



**BULK TERMINALS, INC., APPELLANT v. ALUMINUM COMPANY OF AMERICA (ALCOA); ARKEMA, INC., SUCCESSOR TO M & T CHEMICALS, INC.; ATLANTIC RICHFIELD CO.; BASF CORPORATION; BLATZ PAINT COMPANY; BLAYLOCK TRUCKING AND WASTE REMOVAL COMPANY, INC.; BOB MONTGOMERY CHEVROLET, INC.; BOWLING GREEN EXPRESS, INC.; THE BOC GROUP (A/K/A AIRCO CARBIDE); CHEMICAL WASTE MANAGEMENT, INC.; CNA HOLDINGS, INC. (F/K/A HOECHST CELANESE CORPORATION); CEL WAVE SYSTEMS, INC.; CINCINNATI MILACRON, INC.; CSX TRANSPORTATION, INC.; DEHART PAINT & VARNISH COMPANY; FLEXIBLE MATERIALS, INC.; GENERAL MOTORS CORPORATION; GEORGE M. O'BRYAN; THE GLIDDEN COMPANY (D/B/A ICI PAINTS); GOODRICH CORPORATION (F/K/A THE B.F. GOODRICH COMPANY); THE GOODYEAR TIRE AND RUBBER COMPANY; HERITAGE ENVIRONMENTAL SERVICES, INC.; HONEYWELL INTERNATIONAL, INC. (F/K/A ALLIED-SIGNAL, INC.); INDUSTRIAL WASTE DISPOSAL CO., INC.; IWD CHEMICAL DISPOSAL OF OHIO; JOSEPH E. SEAGRAM & SONS, INC.; LEAR CORPORATION, SUCCESSOR IN INTEREST TO LEAR SIEGLER SEATING CORPORATION; MARCUS PAINT CO., INC.; MCKESSON CORPORATION; MOBIL OIL CORPORATION (N/K/A EXXON MOBIL CORPORATION); MONARCH MARKING SYSTEMS, INC. (BASE MATERIALS MONARCH SYSTEMS, INC.); MURRY'S, INC. (MURRY'S COMPANY, INC.); OKOLONA SANITATION, INC.; OKOLONA SEPTIC TANK SERVICE, INC.; PARO SERVICES CORP. (CHEM-IDYNE CORPORATION, FORMERLY DOING BUSINESS AS ROYAL CHEMICAL COMPANY); PHELPS DODGE CORPORATION; PPG INDUSTRIES, INC.; PORTER PAINT COMPANY; PROFORM, INC.; PROGRESS PAINT MANUFACTURING, INC.; REYNOLDS ALUMINUM COMPANY; REYNOLDS METAL COMPANY; RMT, INC. (RESIDENTIAL MANAGEMENT TECHNOLOGY, INC.); ROBERT BOSCH TOOL CORPORATION (VERMONT AMERICAN CORP. & MULTIMETALS DIVISION OF VERMONT); SCA SERVICES OF KENTUCKY; SCHERING-PLOUGH HEALTHCARE PRODUCTS, INC. (DR. SCHOLL SHOE COMPANY); THE SHERWIN-WILLIAMS COMPANY; WASTE MANAGEMENT, INC.; and YENKIN-MAJESTIC PAINT CORPORATION, APPELLEES**

**NO. 2005-CA-002448-MR**

**COURT OF APPEALS OF KENTUCKY**

*2007 Ky. App. LEXIS 78*

**March 9, 2007, Rendered**

**PRIOR HISTORY: [\*1]**

NO. 03-CI-001184.

APPEAL FROM JEFFERSON CIRCUIT COURT.  
HONORABLE STEPHEN P. RYAN, JUDGE. ACTION