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Benton widow settles lawsuit over husband's VA death

BY JIM SUHR
Associated Press

EAST ST. LOUIS, Ill. — The second of two Kentucky widows has settled her federal lawsuit over surgical care they say killed their husbands at an Illinois Veterans Affairs hospital where major surgeries have been halted for nearly two

years after a spike in patient deaths. Terms of Darla Marshall's April settlement over 61-year-old James Marshall's July 2007 blood infection death six days after his lymph node biopsy at the VA hospital in Marion were not disclosed in online court records. The Benton, Ky., widow had sought \$10 million in her wrongful-

death lawsuit, filed here in April of last year.

Another widow, Katrina Shank of Murray, Ky., last year settled for \$975,000 her lawsuit involving Robert Shank III, an Air Force veteran who was 50 when he bled to death in 2007 a day after undergoing gallbladder surgery at the Marion site. Ka-

trina Shank had sought \$12 million in damages.

Both were patients of surgeon Jose Veizaga-Mendez, who resigned in August 2007 three days after Shank died.

Within a month of Shank's death, surgeries at the Marion site — which serves veterans from southern Il-

linois, southwestern Indiana and western Kentucky — were halted after the VA found that at least nine deaths between October 2006 and March 2007 were "directly attributable" to substandard care there.

Those deaths did not include Robert Shank and James Marshall, who died months later.

Lakes bridges on fast track

Gov. Steve Beshear talks with a constituent as the designs of the new bridges over Kentucky Lake and Lake Barkley are displayed in the background following his speech at Lake Barkley State Resort Park in Trigg County on Tuesday morning. Beshear said the bridges over the lakes will be identical and are of unique design to Kentucky.



JOHN WRIGHT | The Sun

U.S. 68/Ky. 80 spans over Kentucky, Barkley lakes due for 2017 completion

BY BILL BARTLEMAN
bartleman@paducahsun.com

CADIZ, Ky. — Construction of the new four-lane U.S. 68/Ky. 80 through the Land Between the Lakes is now on the fast track after being slowed because of a shortage of state funds.

"The contractor is working 24 hours a day, seven days a week," said Jim LeFevre, district engineer at the Reidland highway office. "They're moving full steam ahead."

LeFevre said the eight-mile, \$48 million project began last year as a state funded project but recently

qualified for \$30 million in federal stimulus funds that are available immediately. He said a shortage of state funds had slowed construction.

Gov. Steve Beshear also announced Tuesday that the design for the U.S. 68/Ky. 80 bridges over Kentucky Lake and Lake Barkley have been selected. The bridges will cost \$178 million each and construction will begin in three years.

The 24-hour work on the highway

Please see **BRIDGES** | 8A



Beth Mann of Cadiz takes photographs of the proposed designs for the bridges over Lake Barkley and Kentucky Lake at Lake Barkley State Resort Park in Trigg County on Tuesday morning.

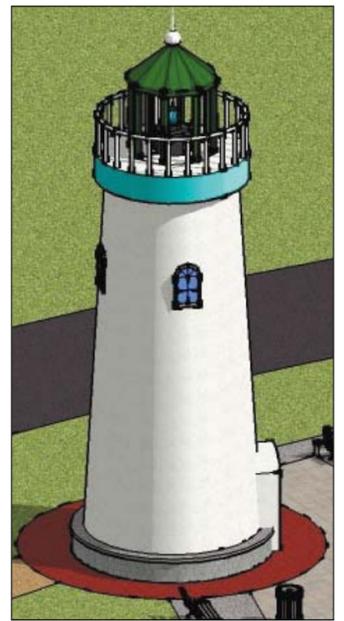


Illustration submitted

The Metropolis Hope Light Project intends to shine a beacon on both the Ohio River and the fight against cancer.

Panel OKs lighthouse redesign

BY STEVE VANTREESE
svantrees@paducahsun.com

METROPOLIS, Ill. — The Metropolis Hope Light Project, a plan to erect a lighthouse beacon against cancer, has a new design direction and a new contribution toward funding the project.

Volunteer Hope Light committee members Tuesday approved some redesign options that call for an extended, 50-foot lighthouse and adjoining plaza to be built along the Ohio River shoreline near the entrance to Dorothy Miller Park.

Please see **LIGHTHOUSE** | 3A

Sotomayor disputes racial bias charges

BY JULIE HIRSCHFELD DAVIS
Associated Press

WASHINGTON — Sonia Sotomayor pushed back vigorously Tuesday against Republican charges that she would bring bias and a liberal agenda to her seat as the first Hispanic woman on the Supreme Court, insisting repeatedly she would be impartial as GOP senators tried to undercut her with her own words from past speeches.

