

Mining firm wins \$4.3M judgment

Jury rules against Everglades protector Maggy Hurchalla.

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STUART — It was a showdown with Florida flair — a Martin County business with billionaire backing versus a 77-year-old environmentalist with a constitution as tough as Dade County pine.

For eight days, the case of mining company Lake Point Restoration against storied Everglades protector Maggy Hurchalla played out in front of a jury asked to decide whether their conflict was that of a company wronged by a conservationist's influence over public officials, or a well-heeled entrepreneur with a grudge and the money to satisfy it in a prolonged legal rumble.

On Wednesday, the six-member jury sided with Lake Point, charging Hurchalla with interfering in an agreement between the company and Martin County, and levying a \$4.3 million judgment against her.

Hurchalla, a former Martin County commissioner and sister to the late U.S. Attorney General Janet Reno, said she will appeal.

"I'm disappointed," she said leaving the courtroom. "I think the judge made some very bad rulings of law."

For Lake Point, the ruling is a third victory in a five-year court battle that cowed the South Florida Water Management District and Martin County, both of which settled related cases with Lake Point in 2017. The district's settlement, approved in August, promises to buy 50,000 tons of rubble annu-

Lake Point

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ally from Lake Point's mine in western Martin County for 15 years. After 50 years, the district gets the mined land for water treatment and storage ponds.

Martin County agreed to pay \$12 million for a non-appraised, 400-acre piece of land it doesn't want and write an apology to Lake Point principals, including George Lindemann Jr., a one-time Wellington resident and heir to a cell-phone and cable TV fortune.

Lake Point's attorney, Ethan Loeb, said \$22 million in damages was done to the company in a labyrinthine storyline that accuses Hurchalla of lying to Martin County commissioners about the destruction of wetlands in an effort to kill a 2009 agreement that allowed for the mining as part of a public works project with the water management district.

Stockpiling of rock and supply bonds had to be posted to convince buyers of Lake Point's viability during strife with Martin County commissioners that Loeb accused Hurchalla of starting.

With \$12 million from Martin County, a deal with the district that Loeb said is valued at \$6 million, and the \$4.3 million from Hurchalla — the debt is settled.

But Hurchalla doesn't have \$4.3 million, and Loeb said it wasn't just about the money.

"The only person here refusing to accept responsibility for what she did is sitting right over there," Loeb said during his closing arguments gesturing toward Hurchalla. "She was on a mission to stop this project and gratuitously harm business."

Hurchalla maintained through the trial that she was exercising her first amendment right to free speech,

contacting her elected officials with concerns about a project that was getting attention after the company made a pitch in 2011 to convey water from reservoirs on its land to a drought-stricken West Palm Beach — a move that was not part of the agreement.

The emails, sent to commissioners' personal and government accounts, were the subject of a public records violation lawsuit against Martin County that Lake Point won a year ago, receiving \$371,801 in legal fees.

Two Martin County commissioners and a former commissioner are facing charges related to violating open records laws in relation to the Lake Point case.

"You must decide if sending emails to county commissioners was a proper method of exercising Mrs. Hurchalla's right to free speech," said Hurchalla's attorney, Virginia Sherlock, who emphasized that Hurchalla is a private citizen not responsible for keeping Martin County officials in compliance with open records laws. "There is not a single shred of evidence that Maggy acted out of malice or ill will toward Lake Point."

The Lake Point saga dates to 2008 when the company bought about 2,200 acres in far western Martin County near Lake Okeechobee that was slated for a polo community. The purchase price was a \$47.7 million. The current total market value for tax purposes is about \$23.6 million, according to the Martin County property appraiser.

When the housing market crashed, the horse community was canned, and Lake Point came up with a plan to mine the land and then donate the holes after 20 years to the South Florida Water Management District for storage and treatment areas for Lake Okeechobee overflow. It

became a public works project.

To make the mining more palatable, and get approval to pull rip-rap from property that once grew sugarcane, Martin County was courted by the district officials and Lindemann to join an agreement that would allow the mining. The selling point was that Lake O water would be diverted from the fragile St. Lucie Estuary. Martin County also would get a public park out of the deal.

While Lake Point pursued the case against Hurchalla since 2013, Loeb said the company never wanted for it to go all the way to litigation.

"We always wanted her to retract her statements," Loeb said.

Hurchalla has been steadfast in defending her comments to commissioners and claims that wetlands were destroyed.

Last week, 19th Judicial Circuit Judge William Roby, who oversaw the trial, said if she would just apologize to Lake Point, they would likely drop the case, she said.

In a closed-door meeting with Hurchalla and her attorneys, Roby showed her an apology letter he had drafted and urged her to sign it.

She refused.

"If I lost or gave up, I didn't see how any resident could feel safe telling their county commissioners that they questioned a contract or a developer's proposal," Hurchalla said in a written account of the meeting. "I told Judge Roby I appreciated his kindness in trying to help me but I felt that the principle was too important to walk away."

Leaving the courtroom Wednesday, Loeb said the jury sent a message.

"You can't lie, that's the message, you're not allowed to lie," Loeb said.