- Succeeded in both the trial and appellate courts in a dispute concerning the application of the definition of "tangible personal property" and of the "industrial processing" exemption to cell-phone and land-line telecommunications signals. *MidAmerican Energy Corp. v. Dep't of Treasury*, 308 Mich. App. 362 (2014).
- Obtained emergency stay at the Michigan Court of Appeals of a court order compelling the sale of a \$160 million insurance company, and convinced the court to grant interlocutory leave to appeal. *GBIG Holdings, Inc v Director of Dep't of Insurance and Financial Servs*, Michigan Ct. of Appeals Docket No. 354182.

Other Representative Matters

Office

Lansing
212 E. Cesar Chavez Ave
Lansing, MI 48906

(517) 318-3053 (phone)
(517) 318-3099 (fax)
zlarsen@clarkhill.com

Education

B.A., magna cum laude, Washington State University, Pullman, Washington

J.D., magna cum laude, Ave Maria School of Law, Naples, Florida

State Bar Licenses

Michigan

Court Admissions

U.S. District Ct., E.D. of Michigan
U.S. District Ct., W.D. of Michigan
U.S. Court of Appeals, 6th Circuit
U.S. Court of Appeals, D.C. Circuit

- Filed industrywide suit on behalf of Michigan’s large livestock farmers challenging state regulations of Concentrated Animal Feeding Operations (“CAFOS”);
- Represented Part 307 delegated lake levels authority in class-action litigation related to the Edenville Dam failure and flooding of Midland, Michigan;
- Defended chemical company in the State of Michigan’s industrywide lawsuit against PFAS manufacturers and distributors;
- *Boler v. Governor*, 324 Mich App. 614 (2018) (addressing whether the emergency managers transform local units of government into “arms of the state”).
- *International Business Machines, Corp. v. Dep’t of Treasury*, 316 Mich App 346 (2016) (addressing law of the case and rule of mandate doctrines).
- *AK Steel Holding Corp. v. Dep’t of Treasury*, 314 Mich. App. 453 (2016) (addressing the application of the Multistate Tax Compact to the Single Business Tax Act).
- *Kappen Tree Service, LLC v. Dep’t of Treasury*, unpublished opinion per curiam of the Court of Appeals, issued Apr 26, 2016 (Docket No 325984).
- *Ford Motor Co v Dep’t of Treasury*, 313 Mich. App. 572 (2015) (addressing the industrial processing exemption as applied to test vehicles, attorney fees, and Revenue Act interest calculations).
- *Ashley Capital, LLC v Dep’t of Treasury*, 314 Mich App 1 (2015) (addressing carryforward credits under the Michigan Business Tax Act).
- *Martin Sprocket & Gear, Inc. v. Dep’t of Treasury*, unpublished opinion per curiam of the Court of Appeals, issued Oct 21, 2014 (Docket No 317760).
- *Coventry Health Care, Inc. v. Dep’t of Treasury*, unpublished opinion per curiam of the Court of Appeals, issued Oct 16, 2014 (Docket No 317389).
- *Thomson Reuters (Tax and Accounting), Inc. v. Dep’t of Treasury*, unpublished opinion per curiam of the Court of Appeals, issued May 13, 2014 (Docket No 313825).
- *KC Transportation, Inc. v. Dep’t of Treasury*, unpublished opinion per curiam of the Court of Appeals, issued July 9, 2013 (Docket No 310428).
- *SPE Utility Contractors, LLC v. Dep’t of Treasury*, unpublished opinion per curiam of the Court of Appeals, issued June 25, 2013 (Docket No 310885).
- *Discount Tire Co. v. Dep’t of Treasury*, 298 Mich App 367 (2012) (addressing the “returned goods” exemption), vacated in part at *Discount Tire Co. v. Dep’t of Treasury*, 494 Mich 875 (2013).

Practices, Industries & Services

Administrative Law
 Agriculture
 Cannabis
 Construction
 Energy & Utilities
 Environment, Energy & Natural Resources
 Litigation
 Municipal Law
 Per- and Polyfluoroalkyl Substances (“PFAS”) Issues
 Tax & Estate Planning

Areas of Emphasis

Appellate
 Class Action Litigation
 Environment, Energy & Natural Resources Litigation
 Federal and State Tax Controversy
 Permits & Licenses
 Remediation & Natural Resource Restoration
 Toxic Torts and Hazardous Substance Litigation

Memberships

- Clinton County GOP Executive Committee
- Federalist Society

Honors

- Michigan Department of Attorney General’s “Excellence in Appellate Advocacy” Award (2015)
- Clinton County GOP Republican of the Year (2019)
- Legislative Tribute (2019)