

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

H&L FARMS LLC, SHAUN HARRIS, and *
AMIE HARRIS, *

Plaintiffs, *

vs. *

SILICON RANCH CORPORATION, *
SR LUMPKIN, LLC, INFRASTRUCTURE *
AND ENERGY ALTERNATIVES, INC., IEA *
CONSTRUCTORS, LLC, and WESTWOOD *
PROFESSIONAL SERVICES, INC., *

Defendants. *

CASE NO. 4:21-CV-134 (CDL)

ORDER

Consistent with the jury verdict, the Court finds that Defendants Silicon Ranch Corporation, Infrastructure and Energy Alternatives, Inc., and IEA Constructors LLC created, operated and maintained a nuisance at the Lumpkin Solar Facility that caused sedimentation to pollute Plaintiffs' wetlands, streams, and lake. The Court further finds that this nuisance has continued for approximately two years unabated. Although the evidence at trial supports the conclusion that this nuisance can be abated, successful abatement will require the commitment of adequate resources, necessary expertise, and zealous determination. Without this commitment, the nuisance will continue unabated, resulting in continuing damage and injury to Plaintiffs. Furthermore, based upon the evidence presented at trial, the Court

finds that an award of damages is insufficient to provide an adequate remedy for the continuing nuisance. Because there is no adequate remedy at law for the continuing nuisance, the Court is convinced that an injunction is necessary to reasonably assure that this continuing, but abatable, nuisance is abated in a manner that will minimize continuing damage and injury to Plaintiffs.

By May 5, 2023, Plaintiffs shall present to Defendants a proposed injunction that includes the following elements:

1. Direction that Silicon Ranch Corporation, Infrastructure and Energy Alternatives, Inc., and IEA Constructors LLC expeditiously and with all deliberate speed eliminate the transport of sediment from the Lumpkin Solar Facility property to Plaintiffs' wetlands, streams and lake to the extent that the flow of sediment from the Lumpkin Solar Facility property shall not exceed the flow of sediment that existed prior to the start of construction on the Lumpkin Solar Facility site and/or shall not exceed the applicable legal limits.
2. Implementation of the amended soil and erosion plan designed to accomplish the elimination of sediment required by paragraph 1 and a timeline for doing so.
3. The consequences of not complying with the injunction.
4. A process for selection of a special master to be paid for by Defendants to assist the Court with assessing the

effectiveness and reasonableness of Defendants' implementation of a soil erosion and sedimentation plan and to assist the Court in monitoring Defendants' compliance with the injunction.

By May 19, 2023, Defendants shall provide Plaintiffs with a response to Plaintiffs' proposed injunction. Counsel shall subsequently confer in good faith to work out any differences and present the Court with a jointly proposed injunction and order by May 26, 2023. To the extent that differences remain, counsel shall present a proposed order that reflects in the order their specific disagreements.

Turning to the issue of Plaintiffs' claim for attorneys' fees under O.C.G.A. § 9-11-68(e), the parties have consented to having the Court act as the factfinder on this claim. The parties have further consented to having this claim decided on affidavits and briefs without an evidentiary hearing. Plaintiffs shall submit their brief and supporting affidavits by May 26, 2023. Defendants shall file their response briefs and any supporting affidavits within twenty-one days of service of Plaintiffs' brief and supporting affidavits. Plaintiffs shall file any reply within fourteen days of service of Defendants' response.

IT IS SO ORDERED, this 1st day of May, 2023.

S/Clay D. Land

CLAY D. LAND

U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA