

For Immediate Release

MAC Asphalt Plant Issue Back in Court

Another "Motion to Compel" Hearing Scheduled for April 2

Jeffersonville, March 12, 2014: The three (3) year old legal struggle by local residents against MAC Construction's controversial asphalt plant is once again back in court. Attorneys for the residents fighting the asphalt plant's location and zoning have filed another "Motion to Compel" against MAC Construction on evidentiary issues. A hearing on the motion has been scheduled for April 2 at 11:00 a.m. at the Clark County courthouse.

This is the second Motion to Compel filed by the residents within the last 12 months. The residents won their first motion on November 5, 2013 when Clark County Judge Daniel Donahue entered a ruling in favor of the residents on the same day as the hearing.

The zoning case, which was filed in Clark County Circuit Court in 2010, seeks to reverse the special exception zoning variance that was given to the plant by the City of Jeffersonville in 2005. The plaintiffs in the case, a local resident and a local property owner, are among those who have repeatedly raised health concerns about the fumes from the plant. The City of Jeffersonville is also named in the suit.

The case was dismissed by the trial judge in 2011, but the residents appealed the dismissal to the Indiana Court of Appeals. In 2012, the Court of Appeals ruled in the residents favor and remanded the case back to the trial court.

If you would like to learn more about the resident's struggle against the MAC Construction asphalt plant, please view our video reports on this issue on the ***video archive*** page of our web site: www.incin.org

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