

For Immediate Release

Jeffersonville Residents' Struggle Against MAC Asphalt Plant Issue Heading Back to Court

MAC Asphalt Plant Issue Scheduled for Another Hearing Next Week

Jeffersonville, July 17, 2014: The four-year old legal battle surrounding the MAC Construction & Excavating asphalt plant in Jeffersonville is heading back to court. The hearing, scheduled for Thursday, July 24 at 10:00 a.m. at the Jeffersonville Courthouse, will determine if any of the parties are entitled to judgment as a matter of law. Plaintiffs and MAC have submitted Motions for Summary Judgment.

The plaintiffs, residents of Jeffersonville, have recently won two "Motion to Compel" against MAC. 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. Their second motion was ruled in their favor on April 2, 2014 by Judge Jacobi.

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 in Jeffersonville, please view our video reports on this issue on the **video archive** page of our web site: <http://www.incin.org/eyeonconstruction.html>

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