

! " "#\$%&' (&)

!"#"\$%&"%'&()*"+

Buffalo Creek was a quiet mining valley in West Virginia. The people
) "#&+\$, - *+\$. "\$&'&* / 0, (12\$ 0, &/ \$, - +3\$ - 1+\$ 4&5-67&\$ " . \$ 0, &(*\$ 5" 170-10\$
 (10&* -50(" 1\$ (1\$ 0, &\$ 8 (1&73\$ 0, &/ \$, - +\$ 4&5" 8&\$ - \$ '&*/\$ 0(2, 0\$ #1(0\$ 5" 8 8 61(0/9\$
 : ") &'&*3\$ 0*60, \$ 4&\$ 0"; +3\$ +&7<(0&\$ 0, &(*\$, - *+\$) "#\$ 0, &/ \$) &'&\$ 1" 0\$ &-; / (1\$
 control of their valley. Questionable dumping techniques implemented
 4/\$ 0, &\$ = (0070" 1\$ > " * < " - 0(" 1\$ <; -5&+\$ 0, &(*\$ ' -; &/ \$ " 1\$ 0, &\$ 5" 170-10\$ ' &'&2&\$ " . \$
 disaster. The only protection the Buffalo Creek Valley had from a flooding
 +(7-70&* \$) -7\$ - \$, 62&\$ * &. 67&\$ <; (&\$ 0, -0\$ 5" 6; +\$. -; (\$ -0\$ -1/\$ 8 " 8 &10\$? ; 0(8 -0&; / \$(0\$
 +(+&<* " ' &\$ -7\$(1&..&50(' &\$ -7\$. &- * &+\$ - 1+\$ (07\$. -; (6* &\$ 5-67&+\$ 1" 0\$ " 1; / \$ " 1&\$ " . \$ 0, &\$
 +&- +; (&70\$ +(7-70&* 7\$(1\$ @&70\$ A(*2(1(- \$, (70" * / \$ 460\$ -; 7" * &'&76; 0&+\$ (1\$ - \$, (70" *(5-; \$
 0" * 0\$ B; -) 76(0\$ +&-; (12\$) (0, \$ (106* / D\$ 5-7&9\$! "#\$ %&') () * \$ +, ##- \$. / 0(0#; 2\$ (7\$ - \$
 70" * / \$ " . \$ - 1\$ 61. " * 061 - 0&\$ - 55(+&10\$ 0 , - 0\$ " 556* * &+\$ " 1\$ E&4* 6- * / FG3\$ HI JF\$ (1\$
 ! 6..-; " > * &#&\$ A-; &/3\$ @A3\$ -7\$ - \$ * &'&76; 0\$ " . \$ 0, &\$ 5" ;; - < 7&\$ " . \$ - 5" - ; 5" 8 < - 1/ K7\$
) -70&\$ * &. 67&\$ <; (&9\$ L, (7\$ 4" " #3\$) *(00&1\$ 4/ \$ M&* -; +\$ N0&* 13\$ 0, &\$ &- +&<* " 7&560(12\$
 -00" * 1&/ \$ (1\$ 0, &\$ 8 - C" * \$; -) 76(0\$ 0 , - 0\$ * &'&76; 0&+\$. * " 8 \$ 0, (7\$ +(7-70&* 3\$ + " &'&7\$ - \$
 . - 10-70(5\$ C" 4\$ " . \$ 8 - # (12\$ 0, &\$ * &- +&* 61&+* 70-1+\$ 0, &\$ 5, -; ; &12&7\$ " . \$) "#(12\$
 with 600 plaintiffs to sue the most influential industry in West Virginia. The
 unique circumstances of this case evoked from me a feeling of empathy,
 in addition to creating a strong sense of appreciation for the significance
 " . \$ 0, (7\$ 5-7&9

