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## Part 2: Jury to decide country smell or collateral damage in hog industry law suit By Charlotte Smith

### Part 1 may be found on [BladenOnline.com](http://BladenOnline.com)

The United States District Court in Raleigh was packed full on a Wednesday in July earlier this year for the opening arguments during the third lawsuit involving hog farms and their neighbors. U.S. District Court Judge W. Earl Britt presided over the case along with the two prior cases.

Michael Kaeske, a Texas attorney representing the Plaintiffs in the cases gave his team's opening arguments stating, "Murphy Farms, Inc is industrialized". He continued to point out how, since 1972, the companies have switched hands, lobbied legislation and grown into what is now known as Smithfield Hog Production, worth 2.7 billion dollars in pork.

Kaeske explained how the lawsuit was against Smithfield and not the Murphy Brown contract growers. "The growers aren't responsible, Smithfield is," Kaeske said. He explained his statement by saying that the growers of Greenwoods I and II are operating at a loss, made to abide by Smithfield Operating Procedures and made to sign a one sided contract, mostly benefiting Smithfield.

Attorney Neale, representing Smithfield, asked hog farmers, Dean Hilton and Paul Stanley who were present in the courtroom gallery to stand. He described Hilton as a man with multiple successful businesses and Stanley as a 20 year US Army Veteran. Both men he stated were proud, business savvy and the life blood of this country who would not be tricked into signing a one sided contract. Neale described the growers' plans for their farms to be used as investments.

"In 20 years there hasn't been a single complaint," Neale said, "because it's a beautiful place to live."  
*continued on page 4*

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## Easy Pork Stir-Fry

1 cup cold water  
 3 tablespoons soy sauce  
 2 tablespoons dry sherry  
 2 teaspoons cornstarch  
 ¼ teaspoon ground ginger  
 1 tablespoon vegetable oil  
 3 cups loose pack frozen mixed oriental vegetables, thawed  
 2 cups cooked pork, cut in bite-size pieces  
**For sauce**, stir together water, soy sauce, sherry, cornstarch and ginger. Set aside. Preheat oil in a wok or large skillet. Stir-fry vegetables in hot oil about 3 minutes or until crisp-tender. Push from center of wok. Stir sauce; add to center of wok. Cook and stir until thickened and bubbly. Add cooked pork.

Stir all ingredients together. Cook 2 to 3 minutes, or until heated through. Serve immediately. Makes 4 servings.

## Fried Rice

1 teaspoon oil  
 1 egg, beaten  
 ½ cup green peas  
 ¼ cup diced green onion  
 4 cups cooked white rice  
 2 tablespoons soy sauce  
 Heat oil. Add egg; scramble loosely. Add remaining ingredients and stir-fry until all ingredients are heated. Makes 6 servings.



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## Part 2: Jury to decide country smell or collateral damage in hog industry law suit By Charlotte Smith

*continued from page 2*

Plaintiffs moving homes near the farms, renting out their property for a profit and new home construction doubling in the area is proof the farms and their odors are not a nuisance, according to Neale Jacobs, one of the plaintiffs had to move out of his home near the farms due to unfortunate circumstances, Neale said, but after years of saving his money was able to gain reentry to the home on Piney Woods Road. Jacobs saving up his money to move back to the home proves the farms are not a nuisance.



The arguments went on for almost a month. In the end the jury made up of 10 women and two men sided with the plaintiffs just like they did during the first two trials. The jurors awarded the six plaintiffs an astronomical amount, to the tune of 473.5 million dollars for the odor nuisance claims. The almost half a billion dollar award was reduced to 94 million dollars.

Currently there are 26 nuisance lawsuits filed against Murphy Brown, LLC and their contract growers. Many in North Carolina have been wondering what the verdicts mean for the impact of economy and way of life.

Since the historic trial in July a new judge has been appointed to preside over the next two trials and a questionable gag order, set by Judge Britt during the first set of trials has been lifted. Judge David Faber of West Virginia will hear the next two cases.

The fourth lawsuit filed against Murphy-Brown, LLC and Sholar Hog Farm located on Herring Road in Sampson County and the fifth hog farm nuisance trial is scheduled to begin on January 7, 2019. Both trials are set to be held in Federal District Court for the Eastern Division in Wake County, according to court records.

The plaintiffs' attorney, Kaeske, is maintaining the same argument he used in the first three trials according to court documents; plaintiffs cannot enjoy the use of their property due to an abundance of flies, smells and noises originating from the industrial farms. Court documents also reference medical issues attributed to the farm as well.

