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Exxon Back in Court Over Valdez Oil Spill

How Much Should the Largest and Most Profitable Company in the World Pay?

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By Dan Shapley

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The question is whether or not the largest and most profitable company on earth should have to pay \$2.5 billion to fishermen, landowners, businesses, communities and Native Alaskans

harmful by the 1989 Valdez oil spill.

The answer will determine not only that, but also how much companies have to pay in punitive damages for pollution in cases as yet undreamed of.

That's because the Supreme Court will hear arguments in the case, and the verdict will set precedent.

Even a huge sum like \$2.5 billion looks wan considering that Exxon-Mobil made more than \$9 billion in profits – a record – in the first quarter of 2008 alone.

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USA TODAY

February 26, 2008 Tuesday
FIRST EDITION

NEWS; Pg. 2A

695 words

**Exxon spill revisited at high court;
Justices to decide whether \$2.5 billion awarded after Alaska disaster will stand**

Joan Biskupic

WASHINGTON -- The Exxon Valdez crash that dumped 11 million gallons of crude oil in Prince William Sound has been vividly re-created after nearly 19 years in filings to the Supreme Court.

The two sides that will face each other Wednesday are arguing over whether an unprecedented \$2.5 billion punitive damages award should stand. Punitive damages are assessed on top of actual damages to punish and deter misconduct.

In court filings, the two sides dramatically recount, from their dueling vantage points, the events that led to the grounding on Bligh Reef on March 24, 1989, one of the nation's largest environmental disasters. The Alaskans who won the award have filed a DVD of pictures of the oil-thick waters and stained seals and the voice of Valdez Capt. Joseph Hazelwood reporting the spill.

This latest chapter in the Exxon Valdez saga is likely to have broad consequences for the shipping industry, for people who make their living on the water, for environmentalists and for governments at all levels. The Pacific Coast Federation of Fishermen's Associations notes that dangerous substances are routinely hauled today. "The days when ships were primarily loaded with simple cargo of cotton and flour are gone," it says in a "friend of the court" brief.

Most significantly, the case of Exxon Shipping Co. v. Baker comes as justices have limited juries' latitude in recent cases to impose punitive damages. Key questions test when punitive damages can be imposed against a shipowner for the captain's conduct and whether maritime precedent and the federal Clean Water Act limit such jury awards.

Exxon has paid off claims by the Alaskan and the federal government, including under the Clean

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