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FEATURED

## Ontario County Landfill lawsuit settled

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A settlement has been reached in a lawsuit that involves the Ontario County Landfill.

Spencer Tulis / Finger Lakes Times/

**CANANDAIGUA** — A class-action lawsuit involving the Ontario County Landfill has been settled, but how much those who filed a claim will be getting — if anything — is not clear.

Ontario County Judge Brian Dennis signed a settlement agreement Wednesday following a hearing in state Supreme Court. The lawsuit was filed in 2019 by the law firm of Liddle & Dubin, based in Detroit, on behalf of Richard and Deb Vandemortel and others.

The Vandemortels, as the lead plaintiffs, claimed they could not enjoy the use of their home on Johnson Road in the town of Seneca due to odors from the landfill on Routes 5&20. They sued Casella Waste Systems, which runs the landfill.

The Vandemortels could not be reached for comment. Attorneys for Liddle & Dubin did not respond to emails from the *Times*.

The area law firm of Michaels & Smolak, based in Auburn, also represented the plaintiffs. Attorney Jan Smolak, a partner in the firm, did not return a phone call and email.

Casella was represented by The West Firm, based in Albany. Attorney Thomas West, the firm's managing partner, believes there are about 100 people in the class-action suit.

"We believe we could have defended this case, but the time and the money to do so would have been more than the cost to settle it and put it behind us," he said.

According to court documents, Casella will pay \$750,000 into a settlement fund and another \$900,000 for odor-control measures at the landfill. Of the settlement fund, the attorneys are to receive no more than \$375,000.

The Vandemortels are to receive \$5,000 as lead plaintiffs. That would leave the rest of the claimants to split approximately \$370,000, which would be about \$3,700 per claimant if there are approximately 100 other people in the claim pool.

According to paperwork mailed to those in the class-action area — which includes much of the town of Seneca, the city of Geneva, parts of the town of Geneva and part of the town of Phelps — they have had to own, occupied or rented property in the since Sept. 17, 2016.

Geneva Town Supervisor Mark Venuti said he filed a claim but has not heard if it was accepted. Seneca Town Supervisor Drew Wickham said he did not submit a claim.