

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

**UNITED STATES OF AMERICA,** )  
)  
Plaintiff, )  
)  
**vs.** )  
)  
**PHARMACIA CORPORATION** )  
**(p/k/a Monsanto Company) and** )  
**SOLUTIA, INC.,** )  
)  
Defendants. )

Civil Action Number  
**1:02-cv-749-UWC**

**ORDER ON CONTRIBUTION DISPUTE BETWEEN THE PARTIES**

Presently before the Court is a motion filed by Defendants seeking contempt sanctions against the United States of America. (*See* Doc.137.) Defendants’ motion is hereby DENIED.

The present dispute involves whether the Defendants in the present action may pursue contribution claims against other potentially responsible parties (“PRPs”) for PCB contamination in the Anniston, Alabama area. Pursuant to the Revised Partial Consent Decree (“Consent Decree”) approved by this Court. on August 4, 2003, Defendants are entitled to pursue said PCB contribution rights. The Defendants would not have agreed to the Consent Decree in the absence of a clause preserving their right to seek contribution from the PRPs for PCB contamination. Indeed, such an agreement is

consistent with this Court's finding that the Consent Decree was fair and reasonable.

However, the USA is prepared to enter into an Administrative Agreement and Order on Consent for Removal Action ("AOC") with these same PRPs over lead-site contamination and clean-up. Once finalized, this Lead-Site AOC would prevent Defendants from pursuing their PCB contribution claims against the PRPs. The Government's effort to foreclose Defendants' contribution rights is in effect a repudiation of the Consent Decree approved by this Court. Moreover, in its most recent pleading, the USA has indicated that "any further dispute resolution, mediation, arbitration, or the like, [over the contribution issue] is moot at this point." (Doc. 151, Request For Clarification of Ct.'s 6/2/05 Order, at p. 3.)

Given the repudiation efforts by the United States and the impasse at which the parties find themselves, upon Motion by Defendants, this Court will suspend Defendants' obligations under the Consent Decree.

Done this 30<sup>th</sup> day of June, 2005.

A handwritten signature in black ink, appearing to read "U.W. Clemon", written over a horizontal line.

U.W. Clemon  
Chief United States District Judge