



Law Offices of Randall M. Weiner, P.C.

3100 Arapahoe Ave. Suite 202 • Boulder, Colorado 80303

Tel: (303) 440-3321 • FAX: (720) 816-292-1687

E-Mail: randall@randallweiner.com

PRESS RELEASE

FOR IMMEDIATE RELEASE: February 12, 2016

CONTACT INFORMATION: Randall Weiner, Esq.: (303) 938-1790
Rosemary Bilchak: (970) 925-4529

HOTCHKISS MAN SENTENCED TO TWO DAYS IN JAIL, \$7,500 FINE, FOR VIOLATING INJUNCTION TO PROTECT ORGANIC FARM AND LEUKEMIA SURVIVOR FROM MOSQUITO PESTICIDE SPRAY

Hotchkiss, Colorado: Protecting the rights of organic farmers and pesticide sensitive persons, the District Court in Delta, Colorado today sentenced a farmer to two days in jail and a \$7500 fine for fogging mosquitoes in violation of a permanent injunction order.

Judge Herron found James Hopper in punitive contempt by fogging his property with pesticides within 150 feet of his neighbors', Rosemary Bilchak's and Gordon MacAlpine's, property. Hopper's fogging violated a permanent injunction order imposed in 2012 after his spray had drifted onto the neighboring Bilchak farm.

More, more, more

The Court today found that Mr. Hopper's behavior was "offensive to the authority and dignity of the Court." Judge Herron said the sentence "would hopefully inspire Mr. Hopper not to violate the Court order in the future."

Delta County, Colorado is a major center for organic growing. Mr. MacAlpine has a rare form of leukemia, and evidence from his oncologist suggested that pesticide exposures are immunosuppressive, leading Bilchak and MacAlpine to develop their organic farm. They hailed the ruling.

"We have been fighting to protect our health from renegade pesticide spraying for over five years," said Ms. Bilchak. "The Court today put teeth in its 2012 Order that set a precedent that pesticide drift is a trespass."

Randall Weiner, an environmental lawyer, prosecuted the contempt violation on behalf of the Bilchak family. He noted that this may be the first time a jail sentence has been imposed for violation of pesticide spray rules.

[A copy of the Permanent Injunction may be obtained upon request.]