

## News

# BCLP'S STRATEGIC DEFENSE IN HERBICIDE DISPUTE SECURES WIN FOR NUTRIEN AG SOLUTIONS, INC.

May 24, 2024

On Wednesday, April 17, following a seven-day federal court jury trial years in the making, BCLP successfully avoided a harsh outcome for client Nutrien Ag solutions, Inc. when an Atlanta federal jury returned a modest verdict of \$401,400 - a far cry from the \$44 million the plaintiff had initially sought. The plaintiff, Georgia-based, family-owned real estate venture DRB Realty & Properties LLC ("DRB"), asserted numerous claims against Nutrien and initially sought damages in excess of \$44 million, as well as punitive damages, for alleged harm resulting from a 2019 herbicide application on land DRB was developing for a commercial quail hunting operation in Emanuel County.

Nutrien retained BCLP in November 2020 to defend against DRB's claims, which were initially filed in Gwinnett County Superior Court and later removed to the United States District Court for the Northern District of Georgia. Nutrien's litigation and trial team successfully narrowed DRB's claims by securing a number of critical rulings, including prevailing on a motion for partial summary judgment in September 2023 in which the court ruled that DRB's "replacement theory" of damages to oak and pine trees on the property was "absurd as a matter of law."

BCLP's trial team, led by Partners **Bill Custer** and **Paul Lopach**, proceeded to trial on the remaining claims for breach of contract and negligence. The trial team was rounded out by Counsel **Ann Ferebee** and Paralegal **Stephanie Roberts**. Additional support throughout the course of the trial was provided by Counsel **Stephen Rynerson**, Associates **Marcia Levitan-Haffar** and **Justin Jorgensen**, Paralegal **Rob Bower** and Secretary **Gloria Wynter**.

## RELATED PRACTICE AREAS

- Litigation
- Business & Commercial Disputes

## MEET THE TEAM



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