

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

_____)	Opposition No. 91156821
JUDY MCCUTCHIN,)	
)	Serial No. 78/105,321
OPPOSER,)	
)	Mark: BIG "D" REAL ESTATE
v.)	
)	Filed: January 28, 2002
JAN DUBELL,)	
)	Published: January 21, 2003
APPLICANT.)	
_____)	

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514



04-09-2004
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

OPPOSER'S FIRST NOTICE OF RELIANCE

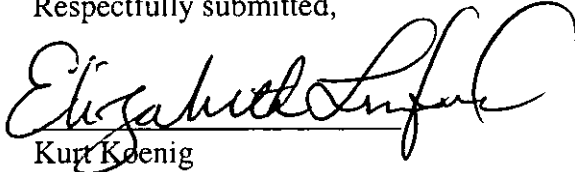
Opposer, Judy McCutchin ("McCutchin"), in accordance with Rule 2.122(e) of the Trademark Rules of Practice, submits the following printout of an Internet website available to the general public through general circulation:

1. Exhibit A: Printout from Applicant Jan DuBell's website located at www.bigdrealestate.net.

This website is relevant because it demonstrates the geographical descriptiveness of the term "BIG D" as used by Applicant to promote real estate brokerage services in Dallas, Texas.

Respectfully submitted,

Dated: April 9, 2004

By: 
Kurt Koenig
Elizabeth A. Linford
KOENIG & ASSOCIATES
Attorneys for Opposer
220 East Figueroa Street
Santa Barbara, CA
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CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the foregoing document is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on the date identified below.

Express Mail Mailing Label No. EV066295711US

Dated: April 9, 2004


ELIZABETH A. LINFORD

CERTIFICATE OF SERVICE

I, Elizabeth A. Linford, hereby certify that I caused a copy of the foregoing document to be served on April 9, 2004 by first class mail, postage prepaid, addressed to:

Jan DuBell
523 Ranch Trail, Suite 142
Irving, Texas 75063

Executed this 9th day of April 2004 at Santa Barbara, California.


ELIZABETH A. LINFORD

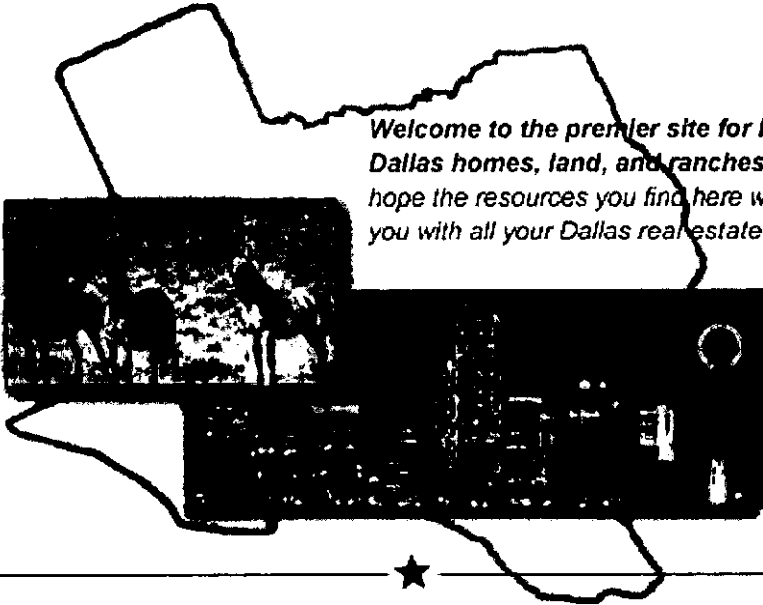
EXHIBIT A



- Welcome
- Dallas Homes
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Listen to a Dallas Tune:

Dallas



BIG D Real Estate™ provides full coverage of the Dallas metropolitan area and surrounding North Texas counties. We are intimately acquainted with all aspects of life in Dallas/Fort Worth and we pride ourselves in our knowledge of this thriving cosmopolitan area. At BIG D Real Estate™ we offer extensive Relocation assistance for companies and individuals relocating into or out of Dallas. Experts in Residential and Ranch properties, we have over 20 years combined experience in Dallas real estate. Let our knowledgeable BIG D™ agents help you create a worry free real estate transaction. We can promise you 1st rate performance from a brand you can trust. BIG D: Our Brand of Real Estate™.

Dallas Home Buyers - Just tell us what you're looking for and we'll find it. Click on "Dallas Homes" to see BIG D™ properties we have sold or to browse the entire North Texas MLS system and review real estate listings at your leisure. For information about Buyer Representation, use the hyperlink in Jan's Qualification Brief.

