

DEFENDING COMPANIES AGAINST CITIZEN SUITS

The legal team at Bick Law has a wealth of experience protecting companies against “citizen suits” brought under state and federal environmental laws. Our lawyers are environmental litigation attorneys who know how to develop powerful defense strategies in complex environmental disputes. We are well positioned to handle any environmental matter that our clients face, including high-stakes litigation initiated by private parties seeking to enforce environmental laws and statutes. In every case that we handle our lawyers work directly with our clients to gain a full appreciation of their concerns and objectives. We take the time to understand how their company functions so that we can develop individualized strategies that best protect and advance their day-to-day and long-term business operations.

Citizen Suits Brought by Private Parties

In the United States, the major environmental laws provide for private parties to initiate “citizen suits” to enforce the law in the absence of proper government enforcement. In a citizen suit a private plaintiff can sue a company for conduct that is alleged to violate certain environmental laws and regulations. A private party can also seek to prevent a company from moving forward with a project by alleging that the company’s activities could substantially harm the environment and should be prohibited under the law.

The filing of citizen suits has become an increasingly common practice, particularly in connection with certain federal and state environmental programs such as the Clean Water Act, RCRA, the Endangered Species Act and Proposition 65 in California. Citizen suits typically allow for private parties to secure injunctive relief as well as recover penalties, attorneys’ fees and costs when their suits are successful.

Citizen suits generally require the citizen to give prior notice of the alleged violation before filing suit. For example, where a citizen suit involves an alleged Clean Water Act violation, the private plaintiff

must file a Notice of Intent to File Suit with the alleged violator, the EPA and the corresponding state agency at least 60 days before initiating a lawsuit against the violator. The 60-day notice is designed to provide the alleged violator and the EPA with notice of the possible violation so that appropriate action can be taken to remedy the situation-in order to preempt a lawsuit.

California Contamination Lawyers Protecting the Rights of Businesses

At Bick Law we understand that the threat of a citizen suit can be particularly costly and disruptive for our clients. Our environmental practice works closely with companies to prevent these types of legal actions from surfacing. We assist our clients in building effective compliance programs and when environmental disputes arise we work to negotiate and correct the problem before it can turn into costly citizen suit litigation. When litigation cannot be prevented, we collaborate with clients, consultants and co-counsel to develop creative litigation strategies that resolve the situation while protecting our clients' legal rights and business functions.