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Competition/Solid Waste: National Waste & Recycling Association and Warrick County Solid Waste Management District Enter Into Stipulation Agreement Pending Preliminary Injunction Hearing

Arkansas Environmental, Energy, and Water Law Blog

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As noted in a previous blog post <http://www.mitchellwilliamslaw.com/competitionsolid-waste-national-waste-recycling-association-lawsuit-challenges-warrick-county-solid-waste-management-district-indiana-contract-for-curb-side-collection-processing-solid-waste-recycle> the National Waste & Recycling Association (“NWRA”) filed a November 13th Complaint for Declaratory and Injunctive Relief (“Complaint”) against Warrick County Solid Waste Management District (Indiana) (“District”) in the United States District Court (Southern District of Indiana) addressing four resolutions adopted by the District.

NWRA alleged that the District’s resolutions granted Renewable Resources, LLC (“Renewable”) a monopoly of the curbside collection and processing of solid waste and recyclable material in Warrick County, Indiana.

The Complaint sought injunctive relief.

NWRA and District have entered into a Stipulation of the Parties (“Stipulation”) dated November 25th which addresses certain issues until “further Order of the Court after a preliminary injunction hearing.”

The Stipulation provides that “covered participants” as described in the District’s Curbside Pickup Program may use any hauler for waste and recycling pickup services. Further, it provides that the District will not seek civil penalties, attorneys’ fees, court costs or any other fees from any person who provides waste and recycling pickup services to covered participants.

The preliminary injunction hearing is set for January 21, 2016.

[Click here to download a copy of the Stipulation Agreement.](#)