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Courthouse continues working toward hearing flood litigation

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A second panel of potential Raleigh County jurors is expected to participate this afternoon in the filtering process that will eventually name six people and a few alternates to hear evidence in a civil case as large as the 2001 flood that brought it to court.

Courthouse staff continue preparing to accommodate attorneys representing some 31 defendants and 900 plaintiffs who claim coal and timbering companies, landowners, lessors, railroads and gas companies involved in various ways with the removal of natural resources used their land in a way that contributed to massive flood damage.

This case — only one-third of a much larger picture involving some 400 defendants and between 5,000 and 8,000 plaintiffs — was referred to a mass litigation panel created by the state Supreme Court. It involves the Upper Guyandotte watershed, including Mullens and Oceana.

Raleigh County Circuit Judge John Hutchison will preside over this portion of the mass case, with evidence possibly beginning March 13. Jury selection and pre-trial motions will continue until then.

Hutchison said individual questioning of potential jurors could begin next Wednesday.

Already, 435 county residents were summoned as potential jurors to the Raleigh County Armory Civic Center last week. Many of them were older than 65, which means they were given the opportunity to decide whether they wished to participate, and several could not be located. After eliminating people who no longer live in the county and hearing various excuses, the judge retained a panel of 120 out of 156.

Today, 92 more residents are expected to come to the courthouse as part of the effort to retain a final panel of 210 to 220 potential jurors from which attorneys can select the final six and three alternates.

Hutchison praised the Raleigh County circuit clerk's office, which has been busy scanning information provided by the jury panel onto searchable discs which will help the lawyers with jury selection.

The judge, by law, is prohibited from commenting on the outcome of any mediation that may or may not have taken place.

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