

Thomas Lupo Discuss Court Decision Addressing U.S. EPA's Ability to Seek Court Order for Access and Remediation

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Thomas Lupo and Dana Mehlman authored the case summary, “Court Recognizes U.S. EPA’s Ability to Seek Court Order for Access and Remediation,” which was published on December 2, 2015, on the American Bar Association Section of Environment, Energy, and Resources’ website.

The case summary focuses on the U.S. District Court for the Central District of Illinois’ decision in *United States of America v. Donna Gearing and Larry Thomason*, No. 1:15 CV 01333 (2015), a case in which the court “rejected the magistrate judge’s recommendation that the court deny the United States’ Motion for Order in Aid of Immediate Access as arbitrary and capricious where U.S. EPA sought to access and remediate a largely burned out former school building which it contended ‘may’ present an imminent and substantial endangerment to the public health, welfare, or the environment.” As explained by Mr. Lupo and Ms. Mehlman, “[t]he ruling gives further guidance to those facing a direct court action by the U.S. EPA and likely expands the Agency’s ability and frequency of doing so.”

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Thomas D. Lupo

Partner

📞 312-704-3138

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