



Riker Danzig Succeeds in Groundwater Contamination Case

After prevailing in a CERCLA and common law action brought by Champion Laboratories against our client Metex Corporation, a manufacturer of metal textiles, Morristown-based law firm Riker Danzig Scherer Hyland & Perretti LLP has now succeeded in quashing a motion for reconsideration.

The suit alleged that the groundwater contamination underlying Champion's former manufacturing site in Edison, New Jersey, was the result of releases of industrial chemicals that had taken place at Metex's neighboring site. Champion sought to recover costs it had incurred relating to its former facility. Following a 25-day bench trial conducted in 2009 in U.S. District Court in Newark, Judge William Walls ruled in an Order and Opinion issued on August 13th that the costs expended by Champion did not further cleanup of the site but, instead, were incurred in an attempt to shift liability to another party, making the costs unrecoverable under Section 107 of CERCLA. The Court further found that Champion had failed to establish its common law claims that Metex was the source of contamination on the Champion site.

In its Opinion, the Court adopted the factual findings and hydrogeological analysis offered by Metex and entered judgment for Metex on all counts of the Complaint.

On January 1, 2010, the Court denied Champion's motion to reconsider its decision. In a published opinion, the Court reaffirmed its determination that the "overwhelming qualitative weight of the evidence and testimony presented at trial" supported the Court's conclusion that contamination of the former Champion site had not migrated from the Metex site, and that Champion had not incurred "necessary costs of response" under CERCLA.

Riker Danzig's Environmental Practice Chair [Dennis J. Krumholz](#) and Litigation Associate [Maha M. Kabbash](#) tried the case for Metex.

Attorneys:

Maha M. Kabbash · Dennis J. Krumholz

Practices:

Environmental Law · Litigation

Headquarters Plaza, One Speedwell Avenue, Morristown, New Jersey 07962-1981 • t: 973.538.0800 f: 973.538.1984

50 West State Street, Suite 1010, Trenton, New Jersey 08608-1220 • t: 609.396.2121 f: 609.396.4578

500 Fifth Avenue, New York, New York 10110 • t: 212.302.6574 f: 212.302.6628

399 Knollwood Road, Suite 201, White Plains, NY 10603 • t: 914.539.3360 f: 914.539.3361

1200 Summer Street, Suite 201C, Stamford, CT 06905 • t: 203.326.6740 f: 914.539.3361

www.riker.com