

# GCSAA appeals jury verdict awarding McLoughlin \$1.5M

By Mark Leslie

The Golf Course Superintendents Association of America hopes to reverse a jury finding that awarded \$1,457,742 to former Executive Director James McLoughlin. Yet the organization stands to lose even more money as the case drags on.

Legal fees and interest costs are rising as GCSAA officials await Topeka, Kan., federal district court Judge Richard Rogers' ruling on their motion for a retrial of the case. In May an eight-person jury in that court awarded McLoughlin \$457,742 for breach of a separation agreement and \$1 million for libel — \$500,000 compensatory damages and \$500,000 punitive damages.

Jurists agreed McLoughlin proved eight of nine libel charges against GCSAA officials who were allegedly trying to discredit McLoughlin to prevent a move of headquarters from Lawrence, Kan., to Florida.

Rogers could rule sometime in July to reduce the award, deny a new trial, or send the case to a new jury, according to GCSAA attorney Robert Ochs.

If Rogers denies a retrial, Ochs believes the superintendents association will appeal to the 10th Circuit Court of Appeals in Denver.

That three-person panel could take nine months to a year to decide whether to hear the case, Ochs said. Another several months could pass before the Appeals Court heard and decided the case.

In the meantime, once an appeal is entered, not only would the meter be running

on interest and attorney's fees, it would mean putting up a bond and opening the door for a reversal of conspiracy charges McLoughlin leveled against GCSAA.

McLoughlin attorney Dennis Egan felt he lost the conspiracy portion of the suit because the judge ruled Egan had to prove conspiracy occurred after Nov. 8, 1983, when the statute of limitations for conspiracy expired. This prevented Egan from using valuable evidence, he said.

Egan, of The Popham law firm in Kansas City, contends the conspiracy to discredit McLoughlin was ongoing from the day McLoughlin left the GCSAA in May 1983.

The bond also comes into play in the case of an appeal. If it appeals, the GCSAA will have to find an insurance company to bond the verdict, guaranteeing GCSAA would pay any judgment against it.

Saying he respects the appeal process and anticipated GCSAA's action, McLoughlin said he is "comfortable with our arguments... In fact, our position on appeal might be better than theirs because we might be able to get a reversal on the judge's conspiracy decision."

Indeed, in one previous case against the GCSAA, going through the appeals process cost the organization more than \$100,000 as opposed to the original award of \$50,000.

In that case, Egan represented Zahid Iqbal, then-editor of the GCSAA's Golf Course Management magazine, who had been fired.

A March 1986 verdict found GCSAA guilty of retaliation and discrimination, and awarded Iqbal \$50,000. When a new trial was denied, Ochs appealed. In the appeal process, Iqbal gained another \$46,000 in attorney fees and \$8,000 interest.

Meanwhile, as time passes in the McLoughlin case, the GCSAA bill is increasing at the Treasury Bill rate, or around \$90,000 a year. And Popham legal assistant Carol Vetter estimated McLoughlin's bill for the appeal process could be \$20,000 to \$30,000.

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## Locals eye Ft. Ord course closing as opportunity

MARINA, Calif. — As the Pentagon closes down military bases around the country, local officials wonder what to do with the left-over facilities. But one Monterey County official sees in the impending Ft. Ord closure, the opening of a tourist golf mecca.

Supervisor Marc Del Piero has outlined a tentative plan that calls for developing an international airport and fairgrounds on property on and near Ft. Ord.

Del Piero said a golf course and other supporting facilities, key to developing a tourist industry, could also be part of Ft. Ord's future.

Locating a golf course there could be cost-effective, Del Piero said, because of the availability of reclaimed water from a nearby sewage plant. Two championship-caliber golf courses — Bayonet and Black Horse — are already in operation at Fort Ord.

## Old Wayne trial delayed until August

WEST CHICAGO, Ill. — A trial to determine the condemnation price of the Old Wayne Golf Course, has been postponed until Aug. 19.

At that point the suit over whether the 27-hole privately owned golf course will be acquired by the Du Page County Forest Preserve District will continue. The district has targeted the course to become the final link in a chain of Forest Preserve holdings along the west branch of the Du Page River.

The 184-acre parcel would become the fourth golf course to be included in the district's holdings.