



Appendix to Chapter 7

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Introduction.

On January 12, 2000, the United States Supreme Court decided *Friends of Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*¹ In a seven- member majority opinion,² the Court reversed the Fourth Circuit Court of Appeals' decision³ and remanded the case for further consideration. This appendix briefly examines the *Laidlaw* decision and its effect on the discussion of standing and mootness contained in Chapter 7, *An Overview of Citizen Suits Affecting the Mineral and Energy Industries*.

Chapter 7 discusses the Fourth Circuit's decision in *Laidlaw* in four places. First, the chapter cites the *Laidlaw* decision under the section on redressability element of standing.⁴ Second, the chapter discusses it in the section on the doctrine of mootness.⁵ Third, the chapter cites the case in the discussion of good faith averments that violations continue.⁶ Finally, the chapter discusses *Laidlaw* in the section on civil penalties as a remedy in citizen suits.⁷ While the Supreme Court decision deals with these issues, the Court also spent a considerable amount of time on the issue of injury in fact, an issue not addressed by the Fourth Circuit.

The Majority Opinion.

In disposing of the case on mootness grounds, the Fourth Circuit assumed the plaintiffs had initial standing. However, because the Supreme

¹ *Friends of the Earth, Inc. v. Laidlaw Env'tl. Servs., Inc.*, No. 98-822, 68 U.S.L.W. 4044, 2000 U.S. LEXIS 501 (U.S. January 12, 2000).

² Justice Ginsburg delivered the opinion of the Court, in which Chief Justice Rehnquist and Justices Breyer, Kennedy, O'Connor, Souter and Stevens joined.

³ *Friends of the Earth, Inc. v. Laidlaw Env'tl. Servs., Inc.*, 149 F.3d 303 (4th Cir. 1998).

⁴ See § 7.04[1][a][iii].

⁵ See § 7.04[1][c].

⁶ See § 7.05[2].

⁷ See § 7.08[2].