

PRESS RELEASE

Baker Donelson Successfully Defends Day Investments II, LLC

November 30, 2010

(Atlanta, November 30, 2010) – Baker, Donelson, Bearman, Caldwell & Berkowitz, PC is pleased to announce that the firm successfully defended its client, Day Investments II, LLC, against claims for nuisance and violation of the Clean Water Act. The lawsuit was filed by the City of Mountain Park, Ga. The City had sought injunctive relief and over \$4 million in damages and penalties, plus \$1.5 million in attorneys' fees and punitive damages at trial against Day Investments, II, LLC and other defendants. Day Investments II, LLC, an investment firm, was involved in the development of a subdivision in Roswell, Ga. near the city of Mountain Park. A jury in the U.S. District Court for the Northern District of Georgia decided after a three-week trial that Day Investments, II, LLC did not violate the Clean Water Act, and awarded only \$5,000 for the nuisance claim and no legal fees.

The Baker Donelson team that secured the favorable judgment was led by shareholder Jennifer G. Cooper, and included shareholders Steven R. Press and Adam G. Sowatzka, and associate Damany F. Ransom.

"We are very pleased with the outcome of this case, and believe that it sets a precedent for future cases involving Clean Water Act claims arising from storm water run-off," says Ms. Cooper, who focuses her practice on environmental litigation.

The case began in 2005 when Mountain Park, a town of 550 residents, filed a suit alleging that developers had polluted the lakes surrounding the community with work site run-off. The jury, however, found that the lakes had silt problems for decades and had not been dredged in over 35 years. The jury held the town responsible for 80 percent of the silt in its lake.