



inds on the islands this morning, Bowsher's class, are working on
(Journal-Tribune photo by Patrick Dunder)

Group files suit against egg farm

By MAC CORDELL

A local woman and her grassroots organization has filed suit against a York Township egg farm, its parent company, an Ohio Department of Agriculture official and several other unknown people in federal court.

Pamela Williams and the Northwest Neighborhood Alliance has sued New Day Farms, Daybreak Foods and Christopher Rodabaugh, a livestock environmental inspector for the Ohio Department of Agriculture. The case was filed last week in the United States District Court for the Southern District of Ohio, Eastern Division.

The lawsuit alleges that New Day, Daybreak and Rodabaugh conspired together to deny Williams and the Northwest Neighborhood Alliance (NNA) the right of free speech and the right to petition the government.

"It has been a long, difficult road for Pam and others, but we all look forward to the opportunity to place these facts and circumstances before a jury to determine what value we as a society place on our First Amendment rights and how we judge those who attempt to take them from us," wrote Shawn J. Organ, the Columbus-based attorney who filed the complaint, in a statement.

The suit alleges Williams and two others formed the NNA in response to a plan by Hi-Q to locate a 6 million chickens farm in York Township.

"Williams and NNA's concerns regarding the location of millions of chickens in close proximity were very typical," according to the suit. "Williams and NNA were concerned about the smell created by the concentration of over 9 million chickens, coupled with the smell of the chicken manure created by the over 9 million chickens. Further, Williams and NNA were

cerned about the negative environmental impact to the local community."

Steve Bliesner, general manager of New Day Farm, has repeatedly denied any association with Hi-Q.

"We are not Hi-Q," Bliesner said. "We are not Hi-Q. New Day stands alone. We are not affiliated with them. We aren't owned by them."

The general manager understands why people would be confused, as farms change ownership, change names, use the same farms for feed and pullets, but wants the public to know they are separate.

The suit reviewed the efforts of Williams and the NNA to prevent Hi-Q from locating so close to her home.

The suit alleges New Day filed a strategic lawsuit against public participation (SLAPP) in an effort to scare Williams, NNA and other residents into not criticizing the egg farm.

The complaint says that while the suit was in court and even after it was dismissed, "both Williams and NNA were silenced by a gripping fear — a fear that by merely voicing their opinion against defendants' egg operations or regarding the location of over 9 million chickens within 1.8 miles of plaintiff Williams' front door, or by petitioning their government against the addition of more chickens, Williams and NNA would risk defendants further using the federal court system to threaten financial ruin. Consequently, Williams and NNA were effectively muzzled for over a year and continuing to this day."

It also alleges the "SLAPP Suit sent the loud and clear message to Pam Williams, to NNA and to (others): 'Don't speak out against chickens; don't complain to the Ohio Department of Agriculture about chickens; don't write letters to the editor against chickens; don't post signs

Area teen

s his eyes. The OSU bowling team name also will hold its end-of-seasons. Marysville Lanes. Mike Yoakam said Henson basically insisted on taking care of all the details, "the whole nine yards," as Mike Yoakam called it.

Registration will begin at 11 a.m., with the event beginning at 12:30 p.m. The \$25 cost will include three games with Buckeyes bowling team members and an autograph session. There also will be opportunities to purchase tickets for chances on bowling balls and gift baskets.

For additional information or to register, call Mike Yoakam at 644-8760 or Kirk Rounds at 642-6038.

Checks may be sent to Mike Yoakam, 897 Catalpa Place, Marysville, OH 43040. They should be payable to the Union County Cancer Society; donors should write "Alex Castane-

Suit

(Continued from page 1)

against chickens; and stop posting information on your webpage. Rather, sit down and be silent or we will destroy you with costly litigation.”

The suit served its purpose Organ wrote in the suit.

“Unfortunately, in many respects, the SLAPP Suit was successful,” the suit reads. “For example, the attendance at NNA meetings declined after the SLAPP Suit was filed. Fundraising for NNA became increasingly difficult and the vast majority of the money raised was spent defending against the lawsuit, rather than advocating their issue. Further, the willingness of residents to freely and openly speak up in support of NNA’s positions diminished. Some supporters of NNA openly expressed concern about themselves being sued and potentially losing their homes, their farms or their businesses.”

