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The Courier-Journal

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A GANNETT NEWSPAPER

USPS 135567



This security-camera image showed Louise Ogborn's reaction when told by assistant manager Donna Summers that she would be strip-searched.

Zeon case could limit rights

'Gag' rule, loss of right to sue included

By James Bruggers
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The Courier-Journal

Western Louisville residents who participate in the settlement

of a class-action lawsuit over toxic emissions from a Rubbertown chemical plant could find some of their rights sharply curtailed.

While only those who live within a half mile of Zeon Chemicals could receive checks of \$800 to \$1,200, according to their attorneys, other provisions in the proposed settlement, with a few exceptions, would bind all partic-

ipating residents who live within two miles from:

► Saying anything negative about the company.

► Filing future lawsuits over property damage, nuisance or health problems — including death — associated with the company's emissions.

Future homeowners also would be banned through a

home's deed from collecting property, nuisance or health damages related to emissions or odors from the plant for as long as 10 years.

The settlement was unveiled in August — the result of one of several lawsuits claiming Rubbertown pollution had harmed resi-

See **ZEON**, A5, col. 1

Jurors in hoax case see video of ordeal

McDonald's compounded problems, psychiatrist says

By Andrew Wolfson
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The Courier-Journal

One juror appeared to wipe a tear from her eye and a couple of others shook their heads yesterday as they watched a security video showing Louise Ogborn being sexually abused at the Mount Washington McDonald's in 2004.

None of the jurors showed any other signs of emotion as the video played for 90 minutes in Bullitt Circuit Court, where Ogborn's suit against the company is being tried. She is seeking more than \$200 million.

The video shows how an assistant manager's boyfriend, Walter Wes Nix Jr., at the direction of a hoax caller, forced a nude Ogborn to assume embarrassing poses, perform calisthenics and ultimately to perform oral sex on him as she knelt on the tiled floor of the restaurant's office.

Ogborn, who is 21, is expected to testify today. She claims in her suit that McDonald's failed to warn her and her supervisors about dozens of prior strip-search hoaxes in its restaurants, resulting in her ordeal on April 9, 2004. She was 18 at the time.

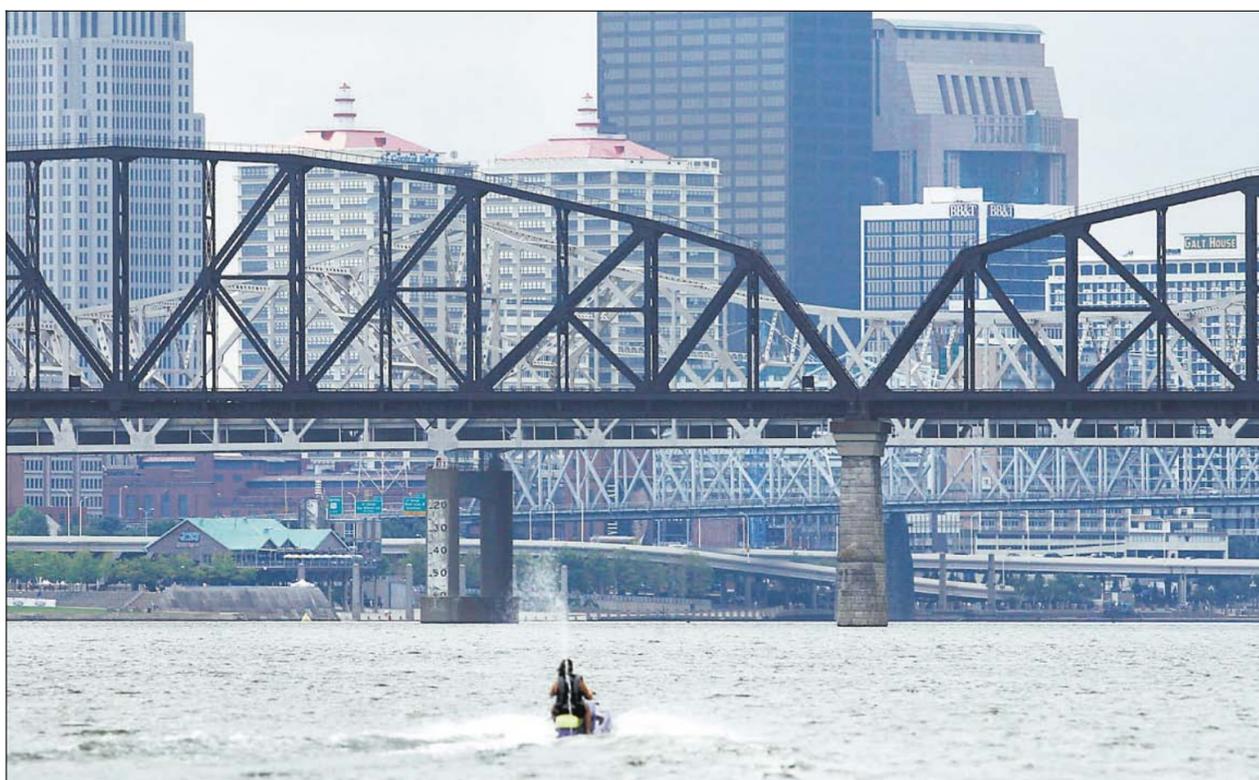
The company claims it was not responsible and that others are to blame, including the caller and Nix, who was convicted of sexual abuse, as well as Ogborn herself, for going along with the search despite McDonald's policies prohibiting sexual harassment and strip searches.

