0. PG&E IS IN TROUBLE - Story Preface

1. STORY PREFACE

2. DEATH AND DESTRUCTION IN THE MOJAVE

3. MISLEADING STATEMENTS

4. 22 YEARS LATE

5. THE COMPRESSOR STATION

6. TONS OF CHROME 6

7. PG&E POISONS THE GROUNDWATER

8. DECEPTION REIGNS

9. SEVENTY-SEVEN PLAINTIFFS SUE

10. THE BATTLE

11. PG&E IS IN TROUBLE

12. TRIAL & SETTLEMENT

By July and August of 1994, with the "preconception" win in their pockets, plaintiffs literally bombarded PG&E with six inches of motions to compel production of documents and more detailed answers to interrogatories. Their lawyers knew what they were doing; they had done the investigative background work; they were prepared; they knew their case.

What they needed from PG&E were the details: The facts and figures of how much chrome 6 was used; how and when it was discharged; when the wells were first tested; how much concealment from the citizens of Hinkley was really going on.

Under the circumstances, it seems reasonable that PG&E's lawyers must have gone to their client for a heart-to-heart discussion. Assuming such a meeting took place, it probably went something like this:

> *Look. You folks are in a no-win situation here. You have contamination all over the place caused by a known carcinogen. You discharged tons of chrome 6 and it polluted the area.*
>
> *You knew it was "out" in wells by 1965. You didn't stop using it. You didn't tell your neighbors you were sending carcinogens their way. And then, when you finally DID tell them, you said it was okay for them to keep using the water for all purposes except for drinking. Well, it wasn't okay.*
>
> *Now you have given us this case to defend for you. Our only reasonable defense is lack of damages: not all the plaintiffs are sick - only SOME of them are sick. The rest are scared they're GOING to be sick. That's speculation, isn't it? Except the trial judge hasn't thrown it out as speculation. He says it's a jury question. Well, let me tell you what a jury is going to do with THAT issue after they hear how you dealt with your unsuspecting neighbors.*
>
> *So - let's see if we can get this thing away from a jury and into the hands of some arbitrators at Judicial Arbitration and Mediation Services* [JAMS]. *At least there you'd have a chance of getting through this without ruining your reputation in the community and avoiding a verdict that will forever embarrass your company.*

It's interesting to speculate whether a discussion like that took place. It is more than coincidental, however, that by September 19, 1994 the parties had reached an agreement to arbitrate/mediate. That agreement pulled the case out of the trial court - where a jury would have decided it - and placed it into the hands of Justice John K. Trotter and Judge Daniel H. Weinstein, two outstanding retired jurists.

The case still had a long life ahead of it, but at least the parties had formulated a reasonable way to work through the claims of more than 600 people.

See Alignments to State and Common Core standards for this story online at:
http://www.awesomestories.com/asset/AcademicAlignment/PG-E-IS-IN-TROUBLE-Brockovich-Erin

See Learning Tasks for this story online at:
http://www.awesomestories.com/asset/AcademicActivities/PG-E-IS-IN-TROUBLE-Brockovich-Erin