

War contractor suffers setback in suit

By PETE YOST, Associated Press Writer

Mon Feb 26, 6:33 PM ET

A private security company sued by the families of four employees slain in Iraq suffered a setback Monday when the Supreme Court refused to intervene in the case.

Blackwater Security Consulting LLC has been trying unsuccessfully to have the wrongful death lawsuit against it transferred from the North Carolina state court system to the federal courts.

Now that the Supreme Court has declined to consider it, the families are entitled to a trial by jury in Raleigh, N.C., where the case remains, said attorney Daniel Callahan, an attorney for the estates of the four.

In March 2004, Iraqis beat and set fire to the bodies of the four Blackwater guards and hung some of their remains from a bridge in Fallujah, Iraq.

The gruesome scene, caught on camera and broadcast worldwide, prompted the U.S. military to launch a three-week attack on Fallujah.

An ambush killed Scott S. Helvenston, Jerko Geraldo Zovko, Wesley J.K. Batalona and Mike R. Teague as they provided a security escort to a supply convoy that got lost. The convoy had been carrying food to a U.S. Army base.

In the lawsuit, the company is accused of failing to provide armored vehicles, equipment, personnel, weapons and maps and other information that it had promised.

In papers filed with the Supreme Court, Blackwater's lawyers pointed to the potential implications of the case with "myriad federal contractors serving in Iraq and Afghanistan."

In a largely invisible cost of the war in Iraq, nearly 800 civilians working under contract to the Pentagon have been killed and more than 3,300 hurt doing jobs normally handled by the U.S. military, according to figures compiled by The Associated Press.

A number of other lawsuits have been filed against companies whose employees have been killed or injured in Iraq and Afghanistan.

However, those cases have been removed to federal court and have not been sent back. In those cases, the companies invoked a law that allows removal to the federal court system for lawsuits against officers of federal agencies. In the Blackwater case, the company did not invoke that law.

Blackwater filed a counterclaim for \$10 million against the attorney representing the estates of the four men, arguing breach of the security guards' contracts with the company. The matter is in confidential arbitration.

Callahan said the company failed to live up to its obligations under the contract to provide proper protection for the men.

Lawyers for the victims' families want to question Blackwater employees who they say pleaded with Blackwater management to provide armored vehicles, heavy machine guns manned by an extra man in each vehicle and the opportunity to inspect the routes with another company whose work was being taken over by Blackwater.

Each vehicle had only a driver and a navigator and "they did not have a view out the back with a gunner handling a heavy machine gun shooting 850 rounds a minute," said Callahan.

In a statement, the company said it was disappointed by the Supreme Court's refusal to hear the case, but that due to the large number of petitions before the justices, such a path is "always a long shot."

The case is Blackwater v. Nordan, 06-857.
