One Model Draft of Statement of Facts

All-Rite Industries operates a factory that produces chemicals, inks and dyes for use in commercial products. The factory employs 490 persons and provides millions of dollars of income for the community.

To generate the steam and electricity needed for operation of the factory, All-Rite operates a coal-fired powerhouse. Farmers near the powerhouse have complained about sulfur dioxide emissions for several years. The powerhouse has a capacity of 500,000 pounds of steam per house and burns coal containing 0.9% to 1.2% sulfur by weight. Other coal, burned in other states, has even higher percentage of sulfur by weight.

Under certain atmospheric conditions, sulfur dioxide settles on the farmers' crops, reducing the crop value by at least 5%. Sulfur dioxide emissions have also caused a decrease of $5,000 to $10,000 in the value of at least some of the farmers' property. In addition, the above-average number of respiratory conditions present among the farmers is attributable to inhalation of sulfur dioxide.

All-Rite Industries has ignored the farmer's complaints and dismissed them as insignificant compared with the 490 jobs and millions of dollars of income that All-Rite generates within the community.

Several farmers near an All-Rite Industries power/generating facility are considering a lawsuit against All-Rite and have retained our firm to determine whether they have any causes of action against the company.