



What's New?



Edition #3

March 13, 2017

The N.C. Attorney General-Department (AG) & N.C. Department of Environmental Quality (DEQ), Division of Energy, Mineral & Land Resources (DEMLR), (Plaintiff)
Versus,
Woodlake County Club Corporation (WLCCC) (Defendant)
A Case Update

As has been previously reported by the Committee, the North Carolina Attorney General (NC-AG) filed a motion in Moore County Superior Court against Woodlake Country Club Corporation (WLCCC) seeking to enforce the outstanding Dam Safety Order issued by the Department of Environmental Quality (DEQ). In response to this motion, the Restore Woodlake Committee's (RWLC) attorney, Bill Clemons, filed a motion to intervene, on behalf of the Woodlake POA. Both of these motions came before the court today March 13, 2017 at 10am. The Honorable Judge Webb was presiding.

In attendance were representatives from:

- The States' Attorney General's Office.
- DEQ and DEMLR.
- The Restore Woodlake Committee/POA's Attorney.
- A representative from the Woodlake POA Board.
- The *Restore Woodlake Committee* (RWLC)
- The Press:
 - The Pilot Newspaper.
 - Chanel 11 ABC TV News.
 - Time Warner News.
- A small number of Woodlake residents.

Not in attendance were:

- Anyone from WLCCC.
- The Attorney for WLCCC.

The judge opened the court session by asking the NC-AG what they were seeking. The AG responded that they had reached an agreement with WLCCC which has resulted in a Consent Judgement* that they wished the judge to rule on; however, when pressed by the judge, it was discovered it was not a signed agreement. The judge asked when the agreement would be signed, and after some delay, the AG said Wednesday.

After spending some time reading the draft agreement, the judge required that they add a statement saying that if the defendant fails to comply with the judgement and resulting order, they will be subject to civil or criminal court proceedings as provided by the law (although not included in the statement, the judge emphatically mentioned jail time as a possible consequence). Our attorney, Bill Clemons, then stated that under these circumstances, he was not convinced that the agreement would be signed and, therefore, he wanted the motion to intervene to be heard. The judge decided to give the AG until Wednesday to get the agreement signed. So, the matter is held over until Wednesday at 2pm at which time the Judge will either review and sign (if he is satisfied with its contents) the consent judgement signed by WLCCC or hear the case including the motion to intervene.

Additionally, the RWLC received a signed letter from DEMLR that provides the RWLC access to and the right to comment on all information provided to DEMLR regarding the Woodlake Dam, including the plans and engineering drawings as well as status reports on the progress made against the milestone plan resulting from this court action.

Representatives from the RWLC and our attorney will be at the next hearing on Wednesday, March 15 and will provide another update following those proceedings.

As mentioned above, the press was in attendance and it is likely they will air news reports at 10 and/or 11pm this evening.

*A consent judgement is issued by a judge based on an agreement between the parties to a lawsuit to settle the matter, aimed at ending the litigation with a Judgement that is enforceable. In this case the agreement basically lays out the actions DEQ is requiring WLCCC to take to resolve this matter; principally a timeline of milestone actions in breaching the dam. We will report more on the consent judgement if it is signed.