

# LHC lawsuit case dismissed by US court

September 13 2010, by Lisa Zyga

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So far, the LHC has reached an energy of about 3.5 trillion electron volts, or half of its full energy. Image credit: CERN.

(PhysOrg.com) -- A Hawaiian man's lawsuit to try to prevent operations of the Large Hadron Collider (LHC) has been dismissed due to a failure to show a "credible threat of harm," according to the judge. And, as ruled in 2008, the judge again concluded that the US government is not the correct party to bring the suit against since the US doesn't control LHC operations.

Walter Wagner, a retired nuclear safety officer, along with Spanish journalist Luis Sancho, filed the lawsuit in March 2008 before the LHC was turned on. The LHC, located on the border between France and Switzerland, was built by the European Organization for Nuclear Research (CERN). As a collaboration among thousands of scientists from more than 100 countries, the LHC is the largest and most powerful

[particle accelerator](#) in the world. After an electrical fault initially shut down the collider when it was first turned on in September 2008, it has been operating successfully since November 2009.

The LHC was designed to investigate many exotic areas of science, such as supersymmetry, extra dimensions, and [dark matter](#). Wagner filed the lawsuit due to his concern that the LHC would produce [black holes](#) or a strange form of matter that could destroy the Earth. While he attempted to stop the LHC before it began operating, the US [court](#) originally dismissed the suit in 2008 on the grounds that the court had no jurisdiction over the LHC operations.

But Wagner appealed the case, and now, for the second time, the court has dismissed the lawsuit for similar reasons. The judge noted that the LHC is owned, managed, and controlled by CERN, not the US. "The US government enjoys only observer status on the CERN council, and has no control over CERN or its operations," the judge wrote in the final decision. "Accordingly, the alleged injury, destruction of the Earth, is in no way attributable to the US government's failure to draft an environmental impact statement."

Even if the US court could have an impact on LHC operations, the judge also concluded that Wagner did not demonstrate sufficient standing in the court for the case to proceed. "At most, Wagner has alleged that experiments at the [Large Hadron Collider](#) (the 'Collider') have 'potential adverse consequences.' Speculative fear of future harm does not constitute an injury in fact sufficient to confer standing."

Wagner told Cosmic Log, a science blog at MSNBC, that he plans to seek a review of the court's ruling, since the law allows review requests to be filed up to 45 days after the August 24 ruling.

[CERN](#) plans to continue operating the LHC through 2011 at half-power,

or 3.5 trillion electron volts. Then, after one year of scheduled maintenance, the power will be increased to the maximum 7 trillion electron volts in December 2012.

The full (five-paragraph) court ruling is available [here](#).

Meanwhile, a monitoring system that provides real-time updates on the LHC's potential for destruction is available at [www.hasthelargehadroncolliderdestroyedtheworldyet.com](http://www.hasthelargehadroncolliderdestroyedtheworldyet.com).

**More information:** via: [Symmetry Magazine](#) and [Cosmic Log](#)  
-- [A Lawyer's View of the Risk of Black Hole Catastrophe at the LHC](#), PhysOrg.com, January 22, 2010.

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