

Kelley Drye Achieves Summary Judgment for Union Carbide Corporation

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Kelley Drye client Union Carbide Corporation ("UCC"), now wholly owned by The Dow Chemical Company, won summary judgment dismissing the plaintiffs' remaining cause of action in long-pending litigation. Plaintiffs were seeking to pierce the corporate veil of UCC's former subsidiary, Union Carbide India Limited ("UCIL"), to hold UCC liable for injuries allegedly caused by ground water pollution from UCIL's pesticide plant in Bhopal, India. Judge John F. Keenan of the United States District Court for the Southern District of New York held that the subsidiary was and remains a financially viable, "independent, legitimate corporation." Judge Keenan had previously dismissed direct liability claims against UCC.

In addition, in a related case, in which there were six opinions over a period of seven years by Judge Keenan and the United States Court of Appeals for the Second Circuit, Judge Keenan dismissed claims for environmental remediation of the former UCIL plant site in Bhopal on the grounds such relief was impracticable, and the Court of Appeals affirmed. Claims in that case for alleged violations of international law brought under the Alien Tort Statute were previously dismissed.