Dallas Ranch/Land Buyers - Give us your intended use of the property and how

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much land you need, we'll find you the perfect match. We can walk you through all the intricacies of country property in Texas. Click on "Dallas Ranches" to see BIG D™ properties we have sold or to browse the entire North Texas MLS system and review real estate listings at your leisure. Horse properties available.



Dallas Sellers - We can showcase your property to millions of potential Buyers world-wide, 24 hours a day with our BIG D™ iPIX virtual tours. Request a free market analysis to determine what your property is worth.



BIG D Mortgages- Information regarding current mortgage rates, qualification tools, market updates, and area tax rates are all available to help you make an informed decision.



Around BIG "D" - Links to area statistics, mapping, weather information, area photos, school ratings, local news, and general State of Texas information.



Dallas Recreation - Find out what is happening in Dallas from current events to Dallas Restaurants, Sports Teams and lake/fishing information. Use our links to browse at your convenience.


Jan DuBell, GRI, ABR
Steve DuBell
523 Ranch Trail, Suite 142
Irving, Texas 75063
office 972.831.8568

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you'll need: Adobe Acrobat Reader

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Dallas

Dallas Homes



1303 Travis Circle North, Las Colinas (Irving)

Dallas offers a variety of fine homes and property types for sale. Relocating corporations and individual moves have helped contribute to the exponential growth here. Our combined area Multiple Listing Service allows us access to every property listed for sale. You may view them by clicking on the link below and searching through the listings. We have included photos of a few of the properties we have sold in order to project the types and styles of homes that can be seen here. But space constraints do not allow us to show all the vast array of choices you can find.



1713 Shumard Oak
Las Colinas
(Irving), Texas



419 Spanish Moss
Coppell, Texas



9600 Santa Fe Circle
Valley Ranch
(Irving), Texas



900 Hidden Meadow



1609 Travis Circle S Las



12906 Mitchwin Rd.

Southlake, Texas

Colinas
(Irving), Texas

Farmers Branch, Texas



7818 Mason Dell
Dallas, Texas

*Click on any one of
our sold properties
for a closer look.*



2816 Meadow
Green Drive
Flower Mound, Texas



Our combined area Multiple Listing Service allows us access to every property listed for sale in North Texas. If you wish to browse these listings yourself, you may gain access to the NTREIS MLS database directly here by clicking below. You may simply view listings or, you may want to receive new property matches by email. To set up this free service, enter MLS below, go to "Property Wizard", enter your desired criteria, and your name & email address. The software takes it from there!

[Click here to access current listings](#)

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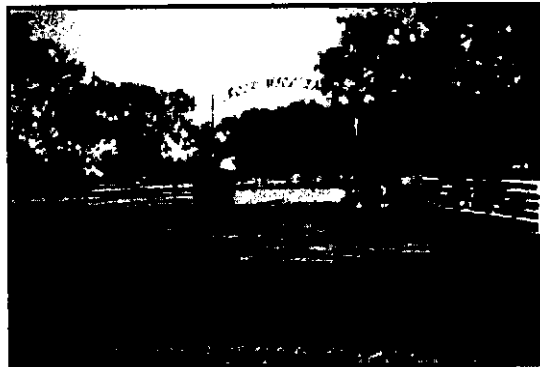


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Dallas Ranches™

a division of **BIG D Real Estate, LLC™**



+/-40A Blackjack Road, Pilot Point, Texas

Ranches and Land lie "deep in the heart of Texas". Wide open spaces, cattle ranches, horses, cowboys, all typify the history of this great State. The Old Chisum Trail can still be traveled Northwest of DFW off Interstate 287 heading towards Decatur.

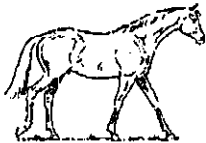
Whether you need an equestrian facility, farmland, a cattle ranch, a country home with acreage, or raw land for investment, we can help you. Large acreage or small, sandy loam or rich black dirt, we'll find the best match for your uses and needs.

We offer the selection below as representative of typical property types and styles. Space constraints do not allow a complete display of options in our marketplace.

print this page, click here

you'll need: Adobe Acrobat Reader

Love Horses?



Contact
Linda Tedesco!
Judge, Trainer, Instructor

Listen to Dallas Tunes:

Deep In The Heart

of Texas
Dallas
Cotton-eyed Joe
Don't Fence Me In



150+/- Ac. Pelzel Road
Pilot Point, Texas



3401 Fishtrap Road
Aubrey, Texas



563 CR 3404
Wills Point, Texas



50+/-Ac. Quail Meadows
Crossroads, Texas



712 Bandit Trail
Keller, Texas



14830 Valley View
Forney, Texas



28.6+/- Ac. CR 4060
Scurry, Texas

*Click on any one of our
sold properties for a
closer look.*



11.29+/- Ac.
Anna, Texas

Our combined area Multiple Listing Service allows us access to every property listed for sale in North Texas. If you wish to browse these listings yourself, you may gain access to the NTREIS MLS database directly here by clicking below. You may simply view listings or, you may want to receive new property matches by email. To set up this free service, enter MLS below, go to "Property Wizard", enter your desired criteria, and your name & email address. The software takes it from there!

