

At Pork Expo, Attorney Shows Farmers Ways To Control Nuisance Lawsuits

(Continued from Page A1)

But every day, new cases pop up. And in Pennsylvania, "you're at the height of it," he told producers.

In Iowa, lawsuits have reached a peak, Andrews believes. Perhaps,

he thinks, the litigation proceedings will begin to die away.

Andrews related several cases of how producers fared in court against lawsuits:

- In Iowa, a hog producer con-

structed an earthen waste storage basin a little more than half a mile from a neighbor. The plaintiff argued that when the winds blew from the south in the summer, the "terrible" odor was overwhelming.

The defendant believed that the half-mile distance was enough to keep odor problems at bay. He went on the defense using the state's right to farm law. However, before the farm was approved as part of a protected agricultural area, the producer began filling the basin with manure — and lost the case. The producer was forced to shut down, make alterations to the facility, and pay \$45,000 in damages. The producer appealed the case to the state supreme court. The court sustained the ruling and added another layer to the defendant's misery — the "devaluation" on the plaintiff's property as a result of the odor wasn't taken into account. The defendant had to pay \$56,000 in actual damages. For the defendant, "it was a bad deal all around," said Andrews. Fortunately, the state pork producers chipped in and paid for some of the damages.

- In Missouri, one producer operated a 600-head finishing barn. An odor nuisance was filed, but the defendant won. How? There are 20,000 pigs in a two-mile radius of the defendant's operation — clearly it was "pig country," home for a lot of pigs, and the plaintiff should have known that. It was an inherent "right to farm" area.

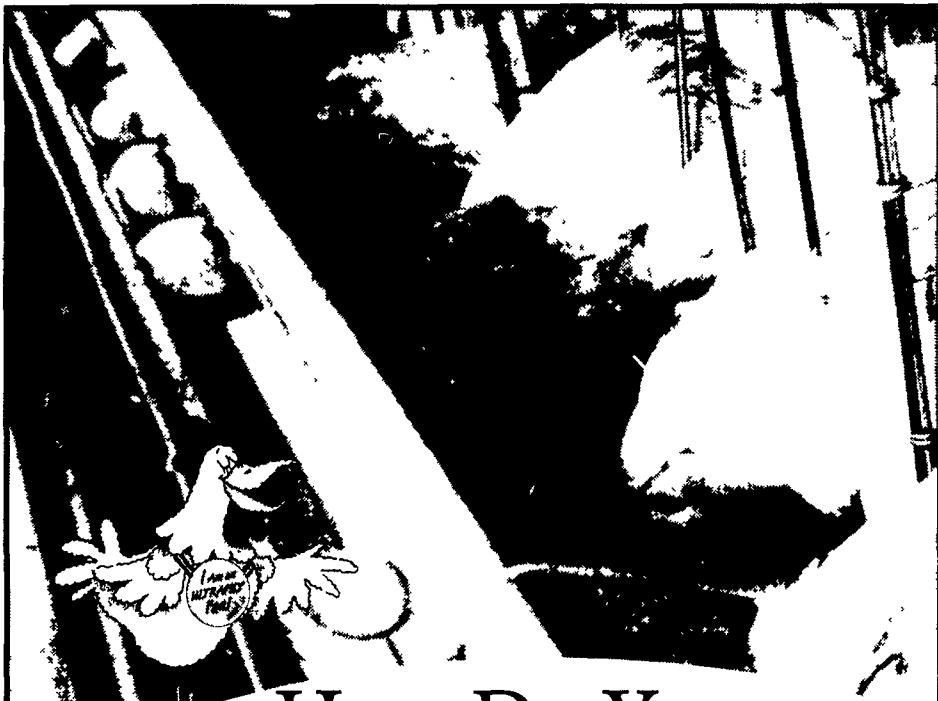
- Iowa State University was successfully sued over a manure storage structure at the district court level, according to Andrews. They were forced to pay \$2,000 a day to the plaintiffs, made to cover the structure, forced to use manure injection, and other restrictions were imposed. The university decided not to appeal it because of the high profile of the case.

- In Iowa, a producer was filed suit over allegedly placing manure in a field that was supposedly

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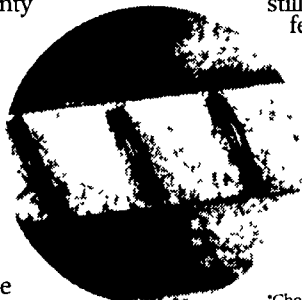
Junior public speaking contest winners pose with the judges at the Keystone Pork Expo. From left, Nila Grove, judge; Cathryn Levan, first place Intermediates; Faith Houston, first place, juniors; Tisha Myers, first place senior division; and Bruce Miller, judge.



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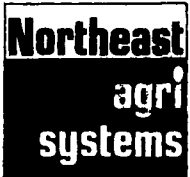


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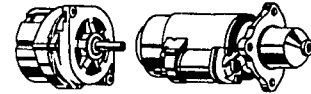
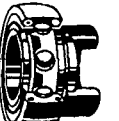
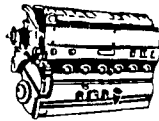
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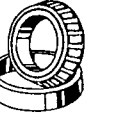
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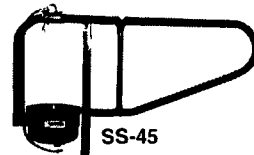
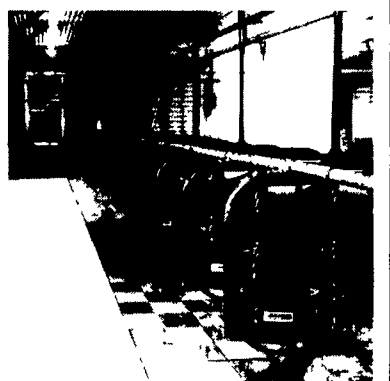


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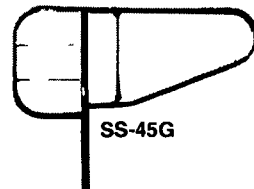
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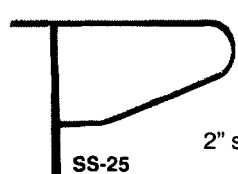
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