

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

CHESHIRE HUNT, INC., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:18CV111
)	
UNITED STATES OF AMERICA,)	Hon. Thomas C. Wheeler
)	
Defendant.)	

DECLARATION OF HUGH CULVERHOUSE

I, HUGH CULVERHOUSE, make the following declaration based upon my personal knowledge.

1. I own Cheshire Hunt, Inc., Culverhouse Limited Partnership, Ltd., and Palmer Ranch Holdings, Inc., which are some of the landowner-plaintiffs in this Trails Act litigation. I am also an attorney and I was formerly an Assistant United States Attorney with significant trial experience.

2. I own (or owned) property that was the subject of previous Legacy Trail litigation. And I own property that is subject to this Trails Act litigation. In all these cases I retained Thor Hearne to represent me and to represent my interest in the litigation. Hearne and his firm also represent me in the current Trails Act litigation – this *Cheshire Hunt v. United States* case.

3. I engaged Thor Hearne to represent me in this and other matters. Thor Hearne represented me and my family’s interest in prior Trails Act trials. See *Rogers v. United States*, 101 Fed. Cl. 287 (2011); *McCann Holdings, Ltd. v. United States*, 111 Fed. Cl. 608 (2013); and *Childers v. United States*, 116 Fed. Cl. 486 (2013).

4. Hearne also represented me in similar litigation in the United States Tax Court and a subsequent appeal in the Eleventh Circuit. See *Palmer Ranch v. Commissioner of Internal*

Revenue Service, T.C. Memo 2014-79 (US Tax Court 2013), *aff'd*, 812 F.3d 982 (11th Cir. 2016).

Hearne was lead trial counsel and made all the arguments and conducted all the examinations in the trial. Hearne also argued the appeal.

5. Hearne continues to represent me in this matter.

6. I do *not* want to be represented by Lindsay Brinton, Meghan Largent, or the Lewis Rice law firm.

7. I do *not* authorize Brinton, Largent, or their new law firm, Lewis Rice, to be my counsel of record in this Court.

8. I do *not* authorize Lindsay Brinton, Meghan Largent, or the Lewis Rice law firm to file any pleadings on my behalf, nor do I authorize Brinton, Largent, or Lewis Rice to negotiate any settlement of my claim I have with the government. I have never engaged these lawyers and I do not want to engage these lawyers.

9. Justin Powell is the manager of Palmer Ranch and the entities involved in this litigation. Neither Brinton and Largent, nor their new firm Lewis Rice, have ever contacted me or Justin Powell about representing them, and I do not want them to represent me.

10. Thor Hearne is my counsel in this litigation. I signed an engagement agreement with Hearne and Arent Fox to represent me and my organizations in this case. I want Hearne to continue to represent me because of his reputation, experience, and successful work representing me in prior litigation. Hearne has decades of litigation experience at the highest levels including arguing cases before the United States Supreme Court, and Hearne has been counsel for landowners in most of the Trails Act cases and is the preeminent attorney who developed this area of Fifth Amendment taking law. I have worked with Hearne as lead counsel in three federal trials where Hearne represented me and my family's interest.

11. I am also concerned about statements Brinton and Largent have made to the press falsely implying that they represent me or my family. The *Sarasota Herald-Tribune* published an article on February 8, 2019. The article contains statements attributed to Largent and Brinton that are inaccurate, suggesting that Brinton and Largent represented me and my family and that they recovered compensation in the prior Legacy Trail litigation. This is not true. I never engaged Brinton or Largent to represent me. And, Brinton and Largent did not recover compensation for land owners in the prior Legacy Trail litigation. Hearne was the counsel for all of the landowners and Hearne was the lead trial counsel.

12. The article also incorrectly implied that Lindsay Brinton and Meghan Largent filed the current Legacy Trail litigation against the federal government. This is not true. I retained Thor Hearne to represent me in this litigation.

13. The *Sarasota Herald-Tribune* article quoted Largent, stating, “‘We’ve been doing every detail of these cases for the last decade,’ Largent said of why residents should sign onto a suit with her firm.” The article further implied that Brinton and Largent represented me (and the entities I own) and obtained a judgment in my favor in the prior Legacy Trail litigation. This statement is untrue.

14. I was present in the courtroom for the entirety of these trials. Thor Hearne was lead counsel. Another Arent Fox attorney, Debra Albin-Riley, was Hearne’s co-counsel. At most, Brinton and Largent assisted Hearne as junior associates then employed by his firm. But, at all times, Hearne was lead counsel and made all arguments in all of these trials.

15. I know Hearne to have extensive first-chair trial experience and first-chair appellate experience. Hearne successfully represented me in the Eleventh Circuit. In contrast, my

understanding is that Brinton and Largent have no first-chair trial experience, nor have Brinton or Largent argued a case in the court of appeals.

16. The statements attributed to Brinton and Largent in the *Sarasota Herald-Tribune* are misleading and inaccurate.

17. I understand this Court is considering – or reconsidering – a motion Brinton filed asking this Court to substitute her as counsel of record in this matter. As a landowner and owner of multiple parties in this litigation, I emphatically oppose this motion and note the point (which I made above) that neither Brinton, nor her new law firm, represent me, nor does Brinton or her new firm have any authority to represent me in this litigation. I have never engaged Brinton, Largent, or Lewis Rice as my legal counsel and I do *not* want them representing my interest in this litigation. My counsel in this litigation is Thor Hearne.

18. I do not want my confidential, attorney-client information between myself and Thor Hearne (and Thor Hearne's firm) shared with Brinton, Largent, or Lewis Rice.

ACCORDINGLY, I oppose any substitution of counsel.

Executed on February 22, 2019.


HUGH CULVERHOUSE