[Click here to access current listings](#)

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 you'll need: Adobe Acrobat Reader

Listen to a Dallas Tune:

BIG D Mortgages

Property Taxes

Many people wish to compare area tax rates as a part of the research process when buying a home. For your convenience we have linked to the [Dallas County Appraisal District](#) so you may view the latest [tax statistics](#).

Monthly Market Updates

[Click here](#) to view economic updates, rates, and other useful information. Updated monthly.

Mortgages

Mortgage lending is a complicated field and should be entered into with care. You will probably be repaying your loan for a long time. The right lender can make or break your deal and it is important to know who you are aligned with from the start. Experience is essential. Your lender should be willing to spend whatever time it takes in order for you to feel comfortable and have a complete understanding of the entire process.

Mortgage Rates

Loan Officers

Name	Company	Address	Contact Info
Pam Forrester	Wells Fargo Mortgage	702 Denton Tap, Ste. 130 Coppell, TX 75019	817-858-0308 -Off. 817-946-5488 -Cell Email
Leslie Henry	Northstar Mortgage	17760 Preston Rd. Dallas, TX 75252	972-267-9000 x 44 -Off. 972-845-9011 -Cell Email
Lynn Lehman	Lone Star Mortgage, Inc.	4222 Trinity Mills Rd., Ste. 200 Dallas, TX 75287	972-733-1600 x 107 -Off. 888-361-7834 -Pgr. Email

Qualifying

One of the first questions every Buyer should ask is "What price property can

"I afford?" The easiest way to answer that question is to spend about ten minutes by telephone with a loan officer and become pre-qualified. We always recommend speaking with more than one person initially for comparison purposes, then apply with one person who will work closely with you during the loan process.

In general, the criteria will include:

1. Your gross income
2. Cash liquidity for down payment, closing costs, and reserve requirements
3. Current debts
4. Credit history
5. Type of mortgage loan you select
6. Current interest rates
7. Any company sponsored relocation assistance

A very broad ratio for conventional approval would be no more than 28% of gross monthly income for your mortgage payment and no more than 36% of gross monthly income for debts. Your lender will calculate your total projected monthly housing expense: principal & interest, taxes, and insurance (PITI) plus any other fixed expenses such as home owner's association dues. The new ratio should fall between 28-33% with a debt ratio of 34-38% in most cases. Please note-every lender has their own criteria and program underwriting which may call for specific numbers.

Pre-qualify yourself with the calculator below:

Instructions

Monthly Income			
Salary & Wages	<input type="text"/>	Other Income	<input type="text"/>
Monthly Housing Expenses			
Property Taxes	<input type="text"/>	Hazard Insurance	<input type="text"/>
Other Monthly Expenses			
Auto Payment	<input type="text"/>	Credit Cards & Other Payments	<input type="text"/>
Loan Term and Interest Rate			
Years In Loan Term	<input type="text"/>	Interest Rate	<input type="text"/>
<input type="button" value="Submit"/>		<input type="button" value="Reset"/>	
You may qualify for maximum monthly mortgage payment (P+I) of:			<input type="text"/>
You may qualify for a maximum loan amount of:			<input type="text"/>

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Steve DuBell
 523 Ranch Trail, Suite 142
 Irving, Texas 75063
office 972.831.8568

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Listen to a Dallas Tune:

[Dallas](#)

Around BIG D

Much is happening in Dallas/Fort Worth. Use these links to help you become familiar with our area. Answer questions and view the wealth of information and photographs at your fingertips.

[Dallas Chamber of Commerce](#)
Enjoy Texas Hospitality

[Dallas Convention & Visitors Bureau](#)
BIG "D" Statistics, Demographics

[Locate Dallas Properties](#)
Maps & Driving Directions

[Search National flood maps](#)
View the Federal Emergency Management Agency (FEMA) site

[Dallas Area Aerial Photos](#)
Aerial Photos, Topographic Maps, Environmental Information, etc.

