

# Ch 41 dis

Law



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No: United s v. Alcan Inc., Alcan Aluminum Corp. In the case of Alcan the competent court rejected the government's arguments that hearing is not imminent since Alcan has admitted that its emulsion was diluted with the other wastes. The court was of the opinion that the above noted cases can best be resolved at the initial liability stage since it involves precise degree of liability. Therefore, if the defendant can prove that it only caused some portion of harm, then it should be liable for that portion of amount. In this case, the court held that since Alcan was amongst one of the 20 defendants, hence liable for payment of USD 473, 790. 18 towards response costs out of the total response costs amounted to USD 1, 302, 290. 18 (Antitrust Division 2003).

The share of response payment cost towards Alcan was only 5% of the defendant pool. Furthermore, it seems that Alcans share of liability is distributed on a contributory basis (Antitrust Division 2003).

The court further observed that determination of harm is indivisible and it will not frustrate the right of a defendant to seek fair share of response cost from other defendants, as the contribution proceeds is on equitable footing. The court permitted to allocate response cost amongst the responsible where the court has no discretion to determine division of response cost (Antitrust Division 2003).

In the light of judgment of competent court of law, the Alcan is liable to pay the response amount to the tune of USD 0. 473 million.

#### Works Cited

Antitrust Division. United States v. Alcan Inc., Alcan Aluminum Corp., Pechiney, S. A., and Pechiney Rolled Products, LLC; Complaint, Proposed

Final Judgment and Competitive Impact Statement. Federal Registrar, 2003.

Accessed 7 July 2012. .