

4-15-20

State Supreme Court rejects Hurchalla appeal

Environmentalist 'not giving up,' but legal team has shrunk

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Treasure Coast Newspapers
USA TODAY NETWORK - FLORIDA



Hurchalla

The Florida Supreme Court dealt a major legal blow to environmentalist Maggie Hurchalla, who's seeking to overturn a \$4.4 million judgment related to a 2018 jury verdict that found she interfered in a contract between Martin County and owners of the Lake Point rock quarries.

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

To further slam the door shut, the high court's unanimous order, issued by Chief Justice Charles T. Canady, directed that "no motion for rehearing will be entertained by the Court."

Reached Tuesday, Hurchalla, 79, said she and her attorneys are studying their legal options for what comes next.

"The main message is I am not depressed, I am not destroyed, and I am not giving up," Hurchalla said. "And people should not be worrying about me, they should be worrying about the First Amendment."

Hurchalla's attorneys turned to the Florida Supreme Court last year after the Fourth District Court of Appeal rejected her claim that she was exercising her constitutional right to free speech when she emailed county commissioners in 2013, expressing concerns about Lake Point's mining project near Indian-town.

After the company sued Hurchalla in circuit court, a jury determined she acted with malice toward Lake Point, a condition necessary for libel "from her false statements."

Jurors agreed with Lake Point's claim that directives Hurchalla gave county commissioners amounted to sabotage of the company's project and cost the

Appeal

Continued from Page

1A

business millions of dollars. Hurchalla was ordered to pay nearly \$4.4 million in damages.

Lake Point attorney Ethan Loeb, with the Tampa law firm Smolker Barlett Loeb Hinds and Thompson, on Tuesday said they're "glad it's over" and Hurchalla's appeal should now end.

"It's time to move on. She has put her argument about the First Amendment before I don't know how many judges now," Loeb said "and none of them have agreed with her argument ... this has been going on long enough."

Hurchalla's Stuart attorney Virginia Sherlock likely would disagree.

She said they're reviewing federal appeal options while dealing with a legal team that suffered a setback last year when two of their lead constitutional lawyers died.

"This is like the perfect storm: We have a pandemic that has pretty much shut down the courts, and we have the deaths of our two leading constitutional attorneys," said Sherlock. "And a horrible decision that we don't know where to go next on."

Both Hurchalla and Sherlock described the case as "critically important with respect to citizens' constitutional rights."

"Mostly I'm disappointed that the state Supreme Court, on a really important constitutional question, refused to comment in any way," Hurchalla said. "That leaves any Florida resident who wants to talk back to their government in a very precarious position."

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