



BP to face spill victims in US court for first time

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LOS ANGELES —British energy giant BP and victims of the Gulf of Mexico oil spill go to court for the first



Shrimp fisherman holds his son

time Thursday during a session in Idaho that sets the stage for a potential trial of the century.

The proceedings in Boise, Idaho before the Multidistrict Litigation Panel (MDL Panel) will examine whether complaints submitted by around 200 plaintiffs can be consolidated, and determine where the hearings should take place and under which judge.

A decision is expected around two weeks after the hearing, but the session will give trial lawyers a test run for the arguments they will make during what could be years-long legal proceedings against BP.

The judges on the panel are expected to consolidate the complaints for practical reasons, but observers will pay close attention to where the panel orders the case be heard, and under which judge.

"As a legal matter, the MDL Panel has authority to send them to any federal court in the US, though, as a practical matter, the panel may very well be inclined to choose a judge located around the Gulf Coast area," said Richard Nagareda, a law professor at Vanderbilt University.

Richard Arsenault, a lawyer for the plaintiffs, said he expected pre-trial hearings to be held in Louisiana, the Gulf state closest to site of the BP-leased Deepwater Horizon rig, which sank on April 22, two days after an explosion that killed 11 workers and unleashed the worst US oil spill ever.

Ordinarily, he said, the panel will consider the area's caseload and accessibility to witnesses among other factors when deciding where to send a case.

"In this case, however, I suspect that the experience of the jurist will be the critical consideration and the other factors will be a distant second," he told AFP.

Nagareda agreed and noted the panel would also likely seek out a judge with no potential conflict of interests.

"I believe the panel will take great care to select a judge with no financial or other professional connection to the oil industry. That way, his or her impartiality would be beyond question," he said.

Wherever the case ends up, it promises to be a high-profile process attracting plenty of public interest and scrutiny. Nagareda compared it to California court hearings involving Japanese automaker Toyota over faulty vehicles.

Thursday's court hearing comes during a rough week for BP, which announced Tuesday it would replace British chief executive Tony Hayward with Bob Dudley, an American, in a bid to repair its tattered US reputation.

The firm also reported a quarterly loss of 16.9 billion dollars after it set aside 32.2 billion dollars to cover costs associated with the oil spill.

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