For all the pointed questioning in a grueling, daylong hearing,

■ The most eye-catching thing about Tuesday's TV coverage of Supreme Court nominee Sonia Sotomayor's hearings? Her bright red jacket. **3C**

there was little doubt that President Barack Obama's first high court choice — with solid backing from the Democrats and their lopsided Senate majority — would be confirmed. Sen. Patrick Leahy, Democratic chairman of the Judiciary Committee, said as much — and

predicted she would receive at least some Republican backing.

Sotomayor, 55, kept her composure — judge-like, supporters said — during the intense day of questions and answer, listening intently and scribbling notes as senators peppered her with queries, then leaning into her microphone and gesturing for emphasis as she responded. She returns for another full day of questioning today.

"My record shows that at no point

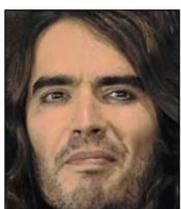
Please see **SOTOMAYOR** | 8A



Associated Press

Sonia Sotomayor, Supreme Court nominee, testifies before the Senate Judiciary Committee on Capitol Hill in Washington on Tuesday. She will return for another day of questioning today.

NEWS TRACKER



1. Russell Brand will host MTV's Video Music Awards for the second straight year. **3C**

2. States are trimming small programs to balance budgets. **5A**



3. Paducah is hopeful it can fund a share of a proposed scholarship program. **3A**

4. McCracken intends to hire a new emergency management director by the middle of August. **2A**



5. Defending amateur champ Rick Cochran moves over to the pro division at the Irvin Cobb Championships with an eye on bigger prizes in his future. **1B**

Forecast

Today
92°
A stray storm. **4B**

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BRIDGES: Identical lake spans expected to cost \$178 million each

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through the LBL not only will speed the project but will allow work to proceed in night-time hours when traffic is lighter. Much of the current work involves large trucks moving dirt across the highway.

The goal is to complete the section from Kentucky Lake to The Trace by November, said Keith Todd, information officer for the Reidland highway office. The work from the Trace to Lake Barkley is more complex and will take longer, Todd said.

Beshear at a news conference at Lake Barkley State Resort Park said the bridges over the lakes will be identical and are of unique design to Kentucky.

The design is known as "basket handle arch spans" and was picked by a task force that had reviewed nearly a dozen bridge designs.

"The design fits with the scenery of the lakes and blends in with the beauty," Beshear said. "There are no other bridges in Kentucky like this."

The new bridges will replace structures built in 1932 over the Cumberland and Tennessee rivers. They were raised when the rivers were impounded to create the lakes.



An artist's rendering shows the design for the new U.S. 68/Ky. 80 bridges over Kentucky Lake and Lake Barkley at the eastern and western entrances to Land Between the Lakes.

Michael Baker, Inc.

Beshear said the old bridges are dangerously narrow because of the number of trucks, travel trailers, recreational vehicles and vehicles pulling boat trailers.

LeFevre said preliminary design of the new bridges is nearly complete, and final design will begin as soon as the federal government gives the go-ahead. The bridges are being paid for

with federal highway funds.

Each bridge will be 550 feet long with two lanes in each direction, have four-foot shoulders, an eight-foot sidewalk and a bike path.

Construction is scheduled to begin in 2012 and be completed in 2017. It will be the final phase of a project to four-lane U.S. 68 and Ky. 80 from Bowling Green to Mayfield.

Beshear also announced Tuesday that \$12.2 million in federal stimulus funds will be used to resurface 10 miles of both the eastbound and westbound lanes of Interstate 24 from the Ky. 293 exit in Lyon County to the U.S. 68 exit near Cadiz.

Contact Bill Bartleman, a Paducah Sun reporter, at 270-575-8651.

Humanitarian flight crashes in Afghanistan

BY FISNIK ABRASHI
Associated Press

KABUL— A civilian helicopter ferrying humanitarian aid was shot down Tuesday in a southern Afghan province where fighting with the Taliban is raging, killing all six Ukrainian crew members and a child on the ground, officials said. Two U.S. Marines and an Italian soldier died in the latest clashes.

The transport helicopter crashed in flames in the Sangin district of Helmand province, the center of Afghanistan's opium poppy cultivation where thousands of Marines are conducting their biggest offensive since the hardline Islamic movement was ousted from power in 2001.