As to the Ohio Department of Agriculture, the suit alleges that Rodabaugh, in his capacity as an ODA employee, conspired with New Day to “deprive Williams and NNA of their First Amendment constitutional rights” by attempting to prohibit Williams and NNA’s presence at a public meeting.

The suit includes a series of e-mails from a New Day supervisor to Rodabaugh and another ODA official which the suit says confirms the conspiracy.

The suit says Rodabaugh resented the number of odor complaints neighbors made about the New Day farm.

“The purpose of the conspiracy was to silence Williams, NNA and their supporters and/or limit their free speech,” according to the law suit.

“The scope of the conspiracy included all conduct and overt acts in furtherance of efforts to silence or limit Williams, NNA, and their supporters from criticizing New Day’s business practices and

consideration for the gusher, BP is looking at cutting the riser pipe, which extends from the well, undersea and using larger piping to bring the gushing oil to a drill ship on the surface, a tactic considered difficult and less desirable because it will increase the flow of oil.

A junk shot would be followed by cement to seal the leak and the technique is something company officials said they might try next week. The smaller container could be tried first, around the middle of this week.

An estimated 3.5 million gallons of oil have spilled since an explosion on April 20 on the drilling rig, the Deepwater Horizon, 50 miles off the Louisiana coast. At that pace, the spill would surpass the 11 million gallons spilled in the Exxon Valdez disaster by next month.

Above the oil leak, waves of dark brown and black sludge crashed into the support ship Joe Griffin. The fumes there were so intense that a crew member and an AP photographer on board had to wear respirators while on deck.

Philip Johnson, a petroleum engineering professor at the University of Alabama, said cutting the riser pipe and slipping a larger pipe over the cut end could conceivably divert the flow of oil to the surface.

“That’s a very tempting option,” he said. “The risk is when you cut the pipe, the flow is going to increase. ... That’s a scary option, but there’s still a reasonable chance they could pull this off.”

Johnson was less optimistic that a smaller containment box would be less susceptible to being clogged by icelike crystals.

“My suspicion is that it’s likely to freeze up anyway,” he said. “But I think they should be trying everything they can.”

There was a renewed

the mouth of Mobile Bay and much farther east than the thin, rainbow sheens that have arrived sporadically in the Louisiana marshes. Until Saturday none of the thick sludge — those indelible images from the Valdez and other spills — had reached shore.

The containment box plan, never before tried at such depths, had been designed to siphon up to 85 percent of the leaking oil to a tanker at the surface. It had taken about two weeks to build it and three days to cart it 50 miles out and slowly lower it to the well.

Icelike hydrates, a slushy mixture of gas and water, clogged the opening in the top of the peaked box like sand in a funnel, only upside-down.

The blowout aboard the rig, which was being leased by BP, was triggered by a bubble of methane gas that escaped from the well and shot up the drill column, expanding quickly as it burst through several seals and barriers before exploding, according to interviews with rig workers conducted during BP’s internal investigation. Deep sea oil drillers often encounter pockets of methane crystals as they dig into the earth.

Lane Zirlott, 32, a commercial fisherman from Irvington, Ala., said he’s not frustrated about BP failing so far to cap the leak because he understands how difficult the job is.

“When they said they were going to put this little cap over this thing, I laughed and said there’s no way,” he said. “I said there’s no way they’re going to do that. And then sure enough, it didn’t happen.”

Curran reported Louisiana. Associated Press writers Ray Henry and Michael Kunzelman in Louisiana. Jay Brown

he said. "But I think they should be trying everything they can."
 There was a renewed sense of urgency as dime-to-golfball-sized balls of tar washed up Saturday on Dauphin Island, three miles off the Alabama mainland at

Louisiana. Associated Press writers Ray Henry and Michael Kunzelman in Louisiana, Jay Reeves, and Brent Kallestad in Florida, and Sarah Larimer and AP video journalist Rich Matthews in Alabama contributed to this report.

to silence or limit Williams, NNA, and their supporters from criticizing New Day's business practices, odors, and environmental issues, as well as limiting or eliminating complaints being submitted to ODA."