01\$ 8 / \$ &P < &' (&15&\$ " . \$ 706+ / (12\$ 0" * 0\$; -) 3\$) , &1\$ 0, &'&\$ &(7\$ - \$ < " 0&10(-; \$ " < 0(" 1\$
 0" \$ 5" 1+650\$ 0, &\$ 5-7&\$ (1\$. &+&* - ; 5" 6* 03\$ 0, &\$ <; - (10(.. \$) (; \$ < * &. &* \$ 0" 70- / \$(170-0&\$
 court in order to seek support from people of the community who may find
 0, & 8 7&; ' &'&7\$ " 1\$ 0, &\$ 06* / 9\$: ") &'&* 3\$ N0&* 1\$ +&5(+&+\$ 0, (7\$) -7\$ 1" 0\$ (1\$, (7\$ 4&70\$
 interest. Given the controlling economic influence of the Buffalo Mining
 Company in West Virginia, specifically the Buffalo Creek area, Stern felt
 0, -0\$ 0, &'&\$) -7\$ < " 0&10(-; \$. " * \$ 06" * 7\$ 0" \$ 4&\$ - 77" 5(-0&+\$) (0, \$ 0, &\$! 6..-; " \$ Q(1(12\$
 > " 8 < - 1/ \$(17\$ " 8 &5 - < - 5(0/\$ - 1+\$ 0, 67\$ 617/ 8 < - 0, &(05\$ 0" \$ 0, &\$ <; - (10(.. 7\$. " * \$. &- * \$
 0, -0\$ -1\$(15" * * &50\$ B. * " 8 \$ 0, &\$ 5" 8 < - 1/ K7\$ < &'&7 < &50(' &D\$ ' &'&+(50\$ 5" 6; +\$ 5" 70\$ 0, & 8 \$

\$\$\$\$H\$\$\$M&* -; +\$ Q3\$ N0&* 13\$! "#\$ %&') () * \$ +, ##- \$. / 0(0#; \$ B R &) \$ S " # T \$ % - 1+ " 8 \$: " 67&3\$ H I J G D 9

0, &(*\$ " 479

01\$ - ++0(" 1\$0 "5" 10* - +(50(12\$0, &\$1 " 8 - ;\$ < * & . & * 15&\$ " . \$70 - 0&\$5 " 6*03\$0, &\$ case possessed other characteristics that make it one of great significance (1\$;&2 - ;\$, (70 "*/9\$N0&*1\$) - 7\$ - 4;&\$0 " \$ (&*5&\$0, &\$5 " * < " * - 0&\$ ' &(\$ " . \$0, &\$! 6.. - ;" \$ Q(1(12\$ > " 8 < - 1/3\$ 8 & - 1(12\$, &\$) - 7\$ - 4;&\$0 " \$ 76&\$0, &\$5 " 8 < - 1/7\$ 8 - C " *(0/70 " 5#, "; +&*3\$ = (0070 " 13\$ + (*&50;/ \$ - 1+\$ 0, 67\$ &10&* \$. & + * - ; \$ 5 " 6*09F\$ L, (7\$ (7\$ - 1\$ &P0* & 8 & * - *(0/\$ - 7\$0, &\$; -) \$ 676 - ; ; / \$ < " 0&507\$ - \$5 " 8 < - 1/7\$ 70 " 5#, "; +&*7\$. * " 8\$ + (*&50\$; -) 76(079\$: ") & ' &*3\$ (1\$ 0, (7\$ 5 - 7&3\$ N0&*1\$) - 7\$ - 4;&\$0 " \$ 7, ") \$ 0, - 0\$ 0, &\$ = (0070 " 1\$ & 8 < ; / &&7\$) & * &\$ + (*&50;/ \$ (1 ' " ; ' & + \$ (1\$ 8 - 1 - 2(12\$0, &\$! 6.. - ; " \$ > * &&# \$ dam. Also, in his complaint, Stern fled a claim for punitive damages on the basis of nonphysical trauma he called "psychic impairment." Today we #1 ") \$ 0, (7\$ - 7\$ < " 7000* - 68 - 0(5\$ 70* & 77\$ + (7 " * + * \$ B = LNV\$ - 1 + (0\$ (7\$ 5 " 8 8 " 1; / \$ 5; - (8 & + \$ (1\$; -) 76(079\$: ") & ' &*3\$ - 0\$ 0, (7\$ 0(8 & \$ (1\$ 0, &\$ & - * ; / \$ H I J W 7\$ = LNV\$, - + \$ 1& ' &* \$ 4&&1\$ 5(0& + \$ (1\$ - \$; -) 76(09\$ L, (7\$ < , & 1 " 8 & 1 " 1\$ 4 / \$ (07&; . \$) - 7\$ & 1 " 62, \$ 0 " \$ 8 - # & \$ 0, (7\$ 5 - 7&3\$ " 1&\$ " . \$ 76470 - 10(-; \$) & (2, 09

