

Law360 Reports on Environmental Litigators Defeat of Motion to Dismiss Gold King Mine Spill Lawsuit

February 13, 2018

Partners [Bill Jackson](#) and [John Gilmour](#) were mentioned in the *Law360* article, "Gold King Contractor Must Face Most NM, Navajo Claims." The article covers the defeat of a Motion to Dismiss a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) lawsuit brought by Environmental Restoration LLC. Bill and John represent the State of New Mexico which, along with the Navajo Nation, alleges that EPA contractor Environmental Restoration LLC is partly responsible for the 2015 Gold King Mine spill disaster that polluted two rivers that flowed into the Navajo Nation and New Mexico.

Environmental Restoration LLC had asked U.S. District Judge M. Christina Armijo to toss the lawsuits but the judge found there was enough evidence to proceed with most of the plaintiffs' claims. The judge declined to toss the CERCLA claims for cost recovery and injunctive relief rejecting Environmental Restoration's assertion that it was not a facility "operator" as defined by CERCLA. Judge Armijo also found Environmental Restoration hasn't yet proved it doesn't have CERCLA liability as an "arranger" or "transporter" of hazardous substances.

The 2015 Gold King Mine waste water spill began at the mine near Silverton, Colorado when EPA personnel, along with workers for Environmental Restoration LLC, caused the release of toxic waste water into the Animas River watershed while attempting to drain ponded water near the entrance of the mine.

To read the full article, please click [here](#). Access may require a subscription.