[Dallas Morning News](#)
Browse Dallas Headlines

[Dallas Photos](#)
View BIG "D" Skylines

[Dallas Schools](#)
Ratings for BIG "D" School Districts

Dallas Weather
Check out BIG "D" temperatures

"Texas, Our Texas"
State travel and tourism, general information

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Dallas

Dallas Recreation

Dallas offers a diverse selection of entertainment and activities throughout the Metroplex area. Whether your tastes run in the Arts categories, or towards a rousing game of sports, you can be assured of a multitude of options. Explore the many attractions available.

Southfork Ranch

Filming location for the television series "Dallas" and home of "JR".
Now a meeting/conference facility.

Dallas Ballet

Area renown, spectacular performances.
See current engagements.

Dallas Symphony

Always a favorite with special performance events
and ongoing schedules.

Dallas Entertainment Guide

Updated weekly. Calendar of events & activities including
theater and concerts.

Dallas Golf

In-depth views and listings of area public courses.

Dallas Horse Racing

Enjoy a day at the races

Dallas Lakes

Area lake information with fishing, boating tips.

Dallas Museum of Art

View current gallery displays and upcoming shows.

Dallas Restaurants

Select from fine dining to "Tex-Mex", sample the
many choices available.

Six Flags Over Texas

Amusement park fun for all ages. Special holiday
theme events and festivities.

Dallas Sports Teams

Dallas Stars Hockey

Dallas Cowboys Football

Dallas Mavericks Basketball

Dallas Texas Rangers Baseball

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)	



Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

04-09-2004
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

OPPOSER'S SECOND NOTICE OF RELIANCE

Opposer, Judy McCutchin ("McCutchin"), in accordance with Rule 2.122(e) of the Trademark Rules of Practice, submits the following copies of publications available to the general public through libraries and/or general circulation:

1. Exhibit A: Nexis printout of article dated November 25, 2001 from *The Dallas Morning News*' Ideas at Work Column.
2. Exhibit B: Nexis printout of article dated October 26, 2001 from *The Dallas Morning News*' Real Estate Column.
3. Exhibit C: Nexis printout of article dated October 12, 2001 from *The Dallas Morning News* entitled "KPMG Deal Reawakens Sleepy Dallas Office Real-Estate Market" by Steve Brown.
4. Exhibit D: Nexis printout of article dated July 8, 2001 from *The Dallas Morning News*' Ideas at Work Column.
5. Exhibit E: Nexis printout of article dated June 20, 2001 from *The Press Enterprise's* Andy McCue Column.
6. Exhibit F: Nexis printout of article dated June 10, 2001 from *The Dallas Morning News*' Ideas at Work Column.

7. Exhibit G: Nexis printout of article dated June 3, 2001 from *The Dallas Morning News* entitled "Irving, Texas, Takes a Look at Tourism Data" by Suzanne Marta.
8. Exhibit H: Nexis printout of article dated May 6, 2001 from *The Dallas Morning News*' Ideas at Work Column.
9. Exhibit I: Nexis printout of article dated April 11, 2001 from *Tulsa World* entitled "Leaders See Tulsa, Okla., Shifting toward Tech Emphasis" by Nicole Nascenzi.
10. Exhibit J: Nexis printout of article dated March 6, 2001 from the *Fort Worth Star-Telegram* entitled "Dallas/Fort Worth Airport Uses Aviation Forum to Woo International Flights" by Bryon Okada.
11. Exhibit K: Nexis printout of article dated February 7, 2001 from *The Dallas Morning News* entitled "Amtrak Plans New York City-Dallas Route" by Tony Hartzel.
12. Exhibit L: Nexis printout of article dated October 31, 2000 from *The Dallas Morning News*' Robert Miller Column.
13. Exhibit M: Nexis printout of article dated October 15, 2000 from *The Dallas Morning News*' Ideas at Work Column.
14. Exhibit N: Nexis printout of article dated September 24, 2000 from *The Dallas Morning News* entitled "Air Travelers Discover Benefits of Dallas Love Field" by Katherine Yung.
15. Exhibit O: Nexis printout of article dated September 24, 2000 from *The Dallas Morning News* entitled "Dallas-Based Magazine Aims to Portray City as High-Tech Mecha" by John Kirkpatrick.

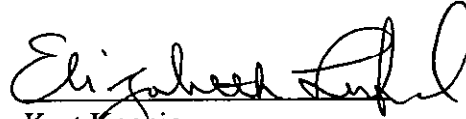
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These publications are relevant because each evidences the general public's understanding of the phrase "Big D" to refer to the city of Dallas, Texas.

