



News

Thomas Lupo Discusses Court Decision Addressing Reversal of Decision to Uphold Divisibility Defense

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[Thomas D. Lupo](#) — a Chicago-based partner in the [Environmental Practice](#) of Hinshaw & Culbertson LLP — authored the case summary, "Third Time Is a . . . Strike Out. NCR Superfund Divisibility Ruling Is Reversed," which was published on December 2, 2015, on the American Bar Association Section of Environment, Energy, and Resources' website.

The case summary focuses on the U.S. District Court for the Eastern District of Wisconsin's decision in *United States v. NCR Corp.*, Case No. 10-C-00910 (2015), a case in which the court reversed its prior ruling upholding a divisibility defense. As explained by Mr. Lupo, "[t]he decision reversed what had been one of the only reported district court decisions to uphold a divisibility defense" since the U.S. Supreme Court issued its opinion in *Burlington Northern v. United States*, 556 U.S. 599 (2009). *Burlington Northern* addressed divisibility under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund).

To read the full case summary "[Third Time Is a . . . Strike Out. NCR Superfund Divisibility Ruling Is Reversed](#)," visit the visit the ABA Section of Environment, Energy, and Resources' website.

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