

Bond Case Briefs

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ENVIRONMENTAL - TEXAS

Rancho Viejo Waste Management, LLC v. City of Laredo

United States District Court, S.D. Texas, Laredo Division - March 11, 2019 - F.Supp.3d - 2019 WL 111487

Waste management company brought § 1983 action against city and city council members, seeking damages, declaratory judgment, and injunctive relief after city council passed resolution in opposition to proposed regional landfill.

City moved to dismiss.

The District Court held that:

- Company's alleged lost business opportunities did not constitute injury in fact, and
- Company's alleged reputational injury did not constitute injury in fact.

Waste management company's alleged lost business opportunities, following city council's passing of resolution in opposition to proposed regional landfill that was in permitting process by Texas Commission on Environmental Quality, did not constitute injury in fact, and thus company did not have standing to bring action against city and city council members, seeking damages, declaratory judgment, and injunctive relief under § 1983 and the Commerce Clause of the United States Constitution, although potential buyer of proposed landfill decided to withdraw from negotiations after resolution was passed; company's negotiations with potential buyer prior to resolution never resulted in any actual agreement to purchase proposed landfill, and loss was only conjecture.

Waste management company's alleged reputational injury, following city council's passing of resolution in opposition to proposed regional landfill that was in permitting process by Texas Commission on Environmental Quality, did not constitute injury in fact, and thus company did not have standing to bring action against city and city council members, seeking damages, declaratory judgment, and injunctive relief under § 1983 and the Commerce Clause of the United States Constitution; city never impugned conduct or motives of company, and it simply took position on desirability of new regional landfill and communicated its position to state agency where landfill's application was under consideration.