Respectfully submitted,

Dated: April 9, 2004

By:



Kurt Koehig
Elizabeth A. Linford
KOENIG & ASSOCIATES
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CERTIFICATE OF MAILING BY EXPRESS MAIL

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Dated: April 9, 2004


ELIZABETH A. LINFORD

CERTIFICATE OF SERVICE

I, Elizabeth A. Linford, hereby certify that I caused a copy of the foregoing document to be served on April 9, 2004 by first class mail, postage prepaid, addressed to:

Jan DuBell
523 Ranch Trail, Suite 142
Irving, Texas 75063

Executed this 9th day of April 2004 at Santa Barbara, California.


ELIZABETH A. LINFORD

EXHIBIT A

2 of 89 DOCUMENTS

Copyright 2001 Knight Ridder/Tribune Business News
Copyright 2001 The Dallas Morning News
The Dallas Morning News

November 25, 2001, Sunday

KR-ACC-NO: DA-IDEAS-WORK-COL

LENGTH: 1334 words

HEADLINE: The Dallas Morning News Ideas at Work Column

BYLINE: By Cheryl Hall

BODY:

Zola and Enzo have had all of the camera they can handle for the moment. There's only so much sit-and-stay even a well-mannered dog can stand.

David Sutton, the man squatting behind the camera, senses this and gives them a happy, dismissive wave. The large Doberman mix and even larger Akita-Rottweiler dart off in grand abandon, turning an open area of the Dallas photo studio loft into an impromptu canine romping ground.

"I try to strike a balance and give the dogs a little play break to keep their spirits up," Mr. Sutton says as he summons Zola and Enzo back to modeling duty. "For the most part, good-natured dogs find this new and entertaining. There's a larger number of cats that would rather not be here at all."

Mr. Sutton, owner of Sutton Studios in Evanston, Ill., has been dubbed the Dr. Doolittle of pet photography for his almost telepathic ability to communicate with animals. So much so that last summer, Forbes fyi Magazine, the quarterly lifestyles supplement to the financial publication, anointed him the best at his craft.

He's in **Big D** to broaden his client base, having picked a handful of U.S. cities where he thinks his black-and-white portraits, which come with \$ 4,000 to \$ 5,000 price tags, will be appreciated. He intends to return several times a year to immortalize some of Dallas' most pampered pets.

Stacey and Arnie Verbeek, who have no human children, plopped down the big bucks because they believe Mr. Sutton will capture the chemistry and personality of their beloved Zola and Enzo, foundlings from the Dallas SPCA.

Mrs. Verbeek saw the Forbes fyi mention and wanted to mark the couple's eighth anniversary with a family portrait.

"I went, 'Wow! He's really able to record the bond,'" says the 37-year-old chief administrative officer for SnyderCapital Corp. and a local volunteer for the Society for the Prevention of Cruelty to Animals. "In my mind, a portrait of my husband would be incomplete without his two shadows."

The key to Mr. Sutton's success is the patience of Zen.

While he professes love for both cats and dogs, he says canines are easier to photograph because most cats only travel to the veterinarian, so they're wired for sound when they get to the studio.

Mr. Sutton was originally slated to begin a national tour in Dallas on Sept. 12, with subsequent photo shoots planned for San Francisco, New York, and Los Angeles. He was pulling up to Chicago's

O'Hare International Airport in a limousine when he heard the first reports of a plane hitting the World Trade Center.

"My itinerary now looks like scrambled eggs," he says. His and his wife's recent adoption of a baby girl has further complicated travel plans. But Dallas was a must.

"It's in the Texas State Constitution that you must have a dog to live here, isn't it?" he asks with a chuckle. "Besides, Dallas will be a really good, warm place to go to in April when we're about to lose our minds in Chicago because winter's never going to end."

Mr. Sutton, you see, intends to mix pleasure with more pleasure.

Once a free-lancer for corporate annual reports and publications such as Forbes, Newsweek, and PC Week, the 43-year-old native of South Bend, Ind., has traded the boredom of mug shots for the joy of mutt shots.

His commercial work includes animal photos used in advertisements for Merck Pharmaceutical's heartworm and flea products and for Skyy vodka. "Drugs and alcohol," he quips.

For the third year, New York-based Walden Printing Co. has produced a dog calendar with all proceeds going to humane societies and animal protection leagues. Its president, Roger Jibboni (who brings his Boston terrier to work each day) saw Mr. Sutton's work in Forbes *fyi* and asked the Chicago photographer to donate his pictures toward the cause.

Mr. Sutton immediately signed on with the stipulation that some calendars would go to shelters of his choice.

As a result, Dallas' Dog & Kitty City, the no-kill shelter run by the Humane Society of Dallas County, has 400 to sell at \$ 8.50 apiece, although Mr. Sutton is asking folks to pay at least \$ 10. "That way you don't have to worry about change, and come on, it's a worthy donation," he says.

Becky Allison, who heads fund-raising for shelter, says that in addition to the money, she hopes it will entice people to adopt.

