

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

THE COURTLAND COMPANY, INC.,

Plaintiff,

v.

Civil Action No. 2:19-cv-00894

UNION CARBIDE CORPORATION,

Defendant.

JUDGMENT ORDER

Pursuant to the court's Memorandum Opinion and Order respecting liability entered September 28, 2023, and the Memorandum Opinion and Order respecting damages this day entered, judgment is entered as follows in Courtland II (2:19-cv-00894):

1. Judgment in favor of plaintiff The Courtland Company, Inc. ("Courtland") and against defendant Union Carbide Corporation ("UCC") on Courtland's CERCLA § 107(a) claim (Count I) for the June and July 2021 preliminary groundwater investigation on the Courtland Property in the amount of \$20,356.87, together with interest thereon at the lawful rate from this date;
2. Judgment in favor of counterclaim plaintiff UCC and against counterclaim defendant Courtland on UCC's CERCLA § 113(f) contribution counterclaim (Counterclaim Count II) as it

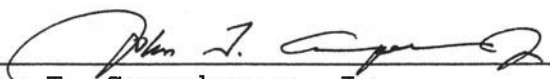
relates to the June and July 2021 preliminary groundwater investigation on the Courtland Property in the amount of \$6,785.63; UCC takes nothing by way of contribution as it relates to UCC's December 2020 soil investigation on the Courtland Property;

3. Declaratory Judgment in favor of plaintiff Courtland and against defendant UCC on Courtland's CERCLA § 113(g) (2) claim (Count I) declaring that UCC is liable for any future response costs Courtland may choose to incur in efforts to remediate the groundwater contamination detected on the northern portion of the Courtland Property, which will be subject to an equitable allocation between the parties as noted below in paragraph 5;
4. Declaratory Judgment in favor of counterclaim plaintiff UCC and against counterclaim defendant Courtland on UCC's CERCLA § 113(g) (2) counterclaim (Counterclaim III) declaring that UCC is entitled to contribution respecting any future response costs Courtland may choose to incur in efforts to remediate the groundwater contamination detected on the northern portion of the Courtland Property; thus, any such costs will be subject to an equitable allocation between the parties; and
5. Judgment in favor of plaintiff Courtland and against defendant UCC on Courtland's RCRA § 7002(a) (1) (A) open

dumping claim (Count II) premised on a violation of Subtitle D, together with reasonable attorneys' fees and expert witness fees, the amount of which shall be determined and adjudicated in due course; UCC's continued participation in and completion of the VRP is sufficient to remedy such violation without additional injunctive requirements.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: September 27, 2024

  
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John T. Copenhaver, Jr.  
Senior United States District Judge