The claim of psychic impairment played a significant role in the legal proceedings besides simply making this the first case to cite the claim. It - ; ; ") & + \$. " * \$ - \$ + & 8 - 1 + \$ " . \$ 5 " 17(+&* - 4;&\$ < 61(0(' &\$ + - 8 - 2&7\$ 4 / \$ 0, &\$ < ; - (10(..79\$ @ & 70\$ A(*2(1(-; -) \$ " 1; / \$ - ; ; ") & + \$. " * \$ 8(1(8 - ; \$ < &*7 " 1 - ; * & 5 " ' & * / \$ + - 8 - 2&7\$ 3\$ capping them at \$120,000. Citing psychic impairment allowed Stern to file suit against Pittston for \$64 million. As you can imagine this significantly 4 " " 70& + \$ 0, &\$ 1 " 0 " * (& / \$ " . \$ 0, &\$ 5 - 7&3\$ 0, &\$ < " 0&10(-; \$ & < - * - 0(" 17\$ 0, - 0\$ 0, &\$ survivors would be able to collect, and the influence the case would have " 1\$ * & 26; - 0(" 1\$) (0, (1\$ 0, &\$ 8(1(12\$(1+670* / 9

X7\$ - \$ < * & U; -) \$ 706 + & 103\$ 70 " * (& 7\$; / # & \$ 0, (7\$ " 1&\$ < * & 7&10\$ 8 & \$) (0, \$ - \$ 8 " * - ; \$ (776&9\$ Y 1\$ 0, &\$ " 1&\$, - 1 + \$ (0\$ (7\$ & - 7 / \$ 0 " \$ 4&5 " 8 & \$) * - < < & + \$ 6 < \$ (1\$ 0, &\$ 1684&7\$ and the significance of the case strictly from a legal standpoint. As someone who studies cases frequently, I often immediately put on my legal cap and ask questions such as: How can the survivors claim punitive damages? How can they sue Pittston instead of the Buffalo Mining Company? In + "(12\$ 0, - 03\$ 0\$. & & ; \$ - 7\$ 0, " 62, \$ 0\$; " 7&\$ 7 " 8 & \$ " . \$ 0, &\$ * & - ; \$ 8 & - 1(12\$ " . \$ 0, (7\$ 5 - 7&3\$ - 7\$) &; ; - 7\$ 8 / \$ & 8 < - 0, / \$. " * \$ 0, &\$ < & " < ; & \$ 0, - 0\$) & * & \$ (1 ' " ; ' & + \$ (1\$ 0, (7\$ 0* - 2(5\$ & ' & 109\$ 0\$; " 7&\$ 7(2, 0\$ " . \$ 0, &\$ 70*622;&\$ 0, - 0\$ 0, &\$ ' (50(87\$. - 5& + 9\$ L, & (*\$ 0 ") 1\$) - 7\$ 5 " 8 < ; & 0 & ; / \$ + & 70* " / & + 2\$ 0, &/ \$; " 70\$ 0, & (* \$, " 67&73\$ 0, & (*\$ C " 473\$ - 1 + \$; " ' & + \$ " 1&7\$ - ; ; \$) (0, " 60\$ - 1 / \$ 7 " * 0\$ " . \$) - * 1(129\$ [' & 1\$ 7 " 3\$ 0, (7\$ (1. " * 8 - 0(" 1\$ 2&07\$ < 67, & + \$ 0 " \$ 0, &\$ 4 - 5# \$ - 1 + \$ 0\$ < " 0&10(-; ; / \$ 0* / \$ 0 " \$ + (75* & + (0\$ 0, & 8\$ " * \$ - * 26&\$ - 2 - (170\$ 0, & (*\$

