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## Hurchalla loses \$4.4M appeal to 4th DCA

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An appeals court has upheld a \$4.4 million judgment against environmentalist Maggy Hurchalla related to a 2018 jury verdict that found she interfered in

a contract between Martin County and the owners of the Lake Point rock quarries.

The Florida Fourth District Court of Appeal, in a 12-page order issued Wednesday, rejected Hurchalla's argument that she was exercising her constitutional right to free speech when she

emailed Martin County commissioners in 2013, expressing her concerns about Lake Point's rock mining project near Indiantown.

Hurchalla's attorney Virginia Sherlock on Thursday said the appellate ruling is being studied to determine what comes next.

"Maggy is disappointed but she plans to appeal, and she will continue her effort to enforce her First Amendment rights," Sherlock said.

"There's two choices: We can seek a rehearing from the (appeals court) and

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# Appeal

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ask them to clarify, or go directly to the (Florida) Supreme Court," she added. "I don't think any decision has been made ... but Maggy has authorized an appeal, whichever direction we go."

Lake Point sued Hurchalla, and a jury determined she acted with malice toward Lake Point, a condition necessary for libel "from her false statements."

The six jurors in the case agreed with Lake Point's claims that directives Hurchalla gave to county commissioners amounted to sabotage of Lake Point's project and cost the company millions of dollars in lost business.

Lake Point also sued Martin County for breach of contract, which was later settled by the county paying \$12 million and issuing an apology.

Lake Point officials on Thursday did not return a call seeking comment.

The appeals court took issue with two specific emails Hurchalla sent Jan. 4, 2013, to the five county commissioners, "from which the jury could conclude that Hurchalla intentionally, or at the least, with reckless disregard, made purportedly factual statements to induce (commissioners) not to go forward with its contract with Lake Point."

In its analysis, the court found sufficient evidence was presented at Hurchalla's February 2018 trial for a jury "to decide the issue of express malice based on Hurchalla using wrongful means to interfere in Lake Point's contract with the county by the use of misrepresentations" to commissioners in her Jan. 4, 2013, emails.

Actual malice, the order noted, "consists of knowledge of falsity or reckless disregard of truth or falsity and must be shown by clear and convincing evidence."

Three Martin County commissioners — Sarah Heard, who still is on the board, and former commissioners Anne Scott and Ed Fielding — later were charged with public-records violations in relation to the case.

A jury in April acquitted Heard of two misdemeanor public-records violations.

The three-judge appeals court panel further concluded "Hurchalla demonstrated express malice to-



**Attorneys representing Martin County environmentalist and former commissioner Maggy Hurchalla and rock quarry Lake Point made arguments to Fourth District Court of Appeal judges.** PHOTOS BY LEAH VOSS/TCPALM

ward Lake Point through malevolent intent to harm," the order stated. "There were emails she sent to her commissioner friends instructing them in detail on what to do at board meetings to work toward voiding the (agreement) signed by her as 'Deep Rockpit,' as well as references to herself in emails as 'Ms. Machiavelli.'"

During oral arguments before the 4th DCA on March 12, Hurchalla's lawyer Talbot D'Alemberte said

she merely was stating her opinion. It was an opinion shared by some environmental experts, including the Army Corps of Engineers, whose report stated the project would destroy "60 acres of agricultural wetlands."

Hurchalla was "an environmental activist trying to speak up" against a project she thought would harm the environment, D'Alemberte said.

"There was no false statement in any respect," he argued in March.



**Buttons depicting Maggy Hurchalla on a kayak were distributed by supporters ahead of a hearing where Hurchalla appealed a Martin County jury's decision that she owes \$4.4 million.**