

IN THE SUPERIOR COURT OF COFFEE COUNTY  
STATE OF GEORGIA

  
Elisa Gillis, Clerk  
Coffee County, Georgia

BRUCE BROOKER,  
REBECCA TEMPLE,  
LEGRAND ROBERTS,  
HAMP ADAMS, and  
SIMS FUNERAL HOMES, INC.

Plaintiffs,

v.

PATRICK ROBINSON,  
DANIEL FARM LLC,  
CHELSEA FARM LLC,  
THUYVY FARM LLC,  
HOANG FAMILY FARM LLC,  
S & P GA FARMS LLC,  
HPS HOLDINGS, LLC,  
DAVID VARNEDORE JR., and  
JOHN DOES NO. 1-5,

Defendants.

Civil Action File No. SUV2025000336

**ORDER ON PLAINTIFFS' MOTION FOR AN INTERLOCUTORY INJUNCTION**

Plaintiffs moved for an interlocutory injunction in the above stated matter, and evidentiary hearings were conducted pursuant to notice on August 12, 2025, September 29, 2025 and September 30, 2025. Upon consideration of the evidence presented at said hearings, briefs submitted by the parties, the record, argument of counsel, and applicable law, this Court hereby issues the following findings of fact and conclusions of law:

**FINDINGS OF FACT<sup>1</sup>**

<sup>1</sup> Occasionally, the court may conflate findings of fact with conclusions of law. The headings in this opinion are  
Page 1 of 22

This Court makes findings of fact with reference to all hearings conducted in this matter, including the hearings on August 12, 2025, September 29, 2025 and September 30, 2025, testimony allowed by deposition, and the record.

1. The Plaintiffs are landowners adjacent to or near to a planned sixty (60) house poultry operation collectively planned by the Defendants on the banks of the Satilla River.
2. Gordon Rogers testified credibly that the Satilla is a slow moving, blackwater river, and naturally low in nutrients and oxygen because of its sandy soils. This makes the Satilla exceptionally sensitive to nutrient loading. Adding nutrients through agricultural land use causes excessive nutrient inputs into the river, which further reduces the oxygen levels, and promotes algal blooms, which create a “goopy mess.” These algal blooms affect the entire “food web,” and disrupt the chemical, physical, and biological integrity of the river. For example, there are many places in the Satilla that have developed sand bars due to nutrient loading and eutrophication from nitrogen and phosphorous.
3. In light of the location of the planned operation, i.e. adjoining the Satilla River and with wetlands throughout said location, and its extraordinary size, the river will suffer from chronic harm through constant pollution comprised of nitrates and phosphates, and trace amounts of heavy metals like arsenic which will be a problem over time. The river will also suffer from episodic harm from regular flooding that

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meant to identify the general form and style of the opinion. Such headings are not meant to limit the court to the matter suggested by the heading.

the Satilla is known for. The Satilla is naturally “flashy,” which means it reacts quickly to rain events and will flood and recede without much time to react if things go wrong on site.

4. Two of the Plaintiffs’ properties, Mr. Legrand Roberts and Mr. Bruce Brooker, include significant stretches of the Satilla River. Their sections of the river will suffer a direct impact. However, the evidence shows that the harm is not limited to these Plaintiffs, but instead affects communities all the way to the Atlantic Ocean.
5. Dr. Willette Crawford testified that she is a microbiologist and technical consultant in environmental and public health with an emphasis in agricultural-related operations. She has bachelor’s degrees in biology and chemistry, a master’s degree in public health, and a Ph.D. in food science concentrating on microbiology. Dr. Crawford has spent her career assessing environmental and public health hazards related to agricultural operations, primarily working for agricultural industries, including time with Chick Fil A in Atlanta where she was involved in food sourcing and safety. Her work allowed her to inspect numerous concentrated animal feeding operations (CAFOs) and poultry operations, including broiler operations throughout the state of Georgia. Dr. Crawford also worked for the U.S. Food and Drug Administration where she performed risk assessments to determine the likelihood of potential health and environmental hazards, particularly those related to agricultural operations. Dr. Crawford applied the widely accepted risk assessment methodology in this case and opined that industrial poultry operations of the size and location of the one at issue in this case impact health, water, and air

quality for surrounding communities, including Plaintiffs in this case.

