

Judge Grants Class Certification in Cosco Busan Oil Spill Litigation

Commercial herring fishermen harmed by the November 7, 2007 Cosco Busan Oil Spill
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On August 6, 2009, Judge John Munter of the Superior Court of California, County of San Francisco, granted a motion by Cotchett, Pitre & McCarthy and co-counsel, Audet & Partners, LLP, to certify a class of commercial herring fishermen whose ability to earn a livelihood in the San Francisco Bay has been harmed by the November 7, 2007 Cosco Busan Oil Spill. The Spill discharged over 53,000 gallons of highly toxic bunker fuel into the San Francisco at a time when herring were entering the Bay to begin their spawning season. A large majority of the traditional herring spawn locations in the Bay were oiled by the Spill. A preliminary study of three oiled beaches and one non-oiled beach in Richardson Bay identified a number of fatal mutations, including spinal deformities, in herring embryo-larvae collected from the oiled beaches, no such mutations were identified in embryo-larvae on the non-oiled beach. Similar mutations in other herring populations affected by oil spills have been followed by complete collapses of commercial herring fisheries. Judge Munter unambiguously affirmed that the commercial fishermen who depend on the continued survival of the San Francisco Bay herring fishery can pursue, as a class, their claims for damages flowing from the effects of the Spill on San Francisco Bay herring fishery and the creation of a fund to monitor the long-term health of that fishery. The defendants in the case are Regal Stone, the owner of the Cosco Busan, Fleet Management, the ship's operator, Hanjin Shipping, the charterer of the ship, and John Cota, the pilot of the ship.

Practice Areas

Contamination, Toxic Torts, and
Environmental Justice

Environmental Law