

Undecided



**ASSIGN
BUSTER**

A Civil Action Environmental Issues that Led to the Court Case Pollution is one major environmental issue that led to the court case. Pollution refers to the introduction or existence of substances or things to the environment that pose harmful or poisonous impacts. The court case took place in the early 1980s, when a group of families located north of Boston sued major American corporations for irresponsible dumping of poisonous chemicals. The poisonous chemicals seeped into the surrounding community's water supply system causing leukemia deaths and other associated health problems. However, the involvement of the United States Environmental Protection Agency (EPA) in the case served as a remedy. EPA has a responsibility of enforcing the environmental laws that aim at protecting human health and the environment.

The second issue was gross poisoning and environmental discomfort caused by the ill smelling of polluted water by the accused companies' effluents. In May 1982, Jan Schlichtmann's law firm filed compensation case against the responsible companies for willful and carelessness in poisoning the town's water supply. Grace and Beatrice Corporation, food-manufacturing companies claimed responsibility for the contamination, associated deaths and sufferings that the locals underwent (Tisdale 32: 50). However, a court process was necessary to determine the extent and guilt in the companies involved. The civil settlement is essential to the facilitation of the cleanup and corrective measures meant to restore the fit nature of the environment.

Legal Concepts and Procedures used by the Plaintiff to argue the Case

The plaintiff presented a complaint to the court and served the accused corporations with a copy of the complaint. Prior to the case filing, the plaintiff secured substantial evidences from the site before any form of interference

attempt by the accused. Substantial evidence helps in demonstrating and proving to a court the sufficient link between the corporations accused and the pollution and associated deaths. The plaintiff and their lawyers reported to the EPA, a state agency who enjoined to prove the credibility of the evidences after conducting their individual assessments prior. A clerk appeared and provided evidence of the W. R. Grace plant attempting to cover up the toxic dumping. The substantial evidence offered compelled the court to drop Beatrice from the case and directing Grace Plant to cover \$ 8 million settling cost. The \$8 million cost meant to facilitate the cleanup and corrective measures for the local community that filed the complaint. The settlement leads to content and peaceful coexistence between the locals and the industries operating within the area.

I agree with the ruling since only the guilty corporation bears the cost of settling their mess. Dropping Beatrice from the case was fair and just since there were no substantial evidences for their victimization. The plaintiff (s) prepared substantially for the case by accumulating credible evidences to defend and prove their case. In 1996, the court based their ruling on *Romer v. Evans* case based on justified and substantial evidences supplied (Schacter 392). Victimizing Beatrice Corporation could be unfair since the company was not involved in the mess that the plaintiff forwarded.

Works Cited

Schacter, Jane S. " *Romer v. Evans* Democracys Domain." *Vanderbilt Law Review* 50. 2 (1997): 361-410. ProQuest. Web. 26 Apr. 2015.

Tisdale Nydia. " A Civil Action" litigator Jan Schlichtmann for GreenLaw & Turner Environmental Law Clinic" Online Posting. You Tube, 02/10/15. Web. 27/04/2015.