



Developers win \$2.75 million in quarry lawsuit against Gurley

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By **Brian Lawson, The Huntsville Times**



File image

HUNTSVILLE, AL -- A Madison County jury voted to award \$2.75 million in damages from the Town of Gurley to a local development company that had sued because the town blocked construction of a rock quarry.

But the jury did not single out Gurley Mayor Stan Simpson for blame as the plaintiffs wanted, and instead found that Simpson did not improperly interfere in a business relationship. The company had sued Simpson individually for \$300,000 and also asked for unspecified punitive damages.

The six-man, six-woman jury deliberated for four and a half hours before announcing its verdict.

Brian McCord, who owns M&N Materials along with Brian Nelson, was elated after the verdict was read.

"We're just thankful the jury saw what we've seen for the past eight years," McCord said. "It's been a long time coming. I was committed early on to pursue this because I thought it was right and we proved it today."

Attorneys for Gurley vowed to appeal the decision and said they feel good about some key legal arguments related to the case.

The two sides made their closing arguments Monday in the trial that began last week.

Jurors began deliberations at 8:30 a.m. today.

M&N Materials alleged Gurley and Simpson's efforts to stop a rock quarry from being built in Gurley amounted to an unlawful taking of property by a government and also interference in a lawful business relationship.

The lawsuit was filed in 2005 after M&N sold the 269-acre proposed quarry site to Vulcan Materials in late 2004. Vulcan had an option to buy the property for \$3.75 million, but let the option expire and later paid M&N \$1 million for the site.

The property was adjacent to Gurley, but after plans of a possible quarry became public in 2003, area residents began to complain. Simpson was a leader in the effort to block the quarry and was later elected mayor. The lawsuit could not pursue claims based on his activities as a private citizen before his election.

Gurley held a referendum in 2004 and approved annexing the property into the town limits. Gurley later zoned the property for agriculture use, effectively preventing the construction of a quarry.

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