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**Attorneys: Imperial fired key witness**

Dismissed employee said to be key witness concerning inferno at Port Wentworth plant

Posted: September 11, 2009 - 12:15am | Updated: September 11 2009 - 6:26am



Graham H. Graham, a former vice president of Imperial Sugar Co.

By [Larry Peterson](#)

Imperial Sugar Co. fired a key witness shortly before she was due to testify about last year's deadly disaster at its local plant, two lawyers say.

The issue surfaced Thursday in Chatham County State Court, where lawsuits concerning the Feb. 7, 2008, disaster are to be tried.

The explosions and fires at the company's Port Wentworth refinery killed 14 people and injured many others.

Plaintiffs attorney Brent Savage said Imperial axed deputy counsel Courtney McCaslin in May because she wouldn't fire her lawyer, Philip Hilder.

Later Thursday, Hilder confirmed Savage's account.

Company spokesman Steve Behm wouldn't discuss the matter.

"Imperial will not comment on personnel actions relating to individual employees," Behm said.

But he added that "Imperial's policy strictly forbids retaliation against anyone for raising any safety concerns."

After the hearing, Savage accused the

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company of "trying to ... intimidate a witness."

Earlier this year, Imperial tried to persuade State Court Judge Hermann Coolidge to bar McCaslin from testifying.

But Coolidge, presiding over nearly 40 cases involving the catastrophe, ruled that she could. She has given two sworn statements, which Coolidge has ruled may not be disclosed.

Savage raised the issue of McCaslin's alleged termination Thursday as Coolidge heard pre-trial motions in two of the lawsuits.

The lawyer said it shows that Imperial General Counsel Louis Bolognini should be required to testify.

Imperial attorney David Dial argued that Bolognini should not have to testify because of the lawyer-client relationship.

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"He has worked closely with the defense team and obviously knows everything we know," Dial said.

And, because Bolognini was hired after the disaster, he had no personal knowledge of company operations before the disaster, Dial said.

He said the plaintiffs can get the information they seek from other witnesses and documents.

But Savage said Bolognini is an officer of Imperial and of numerous affiliated companies and knows things relevant to the lawsuits.

Moreover, Savage said, Bolognini was involved in McCaslin's termination.

"I want to ask him why he fired a key witness in this case," he said.

McCaslin did not return a phone call made to seek comment Thursday.

But Hilder said McCaslin told him she was ousted because she refused to fire Hilder. She was given a letter that stated that reason for her dismissal, Hilder said, adding that he was "not at liberty" to release it.

"They didn't want her to have independent counsel," he said.

Hilder said McCaslin - involved in safety issues at Imperial - hired him last summer.

"She said she wanted counsel not from the company," Hilder said.

Hilder specializes in whistle-blower cases.

He represents former Imperial executive Graham Graham, who testified against the company last summer in a U.S. Senate hearing.

Graham also is a witness in the lawsuits and in an action against the company by the U.S. Occupational Safety and Health Administration.

OSHA is seeking to fine Imperial \$8.8 million for alleged safety violations at Port Wentworth and at Imperial's plant in Gramercy, La. The company is appealing.

The other federal agency that investigated the disaster - the U.S. Chemical Safety Board - is due to announce its findings at a Sept. 24 hearing in Savannah.

Coolidge also heard arguments - some involving McCaslin and the Gramercy plant - on whether other testimony and evidence would be allowed. The public was barred from part of the hearing.

The judge did not announce when he would rule, said Mark Tate, another attorney for victims.

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