

Nuisance Cases Against Energy Companies

October 13, 2016 Michael Mazzone

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For over a century, courts and commentators have openly expressed their frustration with the amorphous doctrine of nuisance. It has been ridiculed as a “wilderness’ of law,” an “impenetrable jungle,” and a “mongrel” doctrine. Professor Seavey, reporter for the First Restatement of Torts, noted that nuisance doctrine sometimes appeared to be a “mystery, smothered in verbiage.” Dean Prosser, reporter for the Second Restatement of Torts, candidly called it “a sort of legal garbage can.” Half a century later, Justice Blackmun searched “in vain . . . for anything resembling a principle in the common law of nuisance.”

Read the [white paper](#).