

### Cotter at the Crossroads

A community grapples with a uranium mill's past, present and future



## Lawsuits filed against the Cotter Corporation:

Dominic Moschetti - Little is known about the suit filed by Lincoln Park resident Dominic Moschetti in the 1970s. It is believed to be the first civil suit against the company. Court records could not be found, but references to the suit are contained in other suits. The suit, filed after Moschetti's cattle were allegedly poisoned by molybdenum, resulted in a confidential settlement. A memo written by former Cotter mill manager Myles Fixman indicates the company paid to have the Moschetti property hooked up to city water as part of that settlement. Moschetti's widow, Wanda Moschetti, declined to answer questions regarding the suit.

The Boughton well was one of several wells included in Boughton et al v. Cotter (1989). A group of 550 Lincoln Park-area residents filed a \$550 million suit against Cotter in 1989, claiming the mill had contaminated their land and wells.

Daily Record/Tamara McCumber

Colorado v. Cotter (1983) - The State of Colorado sued Cotter for polluting natural resources in 1983. The suit was filed in December of that year - six months after the state completed the sale of the mill site to the Cotter Corporation, which had leased the 640-acre property since 1958. It was also filed three months after the Environmental Protection Agency listed the area on its National Priorities, or Superfund, list.

The suit was settled in 1988 when Cotter agreed to pay \$4 million in penalties and \$11 million for an ongoing cleanup and monitoring program that continues today.

Boughton, et, al. v. Cotter (1989) - A group of 550 Lincoln Park-area residents filed a \$550 million suit against Cotter in 1989, claiming the mill had contaminated their land and wells. A federal judge denied class-action status for the case, which was then tried in two pieces. In 1994 the claims of eight "bellwether" plaintiffs went to trial. A jury awarded nothing to three of them and five of them were awarded a total of \$141,122, which jumped to \$220,722 with pre-trial interest.

The remainder of those claims did not go to trial. The rest of the so-called Boughton defendants settled with Cotter for an undisclosed amount in 1996. While the settlement was confidential, it is believed to have included medical monitoring for some of the plaintiffs.

Dodge, et. al. v. Cotter (1991) - The so-called Dodge case, which included 16 plaintiffs, was the first to claim personal injury as a result of pollution from Cotter. A federal jury awarded the plaintiffs a total of \$5 million in a 1998 trial, but the U.S. 10th Circuit Court of Appeals overturned the verdict - ruling that U.S. District Judge Zita Weinshienk erred in deciding what the jury could consider. The case was retried in 2001 and the plaintiffs were awarded a total of \$16 million. That figure jumped to \$43.5 million with pre-trial interest. Cotter has appealed the second verdict, but had to bond the \$43.5 million in order to do so. The appeals court is expected to rule on the appeal in mid-to-late 2003.

Boughton worker's compensation case - Lynn Boughton, who worked as a chemist at Cotter from 1958 to 1979, later applied for worker's compensation benefits based on the cancer he claimed was the result of exposure at Cotter. The case ended up before an administrative law judge, who in 2000 awarded Boughton just under \$500,000. The ruling came after lab reports indicated Boughton's body contained 700 times the amount of background radiation normally found in humans. Boughton died of cancer in 2001. His widow, Deyon Boughton, said costs took about \$67,000 of the award.

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