

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

CITY OF MOUNTAIN PARK, GEORGIA,

Plaintiff,

vs.

LAKESIDE AT ANSLEY, LLC., et al.,

Defendants.

CIVIL ACTION FILE NO.  
NO. 1:05-cv-02775-CAP

**FINAL JUDGMENT**

This action having come before the court, Honorable Charles A. Pannell, Jr., United States District Judge, for final judgment, it is

**Ordered and Adjudged** that final judgment is entered as follows:

Lakeside at Ansley, LLC is not liable to the plaintiff on its claims for violations of § 404 of the Clean Water Act and the state law claims for negligence, expenses of litigation, or punitive damages. Lakeside at Ansley, LLC is liable to the plaintiff on its claims for violation of § 402 of the Clean Water Act, nuisance, continuing trespass, negligence per se, and violation of riparian rights. The plaintiff is not entitled to injunctive relief or attorney fees based on the Clean Water Act claims against Lakeside at Ansley, LLC. Lakeside at Ansley, LLC is liable for civil penalties for the violations of the Clean Water Act in the amount of

\$25,500, payable to the United States Treasury. Because of the jury's assessment of fault and Georgia law on the apportionment of damages, the plaintiff is not entitled to any damages on its claims for nuisance, continuing trespass, negligence per se, or violation of riparian rights.

Chatham Holdings Corporation is not liable to the plaintiff on its claims for violations of § 404 of the Clean Water Act and the state law claims for negligence, punitive damages, or expenses of litigation. Chatham Holdings Corporation is liable to the plaintiff on its claims for violation of § 402 of the Clean Water Act, nuisance, continuing trespass, negligence per se, and violation of riparian rights. The plaintiff is not entitled to injunctive relief or attorney fees based on the Clean Water Act claims against Chatham Holdings Corporation. Chatham Holding Corporation is liable for civil penalties for the violations of the Clean Water Act in the amount of \$25,500, payable to the United States Treasury. Because of the jury's assessment of fault and Georgia law on the apportionment of damages, the plaintiff is not entitled to any damages on the claims for nuisance, continuing trespass, negligence per se, or violation of riparian rights.

Peachtree Residential Properties, Inc., is not liable to the plaintiff on its claims for violation of the Clean Water Act, nuisance, continuing trespass, negligence, negligence per se, attorney fees, expenses of litigation, and punitive damages. Peachtree Residential Properties, Inc., is liable to the plaintiff for violation of the plaintiff's riparian rights. However, because of the jury's assessment of fault and Georgia law on the apportionment of damages, the plaintiff is not entitled to any damages on this claim.

Day Investments II, Inc., is not liable to the plaintiff on its claims for violation of the Clean Water Act, nuisance, continuing trespass, negligence, negligence per se, attorney fees, expenses of litigation, and punitive damages. Day Investment II, Inc., is liable to the plaintiff for violation of the plaintiff's riparian rights. However, because of the jury's assessment of fault and Georgia law on the apportionment of damages, the plaintiff is not entitled to any damages on this claim.

Crabapple Development and Investment Corporation is liable to the plaintiff on all claims based on the entry

of default. With regard to injunctive relief, Crabapple Development and Investment Corporation is ORDERED to allocate \$15,920 for use by the plaintiff for cleanup of the portion of sediment in the plaintiff's lakes and streambeds that is attributable to Crabapple. Crabapple Development and Investment Corporation, while liable for violations of the Clean Water Act, is assessed civil penalties in the amount of \$0. The plaintiff is awarded attorney fees and costs of litigation based on the Clean Water Act in the amount of \$188,495.78. Because of the jury's assessment of fault and Georgia law on the apportionment of damages, the plaintiff is not entitled to any damages on the claims for nuisance, continuing trespass, negligence, negligence per se, or violation of riparian rights. The plaintiff is not entitled to expenses of litigation or punitive damages.

The plaintiff, City of Mountain Park, Georgia, is liable to defendants Lakeside at Ansley, LLC and Chatham Holdings Corporation in the amount of \$10,947.50 as sanctions for discovery abuse.

Dated at Atlanta, Georgia, this 21<sup>st</sup> day of July, 2011.

JAMES N. HATTEN  
CLERK OF COURT

By: s/ Traci Clements Campbell  
Deputy Clerk

Prepared, Filed, and Entered  
in the Clerk's Office  
July 21, 2011

James N. Hatten  
Clerk of Court

By: s/Traci Clements Campbell  
Deputy Clerk