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Co-Alliance seeks to Protect Indiana Farmers' Ability to Operate

Avon, IN (October 9, 2015) – Earlier this week Co-Alliance, LLP and a Hendricks County family farm, 4/9 Livestock LLC, were sued by the Hoosier Environmental Council, representing Richard and Janet Himsel and Robert and Susan Lannon. The lawsuit seeks to enjoin the Hendricks County farm from raising hogs, seeks to hold Co-Alliance liable on the grounds that it supplied the hogs to the grower and is, therefore, responsible for the grower's acts or omissions regarding the hog farming operation. In addition the lawsuit seeks to hold unconstitutional a policy statement in the Indiana Code that supports the Indiana Right to Farm Act which helps protect a farmer's ability to choose among generally accepted farming practices to select what is most suitable for their farm as well as protecting farms from nuisance complaints. Co-Alliance first learned of the Complaint from the media who had been provided an advance copy by the Hoosier Environmental Council.

Co-Alliance, LLP through its cooperative partners, has been serving Indiana, Michigan, and Ohio farmers since the 1920s. The Danville farm that is the target of this lawsuit is owned, managed, and operated by multiple generations of a long-term local farming family that went through all of the proper channels for approval prior to construction, including local Hendricks County Zoning Board and the Indiana Department of Environmental Management permitting and design approval process. The plaintiffs chose not to appeal the permit or zoning decisions, but waited until after the farm had been built and operational for nearly two years before bringing this suit.

Initial media reports have incorrectly used the term "Indiana Right to Farm Act" to describe the policy statement at issue in the complaint. The Indiana Right to Farm Act is a separate statute which protects farms from nuisance complaints. The Indiana Right to Farm Act was passed in 1981 and has been upheld by Indiana's courts time and time again. In 1987, the Court of Appeals explained that the Act was passed to protect farmers from lawsuits by neighbors who live in rural agricultural areas but then bring "an action for nuisance against farmers because their senses are offended by ordinary smell and activities which accompany agricultural pursuits." In 2009, the Indiana Court of Appeals rejected a similar constitutional challenge. As recently as 2013, the Indiana Court of Appeals in *Parker v. Obert's Legacy Dairy* reaffirmed that the Right to Farm Act protects farmers who want to expand their farms from such claims. This most recent filing attempts to re-litigate some of the same issues that have been previously decided by the Indiana courts in favor of Indiana's farmers. Since the Right to Farm Law is on solid constitutional and case law footing in Indiana, this most recent filing is an attempt to challenge another agriculture related provision in the Indiana Code.

"Agriculture is extremely important to the economic viability of rural communities. The Cornbelt states provide a significant portion of our nation's food supply. Livestock production affords the opportunity to concentrate protein essential in the human diet. Producing livestock in areas near the raw feed supplies, corn and soybean meal, help reduce the cost of production and hence the cost of human food. As different segments of our society compete for various natural resources it is imperative that we all recognize the impact of restricting agriculture's ability to produce food," said Indiana State Representative, Jim Baird.

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“Co-Alliance is proud of our farmers and the high quality, safe, affordable pork that is raised to help feed Hoosier and mid-western families,” said Co-Alliance Chief Executive Officer Kevin A. Still.

“There are arguments presented in the Complaint and statements made in the orchestrated media campaign led by the Hoosier Environmental Council which Co-Alliance completely disagrees. However, our arguments will be reserved for the Courtroom where we look forward to protecting all farmers’ rights to grow livestock,” said Co-Alliance General Counsel Elizabeth A. South.

Co-Alliance is a 100% farmer-owned partnership of cooperative businesses. The company delivers agronomy, seed, animal health and nutrition, grain marketing services, power fuel and home heat energy products to local farms, businesses and families through branch outlets in Indiana, Ohio and Michigan.

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