6. Dr. Crawford explained that this facility in particular will generate more than 40,000 pounds of feces per house, per grow out period, in addition to particulates, dead birds, and contaminated runoff, which are vectors for pathogens like salmonella and campylobacter. These pathogens can lead to gastrointestinal issues in exposed individuals, particularly in the immunocompromised. She described other dispersed constituents as well, including feathers, feed particles, skin fragments, odors, bioaerosols, or volatile organic compounds.
7. Dr. Crawford further echoed Mr. Rogers' concerns regarding Defendants' site's wetlands and proximity to the Satilla River, which is already impaired, again, making it highly susceptible to further harm. She also discussed her review of the relevant publicly available data which confirmed that the site is composed of sandy soils, which will allow rapid infiltration and, thus, groundwater contamination. According to Dr. Crawford, this is particularly concerning because the site is just upstream from a significant groundwater recharge zone that is crucial for replenishing the local aquifer.
8. As for dust, particulates, and odors, Dr. Crawford described the numerous peer reviewed studies that have found that poultry farm emissions from operations of the scale of this one can be detected for many miles. In this instance, the emissions will impact not just Plaintiffs, but significant portions of the Coffee County community. Dr. Crawford concluded that for an operation of this size, mitigation methods would be unable to contain the contaminants generated.
9. Dr. Crawford's testimony was unrefuted.

10. Mr. Michael Biggers is an appraiser with a degree from the University of Georgia who testified regarding the expected impacts of this proposed operation on Plaintiffs' property values. Mr. Biggers grew up in Irwin County where he still has a family farm (though he currently resides in McDonough, Georgia). Mr. Biggers testified that he has appraised more than 7,500 properties in his career, including poultry farms, industrial facilities, and properties adjacent to these types of operations. He has also appraised properties in Coffee County and the surrounding area, so he is intimately familiar with the agricultural nature of the community and the prevalence of poultry farms.

11. As an initial matter Mr. Biggers acknowledged that his analysis in this case was challenging because there are no other operations of this magnitude anywhere within the state of Georgia. So, to locate comparable scenarios and sales, Mr. Biggers searched for other large-scale operations in other big poultry-producing counties to determine whether the poultry operations caused any diminution in property values. Mr. Biggers testified that he discovered two large-scale operations, including an 18-house operation in Banks County, and a 24-house operation in Elbert County. Based on his review, recent sales in Banks County revealed an approximately 20% decrease in property values for properties near the 18-house farm. A review of a recent sale in Elbert County revealed an approximately 30% decrease in the property value of the subject sale near the 24-house farm. These results were unsurprising given Mr. Biggers' experience determining the effects of other large-scale industrial operations on home values, including facilities that produce odors, dust, and significant truck traffic. While

Mr. Biggers' explained that he had not had the opportunity to fully appraise each of Plaintiffs' properties given the compressed nature of these procedures, he was comfortable opining that the planned project will affect the marketability of Plaintiffs' properties, which will experience the harms described repeatedly herein (dust, odor, noise, and truck traffic), by as much as 20-30%.

12. Mr. Biggers further testified that proximity of property to the proposed poultry operation will create a stigma negatively affecting marketability and value of the Plaintiffs' property. He opined that buyers, given a choice, will choose not to buy next to a massive broiler operation.

13. Cliff Ward testified as a witness for the Defendants. Mr. Ward is a highly qualified and credentialed appraiser, having obtained the MAI designation. Mr. Ward observed the testimony of Mr. Biggers on September 30, but did not observe the testimony of Mr. Biggers on September 29. Mr. Ward was critical of the approach of Mr. Biggers as discussed on September 30. However, the majority of Mr. Biggers opinion and his methodology were offered on September 29, testimony that Mr. Ward did not hear and did not entirely criticize. Interestingly, the Defendants did not ask Mr. Ward to form an opinion as to diminution of value of the Plaintiffs' properties if the proposed project is constructed and operated. Although Plaintiffs have the significant burden of proof, Defendants had an opportunity to offer an opinion to counter Mr. Biggers opinion, but instead chose to partially criticize Mr. Biggers approach and methodology.

14. Dr. Farukh Khambaty is a multi-disciplinary scientist and public health professional who spent many years working for the U.S. Food and Drug

Administration and the National Institute of Health. Dr. Khambaty has a bachelor's degree in chemistry from the University of Bombay, India, a master's degree in clinical biochemistry from the University of Bombay, India, and a Ph.D. in bacterial genetics and molecular biology from the University of South Carolina. Over his career, Dr. Khambaty has researched contamination from poultry operations, and other animal related diseases, giving him a well-rounded approach to this matter.

