

Court Rules for Utah Dairy Farmers in Electricity Suit

SALT LAKE CITY (AP) — Utah dairy farmers suing a power plant can investigate whether the power company influenced a pool of potential juries in rural Juab County, a Utah judge has ruled.

Nephi District Court Judge James Brady ruled on Friday that attorneys for six Millard County dairy farms can investigate whether Intermountain Power Plant executives prevented a fair trial by warning of the plant's closure and layoffs if they lose the case.

The dairy farmers had claimed in their lawsuit that the coal-burning plant, located in the east-central city of Delta, was emitting stray electricity that was sickening their herds of cows.

Following a month of testimony in the case, Brady declared a mistrial in November after a juror reported hearing allegations outside court that the power plant would shutter and lay off workers if the farmers won the suit.

Jefferson Gross, an attorney for the dairy farmers, has argued that the plant will not close because it has enough insurance to cover an unfavorable judgment.

Gross said that the juror's report shows power plant executives "manufactured and publicized an inflammatory lie" to prevent a fair trial in Juab County, [The Salt Lake Tribune](#) [1] reported.

The case had already been transferred from Millard County to Juab County, about 50 miles away, to find an impartial jury. The company is the second-largest employer in Millard County, according to the state Department of Workforce Services.

But Gross argued in court documents that even in neighboring Juab County, which has a population of about 10,300, the pool of potential jurors was tainted.

Gross said that a month before the trial started, the plant's general manager discussed the case at a meeting with more than 500 employees and said that if they lost the case, the plant would close.

Francis Wikstrom, an attorney for Intermountain Power Plant, argued in court filings that plant managers were not trying to influence the community and there's no evidence the jury pool in Juab County is tainted.

Wikstrom said the dairy farmers generated more publicity before the trial by giving media interviews about the case.

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The judge has now given both sides until May 17 to outline how they propose to investigate what happened with the jury.

The mistrial follows years of legal wrangling since the lawsuit was filed in 2005.

The Delta-area dairy farmers argued the Intermountain Power Plant, a 1,800 megawatt facility, was leaking stray electricity into the ground, which was keeping cows from drinking water and weakening their immune systems.

Attorneys for the power plant have argued there's no evidence of that effect, saying no significant amounts of electricity could reach the farms or harm the cows.

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