

LA Accuses Federal Judge of Ignoring BP Claims

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NEW ORLEANS (AP) — Louisiana Attorney General James "Buddy" Caldwell has accused a federal judge of ignoring the state's claims over BP's 2010 Gulf oil spill and asked an appeals court to intervene.

In a court filing this week, Caldwell's office asked the 5th U.S. Circuit Court of Appeals to transfer its spill-related claims from U.S. District Judge Carl Barbier to a different judge in the Eastern District of Louisiana.

Barbier oversees most of the federal litigation spawned by the nation's worst offshore oil spill. Last year, he presided over two phases of a trial for a host of claims against BP and its contractors by the Gulf states, the federal government and businesses and residents who claim the spill cost them money.

Barbier hasn't ruled on the major legal issues from the first two phases. He has said he intends to hold a third "damages phase" of the trial but hasn't scheduled it yet.

Caldwell's court filing says Louisiana shouldn't have to wait any longer and deserves to proceed with a separate trial for the state's economic loss claims.

"The State can no longer endure the injustices caused by this flawed trial plan, which effectively and indefinitely stays the State's case," Caldwell's lawyers wrote.

Caldwell and his team of private lawyers who are working on the case have had a testy relationship with Barbier since the outset of the high-stakes litigation.

In a December 2011 order, Barbier said Caldwell's attorneys had "obstructed and frustrated the progress of the litigation" rather than cooperate with Alabama Attorney General Luther Strange and a team of private plaintiffs' attorneys. He also chided Caldwell for having "apparently no qualms about paying substantial legal fees to multiple lawyers" while Strange used only in-house attorneys.

In Tuesday's court filing, Caldwell's lawyers accused Barbier of making an "empty promise" that he wouldn't infringe on Louisiana's sovereignty.

"Unfortunately, that infringement has now completely overshadowed the State of Louisiana's claims," they wrote. "Contrary to (Barbier's) assurance, Louisiana has been denied its day in court."

The April 20, 2010, blowout of BP's Macondo well triggered an explosion that killed 11 workers and spilled millions of gallons of oil into the Gulf, killing wildlife, polluting marshes and staining beaches.

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