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Maggy Hurchalla's appeal denied by Supreme Court

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STUART - The U.S. Supreme Court has denied hearing an appeal filed by environmentalist Maggy Hurchalla related to a \$4 million civil judgment against her, according to Stuart attorney Virginia Sherlock.

Hurchalla's appeal was one of dozens denied review during a Friday conference

of the justices, Sherlock noted.

No reason was given for the court's refusal to take the case.

"No further appeals are available in this important First Amendment case," Sherlock said Monday, without elaborating.

Attorneys for Lake Point Restoration, a rock mining company in western Martin County, had urged the justices to reject

See APPEAL, Page 4A



Maggy Hurchalla is on the hook for a \$4 million civil judgment.

LEAH VOSS/TCPALM FILE

Appeal

Continued from Page 1A

Hurchalla's appeal.

Hurchalla, 79, who was backed in her legal efforts by a range of environmental and free speech advocates, is on the hook for the seven-figure judgment after a jury in 2018 found that she interfered in a contract between Martin County and the owners of the Lake Point rock quarries.

In a statement issued Monday, Hurchalla said she's "not at all sorry" she's waged her seven-year legal battle to overturn the jury award.

"We kept the faith. We fought the good fight. We finished the race," Hurchalla said. "I would have thought that these times, above all others, would affirm the importance of the First Amendment right to peacefully tell government what to do."

Added Hurchalla: "That's important

to all sides on every issue. Without it, there is no "We the people". If you can't sort out what's right by public discussion, the alternatives are dictatorship or violence."

The Lake Point case dates back to 2013. The company sued Hurchalla — an environmental activist and former Martin County commissioner — and a jury determined she acted with malice toward Lake Point, a condition necessary for libel "from her false statements."

In February 2018, a jury agreed with Lake Point's claim that directives Hurchalla gave Martin County commissioners amounted to sabotage of the rock-mining company's project and cost the business millions of dollars.

Lake Point also sued Martin County for breach of contract. The county settled by paying \$12 million and issuing an apology.

Hurchalla and her supporters have countered that Lake Point's lawsuit

amounted to a referendum on free speech and the right to challenge the government.

Her efforts to reverse the jury award had already been denied by the 4th District Court of Appeal and the Florida Supreme Court.

In June 2019, the 4th District Court of Appeal seated in West Palm Beach 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.

The three-judge appeals court panel in part concluded "Hurchalla demonstrated express malice toward 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.'"

Hurchalla then appealed to the Florida Supreme Court, which in April refused to take her case, dealing another major blow to her quest to reverse the judgment.

In a one-paragraph order, the state Supreme Court didn't explain why it declined to hear Hurchalla's appeal, which argued the high-profile case is a referendum on free speech and the right to challenge the government.

Meanwhile, Hurchalla on Monday insisted the "First Amendment is not dead, it's just dangling."

"I'm going kayaking and I'm going to keep on saying what I think," Hurchalla said.

Melissa E. Holsman is the legal affairs reporter for TCPalm and Treasure Coast Newspapers, and is writer and co-host of Uncertain Terms, a true crime podcast.