

OPE 22-31

I "smell" a conflict-of-interest here! Turley is buddy-buddy with local highway interests - judging by past performance in I-40 case. JFS
Sally - no "Says no" J. Smullen

Attorney Protests I-240 Suits' Dismissal

Three lawsuits seeking to block construction of a section of Interstate 240 were dismissed yesterday over the objection of U. S. Atty. Thomas F. Turley Jr.

Turley, representing four federal officials named as defendants, told U. S. Dist. Judge Bailey Brown the suits filed by attorney Charles G. Black were "utterly spurious."

He asked Brown to review the cases to determine if they represented "abuse of process" in contempt of court.

Brown declined, dismissing the suits

at the request of Black and attorneys for the Tennessee Transportation Department.

The lawyers indicated the case was settled out of court when the state agreed to increase its offer from \$1,500 to \$2,700 an acre for land required for the northern leg of I-240.

Turley said the settlement was "levered" by the federal suit and the "threat of a temporary injunction."

"I thought I was doing him a great favor" in asking for the dismissals, Black told the judge. "We've got a pretty good lawsuit and I think I can win it."

The suits stemmed from Circuit Court condemnations filed by the transportation department against owners of three tracts south of the expressway route and just west of the proposed extension of Highland.

The land will be used for "borrow" material to elevate the interstate route above flood levels in the Wolf River flood plain. The dirt will be mixed with water and pumped from this site to the roadway, a process which requires a dredging permit from the U. S. Engineers.

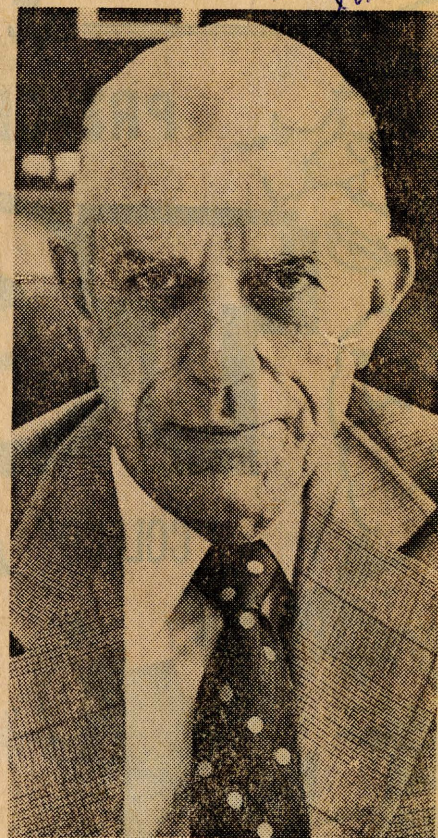
cases be removed from the state court to federal court. He asked that the condemnations be dismissed as a violation of his clients' rights of equal protection, and sought an order preventing the Engineers from granting the state a dredging permit.

In the suits, Black named state and federal officials.

Construction of the eastern section of the northern leg of I-240 was scheduled to begin Dec. 1. Construction will be delayed, however, since a dredging permit has not been issued. A \$22.2-million construction contract has been awarded.

The lawyers said the settlement involved only the price the state will pay for the flood plain land. The three tracts total about 39.9 acres. Before the federal suit, the state had offered the owners \$1,500 an acre, a total of \$59,880. To settle the cases, the offer was increased to \$2,700 an acre, or \$107,759.

William M. Walsh and Edward G. 'Mike' Grogan, who represented the state, said the settlement was "fair." They also emphasized the urgency of the interstate construction project and disputed Turley's claim that the suits were groundless.



Thomas F. Turley

In the suits, Black asked that the