

## News

# BCLP TRIAL TEAM SAVES CLIENT FROM MONETARY REPUTATIONAL DAMAGES IN YEARS-LONG DISPUTE

May 24, 2024

BCLP was mentioned in [Law360](#) on its representation of Nutrien Ag Solutions, Inc., a global provider of crop inputs and services, in a dispute brought by DRB Realty & Properties LLC (DRB), a hunting property, over alleged damage from an herbicide application— successfully avoiding over \$44 million in compensatory fees.

In 2019, the hunting property, owned by the Blounts family, was in process of developing a commercial hunting destination— hiring Nutrien to thin out the woods on their property with herbicide. DRB initially sought punitive damages, alleging that harm caused by the herbicide application devalued the property by over \$5,000 per acre. The BCLP team successfully narrowed DRB’s claims by securing critical rulings, including prevailing on a motion for partial summary judgment in September 2023 where 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.”

“The Blounts were far overstating the alleged damage wrought by the weed spraying,” said BCLP Partner Paul Lopach. “For one, jurors could expect to hear testimony that the forest is ‘healthy and growing well.’ And most commercial quail hunting areas — though they might say otherwise — can’t actually maintain a wild quail population,” he continued. “At most, the Blounts may have experienced a very modest diminution in their property value.”

On April 17, following a seven-day Atlanta federal court jury trial, the jury returned a verdict of \$401,400 – a significant reduction from the initial \$44 million sought by the plaintiff, saving Nutrien from a substantial financial blow.

The BCLP team was led by Partners Paul Lopach and Bill Custer, Counsel Ann Ferebee and Associate Brook Ingoglia.

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## MEET THE TEAM



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