15. Dr. Khambaty testified that, upon being engaged in this case, he reviewed dozens of peer-reviewed studies—many of which he cited on cross examination, including journals from Yale, the University of Maryland Eastern Shore, the United Kingdom, and the Netherlands—that detail the impacts of poultry farms on human health. He further conducted site investigations of Plaintiffs' properties and other broiler operations in Coffee County and reviewed the publicly available data. Based on his review, Dr. Khambaty testified that the proposed 60-house poultry operation will pose a significant public health risk to Plaintiffs and other neighbors who live in the vicinity. Odors and particulates transport bacterial and viral pathogens that are known to pose a health hazard to individuals within a mile radius. Each of Plaintiffs' properties are within this radius.

16. Dr. Khambaty also critiqued the materials relied upon by Defendants' expert which were dated, and determined that evidence-based, peer-reviewed scientific literature shows that contaminated emissions from poultry operations can travel miles from a facility, and any argument otherwise, particularly the testimony by Dr. Anthony Pescatore is simply unsupported by science. For example, Dr. Pescatore

referenced several studies that attempted to show that ammonia and particulates only travel 300 feet. However, none of the referenced articles were recent, nor did they account for the size of the operation or wind patterns, but were instead just a snapshot in time. And none of the “articles” relied upon by Defendants expert addressed bacteria or endotoxins, the release of toxic compounds when bacteria die.

17. Dr. Khambaty discussed the proper method for analyzing impacts to surrounding communities and referred to several retrospective studies that showed a clear connection between chronic exposure to industrial poultry operations and cardiovascular disease, kidney disease, and respiratory ailments. Several studies also found that babies born near facilities suffer from low birth weight. Dr. Khambaty testified, scientists in this scenario are not speculating, but predicting the probable harm.

18. Mr. Mark LaRue is a biologist and environmental scientist who spent many years with the U.S. Environmental Protection Agency in both the Wetlands Regulatory Section and the Superfund Division. Since his retirement from EPA in 2019, Mr. LaRue has been in consulting, specializing in federal environmental regulations and water quality, particularly related to wetlands and adjacent waterbodies. Mr. LaRue testified that he has a long history in Coffee County and has worked with Statewide Engineering – the engineering firm involved in the design of the proposed poultry site – many times over the years performing wetland delineations and other related work.

19. Mr. LaRue opined that the proposed site drains to the Satilla River, which is troublesome because it will receive contaminants both through its wetlands and

surface runoff from the poultry operation. This will be worsened by the impervious surfaces created by 60 chicken houses, which are nearly 30,000 sq ft each. Mr. LaRue further testified that what does not discharge directly into the river will be absorbed into the groundwater through the site's excessively drained soils and will then make its way to the Satilla River. These issues are only exacerbated by the complete absence of stormwater controls on site.

20. Defendants' witness Mr. Stanley Evans, P.E. confirmed that there are 18 stormwater discharge points leading to the river. However, these are only temporary sediment controls in place during construction, which will not control contaminants like ammonia, phosphorus, heavy metals like arsenic, pathogens, or bacteria.

21. Ms. Becky Temple, a seventh-generation landowner whose property adjoins the proposed operation. She owns more than 300 acres immediately to the northeast of the proposed poultry operation where she currently resides with her daughter, son-in-law, and two minor grandchildren. Her property has seen a variety of agricultural uses and is currently used for row crops and timber. Ms. Temple expressed sincere concern during her testimony regarding the impacts that this proposed operation will have on her family and her property because she has observed other large-scale poultry operations in the community and the harm they cause.

22. Specifically, Ms. Temple testified that she worked at Satilla Elementary School until the Covid-19 pandemic forced her to retire in 2020, and she constantly endured noxious odors from poultry operations near the school. She testified the

odors were so bad, the elementary school students would cover their faces when entering and exiting the building. From this experience, she believes that an operation of unprecedented size next to her property will be substantially worse. Ms. Temple is a severe asthmatic who cannot be exposed to a constant source of dust and particulate emissions. Ms. Temple has been hospitalized on more than one occasion and has suffered from kidney issues, which she believes may be triggered by chronic exposure to dust and particulates. Unfortunately, her minor grandson suffers from asthma as well. Ms. Temple is understandably worried about his health and wellbeing, even more so than her own.

23. Given her concerns, when she heard of a potential sale of the property next door, Ms. Temple immediately contacted Defendant David Varnedore, Jr. According to Mr. Varnedore, this discussion occurred before the sale of the property closed, and he essentially said, "it is coming, get ready." Mr. Varnedore further testified he informed his co-defendant Mr. Patrick Robinson of his discussions with Ms. Temple. However, neither defendant made any effort to address her concerns, or even to attempt to assure her that she would be insulated from the effects.

