

City wins major legal victory for New Bedford taxpayers

A Bristol County Superior Court jury decided in favor of the City of New Bedford today, issuing a clear ruling in the longstanding dispute with trash and recycling contractor ABC Disposal.

The verdict issued by the nine-person jury ended a nearly two-week trial. The dispute revolved around ABC's desire to raise the recycling prices it charges New Bedford in response to fluctuating costs in world markets.

Today, the jury concluded that ABC cannot be released from its contract with the City, and that the City is not liable to ABC for any damages. As a result, ABC must continue to perform under its current contract, which expires in 2023.

Mayor Jon Mitchell said he was pleased with the verdict, which reflected the city's commitment to fighting for affordable services for New Bedford residents.

"When it comes to defending the interests of city taxpayers, we won't roll over," he said. "I wish to thank our legal team—Lloyd Macdonald, Catherine Kramer, Mikaela McDermott, and Eric Jaikes—for their skillful and persistent effort."

The City's dispute with ABC began in 2017, when ABC claimed that the City should pay ABC more money for the disposal of recyclables, despite the City's 10-year, fixed-price contract with ABC.

The cost of disposing of recyclables had become more expensive at that time due to a new policy issued by China known as the "National Sword" policy. The City sued ABC in May 2018 for charging more than its contract allowed, and ABC countersued in August of that year, saying that it was entitled to be

released from its obligation to collect the City's recyclables, among other claims. It also sought nearly \$2 million in damages.

In previous court proceedings, including some held during the ongoing COVID-19 pandemic, Superior Court judges dismissed numerous ABC claims.

Today's verdict ruled against the last of those claims.