

# FEDERAL COURT VICTORY ENDS SEVEN-YEAR COURT BATTLE OVER ENVIRONMENTAL CONTAMINATION CLAIMS

A victory in federal court by a team of Hodgson Russ attorneys put an end to a seven-year lawsuit and extinguished the risk of our client paying millions in damages and other costs arising from claims of federal and state environmental law violations. The matter involved a facility owned and operated by our client, a manufacturer. Over the course of decades of operation, our client's facility became heavily contaminated with chemical residues. Some of those residues migrated off site into the surrounding community. Hodgson Russ represented this manufacturer in connection with an administrative order on consent entered into with the U.S. Environmental Protection Agency (EPA) and the State Department of Environmental Conservation under the Resource Conservation and Recovery Act (RCRA). Our client is performing the work required by the administrative order and is making extensive efforts to benefit the community. Despite our client's efforts, four families from the surrounding community sued the manufacturer in federal court under the citizen suit provisions of several federal statutes, claiming that our client was not complying with the requirements of various environmental statutes and that EPA was not effectively enforcing them. The families asked the federal court to intervene and to order our client to do more remediation faster. They also asserted claims for personal injury and property damage. The Hodgson Russ team successfully defeated the plaintiffs' claims in court. In his decision, the presiding judge granted our motion to disqualify the plaintiffs' expert and for summary judgment. The case was dismissed entirely — freeing our client to focus on completing the corrective action program without judicial intervention and to remove a substantial liability reserve from its books. Subsequent efforts by the plaintiffs to revive the suit have also been defeated.

## Attorneys

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## Practices & Industries

Business Litigation  
Environmental  
Manufacturing  
Product Liability & Complex Tort