Court documents filed on October 29th, state Sholar Farm has never been issued a violation. In addition the NC Department of Air Quality has not received any odor complaints about the farm. Sholar Farms is not the only farm in the area. According to court documents other swine operations and farming activities are in the vicinity of Sholar Farm.

The new jurors and judge will have to decide what is fair according to the law. Leaving the question to be determined again, is the issue a country smell or collateral damage?

Read more about the hog trials and the Part 1 of Jury to decide country smell or collateral damage in hog industry law suit on [BladenOnline.com](http://BladenOnline.com).

# Smithfield Addresses the Hog Industry's Vulnerability to Climate Change

EDF welcomes new measures to improve resilience, reduce methane emissions

With North Carolina still recovering from the devastation of Hurricane Florence, Smithfield Foods, the world's largest pork producer, today committed to invest in infrastructure and provide farmer incentives to install manure lagoon covers and digesters on 90 percent of the total hog finishing capacity in North Carolina, Missouri and Utah over the next 10 years. These technologies protect manure lagoons from excessive rainfall, capture methane emissions and generate renewable energy from biogas.



The commitment includes Smithfield's own operations and contract farms, as well as opportunities for other integrators to join. Meeting this goal would help Smithfield exceed its industry-leading commitment to reduce supply chain greenhouse gas emissions 25 percent by 2025.

"Hurricane Florence demonstrated the vulnerability of hog farms to extreme weather and underscored the urgent need to prepare for the impacts of climate change," said Fred Krupp, president of Environmental Defense Fund.

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# Smithfield Addresses the Hog Industry's Vulnerability to Climate Change



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“Smithfield is demonstrating leadership by investing in solutions that build climate resilience and cut greenhouse gas emissions.”

“Smithfield’s commitment to deploy technologies that convert methane into renewable biogas will substantially reduce emissions of a powerful greenhouse gas and create economic opportunities for rural communities. EDF and Smithfield don’t agree on everything, but we’ve found common ground on sustainability goals. This commitment marks a welcome turning point for the industry,” Krupp added.

Implementing lagoon covers and digesters at scale has the potential to capture more than 85,000 metric tons of methane per year, which in turn can be used to replace fossil fuels. The climate impact of these reductions over 20 years is equivalent to eliminating carbon dioxide emissions from more than 700,000 homes.

Widespread use of this technology will help protect hog farms, neighboring communities and the environment during excessive rainfall. Smithfield’s Optima KV biogas project, for example, withstood record rainfall during Hurricane Florence. Covers kept manure from mixing with rainwater, and the project resumed normal operations as soon as the storm passed.

Covers and digesters do not eliminate water quality and odor concerns near hog farms. EDF will continue to collaborate with Smithfield and other partners to close operations in high-risk floodplains and implement solutions that improve quality of life and environmental outcomes. *continued on page 11*

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## Barbecued Pulled Pork

In the Southeast pulled pork is a staple when family and friends gather for food and fellowship. Barbecued Pulled Pork is simple yet good comfort food. Add some slaw and bread to this recipe and you are sure to be a hit with your guests.

### Ingredients

14.5 ounces diced tomatoes in juice  
1 onion diced  
2 teaspoons minced garlic  
2 tablespoons tomato paste  
2 tablespoons spicy brown mustard  
3 tablespoons apple cider vinegar  
1 tablespoon extra virgin olive oil  
2 tablespoons plus 1 teaspoon paprika  
1/2 teaspoon cayenne pepper  
2 teaspoons salt  
1 teaspoon black pepper  
20 ounces pineapple chunks, with juice  
4 pound pork roast



### Instructions:

Combine all ingredients for barbecue sauce and blend it until smooth in a blender. Place the pork roast in a slow cooker and pour the desired amount of barbecue sauce over it. Cook on low for 8 hours, or until the pork shreds easily with a fork. Using two forks, shred the pork, stir the pulled pork so the sauce mixes all together with the meat. Allow the pork to cook for an additional 30 minutes.

The truth shall set you free.



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# Opinion: Farming Lawsuits Have Potential to Become Debilitating to North Carolina and US

By Erin Smith

The lawsuits against hog farmers in North Carolina that have resulted in record damage awards have many economists, farmers and residents alarmed. Everyone should be alarmed with the potential for the loss of many farms.



According to the Pacific Standard Magazine, hog farms in North Carolina generated \$2.9 billion while hog farms in Iowa generated \$6.8 million.

The lawsuits don't just stop in North Carolina. They are reaching into other states and impacting farmers all over the United States. In May 2018, Iowa residents filed a lawsuit against the State of Iowa over air emissions from industrial hog farms.

