

Superfund discovery rule poised to preempt North Carolina's statute of repose, Westlaw Journal (A Thomson Reuters Publication)

*By Anne Myers, Esq.
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On Jan. 10 the U.S. Supreme Court accepted CTS Corp.'s writ of certiorari appealing the 4th U.S. Circuit Court of Appeals' ruling in CTS Corp. v. Waldburger, 723 F.3d 434 (2013), which found that the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9658, preempted North Carolina's statutes of limitations and repose.

CTS and its affiliates manufactured electronic components at a 54-acre plant in Asheville, N.C., from 1959 to 1985. In the process, CTS used and stored various toxic solvents at the plant. In 1987 CTS sold the plant and its underlying property to a land developer. After a subsequent sale, the unimproved portion of the property was developed into mountainside home sites. In February 2011 homeowners occupying the sites and nearby landowners (two of whom were told by the EPA in 2009 that their well water contained levels of trichloroethylene, or TCE, not fit for human consumption) filed a complaint in federal court against CTS.