"One of the dogs in the calendar looks just like one of our residents, Sinbad," she says of a 4-year-old Newfoundland mix who's been at the shelter since he was a pup. "And May looks just like Rosie."

Life changed for Mr. Sutton in 1993, when he got a mixed-breed cattle puppy named Zane.

Mr. Sutton lived in a corner store in Evanston that he converted into a studio by pushing his desk and couch out of the way and setting up lights and a backdrop.

One day, he'd quickly dispensed with photographing yet another suited executive for a magazine and got 4-month-old Zane to look incredibly dashing for the camera. A roll of film later, Mr. Sutton had a new passion.

The next year, a local morning television show featured Mr. Sutton's work in a four-minute spot as part of Be Kind to Animals Week. The TV on-air personality thought David B. Sutton Photography sounded rinky-dink and asked if she could call it Sutton Studios.

"So, she renamed my business," he says with a shrug. She also launched it.

Since then, Mr. Sutton has photographed several thousand pets -- primarily dogs, and to a lesser degree cats, with an occasional rabbit, gerbil, guinea pig, or amphibian -- with or without their two-legged counterparts.

"This one family had kids with terrible allergies to fur-bearing creatures, so they had furless pets," he says to explain the inclusion of a toad and a lizard in the family lineup.

His pet portraits now yield him \$ 200,000-plus annually -- an amount that would have been inconceivable back when he was a free-lancer. "I thought if I could just gross \$ 60,000, that would really be living," he says.

Today, Mr. Sutton has more expansive plans with a greeting card company he named Semper Fido -- a play on the U.S. Marine Corp. motto *semper fidelis*, meaning always faithful.

"It just popped into my head one day while washing dishes and thinking about where the name Fido comes from," he says.

Mr. Sutton, who has a degree in German language and literature from the University of California at Los Angeles, notes that it stems from the Latin root for loyalty.

He'd like to model his business after William Wegman, who's made a fortune photographing dressed-up Weimaraners, but Mr. Sutton wants to do it au naturel.

"Dogs and cats are already people; they're just not human," he says quite seriously. "Some people get a kick adding clothes or props. To me, that's like gilding a lily. Why? There's enough there already."

His first Semper Fido sale was to Crate & Barrel, which is carrying a boxed set of note cards in its 80 stores. He landed that deal after taking the portrait of an elderly golden retriever that belonged to the president of Crate & Barrel.

Mr. Sutton just happened to bring along his portfolio when he dropped off the finished museum-quality prints of her dog.

"That sale got Semper Fido going. We started with basically nothing, and they capitalized our business for us," Mr. Sutton says, the "us" being his partnership with Sutton Studio manager John Seden. "Most distributors didn't want to give John the time of day until he mentioned the boxed set going into Crate & Barrel. Then it was, 'Oh really? Send us some samples.'"

Mr. Sutton's pet portrait business has risen markedly since the terrorist attacks, beginning the day after.

"People are thinking more about memories," he says. "The hardest thing about dogs is that they don't live nearly long enough. The whole time you have them, you're acutely aware that you'll outlive them."

To see more of The Dallas Morning News, or to subscribe to the newspaper, go to <http://www.dallasnews.com/>

JOURNAL-CODE: DA

LOAD-DATE: November 27, 2001

EXHIBIT B

4 of 89 DOCUMENTS

Copyright 2001 Knight Ridder/Tribune Business News
Copyright 2001 The Dallas Morning News
The Dallas Morning News

October 26, 2001, Friday

KR-ACC-NO: DA-REAL-ESTATE-COL

LENGTH: 905 words

HEADLINE: The Dallas Morning News Real Estate Column

BYLINE: By Steve Brown

BODY:

DALLAS IS LOW ON LIST OF 'MARKETS TO WATCH': Thank goodness for Detroit. And bless the folks in Indianapolis and Cleveland, too.

If it weren't for those cities and a handful of others, the Dallas area would rank almost dead last in Lend Lease Real Estate Investment's annual survey of property investment and development locations.

The "Markets to Watch" ranking has been a benchmark fixture of the annual Emerging Trends in Real Estate report for almost 20 years.

Back in the late 1970s and early 1980s, Dallas was a darling in this annual real estate beauty contest.

Of course, that was before the overbuilding and bank bailouts of the late 1980s and early 1990s.

The real estate and finance folks Lend Lease interviews for this ranking of cities have never forgiven the Dallas area for past mistakes. The North Texas market is a perennial low ranker in the poll.

The 2002 survey is no exception: Dallas places 23rd out of all the markets on investors' and builders' wish lists.