The concern with these lawsuits is the fact that some of the hog farms involved have not received any environmental citations nor have any violations been found when the farms were inspected by state regulators. Yet, they are being subjected to lawsuits claiming their farms are a nuisance and, if a jury determines the farm to be a nuisance, the farm is being forced to shut down, though they did nothing wrong.

There are also concerns about the lawsuits potentially spreading to other forms of livestock production such as poultry and beef cattle. Some farmers have discussed the possibility of selling their operations rather than face an uncertain future where lawsuits are concerned.

People are beginning to question where will the United States obtain food supplies if all of the farms are shut down. Some people say we should simply begin importing our food from other countries. While that sounds like a reasonable solution, it really is not a viable option. Many countries do not utilize the same standards the United States does to process their meats and other foods.

The United States is the largest producer of milk, pork, chicken, and beef in the world, according to Media Max Network. China leads the world in the production of rice. The United States exports more than \$149 billion worth of agricultural products worldwide. So what happens when all of the farms here in the United States are closed?

These nuisance lawsuits are not only costly to the plaintiff and defendant, but they are also costly to the consumers and have far reaching impacts that many people have not stopped to consider.

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Not only do the loss of farms impact the farm families and their immediate laborers, there are the feed mills who supply the feed for the livestock. There are the truck drivers who drive the feed and grain trucks as well as the livestock trucks hauling the animals to market. As the number of farms are reduced, these industries will have no choice but to reduce production and cut back on the number of employees they have.

*continued on page 11*

## Sludge Treatment Wetland in Tar Heel, NC By Charlotte Smith

Jordan Phasey, Founder of Phinite, Inc. has created the first full scale Sludge Treatment Wetland in Tar Heel, NC and it could be the answer hog farmers are looking for when dealing with disposal issues of their hog waste. Becky Spearman, with the Bladen County Department of Soil and Water Conservation District, linked Phasey with Bladen County Hog Farmer, Michael Inman in Tar Heel, NC.

R & M Farms owned by Inman has been in operation since 1998. Excited about the possibility of the new permanent solution to sludge management, Inman and Phasey pose for a photo while holding a sign stating, "This farm is committed to Sustainable Agriculture."



Exactly what is all the hype about?

According to Dean Morris, Director of Bladen County Soil & Water District sludge, removal on hog farms is a necessary evil, you have to take care of it and farmers are running out of places to apply the sludge. Phasey's company, Phinite proposes a solution to the abundance of sludge farmers are facing and the phosphorus shortage needed to grow food.

The sludge from the hog farm lagoons is very concentrated; it's made up of Zinc, Copper and Phosphorus. If you over apply the sludge from the lagoons on land you could ruin the land for farming use forever, according to Morris.

Kenneth Inman, from R & M Farms agreed with the fact there is a concern of what to do with the hog waste. He said, "There isn't enough land in the world for all the sludge."

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R & M Farms has the very first patented wetland system Phinite, Inc. offers for hog waste management. Owner of the farm, Michael Inman said, "It is our first application. It is going to take time, but it is good from an environmental stand point to use organic materials in farming."

Phasey introduced his waste treatment idea saying, "The Sludge Treatment Wetland works completely naturally."

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## Pretrial dates announced for fourth and fifth hog farm nuisance trials By Erin Smith

The hog farm nuisance lawsuits continue to move forward in the federal court system in North Carolina. The dates for the fourth and fifth trial groups can be found below.

**The fourth trial group** includes as a defendant the Sholar Farm located on Herring Road in Sampson County along with Murphy-Brown, LLC.

- a. Tuesday, July 10, 2018: parties to serve objections to pretrial disclosures.
- b. Thursday, July 12, 2018: pretrial order is due.
- c. Friday, July 13, 2018: parties to file responses; Daubert challenges or other motions to exclude expert testimony
- d. Tuesday, July 17, 2018: parties to file motions in limine on evidentiary matters.
- e. Thursday, July 19, 2018: parties to file proposed jury instructions.
- f. Tuesday, July 24, 2018: final pretrial conference.
- g. Tuesday, July 24, 2018: parties to file trial briefs and proposed voir dire; any responses to motions in limine.
- h. Tuesday, July 31, 2018: Trial.

\*Note the actual trial date is set to begin on Tuesday, November 13, 2018, at 9 a.m. in court room no. 2 in the Terry Sanford Federal Courthouse in Raleigh.

