

Golf City adds suit to include U.S. retail outlets

Litigation involving a New Orleans retailer and 14 golf equipment manufacturers took a new turn of events early last month when a "class action" lawsuit was filed in the U.S. District Court, New Orleans, La.

Golf City, Inc.—which charges 14 golf equipment manufacturers and the Professional Golfers' Assn. with violations of the Sherman Anti-Trust Act, including restraint of trade and price fixing—has filed another lawsuit on behalf of "all others similarly situated," attacking as an unreasonable restraint of trade, the manufacturers' pro-only policies.

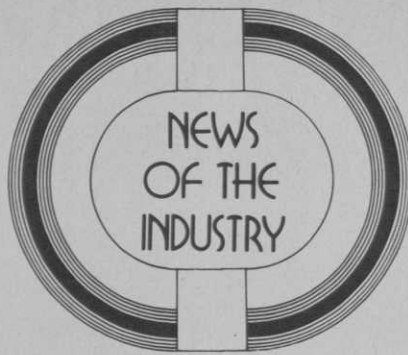
The class action lawsuit describes the members of a class, or group, in this case consisting of all "retailers seeking to compete in the trade and commerce of selling golf equipment at retail, but who are not given access to golf equipment designated by the defendants as pro-only equipment."

The class action, if maintained, will give the members of the class an opportunity to join in the Golf City litigation.

Golf City in the new action alleges that the uniform participation by the manufacturers in adopting and pursuing the pro-only policy, where each is aware of the other's activities, constitutes a violation of the Sherman Anti-Trust Act.

Golf City also alleges, "This class action is maintainable because the defendants in their refusals to deal, typified by their actions toward Golf City, have acted on grounds generally applicable to the class, thereby making final injunctive relief, or corresponding declaratory relief, appropriate with respect to the class as a whole." The lawsuit further states, "The plaintiff further alleges that this class action is maintainable because there are questions of law or fact common to the members of the class which predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of this controversy."

In describing the common questions of law and fact, Golf City states, "The question of fact common to all members of the class... relate to the lack of availability of pro-only golf equipment to the various mem-



bers of said class." And, "The question of law common to all members of the class... arises under the anti-trust laws of the U.S. and concerns itself with the legality of the pro-only distribution policies which have been adopted by the defendants, as a consequence of which policies the members of the class have been placed at a competitive disadvantage."

The Professional Golfers' Assn., charged in the \$1.5 million civil suit with the 14 manufacturers, was not included in the class action.

Golf City alleges "that the class represented... is equally injured of customers who seek pro-only products, and that the members... are therefore entitled to recover threefold all damages suffered as a consequence..."

Named in the class action lawsuit are: Spalding Sales Corp.; Wilson Sporting Goods Company; Dunlop Tire and Rubber Corp.; Arnold Palmer Company; Karsten Mfg. Corp.; Professional Golf Company, Irving King; Charles Eaton and Company; Uniroyal, Inc.; Brunswick Corp.; Ben Hogan Company; Hillerich & Bradsby Company; Victor Comptometer Corp., and Brockton Footwear, Inc.

Dismissed from the original civil lawsuit and not included in the class action were Lamkin Leather Company, Acushnet Sales Company and Ram Golf Corp. which was recently dismissed from the lawsuit.

As did Acushnet when they were dismissed from Golf City's suit, Ram has not agreed to sell its pro-only line of equipment to Golf City.

Toro reports record sales; opens merger talks

Toro Mfg. Corp., reports a 10 per cent increase in sales and a 6.6 per cent increase in earnings for the nine-month period ending April 30, 1971.

According to David McLaughlin,

Toro's president, "Manufacturing difficulties associated with new product introductions, which were reported last quarter, were resolved, resulting in a record shipment of products during the third quarter."

Sales for the nine months were \$48,827,000, as compared to \$44,464,000 for the same period last year. Earnings, after taxes, for the nine-month period were \$2,445,000 compared to \$2,293,000 for the first nine months of fiscal 1969-70.

McLaughlin also announced that Toro has entered into merger discussions with Alvin Dickerson Jr. president of **Gro-Plant Industries, Inc.**, of Monticello, Fla. Gro-Plant, commercial plant growers and nursery suppliers, is a publicly-held company.

Toro recently acquired 60 per cent interest in Landscaping, Inc., Mountlake Terrace, Wash., and purchased all rights to the Viking Roller Blade line of turf-conditioning equipment.

News briefs

Maurie O'Connor, for 40 years, from 1929 to 1969, head professional at Hendricks Field Course in Belleville, N.J., has accepted a position as head professional at Sugarbush GC in Warren, Vt. Hendricks, a winner in over 100 tournaments, was a consultant last year to the Essex Country Park Commission... **Jackie Pung** has been named head golf professional at Waikoloa GC in Hawaii. This position will make her one of the few female head golf professionals in the United States. Waikoloa's 18 holes should be ready for play in late 1971... **Jimmy Farrell** has been named head golf professional at the new Mount Snow G&CC at Mount Snow, Vt. The course is 7,000 yards. He is the son of golfing great Johnny Farrell... Construction has begun on the second nine holes at the **Black Butte GC** located near Sisters, Ore. Architect of the 6,730 yard course is Robert Muir Graves. The second nine will be completed in the summer of 1972... Sixty-four top touring professionals will be competing in the \$200,000 **U.S. Professional Match Play Championship** scheduled at the Country Club of North Carolina, Pinehurst, N.C., August 23 to 29. The tournament, sponsored by Liggett & Myers Inc., and the Tournament Players Division offers a \$35,000 first prize.