

For Immediate Release

MAC Construction Asphalt Plant Issue Heats Up Again

"Motion to Compel" Hearing Scheduled for November 5th

Jeffersonville, October 17, 2013: The three (3) year old legal struggle by local residents against MAC Construction's controversial asphalt plant is once again heating up. Attorneys for the residents fighting the asphalt plant's location and zoning have filed a "motion to compel" against MAC Construction. A hearing on the motion has been scheduled for November 5 at 11:00 a.m. at the Clark County courthouse.

The motion maintains that MAC Construction has failed to turn over or release requested documents pertinent to the case to the attorneys for the residents. The motion requests the judge in the case order MAC to turn over the documents.

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.

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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