**The fifth trial group** features Murphy-Brown, LLC as a defendant. The pre-trial dates are as follows:

- a. Monday, November 19, 2018: parties to serve pretrial disclosures under Fed. R. Civ. P. 26(a)(3) and Local Civil Rule 16.1.
- b. Monday, November 26, 2018: parties to serve objections to pretrial disclosures, and to file any Daubert challenges or other motions to exclude expert testimony and motions in limine on evidentiary matters.
- c. Monday, December 3, 2018: parties to file responses to Daubert challenges or other motions to exclude expert testimony and to motions in limine.
- d. Monday, December 10, 2018: pretrial order is due.
- e. Friday, December 14, 2018: parties to file proposed jury instructions, trial briefs, and proposed voir dire.
- f. Monday, December 17, 2018 at 9:30 a.m.: final telephonic pretrial conference.
- g. The trial date is set to commence on January 7, 2019, in the Terry Sanford Federal Courthouse in Raleigh.



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## **Opinion: Farming Lawsuits Have Potential to Become Debilitating to North Carolina and US** *continued from page 8* **By Erin Smith**

There are the veterinary supply companies who supply medicines and vitamins needed to keep the animals healthy. There are researchers who are always seeking better ways to raise livestock and to improve on the animals' health.

The closure of our farms won't just affect farmers and a few grocery stores in the United States. It will have a global impact as far as the availability of certain food products. It will clearly have a direct impact on the United States' economy not to mention allied industries.

Farm Aid notes a 30 percent increase in calls to their farmer hotline for assistance over the past year. The Centers for Disease Control in Atlanta, Georgia, recently retracted their findings that the suicide rate among farmers and agricultural labor is the highest among all labor groups. The CDC claimed the data used to arrive at the figures in the report were flawed. According to Farm Aid, there is reason to believe there may actually be validity in the CDC's now retracted figures.

As food supplies become more scarce in the United States and have to be imported, the prices the consumers will pay will increase.

Imagine for a minute, if you can, driving through areas that were once rural and filled with corn crops, cattle, vegetable crops such as tomatoes and peppers, that now stand barren. Imagine countries using food supplies as a method to leverage political gains over the United States.

The next time you admire a package of pork chops or prepare bacon for a meal, imagine just for a moment, there are no more farms. What then?

## Sludge Treatment Wetland in Tar Heel, NC By Charlotte Smith

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There are no chemicals and it's a new sustainable option for dealing with sludge and hog farm waste."

Phasey explained, "The constructed wetlands here are basically like a really big sand filter. We have a filter and then we put the sludge on there and the filter, filters out water from the sludge. The solid material stays on top and through that material we plant cattails. The cattails grow their roots out through the sludge and dries the material out naturally."



Relative to Geobags being used for hog waste management at the moment, Phasey says the wetlands treatment will make the material two to three times dryer, which will make the material less expensive and easier to transport. Phasey says his company also offers to take the lighter, dryer material created from the wetlands away for free to make organic fertilizer out of it.

"Farmers won't have to worry anymore about where they are going to spread their stuff out, we will handle that now completely," Phasey said.

The new Sludge Treatment Wetland in Tar Heel is the first full scale creation of Phasey's method. It was built with the help of Singletary's Landscaping and Tree Service. The process of building the wetland took about two weeks and is fairly inexpensive according to Phasey.

The wetlands process does not replace anaerobic lagoons, but is a method of removing and managing the sludge that accumulates in the bottom of the lagoon according to Morris with the Department of Soil and Water Conservation District.



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## Put those chops in the oven

By Charlotte Smith

To cook pork chops in the oven you coat them in the seasonings of your choice. Then sear the chops over high heat in a pan with butter or olive oil on the stove until browned. The skillet may then be transferred to the oven and the pork chops baked at 350° F. Bake the pork until the meat thermometer registers 145° F. You can always skip searing the pork chops and simply coat the pork chops with seasonings and bake. Some quick and easy seasonings may be Italian dressing, Simply Tasteful's Onion Onion and Garlic Garlic, or add succotash with salt and pepper.

### Favorite homemade chocolate chip cookies

A lot of baking happens around the holidays. We have a recipe we would like to share. It's our favorite homemade chocolate chip cookies.

#### Ingredients:

2 sticks (1 cup) unsalted butter softened  
1 cup light brown sugar  
Sea salt to taste  
1/3 cup granulated sugar  
2 large eggs  
2 teaspoons vanilla extract  
2 1/2 cups all-purpose flour  
1 teaspoon of baking soda  
1 teaspoon of baking powder  
3/4 teaspoon salt  
2 cups chocolate chips (milk chocolate are our favorite to use)

#### Instructions:

Preheat oven to 350 degrees F (175 degrees C). Cream together the butter, white sugar, and brown sugar until smooth. Beat in the eggs one at a time, then stir in the vanilla. Dissolve baking soda in hot water. Add batter with salt and stir in flour and chips. Add sea salt to taste over cookies on cookie sheet. Bake for about 10 minutes in the preheated oven, or until edges are nicely browned.



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