In other testimony yesterday — the eighth day of a trial that may last four weeks — a psychiatrist hired by the plaintiff's team testified that Ogborn is battling anxiety and fearfulness that she will "struggle with the rest of her life."

Dr. Stuart Grassian, a psychotherapist who practices near Boston, said Ogborn is a "sweet

See **HOAX**, A2, col. 1

River daredevils a growing problem



A river runner rode the Ohio toward downtown Louisville. Louisville Metro Police are reporting an increasing number of river-related incidents as the water becomes more crowded with both commercial and recreational users; they say it's just a matter of time before a serious accident occurs.

Police see more reckless water-scooter drivers, alcohol use

By Sara Cunningham
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The Courier-Journal

A few weeks ago, Louisville Metro Police responded to reports of a river runner who had cut in front of one barge on the Ohio River in order to get behind a second barge and then had fallen off, right in front of a third barge.

But by the time river patrol officers could get there, the Jet Ski-type craft was long gone, said Sgt. Rodney Kidd of the Louisville Metro Police Department's river patrol.

"Lucky for him, he must have gotten out of the way," Kidd said. "But unlucky for us, he was gone and there was nothing we could do to stop him from doing it again."

Kidd and others say such incidents are on the rise.

"I understand that it's a thrill to jump the wake behind us," said Damon Bootes, security and safety director for McBride's Fleet, a company based in the Louisville area. "But what they don't seem to understand is that we're so big and there's so much tonnage that there's nothing we can do to stop because it

takes a good half-mile to quarter-mile to stop."

Citations for reckless operation of personal watercraft and for drinking while operating personal watercraft have increased this summer, compared with last year, according to records provided by Louisville police.

"All traffic on the river is increasing, and it's frustrating that these incidents are also increasing," Kidd said.

While there have been no river

See **RIVER**, Back page, col. 1

Tickets issued here on Ohio River

Reckless operation

	Personal watercraft	All tickets
2006	7	15
2007	11	17

Alcohol use

2006	6	21
2007	9	29

Source: Louisville Metro Police Department
By Steve Durbin, The Courier-Journal

In one courthouse, Ten Commandments stay put

Judge dismisses one of several Ky. cases

A federal judge has upheld the legality of a display of historical documents that includes the Ten

Commandments in the Rowan County Courthouse, even while acknowledging the display may have been motivated in part by religion.

U.S. District Judge Karl S. Forester granted a motion Tuesday by the county to dismiss the lawsuit. Religion "may have been a pur-

pose, but it was not the predominant purpose" of the display, Forester wrote.

The ruling comes days after Forester refused to dismiss a similar lawsuit against Garrard County, also in Eastern Kentucky. Forester cited strong evi-

dence for the religious motivations behind that display.

In both rulings, Forester drew upon two other recent cases involving identical displays in Mercer and McCreary counties.

► **Decisions follow higher-court rulings on the displays. B1**



WEATHER | B8 36-HOUR FORECAST

Louisville area: Mostly sunny and warm today. Clear and mild tonight. Partly sunny and warm tomorrow.



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92

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