

For Immediate Release

Another Victory for Residents in MAC Construction Asphalt Plant Case

Judge Enters Ruling in Favor of Residents on Same Day as Hearing

Jeffersonville, November 12, 2013: Clark County residents fighting the location of the MAC Construction asphalt plant near their homes were handed another victory last week in the three-year old case.

During a hearing on November 5, attorney for the residents, Eli Baccus, argued MAC Construction had failed to provide requested documents and information pertinent to the resident's case during the discovery phase of the case. Clark County Judge Daniel Donahue entered a ruling in favor of the residents on the same day as the hearing.

Baccus spoke about the victory, *"The Court's decision to order MAC Construction & Excavating to produce documents and answer questions in this case is definitely a victory for the Plaintiffs. However, it is unfortunate that the Plaintiffs were forced to go to Court to obtain these documents and answers in the first place. The principle behind the U.S. system of justice is to allow the parties to have access to all the facts and to let the Court determine if what happened violated the law. MAC's actions, at every step of this litigation, have demonstrated it has no desire to let the facts of this case get before a court. The residents know this is not the last time MAC will try to avoid getting the facts before the court, but they are resolved to fight MAC until the asphalt plant is removed."*

The 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.

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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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