

NH reporter subpoenaed in ongoing legal battle between waste company and activist

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Dalton is the proposed site of a landfill Casella hopes to build in the North Country.

Lawyers for Casella Waste Systems have withdrawn subpoenas in a court case between the company and a local activist fighting Casella's landfill proposal in the town of Dalton, after trying to require a local reporter to share notes and communications about a story.

In May, Casella and the activist, Jon Swan, reached an agreement to resolve a previous court case in which the company sued Swan for defamation, and agreed that neither party would reveal the terms of that agreement, or even that the agreement existed.

A reporter for the Caledonian Record, Robert Blechl, published a story about the court case. Now, lawyers for Casella are claiming that news story misrepresented the way the lawsuit ended, and argue that because Swan posted the article on Twitter, he broke his agreement not to talk about the initial court case.

Lawyers for Casella say in their complaint that Swan “likely precipitated” the article Blechl published.

In an affidavit from Sept. 29, Blechl wrote that he attempted to contact Swan about a filing in the court docket marking the end of the case, but Swan refused to discuss the litigation.

“I therefore wrote the article of May 18 strictly using what little information there was in the public court record,” he wrote.

The company’s lawyers subpoenaed the Caledonian Record for any records related to communications with Swan about the story.

A lawyer for the Record, Gregory Sullivan, fought that, saying the New Hampshire Constitution provides privileges for news reporters in civil cases, except in defamation cases where anonymous sources are cited, which is not the case in this lawsuit.

He also argued that requiring reporters to reply to subpoenas has a chilling effect on the news.

“A free press, being essential to democracy, needs to be protected from unnecessary subpoenas,” Sullivan said in an interview.

Lawyers for Casella said they withdrew the subpoenas based on information they received from Blechl through the Record’s lawyer that made it “unnecessary to go ahead with the depositions.”