**Group 1**

Barro, DuBos, Long, Roy

Based on PROBLEM: LIABILITY ALONG THE LOWER FOX RIVER, p. 568

1. You are an attorney in Monsanto’s general counsel’s office. Monsanto was the United States’ primary manufacturer of PCBs. It never owned or operated any of the paper factories on the Fox River, but those factories did buy most of their PCBs from Monsanto. Some of the companies and municipalities involved in the Fox River cleanup have made public statements about holding Monsanto liable for part of the cleanup cost, and your boss has asked you whether CERCLA liability is a real threat. Is Monsanto a responsible party? As you answer the question, please assume you have found evidence that Monsanto knew that many of its customers were spilling PCBs into the environment.

As you answer the question, please assume you have found evidence that Monsanto knew that many of its customers were spilling PCBs into the environment. (Hint – this is a hint, which means you need to think hard about it.)

**Group 2**

Bounds, Dupree, McBride, Sayers

Based PROBLEM: LIABILITY ALONG THE LOWER FOX RIVER, p. 568.

2. You are an attorney in the general counsel’s office of Wisconsin Recycling Company (WRC). WRC recycled used carbon paper, among other things. But it did so only from 1960 to 1965. WRC’s recycling process produced liquid effluent that contained PCBs.

You have been asked to consider two issues. First, is WRC a PRP because it sent its wastewater to the Wrightstown Municipal Wastewater Treatment Plant, which then discharged PCBs originating at WRC into the Lower Fox River? Second, if WRC is a PRP, can it avoid being joint and severally liable for the entire cost of remediating the Lower Fox River?

**Group 3**

Buller, Falcon, Norfleet, Stephens

Based on PROBLEM: PURCHASING CONTAMINATED PROPERTY, p. 588

You represent a residential development company called Elite Residential Living (ERL).

ERL does not want to proceed with this project if purchasing the lot will make it a PRP for the Lower Fox River site. Your client has asked you to assess whether ERL could invoke the innocent third party defense, the contiguous landowner defense, or the bona fide purchaser defense if it buys the lot. Also, your client wants to know if there are steps that ERL should take to ensure that it falls within those defenses. Finally, does invoking those defenses impose any obligations on ERL?

**Group 4**

Cunningham, Knister, Pittman, Stewart

Based on PROBLEM: LIABLE PARENT COMPANIES, p. 599.

You are an attorney in the Office of Enforcement and Compliance Assurance (OECA) within EPA’s Region 5 Office, which has jurisdiction over six states in the Midwest, including Wisconsin. EPA has already identified and either settled with or sued most of the primary PRPs at the Lower Fox River site. One of your tasks is to identify any additional PRPs.

Is Big Apple liable for PCB pollution in the Lower Fox River?

**Group 5**

Downer, Leger, Ratnayaka, Thigpen

Based on PROBLEM: FILING LAWSUITS ON BEHALF OF PRPS, p. 619

You represent one of the paper companies along the Lower Fox River. Because of the alliance’s fragility, your client has asked you two questions. First, it wants to know whether cutting a deal with EPA will (a) limit its ability to bring claims against other PRPs; and (b) protect it from claims brought by other PRPs.

**Group 6**

Dows, Lemoine, Reinhardt, Wilson

Based on PROBLEM: FILING LAWSUITS ON BEHALF OF PRPS, p. 619

You represent one of the paper companies along the Lower Fox River. Because of the alliance’s fragility, your client has asked you two questions. Second, your client wants to know essentially the same question in reverse: if it holds out, and forces EPA to litigate section 107 claims against it, will that enhance or inhibit its ability to bring claims or defend claims against its fellow PRPs?