

The Buffalo Creek Disaster; Corporate Crime Law and Society (Sociology 313)

- 1) Briefly describe what the nature of the Buffalo Creek disaster was, the extent of the damages, and why the Pittston Company initially attempted to describe the break in the dam as "an Act of God".
- 2) On what grounds was this case within federal jurisdiction **and why** was it so important for the plaintiffs to have this case moved into federal jurisdiction?
- 3) Pittston Company tried to argue that they were not negligent in this case because they were simply operating within existing "custom and usage" in the coal mining industry. Why did this strategy fail?
- 4) What are punitive damages and what is the West Virginia standard for recovering "punitive damages" in a civil action case such as this one?
- 5) What is "psychic impairment"? Why did the legal counsel to the survivors of the Buffalo Creek disaster persist in asking them about any recurrent nightmares and other mental disturbances that they were having while they were taking the depositions? How was the Pittston psychiatrist, Dr. Meyer, able to avoid admitting that the plaintiffs suffered "psychic impairment"? What do you think? Did they or didn't they suffer "psychic impairment"?
- 6) How did the West Virginia statute of limitations law affect the Buffalo Creek disaster case? What amount of money were the plaintiffs asking for in settlement? How much money did the Pittston attorney, Zane Staker, finally agree to pay on behalf of his client? In your opinion, who won this case? Explain your position.
- 7) Why was it so important to the Pittston Company that this case be resolved through an out of court settlement? If you had been one of the plaintiffs in this case would you have agreed to the out of court settlement (the sure thing) or would you have preferred to go to trial? Why?