24. The parties took the deposition of Mr. Chuck Sims as the representative of Plaintiff Sims Funeral Homes, Inc. prior to the hearing. Mr. Sims' deposition was filed with the clerk and made part of the evidentiary record. Mr. Sims testified that he is a life-long Coffee County resident, former National Guardsman and state legislator, and fourth generation funeral director in the community. His company, Plaintiff Sims Funeral Homes, Inc., also owns a 25-acre cemetery that is surrounded by Defendants' site on three sides.

25. Mr. Sims believes the proposed sixty (60) house poultry operation will destroy his business because it will produce odors, dust, and noise, and will attract flies that will ruin the cemetery's desirability as a burial place. Mr. Sims described similar issues at the Douglas City Cemetery which is located near a Pilgrim's Pride poultry processing facility. There, the constant odors have driven prospective lot buyers away, toward the Sims Funeral Homes cemetery with its quiet and serene nature. This will all change if the Sims Funeral Homes cemetery is surrounded by an industrial poultry operation.

26. According to Mr. Sims, this is problematic, particularly because the Sims Funeral Homes cemetery is far from capacity and has 14 or 15 developable acres that can accommodate 512 burial plots per acre. He stands to lose an extraordinary amount of business, in addition to the effects on the families of people who are currently buried there, whose visits to their loved one's burial grounds would be marred. The cemetery hosts more than 40 services a year, which are attended by 50-100 people on average, and as many as 300 at a time, in addition to the periodic visitations after services. He does not want attendees to be bombarded with pathogen-laden dust and the smell of chicken feces and corpses as they are mourning.

27. Mr. Sims is also concerned about impacts to the Satilla River. Mr. Sims testified that he has seen the river flood on numerous occasions and has seen it flood up to the access road through Defendants' property, which he recalled took several weeks to recede. He described the slow-moving nature of the river, its location in the Coastal Plain, and the likelihood that this proposed operation will cause increased

pollution.

28. Mr. Rod Freeman, a life-long resident of Coffee County, testified that he spearheaded the community efforts to gather information about the proposed project after it was cloaked in secrecy for weeks, if not months. Upon learning of the project's commencement, Mr. Freeman contacted DNR, his county commissioners, and other regulators to try to understand what specifically was being proposed. He even held townhall meetings and other community events once he realized he would not get any information or assistance from officials. Despite his efforts, neither he nor any of the Plaintiffs were contacted by any of the Defendants (other than Ms. Temple's discussions with Defendant Varnedore) and they were left with no choice but to seek court intervention.

29. Defendants' property is zoned agricultural.

30. The sixty (60) house poultry operation is planned to be developed in five (5) separate twelve (12) house farms, each under separate, but interrelated ownership. Construction and operation of the sixty (60) house farm will be according to common specifications of Pilgrim's Pride, and flocks will be staggered in a coordinated manner. The permits for the five "separate" farms was applied for by one person, the Defendant Patrick Robinson. The entity Defendant, all LLC's, were created by one person, Defendant Patrick Robinson. There is one soil erosion, sedimentation, and pollution plan for the entire, sixty (60) house operation. There is one way for ingress and egress from the "separate" farms to U. S. Highway 441. There is one hauler of chicken waste and deceased and composted birds offsite, the name of which eludes all of the Defendants. There is one grading

contractor and one contract for the site work. The company owned by Patrick Robinson and Salvador Mondragon, Southern Ag Builders, is the sole general contractor for the project, all sixty (60) houses. The survey of the entire 1,000-acre tract is divided into seven tracts. The survey states that it is a "Survey for Patrick Robinson." The purchase price for the property was negotiated as a single contract in the amount of \$3,500,000 for the approximate 1,000-acre site. The seller, Defendant David Varnedore, Jr., testified he was not aware of the sale of separate parcels until the time of closing. The project is a thinly veiled corporate farm operation to be operated by separate entities, but under one common and coordinated plan.

31. The Defendant David Varnedore, Jr. did retain an interest in the subject land by virtue of an easement agreement, which, among other things, obligated him to partially pay for improvements and maintenance of the ingress and egress road servicing the entire project. The Defendant David Varnedore, Jr. testified that he quitclaimed his interest in the said easement to the owners of the project after Plaintiffs filed their Amended Complaint. However, the purported quitclaim deed was never tendered as evidence, and is not a part of the record of the hearing.