NATO officials in Kabul said the cause of the crash was under investigation and gave no further details.

But the civil aviation authority of the former Soviet republic of Moldova said a rocket or a missile struck the Mi-26 helicopter, owned by the Moldovan air charter company Pecotox-Airi and carrying six Ukrainians. The helicopter was ferrying humanitarian aid when the crash took place, the Moldovans said in a statement.

The Taliban posted a statement on its Web site claiming the helicopter was brought down "by anti-aircraft fire" with 37 British soldiers on board. Moldovan and British authorities said no British troops were on the helicopter. Daud Ahmadi, the spokesman for the Helmand governor, said a 6-year-old child on the ground was also killed.

The crash occurred about a mile from a British base military base, according to Fazel Haq, a senior local official. The helicopter exploded in a ball of flames, generating smoke that could be seen over a wide area.

Last week, two Canadian soldiers and one British trooper were killed in a helicopter crash in Zabul province. Officials said that crash did not appear a result of hostile fire.

The two American Marines were killed Monday in a "hostile incident" in Helmand, according to U.S. military spokeswoman Capt. Elizabeth Mathias. She released no further details.

Those deaths brought to at least 107 the number of U.S. troops killed in Afghanistan so far this year, compared with 151 in all of 2008.

SOTOMAYOR: Nominee sheds little light on abortion rights views

CONTINUED FROM 1A

or time have I ever permitted my personal views or sympathies to influence the outcome of a case," the appeals court judge declared during a tense exchange with Sen. Jeff Sessions of Alabama, the top Republican on the committee that is conducting this week's confirmation hearings. He repeatedly questioned her ability to be objective as a Supreme Court justice, citing her own comments.

Sotomayor backed away from perhaps the most damaging words that had been brought up since Obama nominated her seven weeks ago — a 2001 comment suggesting that a "wise Latina" judge would usually reach better conclusions than a white man. She called the remark "a rhetorical flourish that fell flat."

"It was bad because it left an impression that I believed that life experiences commanded a result in a case, but that's clearly not what I do as a judge," Sotomayor said.

She also distanced herself from the man who nominated her, after Republican Sen. Jon Kyl asked whether Sotomayor shared Obama's view — stated when he was a senator — that in some cases, the key determinant is "what is in the judge's heart."

"I wouldn't approach the issue of judging in the way the president does," she said. "Judges can't rely on what's in their heart. They don't determine the law. Congress makes the laws. The job of a judge is to apply the law."

Republicans sounded unconvinced by Sotomayor's defense.

"I am very troubled that you would repeatedly over a decade or more make statements" like the one in 2001, Sessions said.

And Sen. Lindsey Graham, R-S.C., said Sotomayor's answers Tuesday were starkly at odds with her previous comments. "That's what we're trying to figure out — who are we getting here?" he said.

During her first chance to answer questions publicly, Sotomayor stopped short of calling the right to abortion settled law but also said, "All

precedents of the Supreme Court I consider settled law subject to" great deference but not absolute. Under repeated questioning, she said she'd have an open mind on gun rights.

She also defended her most frequently criticized ruling: a decision by a three-judge panel of the 2nd U.S. Circuit Court of Appeals last year to dismiss the claim of white firefighters in New Haven, Conn., who alleged racial discrimination after being denied promotions.

The Supreme Court reversed the ruling late last month, and critics point to it as evidence that Sotomayor lets her own racial bias trump the law.

"People all over the country are tired of courts imposing their will against one group or another without justification," said Sen. Orrin Hatch, R-Utah, questioning how Sotomayor approached the case.

Sotomayor said the lawsuit, in which New Haven scrapped the results of a promotion test because too few minorities did well, was not about quotas or affirmative action.

"We were following precedent," she said.

Leahy was the first to question Sotomayor on the case, and he teed up a sympathetic portrayal of her approach, saying she would have been criticized however the panel had ruled — "You're damned if you do and damned if you don't," he said. Prodded by Leahy, Sotomayor said she "absolutely" would have approached the case differently in light of the new standard she said the Supreme Court laid out in its recent ruling.

Democrats devoted much of their time to lobbying friendly questions at Sotomayor, but they also tried probing the nominee's views on their supporters' top concerns, such as abortion rights — a staple of Supreme Court confirmation fights for decades.

Sotomayor, who hasn't ruled on the issue during her 17 years on the federal bench, shed little light on her view, confining her answers to legal-speak that never went beyond what the high court has said on the subject.

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