

Massey refiles slander lawsuit

Coal company and its leader say union, others defamed them

The Associated Press

CHARLESTON, W.Va. -- Massey Energy Co. and its president have refiled a defamation lawsuit against the United Mine Workers after a Virginia Circuit Court judge dismissed the complaint against the union.

The new version seeks to expand on the allegations and explain why Fairfax County, Va., is the proper jurisdiction to bring the complaint against the UMW as well as the political advocacy group West Virginia Consumers for Justice and the owner of *The Charleston Gazette* newspaper.

The lawsuit alleges the "coordinated release of false and defamatory statements about Massey Energy" and its president, Don Blankenship, by the defendants. It seeks \$300 million in damages.

The Richmond company alleges that the UMW and its president, Cecil Roberts, spread incorrect information about coal mines Massey bought after a federal judge in Kentucky approved the bankruptcy filing of Horizon Natural Resources last year.

The union falsely stated that Massey shut down the mines and laid off 250 workers, according to the lawsuit. The mines already were shut down when Massey bought them, the company said.

The UMW is based in Fairfax, but the other defendants have argued in their attempts to have the case dismissed that their links to Virginia are tenuous.

The original lawsuit against the UMW was tossed out Aug. 26. The new version was filed in Virginia on Sept. 9.

In the new version, Massey alleges that television advertisements purchased by West Virginia Consumers for Justice were broadcast into at least 18,000 homes and that the group received "substantial revenue" from the UMW.

Attorneys for *The Charleston Gazette* had argued that the paper "is not a legal entity capable of being sued" because it is owned by the Daily Gazette Co., and it does close to no business in Virginia. Only 33 of the Gazette's

47,991 daily subscribers, or 0.07 percent, have Virginia addresses, according to newspaper lawyers.

The new lawsuit substitutes the Daily Gazette Co. as the defendant and alleges that the newspaper derives nearly 5 percent of its advertising revenue from companies based in Virginia.

Blankenship -- but not Massey -- is suing the newspaper.

The effects of the newspaper's actions included Blankenship's "humiliation, embarrassment, increased time and expense for hiring mine workers," the suit said.