32. The planned chicken houses will hold more than 25,000 birds each and will produce at least 40,000 pounds of litter per house every eight-week grow out period. Multiplying this by 60 houses, this project will conservatively produce millions of pounds of litter every eight weeks, and tens of millions of pounds of litter per year. There was testimony of a four to five percent on site mortality rate. Conservatively, there will be between 360,000 to 450,000 carcasses per year on

site. According to Defendants, this waste, including dead carcasses, will be periodically hauled off site but will sit in the houses for months before being sold. Defendants could not name the hauler or describe the method or frequency of disposal in any manner. Nor could they identify any odor or dust suppression methods to be employed.

33. Defendants' called Dr. Anthony Pescatore as an expert witness. Dr. Pescatore testified that a "well managed poultry farm does not produce any odor." This opinion strains credulity, and destroyed the credibility of the balance of his testimony. Although the court found Dr. Pescatore's testimony and experience fascinating, his testimony carries little to no weight. For example, he also testified that operations of this type produce few odors, and what is emitted is limited to a very short range. Such evidence was thoroughly refuted by evidence set forth by Plaintiffs. Dr. Pescatore's irrational opinions on odor are particularly unreliable and unpersuasive because he could not describe any type of filtration or other odor controls to be utilized on site, other than a natural vegetative barrier.

34. Patrick Robinson testified that he had not heard about the concerns of any neighbors prior to filing of the instant action. Defendant David Varnedore, Jr. testified that he told Patrick Robinson about the concerns of Rebecca Temple and others in the community prior to the sale of the land. Patrick Robinson testified that the language of the Temporary Restraining Order restraining and enjoining the Defendant from "all physical development activities" was confusing, and that he consulted, and took the advice of a lawyer he did not retain. Patrick Robinson said that he relied on advice from the lawyer he did not retain to proceed with physical

development activities so long as there was no “vertical” construction. Patrick Robinson, subsequent to service upon him of the Temporary Restraining Order, authorized continued physical development activities. Patrick Robinson did not notify the site work contractor that a Temporary Restraining Order had been granted, the contractor finding out from social media (Facebook). The court does not find Patrick Robinson’s testimony concerning the above matters to be persuasive.

### CONCLUSIONS OF LAW

“The purpose for granting interlocutory injunctions is to preserve the status quo, as well as balance the conveniences of the parties, pending a final adjudication of the case.” Grossi Consulting, LLC v. Sterling Currency Group, LLC, 290 Ga. 386, 388 (2012). The Georgia Supreme Court has held that:

Whether an interlocutory injunction is warranted is a matter committed to the discretion of the trial court. In exercising this discretion, a trial court generally must consider whether: (1) there is a substantial threat that the moving party will suffer irreparable injury if the injunction is not granted; (2) the threatened injury to the moving party outweighs the threatened harm that the injunction may do to the party being enjoined; (3) there is a substantial likelihood that the moving party will prevail on the merits of her claims at trial; and (4) granting the interlocutory injunction will not disserve the public interest.

Jansen-Nichols v. Colonial Pipeline Co., 295 Ga. 786, 787 (2014) (internal citations omitted).

Nevertheless, a trial court must keep in mind that an interlocutory injunction “is an extraordinary remedy, and the power to grant it must be prudently and cautiously exercised.” SRB Inv. Servs.

LLC v. Branch Banking & Trust Co., 289 Ga. 1, 5 (2011) (internal quotations omitted); see also O.C.G.A. § 9-5-8.

**1. Whether there exists a substantial threat of irreparable injury to Plaintiffs.**

The threat of irreparable harm to the Plaintiffs is the most important factor the Court should weigh:

[S]ubstantial threat of irreparable injury if an interlocutory injunction is not entered is the most important [factor for whether or not to grant a motion for interlocutory injunction], given that the main purpose of an interlocutory injunction is to preserve the status quo temporarily to allow the parties and the court time to try the case in an orderly manner.

*City of Waycross v. Pierce Cnty. Bd. of Comm'srs*, 300 Ga. 109, 111 (2016) (quotation marks and some punctuation marks omitted).

Plaintiffs seek injunctive relief based upon an alleged anticipatory nuisance. "Where the consequence of a nuisance about to be erected or commenced will be irreparable damage and such consequence is not merely possible but to a reasonable degree certain, an injunction may be issued to restrain the nuisance before it is completed." O.C.G.A. § 41-2-4

"While mere apprehension of injury and damage is insufficient, where it is made to appear with reasonable certainty that irreparable harm and damage will occur from the operation of an otherwise lawful business amounting to a continuing nuisance, equity will restrain the construction, maintenance or operation of such lawful business." Superior Farm Mgmt. v. Montgomery, 270 Ga. 615, 617 (1999) citing Camp v. Warrington, 227 Ga. 674 (2) (1971).