Even Baltimore and Philadelphia are better bets than **Big D**, if you buy the survey's results. Dallas also ranks behind all the other Texas cities in the survey.

The report gives the Dallas area especially bad marks for sprawl -- even though it places Los Angeles in fourth place nationally.

"The entire market suffers from weakening demand and pockets of oversupply," the report concludes. "Denizens wonder if the 9-to-5 downtown will ever recover."

Gee, ain't it nice when outsiders state the obvious?

But these criticisms can be tempered since all the biggest public real estate companies and institutional property investors such as pension funds continue to hang on to their assets in North Texas.

At least St. Louis and Milwaukee got lower marks.

SHOPPING CENTER LEASING: And now for some good news. Really.

Expanding and relocating retailers leased more than 741,000 square feet of Dallas-area shopping center space in the third quarter.

The Dallas Morning News October 26, 2001, Friday

That's after a decline of more than 1.1 million square feet in retail building occupancies in the second quarter, according to new statistics from Roddy Information Services Co.

"The second quarter was I guess an anomaly due to the Montgomery Ward closings and some other big ones," said company founder George Roddy. "Absorption was up overall for Dallas, but occupancy is continuing to go southward."

Overall retail occupancy at the end of September was about 89 percent, down slightly from 90 percent at midyear.

The increase in net leasing in the just-completed quarter is good given the large number of project openings. Almost 2.9 million square feet of new Dallas-area retail space opened in the third quarter. The biggest chunk of that was the new Shops at Willow Bend mall in West Plano.

That brings the total retail building completions for the 12 months ending in September to almost 7 million square feet.

RESIDENTIAL COMMUNITY: Dallas' eastern suburbs continue to grow, with residential construction spreading into towns including Forney, Heath, and Fate.

Developers have announced plans for a 550-acre residential community in the town of Crandall in Kaufman County.

Called River Ridge, the \$ 50 million project is being touted by developers as the largest mixed-use development in the State Highway 175 corridor.

The first phase will kick off this spring with 100 lots.

Located on the East Fork of the Trinity River, the development has been in the planning stages for more than a year. The project's developer, Northpark Phase I Ltd., also has other properties in the area.

VILLAGE AT COLLEYVILLE: Developer Realty Capital Corp. has begun construction on the next phase of its Village at Colleyville project in Colleyville.

Located on Main Street, the two three-story buildings will contain more than 60,000 square feet of retail and office space. Together the buildings will cost about \$ 11 million.

The developers also plan to build "upscale residential villas," according to developer Tom Wouters.

Regions Bank provided the construction financing, and Archer-Western Co. is the general contract.

Work on the buildings is scheduled for completion next summer.

NEW OFFICE BUILDINGS: After working on the first two office buildings, Dallas-based Vector Project Services LLC has been hired to market four more buildings in the Mercer Crossing development at the northwest corner of LBJ Freeway and Interstate 35E.

The assignment includes two new buildings with more than 320,000 square feet. The Three Hickory Centre and Four Hickory Centre office buildings will be completed during the new few months.

"One Hickory Centre is already 100 percent leased, and Two Hickory Centre is more than 75 percent leased," said Wayne Swearingen, Vector Project Services founder.

EXECUTIVE CHANGES: Staubach Co. has announced two major executive changes.

Tom Lynn, who recently sold his family's independent industrial brokerage company, has joined Staubach as executive vice president in the industrial Southwest corporate services division. The operation serves industrial customers in five states.

And Clay Smith has been promoted to director of the Southwest region retail services division. Mr. Smith was previously vice president of Staubach's Dallas retail services operation.

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EXHIBIT C

5 of 89 DOCUMENTS

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The Dallas Morning News

October 12, 2001, Friday

KR-ACC-NO: DA-KPMG-OFFICE

LENGTH: 1008 words

HEADLINE: KPMG Deal Reawakens Sleepy Dallas Office Real-Estate Market

BYLINE: By Steve Brown

BODY:

KPMG's new office lease is a big addition to downtown Dallas' bottom line.

The lease KPMG just signed for 200,000 square feet in the Maxus Energy Tower will move more than 1,100 people to the city's core.

"I can't think of a recent deal this large downtown," said Tony Long, managing director for Trammell Crow Co., which negotiated the seven-floor office lease. "It's not a bad deal for what's supposed to be a down market."

The downtown rental deal is one of a string of major office leases in recent weeks that have livened up Dallas' sleepy commercial real estate market.

Just a week before the KPMG transaction was announced, Crow Co. inked another five-floor lease in the Campbell Centre towers along North Central Expressway. Hotel service company Pegasus Solutions Inc. is taking 81,000 square feet.

But statistics show that there's a long way to go before the office market is completely healthy.

