

Attorney Seeks to Revive Suit Against Coal Company Over Alleged Contract Killings

JAY REEVES, Associated Press

MONTGOMERY, Ala. (AP) — A labor lawyer asked a federal appeals court Thursday to reinstate a lawsuit against an Alabama-based coal company over the killing of three union leaders in Colombia more than a decade ago.

Terry Collingsworth, representing children of the slain men, argued before a three-judge panel of the 11th U.S. Circuit Court of Appeals that a judge was wrong when he threw out a suit against Drummond Co. Inc.

In a trial five years ago involving a lawsuit filed by the workers' widows, jurors rejected labor claims that Drummond hired hit men to kill the workers. But Collingsworth said a separate trial should be held to consider the claims of the men's children.

"The children have their separate claims that were not covered," he said.

William Jeffress, representing the family-owned company, asked the judges to uphold the dismissal. The children suing were indeed included in the first case and shouldn't be allowed to sue again, he argued.

"At some point there needs to be finality," he said.

The judges did not indicate when they would rule on the long-running case. The lawsuit seeks an unspecified amount of money for the men's deaths.

Three workers at Drummond's coal mine in Colombia were shot to death in 2001 by paramilitary gunmen who the union claimed were hired by the company to eliminate labor leaders. Two of the men were pulled off a company bus and gunned down, and the third was killed separately.

Drummond denied hiring gunmen and said it had nothing to do with the slayings.

A jury in Birmingham, where Drummond's headquarters are located, sided with the coal company and its president in 2007 when it rejected a lawsuit by the widows of the three slain coal miners, Valmore Locarno, Victor Orcasita, and Gustavo Soler. Eight children of three men filed suit two years after the verdict and four more joined in later, but U.S. District Judge David Proctor threw out the case.

Attorneys for the children, some of whom are now adults, argued in court briefs that Proctor erred and the case should be able to move forward because the miners' offspring haven't previously sued. The judge also made mistakes handling some evidence, they claimed.

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Drummond argues the judge was correct in dismissing the lawsuit because, for legal purposes, considering a lawsuit involving the miners' wives was the same as deliberating one for the children. The company also says legal documents and testimony in the first trial included the victims' entire families.

During oral arguments, U.S. Circuit Judge Ed Carnes and U.S. District Judge Orinda Evans peppered Collingsworth with questions about the families of the dead men and exactly who was included in the first lawsuit that Drummond won.

Referring to a legal document from the original lawsuit, Evans asked Collingsworth about a legal notice she said indicated that children of the men were part of the lawsuit. Now, Evans said, Collingsworth is claiming they weren't.

"It's a total turnabout and it bothers me," Evans said. The judge said she was "dismayed" by what seemed to be improper actions by plaintiff's attorneys.

Collingsworth said the document was "ambiguous" about whether the children were involved in the first case. The women, who speak little to no English, may have simply meant to indicate they would share any court judgment with children of the slain men, he said.

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