It added, "the conspiracy caused Williams and NNA to suffer a loss as it deprived them of the right to petition the government, suppressed their free speech rights, and it retaliated against Williams and NNA's exercise of their First Amendment rights."

The law suit contends that New Day should have just dropped the suit as it had no merit. Instead, the suit was amended to say Williams and her neighbors were opposed to the farms because of the Hispanic workers it employed.

"For New Day, it was not enough to merely silence Williams and NNA, rather, New Day was out to punish their reputations and inflict an emotional toll," according to the suit.

Organ said New Day's suit, which was eventually dismissed, was malicious and an abuse of the process. Williams and NNA is asking the court to protect their right to both criticize the egg farm and talk to legislators about prohibiting more egg farms in the community. It asks the court to rule that New Day cannot use the legal system to silence or frighten Williams or NNA members. It also seeks legal fees incurred defending against the SLAPP suit, as well as, "compensatory, statutory, punitive and other legal damages" along with "such other and further relief as this Court deems just and proper."

The suit asks the judge to set a date for a jury trial.

Tawa Road reported someone stole a book of checks and cashed one for \$200.

Disorderly conduct charges were filed against Suzanne Carson, 39, and Daniel Carson, 47, both of 17782 Route 739 after the two were involved in an intoxicated physical argument Thursday at 10:46 a.m. at their home. Deputies have reportedly been called for similar incidents to the home over the last two months.

Charges are under review against a 25-year-old Groveport male and a 26-year-old male from Springfield, Ala. Friday at 12:40 a.m. the two were inside a car stopped on U.S. 33. The K-9 deputy found possible marijuana, along with a small bag containing approximately 100 pills believed to be Ecstasy. The deputy also drew his weapon after the driver admitted there was a loaded magazine and a 9-millimeter Ruger locked away inside the car. Charges are pending laboratory results on the two possible drugs.

Daniel Hayes, 50, of 22422 Bear Swamp Road, was charged with domestic violence after allegedly choking his 68-year-old wife Friday at 2:22 p.m. at their home.

Theft by deception was reported Friday at 7:26 p.m. in the 19000 block of Shirk Road. A resident paid \$2,700

for new carpeting to be installed in the home on March 30 and no work has been done.

Two adult boxer canines were reported stolen Saturday at 6:04 p.m. in the 23000 block of Maple Street in Broadway. The dogs, a male and a female, are valued at \$800. A red older-model mini van was reportedly seen in the area four to five times. The male dog was later located at an unlisted location and was taken to the Union County Humane Society. The suspect claimed to know where the female dog was located, then later denied knowing. The incident remains under investigation.

Lisa R. Ward, 36, of North Lewisburg, was arrested for OVI after a stop on Route 736 at Fladt Road Saturday at 8:26 p.m.

According to OSP reports:

One person was injured after a crash in Claibourne Township Friday at 2:30 p.m. Driver Gary Cox, 55, of Richwood, was headed westbound on Hoskins Road east of Ottawa Street in a 2000 Chevy Malibu when he reportedly fell asleep and went off the right side of the roadway and crashed into a garage. Cox suffered possible injuries and was transported by family to Marion General Hospital. He was cited for failure to maintain control of his car.

MEDIC RUNS

Friday:

2:27 a.m. - To Elwood Avenue
 12:56 p.m. - To Magnolia Drive
 12:41 p.m. - To Fifth Street
 5:54 p.m. - To Taylor Avenue

Saturday:

6:24 a.m. - To Fifth Street
 7:36 a.m. - To a motor vehicle accident on U.S. 33
 5:07 p.m. - To Osage Drive

Sunday:

2:51 a.m. - To Fifth Street
 5:37 a.m. - To Greenwood Boulevard
 12:56 p.m. - To Route 4

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