

# Flournoy joins NS team in Cobb suit

■ Opening arguments start today in case regarding proposed Austell freight yard

By Jennifer Hafer  
Marietta Daily Journal Staff Writer

**MARIETTA** — The son of Cobb Superior Court's chief judge and the brother of another Superior Court judge has joined the defense team for Norfolk Southern Railway Co. and its proposed Austell freight yard.

Matt Flournoy, son of Cobb Superior Court Chief Judge Robert Flournoy Jr., and brother of Cobb Superior Court Judge Robert Flournoy III, appeared at the defense table unannounced Monday afternoon in a suit brought by Cobb and Douglas counties, the city of Powder Springs and the Clarkdale Neighborhood Association in an effort to derail the project.

The lawsuit seeks to have the train-to-truck transfer station under construction off Thornton Road declared a public nuisance by a jury because of the amount of traffic, noise and pollution it will create once it's operational, opponents say.

The Virginia-based transportation company denies the accusations and says the transfer facility will bring jobs and less traffic than if houses or offices were built on

the 820-acre site.

A jury of four men and eight women and three alternates, one man and two women, was seated Tuesday on Day 2 of the trial, which is expected to last at least three weeks. Opening arguments were pushed back until today.

Norfolk's lead attorney, Keith J. Reisman of the Atlanta law firm Holland & Knight, wouldn't say when or why Flournoy was retained, but Skip Kazmarec of Atlanta-based Kilpatrick & Stockton noted Flournoy's arrival for the record.

"There's not a problem; he just showed up and we just noted that," Kazmarec said Tuesday.

Flournoy, of the law firm Flournoy and Morgan in Marietta, said his personal relationship with Reisman was what brought him to the case.

"Keith Reisman, who is my high school buddy, asked for my help, and here I am," Flournoy said. "That's all I'm saying."

Flournoy was identified as the attorney for Larry Etherton, director of engineering for Norfolk Southern, who is being sued individually

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by the local governments and the homeowners association.

Etherton, who lives in Cobb County, was in charge of permitting for the Austell site early on in the development of the project. He said he has no idea why he is being sued individually, nor did he know why

Flournoy was hired.

Etherton said Flournoy was retained by Norfolk Southern Monday afternoon.

"I don't know why he was hired — you'd have to ask the company lawyers," he said.

Joel Harrell, Norfolk Southern's resident vice president, said hiring a local lawyer to plead your case before a local jury and a local judge improves the company's chances of winning the case.



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