"[A] thing that is lawful and proper in one locality may be a nuisance in another. In other words, a nuisance may consist merely of the right thing in the wrong place, regardless of other circumstances. . . . "To constitute a nuisance, it is not necessary that the noxious trade or business should endanger the health of the neighborhood. It is sufficient if it produces that which is offensive to the senses, and which renders the enjoyment of life and property uncomfortable."

Superior Farm Mgmt. *supra* at 618 quoting May v. Brueshaber, 265 Ga. 889 (1995), quoting Benton v. Pittard, 197 Ga. 843, 845-846 (1944).

Viewing the facts through the prism of statutory and case law, Plaintiffs have proven, to a reasonable degree of certainty, that construction and operation of the planned sixty (60) house poultry operation will cause irreparable damage or injury to Plaintiffs, their property, and the Satilla River.

The testimony of Gordon Rogers, Dr. Crawford, Mr. LaRue, and Chuck Sims regarding the harm that is likely to occur to the Satilla River is unrefuted. As contained in the above findings of fact, irreparable damage to the Satilla River, its ecosystem, and water quality is reasonably certain if the proposed project is allowed to proceed. This irreparable damage is reasonably certain to damage the Satilla for miles from the proposed project, and potentially to the Atlantic Ocean. Dr. Pescatore opined that the natural vegetative buffer would contain and filter out any potential pollutants of the river. Of course, he also unbelievably testified that a well-managed chicken farm has no odor. Accordingly, Dr. Pescatore's opinion as to containment of potential Satilla River contaminants by the natural vegetative buffer is not credible.

Plaintiffs have also proven that the health of the neighbors for at least one mile from the proposed project would be negatively effected by the operation of such a large-scale poultry farm. Dr. Khambaty testified to a reasonable degree of scientific certainty that the proposed 60-house poultry operation will pose a significant public health risk to Plaintiffs and other neighbors who live in the vicinity. Each of Plaintiffs' properties are within a one-mile radius of the proposed project.

Dr. Crawford applied the widely accepted risk assessment methodology and opined that industrial poultry operations of the size and location of the one at issue in this case impact health,

water, and air quality for surrounding communities, including Plaintiffs in this case. Dr. Crawford explained that this facility in particular will generate more than 40,000 pounds of feces per house, per grow out period, in addition to particulates, dead birds, and contaminated runoff, which are vectors for pathogens like salmonella and campylobacter. These pathogens can lead to gastrointestinal issues in exposed individuals, particularly in the immunocompromised. She described other dispersed constituents as well, including feathers, feed particles, skin fragments, odors, bioaerosols, or volatile organic compounds.

As for dust, particulates, and odors, Dr. Crawford described the numerous peer reviewed studies that have found that poultry farm emissions from operations of the scale of this one can be detected for many miles. In this instance, the emissions will impact not just Plaintiffs, but significant portions of the Coffee County community. Dr. Crawford concluded that for an operation of this size, mitigation methods would be unable to contain the contaminants generated. All of Dr. Crawford's opinions were made to a reasonable degree of scientific certainty. The court finds Dr. Crawford's opinions credible.

Plaintiffs also proved to a reasonable degree of certainty that the value of Plaintiffs property, and other property surrounding the proposed project would diminish if the proposed project was allowed to proceed. Plaintiffs called Mike Biggers to testify as to valuation of property surrounding other high-density farms. He opined that generally, property values would decrease by 20% to 30% if the project was allowed to proceed. The court finds that Mr. Biggers opinion, generally, as to diminution of value of surrounding property is credible.

In particular, the court finds credible the testimony of Chuck Sims concerning the diminution of value of the cemetery belonging to his company, Sims Funeral Homes, Inc., which is surrounded on three sides by the proposed project.

Finally, the testimony of Rebecca Temple is found to be credible. Her testimony included not only well-founded concerns regarding the negative health consequences of having a large-scale poultry operation adjoining her property, but also significant quality of life issues, particularly noxious odors that necessarily emanate from such an operation of this scale, even a well-managed poultry operation. Her testimony regarding the odor at Satilla Elementary School from nearby poultry operations, and the effect on students, was credible, and painted a vivid picture of the negative effects of odor on Plaintiffs, their property, and other nearby properties.

