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# Wal-Mart, plaintiffs reach settlement in distribution suits

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BARSTOW • Wal-Mart and the plaintiffs in two lawsuits challenging the construction of the Wal-Mart Distribution Center in Barstow reached a settlement that resulted in the dismissal of both cases.

Judge John P. Vander Feer granted the request to dismiss, with no right to appeal, *Build Barstow Smart v. the City of Barstow* and *Jason R. Hodge v. the City of Barstow*, Dec. 18. The Briggs Law Corporation, the Upland-based firm that represented the plaintiffs in both cases, requested the dismissal after the settlement was reached.

Attorney Cory Briggs, who represented the plaintiffs, couldn't be reached for comment Tuesday. A Wal-Mart representative couldn't offer details on the settlement that was reached.

The dismissal of the two lawsuits means that development on the proposed 900,000 square-foot facility can move forward, according to City Spokesman John Rader. However, Wal-Mart officials couldn't offer specifics on when construction on the distribution center can begin, according to company spokeswoman, Michelle Bradford.

"We're glad the matter has been resolved and we appreciate both the city and the community's continued support," she said.

In September, Vander Feer sided with the city when he denied a petition filed by Jason R. Hodge and issued a tentative ruling against *Build Barstow Smart*. Hodge alleged that the city did not give adequate public notice for the final City Council hearing, which approved the distribution center, according to a city official. *Build Barstow Smart* alleged that the city failed to conduct adequate analyses of the water supply to the distribution center and the project's affect on greenhouse gases, climate change and energy impacts. *Build Barstow Smart* also challenged the Council's decision to reject a smaller, but environmentally superior, project, according to the city. A written copy of the rulings in either case were unavailable, Tuesday.

When the lawsuits were filed in August 2008, construction on the proposed distribution center hadn't begun yet, Rader said. The facility would encompass about 140 acres at the Barstow Industrial Park along Lenwood Road. Wal-Mart announced plans to build the \$60 million facility in December 2005.

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