

Statement for Save Farm Families

Judge's decision on legal fees

August 27, 2013

We are extremely disappointed that the judge chose not require that the Waterkeeper Alliance reimburse the Hudsons and Perdue the \$3 million they expended on the lawsuit, and hold the Waterkeepers accountable for their irresponsible lawsuit. Judge Nickerson earlier ordered the Waterkeepers, as is typical for the losing party in a lawsuit, to pay \$28,000 in court costs. This is a small price for what the Hudsons have had to endure.

Judge Nickerson pointed out in his ruling that the plaintiffs were not interested in working toward a settlement that would have had a positive impact on the Bay. Instead, they pursued their own selfish agenda, putting a farm family through hell and doing nothing to benefit the environment. While the judge felt that was not enough to award attorneys' fees, he certainly felt it was enough to question the effectiveness of the plaintiffs as advocates for the environment.

It's also worth noting that the Maryland legislature and Governor O'Malley both agreed that the Hudson family ought to be relieved of the financial burden they faced from this unjust lawsuit, which is why they approved special language in the budget allowing the family to seek compensation up to \$300,000 if the judge decided not to award legal fees. While SaveFarmFamilies supporters were able to help the Hudsons financially, the state's actions speak loudly about the injustice of this lawsuit and the state-funded law clinic's role in it.

This decision shows how difficult it is for wronged parties to recover legal costs, proving the need for an agricultural law clinic to support family farmers. We urge the Maryland legislature to continue to work to assure the creation of a strong legal advocate for Maryland family farmers.