For these and other reasons, this Court concludes that Plaintiffs would suffer irreparable injury should Defendants be allowed to proceed with construction and operation of the planned sixty (60) house poultry operation.

**2. Whether the injury to Plaintiffs outweighs any injury to Defendants.**

The harms to Plaintiffs outweigh any purported harms that Defendants may suffer if the injunction is granted.

As an initial matter, denying the injunction and allowing Defendants to move forward would be an irreparable harm, as the environmental and health damages catalogued above cannot be undone. In contrast, any harm to Defendants caused by granting the injunction would be temporary, as such injunction would simply maintain the status quo until a final hearing.

There is no corporate poultry operation that Defendants would have to shut down, and an interlocutory injunction ordering that Defendants not conduct physical construction or build houses with poultry would not prevent it from using the property in ways that do not create nuisances, or even from planning their corporate poultry operations if they ultimately prevail. *See Montgomery, supra at 617* (holding that the balance of equities favored the neighboring property holder plaintiffs and not the prospective hog breeding operation defendants, particularly where the

interlocutory injunction was narrowly tailored to only abate the nuisance at issue). Likewise, such interlocutory injunction is, of course, interlocutory, which is to say temporary, whereas the harms to Plaintiffs upon the denial of the motion would be irreparable.

Any potential harm to Defendants, which is economic at best, but not irreparable, is not supported by significant evidence in the record. The potential harm to Defendants would be a result not of the injunction, but of Defendants' questionable business decisions and actions to evade scrutiny which necessitate the injunction. The evidence clearly showed that Defendants pursued this project quietly and avoided community engagement until forced to respond through these proceedings. For example, Plaintiff Becky Temple testified as to her conversations with Defendant David Varnedore, Jr. and her plea not to proceed with the sale, a message he promptly relayed to Patrick Robinson, the driving force of this project. Mr. Robinson acknowledged he made no attempts to contact neighbors or otherwise engage, other than some initial pleasantries with Mr. Shelton Souther. The court is not without empathy for potential financial injury to Defendants. However, such injury is largely self-inflicted.

Finally, of course, there is no harm in being enjoined from erecting a nuisance which Georgia law provides, via O.C.G.A. § 41-2-4, should be enjoined.

Accordingly, this Court concludes that the injury to Plaintiffs outweighs injury to Defendants.

**3. Whether there is a substantial likelihood that Plaintiffs will prevail on the merits.**

For the reasons outlined above in the section discussing the first factor of the balancing test for issuance of an interlocutory injunction, (substantial threat of irreparable injury to Plaintiff), there is a substantial likelihood that Plaintiffs will prevail on the merits.

The Defendants have produced a sparsity of credible evidence in this case. The driving

force behind this project, has proven that he is not a rule follower. Defense expert Dr. Pescatore, gave incredible opinions that did not require an expert to debunk. Whether or not a chicken farm, albeit well managed, has an odor is not beyond the ken of average jurors, or for that matter, the average jurist. The significant and reasonably certain negative impacts on the environment, Satilla River, health, property values, and quality of life, all borne out by highly credible testimony at the aforesaid hearings, demonstrates the likelihood of Plaintiff prevailing on the merits. Therefore, this Court concludes that the Plaintiffs have shown a substantial likelihood of success on the merits of their claim.

#### **4. Whether granting an injunction disserves the public interest.**

The evidence produced at the hearings show that the reasonably certain negative environmental and health impacts occasioned by allowing the project to continue disserves the public interest. Consequently, the granting of an interlocutory injunction, which is temporary until the case can be fully resolved on the merits, does not disserve the public interest.

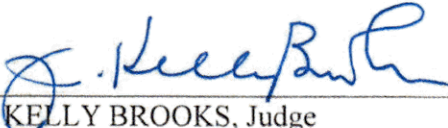
Therefore, based upon a consideration of the pleadings, evidence, oral argument, the briefs of the parties, and applicable law, the Court **GRANTS** Plaintiffs' Motion for Interlocutory Injunction until final resolution of the matters in controversy.

#### **Terms of Interlocutory Injunction.**

The Defendants are collectively restrained and enjoined from all physical development activities on the subject property that are in furtherance of construction and operation of the subject proposed sixty (60) house poultry operation, including, but not limited to, site development for any poultry house on the subject property, the subject property being more particularly described on the attached Exhibit A. The Defendants may continue to use the subject property in any manner not specifically enjoined herein. The Defendants may continue to plan the subject poultry

operation or any other use of the property not involving physical development activities in furtherance of a poultry operation. This injunction shall not be construed to prevent Defendants from taking actions necessary to comply with the Erosion, Soil, and Pollution control permit for the subject property and project.

