Press Coverage | November 17, 2023

Ga. Judge Considers Whether to Keep $5B Rivian Suit Alive

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Charles E. Peeler

Charles Peeler, a partner with Troutman Pepper, was quoted in the November 17, 2023 *Law360* article, "Ga. Judge Considers Whether to Keep $5B Rivian Suit Alive."

Charles Peeler, who represents the state, said there were two key reasons the suit must be dismissed: State-owned land isn't subject to local zoning regulations, and two public lawsuits related to the Rivian plant were filed before the residents filed their action.

Georgia's Public Lawsuits Act provides that "after a public lawsuit has commenced, no other action related to the same subject matter shall be commenced, and no trial court shall have jurisdiction of any subsequent action." The law was enacted to protect the state, local governments and taxpayers from "non-meritorious and vexatious" litigation targeting public projects, Peeler said.

"This lawsuit is a third commenced public lawsuit, to use the words of the statute," Peeler said. "This court should dismiss on those grounds alone."

Local zoning rules don't apply to the project site, Peeler also argued, because Georgia, as the superior sovereign, has never given Morgan County authority to enforce those rules against the state.

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Peeler, on rebuttal, said there was no support for the idea that "just because Rivian's involved, it can't be a public lawsuit."

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