

# Judge sides with McLoughlin in libel suit against GCSAA

*'The most business(-like) and professional way to approach this thing is (to say) that we reached an amicable settlement and just let go.'*

— GCSAA attorney  
Robert Ochs

By MARK LESLIE

A U.S. District Court judge reinforced wrongdoing on the part of the Golf Course Superintendents Association of America but reduced the \$1.45 million judgment by half in the longstanding civil action brought by ex-GCSAA Executive Director Jim McLoughlin.

The jury a year ago had awarded McLoughlin \$457,742 on his breach-of-contract claim, \$500,000 in compensatory damages on his

libel claim and \$500,000 in punitive damages. But Judge Richard D. Rogers dropped the compensatory and punitive damages to \$100,000 apiece, stating that the jury finding was excessive.

It was left to McLoughlin to accept the reduced amount or ask that a new trial be ordered. The first trial lasted 30 days, and McLoughlin opted to end the ordeal and the added expense of a

new court proceeding.

McLoughlin attorney Dennis Egan of Kansas City said: "While the judge in his conservative wisdom felt it necessary to reduce the amount of the jury's verdict, we are very pleased that (he) totally reaffirmed all the jury's findings of wrongdoing and libelous actions that were the basis for filing the lawsuit in 1985 and the basis for the jury's historic

\$1,457,000 verdict.

"The judge's decision and jury's verdict only work in concert to fully exonerate (McLoughlin) of the numerous false charges directed toward him during his tenure as GCSAA executive director for the period 1980-83."

GCSAA attorney Robert Ochs said: "The most business(-like) and professional way to approach this thing is (to say) that we reached an amicable settlement

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## GCSAA Update

### Pacific Rim office opens in Singapore

SINGAPORE — The Golf Course Superintendents Association of America has opened an extension office here in an effort to share technical expertise with Japan and other nations around the Pacific Rim.

The GCSAA will sponsor a Pacific Rim Golf Course Conference and Trade Show March 15-21, 1993, also in Singapore.

Staff members in the overseas office include Don Bretthauer, manager of Pacific operations, and Linda Fortunato, international conference and show manager. They can be contacted by phone at 65-568-2224; by fax at 65-568-2473; or by writing to GCSAA (Singapore), Pte. Ltd., 2 Jurong East Street 21, #04-21C, IMM Building, Singapore, 2260.

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### Four seminars offered this year

LAWRENCE, Kan. — The Golf Course Superintendents of America will host four three-day executive development seminars this season.

The first, "Technical Business Management Strategies and the Legal Aspects in Golf Course Management," is due here Oct. 12-14.

"Technical Training for Your Spray Technician," a series of GCSAA training programs for golf course maintenance crew members in 1992 and 1993, will be offered at 30 locations within the United States.

## Some big names have already started arriving for the 1992 PGA

Hosting one of golf's four major championships is a huge job. Just ask Superintendent Tom Van De Walle of St. Louis' Bellerive Country Club—site of the 1992 PGA Championship.

"I came here in 1986 with the major responsibility of getting Bellerive ready for the PGA," says Van De Walle. "Six years sounds like a lot of time, but we've rebuilt greens, tees, bunkers, fairways—even redesigned some holes entirely—and we still have a lot left to do.

"John Deere has played a big role in our success. We mow greens with the John Deere 22s, fairways with a 5-reel 3325 Turf Mower and tees and intermediate rough with a 3-reel 856 Reel Mounted Mower. The condition of the course has improved dramatically since we started using these mowers.

"We've converted almost all our fairways and tees to zoysia—a grass that's great to play on but tough to mow. The John Deere 3325 and 856 are the only mowers we've found that can handle it. Their cutting units stay true and don't let the turf get puffy. Plus, the single lever lift on the 3325 improves our fairways by allowing us to cross-cut more easily. In fact, the 3325 has done so well, we plan to buy another one next year."

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Tom Van De Walle of St. Louis' Bellerive Country Club is using a fleet of John Deere reel mowers to help him prepare for the 1992 PGA Championship.



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## GCSAA, McLoughlin settlement resolved

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and just let go."

Speaking of the McLoughlin suit — one of four the GCSAA has lost in recent years — Ochs added, "Certainly with any major piece of litigation, it gives one a comfort level to have yesterday's business done."

He said "under no circumstances" would GCSAA members be assessed to help pay the bill, adding that "a substantial amount of insurance company money went into this (to pay) for the judgment."

For his part, McLoughlin said: "It's not a question of being pleased it's over. I'm primarily pleased because of the results which totally exonerate me and other good staff members at GCSAA at the time."

In his post-trial ruling on GCSAA's appeal of the verdict, Judge Rogers reaffirmed the jury's unanimous findings of several instances of "reckless and intentionally false" statements that had been made against McLoughlin.

Rogers wrote that attacks against McLoughlin began while he was executive director, when "a secret coalition of GCSAA members authored a paper which was distributed prior to the 1983 GCSAA convention."

"This document was an obvious attack against the financial management and leadership of plaintiff, particularly to the degree that plaintiff was identified with an effort to relocate the headquarters of GCSAA."

The judge said GCSAA witnesses acknowledged that a deposition on McLoughlin's financial leadership was misquoted, and added:

"There was sufficient evidence for the jury to infer that the misquotation was recklessly or intentionally made, instead of being the result of negligence."

Rogers also mentioned three statements the GCSAA attorney submitted to the jury asserting that McLoughlin had checks written to himself for travel expenses or other items without sufficient documentation or prior approval to support such reimbursement.

"This information came from John Schilling, the successor to plaintiff as the executive director of defendant," the judge wrote. "There was evidence indicating that Mr. Schilling had animosity toward plaintiff. There was also evidence from plaintiff and Terry Ladesic, an accountant or business secretary for GCSAA, upon which a jury could reasonably find that these statements were recklessly or intentionally false..."

Rogers went on to say Schilling gave this information to then-President James Timmerman, knowing Timmerman would relate it in a letter to another former president, James Wyllie.

The jury found several statements in the letter libelous, ac-

ording to court records.

The GCSAA executive committee approved the letter, the judge wrote, adding:

"Under these circumstances, we believe the defendant may be charged with knowingly or recklessly disregarding the falsity of the statements in question."

In its appeal of the jury's judgment, the GCSAA said accusations of financial records being stolen were untrue, and that McLoughlin had himself removed records from the head-

quarters.

But the judge said this statement "came from information supplied by John Schilling.

There is evidence in the record from which the jury could decide that this statement was intentionally or recklessly false.

"In sum, we find there was evidence to support the jury's finding of malice in connection with the verdict upon plaintiff's libel claim."

Schilling did not return phone calls regarding the case.

## Hills designing third 18 at Bonita Bay

BONITA BAY, Fla. — Bonita Bay plans to offer its members 54 holes of golf, building its reputation along with Bay Island, a third championship golf course built using nine holes of the existing Marsh course.

The Marsh, opened in January 1985, will be split, with nine new holes added to the back nine to create Bay Island, and nine new front holes built to recreate The Marsh.

Construction of the new course should begin in the spring of 1993,

and Arthur Hills, who designed the other two courses, has already begun the design for the 18-hole course.

Like The Marsh and Creekside, the new course will complement the natural features of the Bonita Bay property.

A wetlands slough will frame many of the new holes and a few holes may have views of Estero Bay.

"There will be a nice balance of lengths among the course," said Hills.

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