



U.S. Supreme Court turns down environmentalist appeal

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The U.S. Supreme Court on Monday declined to hear an appeal by a prominent Florida environmentalist who was hit with a \$4.4 million verdict in a lawsuit stemming from her opposition to a project in Martin County.

The Supreme Court, as is common, did not explain its reasons for turning down the appeal by **Maggy Hurchalla**, sister of the late U.S. Attorney General **Janet Reno**.

The decision effectively let stand a ruling by Florida's 4th District Court of Appeal that upheld the jury verdict in favor of property owners Lake Point Phase I, LLC and Lake Point Phase II, LLC. The Florida Supreme Court last year also declined to take up the case, which included arguments about malice and First Amendment rights.

The property owners alleged that Hurchalla engaged in "tortious interference" when she worked behind the scenes to try to thwart the project, which included limestone mining, and undermine an agreement involving Martin County and the South Florida Water Management District.

In ruling against Hurchalla in 2019, a panel of the 4th District Court of Appeal looked at whether Hurchalla's communications were protected speech or whether they involved malice. The judges cited a Jan. 4, 2013, email that Hurchalla sent to county commissioners that included a false statement about documented benefits of a stormwater treatment area that would be part of the project.

"These statements are examples of competent substantial evidence that clearly and convincingly proved that Hurchalla demonstrated actual malice in interfering with Lake Point's contracts with the county and the (South Florida Water Management) district, by making statements she either knew were false or with reckless disregard as to whether they were false," the appeals court's **12-page ruling** said. "Hurchalla's comments were represented as statements of fact, as opposed to statements of pure opinion. Even if we viewed the statements as 'mixed opinions,' the statements would not be privileged under the First Amendment."

In a brief at the U.S. Supreme Court, the property owners' attorneys also pointed to false statements by Hurchalla, a former Martin County commissioner.

"Hurchalla acted as a schemer in tandem with sitting elected officials, not to petition the government for a change in the law in public or private, but to seek to have the government breach its contract with a private entity," the **November brief** said. "Simply put, there is no

reason to believe that the narrow ruling in this unusual Florida appellate decision will ‘chill expression and political activity.’”

Hurchalla, who drew support from several environmental groups and organizations such as the libertarian Cato Institute, argued in the appeal that the case could have a “chilling effect” on citizens seeking to weigh in on government actions.

“The decision below sends a clear message to any deep-pocketed private actors who might be harmed by some governmental action: they can now wield tort litigation as a cudgel to intimidate and silence any critic or opponent — whether a public policy organization supporting or opposing legislation, a religious group seeking a regulatory exemption, a company bidding for government contracts, or an ordinary concerned citizen, like Ms. Hurchalla,” Hurchalla’s attorneys wrote in a **September petition**.