

Nuisance – Examining the recent Texas Supreme Court Case

Crosstex North Texas Pipeline

v.

Gardiner

Crosstex North Texas Pipeline v. Gardiner

A short quiz:

1. Nuisance is
 - (a) A type of conduct
 - (b) A legal claim or cause of action
 - (c) A legal injury
 - (d) All of the above
 - (e) I don't care

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2. A defendant can be liable in regard to nuisance if:
- (a) The defendant acted negligently.
 - (b) The defendant acted intentionally.
 - (c) The defendant engaged in abnormally dangerous or ultra-hazardous activities.
 - (d) All of the above.
 - (e) Is there still coffee out there?

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3. A good description for nuisance would be:
- (a) "A 'nuisance' is a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities attempting to use and enjoy it."
 - (b) "[T]he term 'nuisance' does not refer to the 'wrongful act' or to the 'resulting damages,' but only to the legal injury – the interference with the use and enjoyment of property – that may result from the wrongful act and result in compensable damages."
 - (c) Both of the above
 - (d) None of the above
 - (e) Siblings.

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4. True or False: To prove a nuisance (that is, a legal injury based on interference with use and enjoyment of land), a plaintiff must establish that the effects of the substantial interference on the plaintiff are unreasonable—not that the defendant’s conduct or land use was unreasonable.

☐ True ☐ False ☐ Are we still doing this quiz thing?

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5. True or False: The author of the Crosstex decision is highly complementary as to the clarity of the law of nuisance prior to this opinion.

☐ True ☐ False ☐ Stop this quiz thing! It’s not funny anymore!

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