

13-339 CTS CORPORATION V. WALDBURGER

DECISION BELOW: 723 F.3d 434

LOWER COURT CASE NUMBER: 12-1290

QUESTION PRESENTED:

For certain state-law tort actions involving environmental harms, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) preempts the state statute of limitations' commencement date and replaces it with a delayed commencement date provided by federal law. Specifically, 42 U.S.C. § 9658 provides that if "the applicable limitations period for such an action (as specified in the State statute of limitations or under common law) provides a commencement date which is earlier than the federally required commencement date, such period shall commence at the federally required commencement date in lieu of the date specified in such State statute." *Id.* § 9658(a)(1). Section 9658, in turn, defines "applicable limitations period"-i.e., the state laws to which § 9658 applies-to "mean[] the period specified in a statute of limitations during which a civil action referred to in subsection (a)(1) of this section may be brought." *Id.* § 9658(b)(2).

In this case, the United States Court of Appeals for the Fourth Circuit deepened a split in the state and federal appellate courts by interpreting § 9658 to preempt not just state *statutes of limitations* but also state *statutes of repose*. A statute of limitations extinguishes a claimant's right to pursue a cause of action after a certain period of time following accrual, whereas a statute of repose abolishes a cause of action as to a particular defendant after a period of time, regardless of whether the claim has accrued.

The question presented is: Did the Fourth Circuit correctly interpret 42 U.S.C. § 9658 to apply to state statutes of repose in addition to state statutes of limitations?

CERT. GRANTED 1/10/2014