

# House Bill 467: Setting The Record Straight

## **House Bill 467 does not take away anyone's right to sue**

The bill does not impact anyone's ability to sue a farm – for being a nuisance, or for negligence – and any claims otherwise are untrue. The legislation clarifies compensatory damages in negligence lawsuits against farms. It does not limit punitive damages in nuisance lawsuits.

This bill does not prevent anyone from pursuing other legal actions against a farm, such as personal injury, trespassing, negligence, or environmental damage claims. Further, this bill does not limit the amount of money a plaintiff can be awarded in these types of lawsuits.

## **This bill clarifies state law**

This bill appropriately clarifies the type and amount of compensatory damages that should be available in agricultural nuisance lawsuits. It does not change the law.

This clarifying law is necessary because of a June 2015 order issued by a U.S. District Court Judge. Judge Earl Britt stated, "North Carolina law is not clear on the availability of annoyance and discomfort damages in temporary nuisance actions" and that "it does not appear that any North Carolina court has been confronted with or decided the precise issue at hand."

## **The lawyers who sued farmers don't want on-the-ground remedies – just money**

In the case most often associated with this bill, the plaintiffs have said they are not interested in fixing any of the so-called nuisances they are suing over. In fact, the law firm Wallace & Graham dropped the injunctions they had filed — the normal course for temporary nuisance issues — and declared they are seeking only money. This bill may discourage other lawyers from swooping into our rural communities and promising riches to neighbors willing to sue a nearby farmer.

## **It is appropriate – and important – to apply this legislation to pending cases**

When legislation clarifies an existing law, it is appropriate to apply that clarification to pending cases. There is clear precedent for such action. One example: Former House Speaker Joe Hackney sponsored and passed a bill in 2001 that applied to pending civil cases related to divorces. The law was challenged and upheld.

Some farmers who have been sued previously are vulnerable and could be swept back into court if this legislation isn't applied to pending cases.

## **This bill provides certainty for agriculture**

There's a good reason the N.C. Farm Bureau and N.C. Chamber strongly support this bill: North Carolina has more than 50,000 farmers and agriculture is still our state's top economic driver. This bill protects all farmers who live with the fear of being sued and bankrupted by predatory lawsuits. While many people have focused on the pending nuisance suits against Murphy-Brown, this legislation is bigger than that.

**Stand with North Carolina Farmers. Support House Bill 467.**