**SO ORDERED**, this 8<sup>th</sup> day of October, 2025.

  
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J. KELLY BROOKS, Judge  
Coffee County Superior Court  
Waycross Judicial Circuit

**IN THE SUPERIOR COURT OF COFFEE COUNTY  
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**Exhibit A**

Tract 1: All that tract or parcel of land lying and being in the 6<sup>th</sup> Land District of Coffee County, Georgia, more particularly described with reference to that certain plat of survey prepared by Statewide Land Surveyors LLC, certified by Adam H. Evans, GRLS, dated March 20, 2025 and recorded with the land records of the Clerk for the Coffee County Superior Court on May 8, 2025 in Book 123, page 186; being the entire tract or parcel identified as "TRACT 1" according to said plat, said tract or parcel containing 197.48 acres according to said plat. Reference is made to said plat for descriptive and all other legal purposes.

Tract 2: All that tract or parcel of land lying and being in the 6<sup>th</sup> Land District of Coffee County, Georgia, more particularly described with reference to that certain plat of survey prepared by Statewide Land Surveyors LLC, certified by Adam H. Evans, GRLS, dated March 20, 2025 and recorded with the land records of the Clerk for the Coffee County Superior Court on May 8, 2025 in Book 123, page 186; being the entire tract or parcel identified as "TRACT 2" according to said plat, said tract or parcel containing 125.93 acres according to said plat. Reference is made to said plat for descriptive and all other legal purposes.

Tract 3: All that tract or parcel of land lying and being in the 6<sup>th</sup> Land District of Coffee County, Georgia, more particularly described with reference to that certain plat of survey prepared by Statewide Land Surveyors LLC, certified by Adam H. Evans, GRLS, dated March 20, 2025 and recorded with the land records of the Clerk for the Coffee County Superior Court on May 8, 2025 in Book 123, page 186; being the entire tract or parcel identified as "TRACT 3" according to said plat, said tract or parcel containing 182.52 acres according to said plat. Reference is made to said plat for descriptive and all other legal purposes.

Tract 4: All that tract or parcel of land lying and being in the 6<sup>th</sup> Land District of Coffee County, Georgia, more particularly described with reference to that certain plat of survey prepared by Statewide Land Surveyors LLC, certified by Adam H. Evans, GRLS, dated March 20, 2025 and recorded with the land records of the Clerk for the Coffee County Superior Court on May 8, 2025 in Book 123, page 186; being the entire tract or parcel identified as "TRACT 4" according to said plat, said tract or parcel containing 133.86 acres according to said plat. Reference is made to said plat for descriptive and all other legal purposes.

Tract 5 and Tract 6: All that tract or parcel of land lying and being in the 6<sup>th</sup> Land District of Coffee County, Georgia, more particularly described with reference to that certain plat of survey prepared by Statewide Land Surveyors LLC, certified by Adam H. Evans, GRLS, dated March 20, 2025 and recorded with the land records of the Clerk for the Coffee County Superior Court on May 8, 2025 in Book 123, page 186; being the entire tract or parcel identified as "TRACT 5" and the entire tract or parcel identified as "TRACT 6" all according to said plat, said tracts or parcels containing 95.28 acres and 78.67 acres, respectively, according to said plat. Reference is made to said plat for descriptive and all other legal purposes.

Tract 7: All that tract or parcel of land lying and being in the 6<sup>th</sup> Land District of Coffee County, Georgia, more particularly described with reference to that certain plat of survey prepared by Statewide Land Surveyors LLC, certified by Adam H. Evans, GRLS, dated March 20, 2025 and recorded with the land records of the Clerk for the Coffee County Superior Court on May 8, 2025 in Book 123, page 186; being the entire tract or parcel identified as "TRACT 7" according to said plat, said tract or parcel containing 173.54 acres according to said plat. Reference is made to said plat for descriptive and all other legal purposes.

60' Access and Utility Easement: All that tract or parcel of land lying and being in the 6<sup>th</sup> Land District of Coffee County, Georgia, more particularly described with reference to that certain plat of survey prepared by Statewide Land Surveyors LLC, certified by Adam H. Evans, GRLS, dated March 20, 2025 and recorded with the land records of the Clerk for the Coffee County Superior Court on May 8, 2025 in Book 123, page 186; being the entire tract or parcel identified as "60" Access and Utility Easement" according to said plat. Reference is made to said plat for descriptive and all other legal purposes.