

**ASTRONAUT'S  
PHOTO ALBUM  
FROM SPACE  
ON DISPLAY**



**DRIVER IN  
DECEMBER  
HIT-AND-RUN  
SURRENDERS**



Today: 90 | 79  
Strong afternoon  
t-storm

Tomorrow: 91 | 79  
T-storm around  
in p.m.



Weather news  
from The Post's  
Kimberly Miller  
[palmbeachpost.com/news/weather](http://palmbeachpost.com/news/weather)

# The Palm Beach Post

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Thursday, June 20, 2019

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\$2

## The \$4.4M email: Ruling goes against environmentalist

**Former Martin County commissioner owes the judgment to a rock-mining company over 'malicious' email**

By Kimberly Miller  
The Palm Beach Post

A leading Florida environmentalist will have to pay \$4.4 million to a Martin County-based rock-mining company after a bombshell appeals court ruling that some legal experts fear will muzzle free speech.

The conclusion released Wednesday by the 4th District Court of Appeal says Maggy Hurchalla, a Martin County commissioner from 1974 to 1994, acted maliciously when she emailed elected officials about concerns she had with the operations of the billionaire-backed company Lake Point Restoration in 2013.

The 12-page decision, which upholds a February

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Maggy Hurchalla, left, thanks attorney Sandy D'Alemberte, who represented her in March before the 4th District Court of Appeal. D'Alemberte died May 20 at 86. [KIMBERLY MILLER/PALMBEACHPOST.COM]

## County chooses site for homeless center

By Hannah Morse  
The Palm Beach Post

Those who sat in the Palm Beach County Commission chambers Tuesday evening generally agreed that the county's homelessness issue needed to be addressed. But commissioners were tasked with deciding whether a 5-acre lot south of Lake Worth Road was the appropriate location for its second homeless resource center.

After four hours of presentations, discussion and public comment,

commissioners ended up unanimously supporting the proposed location between Coconut Road and Wilkinson Drive west of Lake Worth. Commissioners also unanimously approved a zoning deviation that reduced the allowable distance between the center and residential property lines from 250 feet to no less than 90 feet.

The testimony was emotional and at times tense as residents who live on Coconut Road expressed

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## EMAIL

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2018 lower court ruling, also contends that while Hurchalla was a regular citizen at the time of the emails, she had heightened influence over Martin County commissioners and made "false statements" to purposefully harm Lake Point.

A jury decided during the 2018 trial that Hurchalla should pay Lake Point \$4.4 million in damages for money it lost during the strife with Martin County.

Hurchalla, 78, is the sister of late U.S. Attorney General Janet Reno. She said through her attorney that she would appeal the 4th DCA decision to the Florida Supreme Court.

Lake Point, which is co-owned by former Wellington resident George Lindemann Jr., had no comment Wednesday.

But in court documents, Lake Point painted Hurchalla as a puppeteer, who controlled county commissioners with "deliberate misrepresentations."

"Simply put, there is no constitutional right to lie," Lake Point attorneys said in court filings.

A coalition of environmental and free speech organizations supported Hurchalla in the appeal including the First Amendment Foundation, American Civil Liberties Union, League of Women Voters, the Florida Wildlife Federation and the Brechner Center for Freedom of Information at the University of Florida.

"It's very disappointing on several levels," said Brechner Center Director Frank LoMonte. "The concern is it will cause



**Maggy Hurchalla with the two kayaks that were seized from her Stuart yard in July 2018 by a mining company seeking a \$4.4 million judgment against the former Martin County commissioner. She bought one of the kayaks for her sister, former U.S. Attorney General Janet Reno. [COURTESY OF MAGGY HURCHALLA]**

citizen activists to censor themselves and second-guess every choice of words they make for fear of a bankrupting legal judgment."

Barbara Petersen, executive director of the nonprofit First Amendment Foundation, had limited time to look at the ruling Wednesday but said the public "should be worried" about what it might mean to anyone contacting their elected officials.

The Lake Point saga dates to 2008 when the company bought about 2,200 acres near Lake Okeechobee.

It decided to mine the land for limestone and then donate the holes after 20 years to the South Florida Water Management District for water storage and treatment areas.

To make the mining more palatable, and get approval to pull rubble from property that once grew sugar cane, Martin County was courted 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.

"Hurchalla began expressing her disagreement with the project in a series of emails sent to close friends on the board of county commissioners," Wednesday's ruling states. "These emails encouraged the commissioners to copy and paste Hurchalla's statements and forward them in emails to the other county commissioners and county staff."

For Lake Point, Wednesday's decision is a fourth victory in a six-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 promises to buy 50,000 tons of rubble annually from Lake Point's mine in western

piece of land it didn't want and write an apology to Lake Point principals.

Lake Point's case against Hurchalla is called "tortious interference" — a situation where someone intentionally damages a business relationship or contract.

LoMonte said tortious interference cases

typically involve someone who would gain monetarily by meddling.

"She didn't have that," he said about Hurchalla. "She's just an opinionated citizen doing exactly what the First Amendment was designed to do."

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