0, * "62, \$ - \$; & 120, / \$ - 1 + \$, - ** ") (12 \$ 0 * (- ; 9 \$ N 0 (; 3 \$ 0 \$ 5 " 6 ; + 1 K 0 \$, & ; < \$ + * & - 8 (12 \$ - 4 " 6 0 \$
0, & \$ < & * 7 " 1 - ; \$ < 6 4 ; (5 (0 / \$ 0 K + \$ 2 & 0 \$ - 7 \$ 0 , & \$; & - + \$ 5 " 6 1 7 & ; \$ (1 \$ - \$ 0 * (- ; \$) , (5 , \$) " 6 ; + \$
4 & \$ 5 " ' & * & + \$ + - (; / \$ 4 / \$ 0 , & \$ 1 - 0 (" 1 - ; \$ 1 &) 7 \$ 8 & + (- 9 \ ! \$ X 7 \$ - 1 \$ (1 + (' + 6 - ; \$ 7 0 * " 1 2 ; / \$
(1 2 * - (1 & + \$ (1 \$ - \$ 5 & * 0 - (1 \$ + (7 5 (< ; (1 & 3 \$ 0 \$ 4 & ; (& ' & \$ (0 \$ (7 \$ & - 7 / \$ 0 " \$ ' (&) \$ - \$ 7 (0 6 - 0 (" 1 \$. * " 8 \$
0 , & \$ < & * 7 < & 5 0 (' & \$ / " 6 \$, - ' & \$ 4 & & 1 \$ 0 - 6 2 , 0 \$ B ; & 2 - ; \$ ' (&) 3 \$, (7 0 " * (5 - ; \$ ' (&) 3 \$ & 0 5 9 0 3 \$ - 1 + \$
0 , (7 \$; & 1 + 7 \$ (0 7 & ; . \$ 0 " \$; " 7 (1 2 \$ 7 (2 , 0 \$ " . \$ 0 , & \$, 6 8 - 1 (0 / \$ " . \$ - \$ 7 (0 6 - 0 (" 1 9 \$ L , & \$. - 5 0 \$ 0 , - 0 \$
Q * 9 \$ N 0 & * 1 \$ & P < ; - (1 & + \$ 0 " \$ 8 & 3 \$ 0 , & \$ * & - + & * 3 \$, ") \$, & \$. " 6 1 + \$, (8 7 & ; . \$ 7 6 5 5 6 8 4 (1 2 \$
0 " \$ 0 , (7 \$ ' (&) \$ (7 \$. - 7 5 (1 - 0 (1 2 9 \$ L , * " 6 2 , \$ - \$ 8 - 0 " * (0 / \$ " . \$ 0 , & \$ 4 " " # 3 \$ 2 (' & 1 \$ 0 , & \$) - / \$
, & \$ + & 7 5 * (4 8 7 \$ 0 , & \$ 7 6 * ' (' " * 7 \$ - 1 + \$ 0 , & (* \$ 7 0 " * (& 7 3 \$ " 1 & \$ 2 & 0 7 \$ - \$ 7 & 1 7 & \$ 0 , - 0 \$, & \$ + " & 7 \$
, - ' & \$ 0 , & \$ 6 0 8 " 7 0 \$ * & 7 < & 5 0 \$. " * \$) , - 0 \$ 0 , & 7 & \$ ' (5 0 (8 7 \$, - ' & \$ 2 " 1 & \$ 0 , * " 6 2 , 9 \$ L , & \$
. - 5 0 \$ 0 , - 0 \$, & \$ * & ' & - ; 7 \$, (7 \$ ") 1 \$ < & * 7 " 1 - ; 3 \$ - 1 + \$ < " 0 & 1 0 (- ; ; / \$ < ; (0 (5 - ; ; / \$ (1 5 " * * & 5 0 3 \$
. & & ; (1 2 7 \$ 0 ") - * + \$ 0 , & \$ 5 - 7 & \$ + & 8 " 1 7 0 * - 0 & 7 \$ 0 " \$ 8 & \$ 0 , - 0 \$ - 1 / " 1 & \$ (7 \$ 7 6 7 5 & < 0 (4 ; & \$
to this conflict and that it is something I should strive to be aware of in my
") 1 \$ - 5 - + & 8 (5 \$; (. & 9 \$

I've talked about how this case matters from a legal aspect—
(0 \$ & 7 0 - 4 ; (7 , & + \$, (7 0 " * (5 - ; \$ < * & 5 & + & 1 0 \$ - 1 + \$ 7 6 & + \$. " * \$ - 7 0 * " 1 " 8 (5 - ; \$ < 6 1 (0 (' & \$
damages—but as was just discussed, this case may be even more

<"'(+&7\$-\$7&17&\$".)\$, ";&1&77\$-1+\$-;") 7\$0, &\$*&-+&*\$0"\$&10"/\$) -05, (12\$
0, &\$5"6*0\$2&0\$(0\$(2, 09\$0\$.&&\$-\$7\$0, "62, \$0, (7\$(7\$&7<&5(-;/\$*&&' -10\$-0\$0, (7\$0(8 &\$
) , &1\$<&"<:&\$5"170-10;/\$, &-\$70"*/\$-.0&*\$70"*/\$".0, &\$5"6*07\$2&00(12\$(0\$) *"129\$
01\$0, (7\$) -/\$0, &\$70"*/\$0*-175&1+7\$(07\$2&1&*-0("1\$-1+\$<*"'+&7\$;&77"17\$0"\$
0, "7&\$) , "\$-*&\$.-*\$*&8"'&+\$.*" 8\$0, &\$0(8 &\$".0, &\$&'&109\$\$L"\$8 &3\$0, -0\$(7\$0, -0\$
true mark of an influential book.