May it please the court, opposing counsel and members of the jury.

Wildlife conservation! Environmental protection! The evidence will show that the Defendant, Polk Farms, negligently breached its duty by failing to operate its business in a reasonably careful and safe manner by engaging in wrongful acts and omissions causing substantial harm and loss to my Client, Collymore Wildlife Preserve. The evidence will also prove that the defendant acted in violation of the Summercreek County fertilizer ordinance thereby committing negligence per se by failing to use reasonable care in applying malorganite fertilizer containing nitrogen, phosorphous, and mercury during a prohibited application period in which heavy rain is likely. In addition, Polk Farms violated the Summercreek fertilizer ordinance by failing to prevent fertilizer runoff into the nearby waterways by neglecting to repair the container wall on its property.

The owner of Collymore Preserve, Ellis Collymore, and his family have owned and operated the Collymore Wildlife Preserve for three Generations.

Collymore Preserve is a well-established business whose mission is to protect the native Florida wildlife and to protect the waterways and land around the preserve. The preserve is open to the public for enjoyment of the nature trails, riverboat tours, and wildlife viewing. Tourists come from around the state to visit the nature preserve. (Establishing loss of income.)

~~The defendant and~~ Polk Farms has demonstrated a history of contaminating the waterways and land areas adjacent to Polk Farms and the Summercreek River. Collymore Preserve is located downstream from Moore Hill along the Summercreek River below Polk Farms. The Summercreek River feeds into the marshlands on the preserve and provides drinking water for the animals and water for crops. 15 years ago, Polk Farms used malorganite fertilizer on its land creating algae blooms in the waterways from Polk Farms down to the mouth of the Summercreek marshlands. Earl Collymore reported Polk Farms to state water authorities. (Establishing the history of contamination by Polk Farms.)

During the 10 years that the Polk family was not operating their farm in Summercreek, the waterways and land areas near the Collymore Wildlife Preserve were thriving and free from algal blooms. Business was booming and the wildlife were flourishing.

However, when Bobby Polk returned to Polk Farms and began operations in Summercreek, within 5 months Ellis Collymore observed dead animals on the preserve, algal blooms in the Marshlands, and Crops dying because of the contaminated water supply.

On August 1, 2019, local and national weather forecasts predicted Hurricane Annette would reach the Summercreek County area on August 8, 2019. On August 3rd, Polk farms applied malorganite fertilizer just as Hurricane Annette was approaching Summercreek County. This fertilizer application occurred within 7 days of a time period in which Summercreek County was expecting more than 4 inches of rain in a 24-hour period due to Hurricane Annette.

Ellis Collymore will testify that she ordered only organic fertilizer should be used on Collymore Preserve. Bobby Polk admitted to being complicit in causing the algae blooms in the nearby waterways.

You will hear from Harley McKenna, a hydrologist with the Florida division of Water Resource Management, who will testify to results from water samples taken around Polk Farms and Collymore Preserve. She will also testify to the substantially damaged container wall on Polk Farms.

Reagan Polk will testify that Bobbie Polk bought and used Malorganite on his property. Regan Polk will also testify that he informed Bobby Polk that the container wall on Polk Farms needed repairs that he was unable to do.

Dakota Bryant will testify that she advised Bobbie to repair the container wall before the hurricane was even forecasted, which Bobbie did not do until months after the hurricane had already hit Summercreek.

At the conclusion of the evidence, you will find that the damage and loss suffered by the Collymore Preserve was caused by the negligence and negligence per se of Polk Farms, and we will ask you to hold Polk Farms accountable for its actions and failures to act.

Thank you.