Rising vacancy rates and falling rents are a grim reality for landlords.

During the third quarter alone, tenants moved out of almost 600,000 square feet of additional office space.

And an additional 8 million square feet-plus of office space is being marketed for rent by companies that no longer need the facilities.

All together, the amount of vacant and sublease space adds up to more than 34 million square feet that's going begging in Big D. That represents more than in all the office buildings in downtown Dallas.

Leasing agents and building owners say that the economy will have to pick up before the acres of empty offices are filled.

"Demand for offices has fallen off, just like demand for houses and cars and new suits," said developer Jeff Swope of Champion Partners. "Things had already slowed down before Sept. 11."

About the time of the terrorist attacks, Champion Partners was completing one of the biggest suburban office leases of the year in Dallas. The 268,000-square-foot transaction with Japanese automaker Nissan's credit department was announced on Sept. 25.

But, like most such real estate deals, it had been in the making since 2000.

"From the time we started working with them until getting it down was 10 months," Mr. Swope said.

KPMG's downtown office lease took even longer.

"These days, the time it takes to do a major office lease has really stretched out," said Mr. Long. "There are far more choices in the market, and companies have increased their level of scrutiny of the deal tenfold.

"That's understandable, because in many cases real estate is a company's second-highest expense after labor," he said.

Brokers at Staubach Co. spent almost two years looking at office locations before advising KPMG to combine its two Dallas offices into a single location at Maxus Tower.

"The building had to be the right fit for a national call center group [located near Love Field] and a group of professional consultants" now housed in the Crescent, said Staubach executive vice president Carl Ewert. "It had to be a building that appealed to one group but was not too opulent for the other."

As it is, the planned remodeling of the Maxus tower for KPMG will represent an investment of more than \$ 25 million.

No wonder some companies are taking a go-slow approach to large office transactions in the current economy.

"After September 11, a lot of companies have really almost come to a complete stop in any process they were in," said Greg Biggs, branch manager of New York broker Julien J. Studely Inc.'s Dallas regional office. "And everybody prior to Sept. 11 was already tightening their belt."

Studely was one of the first local commercial property brokers to sound the alarm about the ballooning sublease office market. Sublease space is offices that are still rented to companies that don't want the room and are trying to rent it, often at a deep discount.

Since last year, the volume of sublease office space has exploded from less than 4 million square feet to about 8.1 million square feet -- the equivalent of half a dozen downtown skyscrapers.

"It has caught a lot of people by surprise," Mr. Biggs said. "And it is such a significant amount of space to come on the market in a short period of time that I don't think landlords can plan for it."

On top of that, an additional 3 million square feet of new buildings are still under construction.

The glut of office space has caused average vacancy rates to jump to nearly 20 percent citywide. And overall office rents actually declined slightly in the third quarter, according to new statistics from Cushman & Wakefield Inc.

"The leases we've seen this year are positive news but still just a drop in the bucket," said Bob Edge, Cushman & Wakefield vice chairman. "We've had so much negative leasing it would take a ton of deals to offset it. We still have activity, but the flow of deals is slower and the amount is smaller," he said.

Cushman & Wakefield's third-quarter property market census spotlights year-to-date net drops in occupied office space in more than half a dozen major Dallas-area office markets, including Las Colinas, LBJ Freeway and Stemmons Freeway business districts.

Downtown Dallas -- which has lagged in recent years -- is one of the strongest leasing markets in 2001, with more than 80,000 square feet of net leasing.

Along with the KPMG lease at Maxus tower, Cushman & Wakefield recently signed a lease with law firm Jackson Walker LLP for 141,000 square feet of office space in the Bank of America Plaza. The transaction represents an almost 20 percent increase in Jackson Walker's office space. Leasing agents say there could be a lull of several months before a similar number of large building leases are announced.

"We do have one more large transaction we are finishing up that is 125,000 square feet," Mr. Long said. "But there aren't just a whole bunch of those waiting in the wings."

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EXHIBIT D

7 of 89 DOCUMENTS

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July 8, 2001, Sunday

KR-ACC-NO: DA-IDEAS-WORK-COL

LENGTH: 1488 words

HEADLINE: The Dallas Morning News Ideas at Work Column

BYLINE: By Cheryl Hall

BODY:

Bert Byerley's board of directors befits a multinational corporation: a smattering of business titans, the deputy chancellor of Texas Tech University, a former Texas governor and Dallas' best-known restaurateur.

But his enterprise is anything but a global giant: It's Bibbentuckers The Dry Cleaner.

Then again, this 41-year-old former senior vice president of Lomas Financial Corp. is anything but your typical dry cleaner.

"I always knew I wanted to start something from scratch, but I didn't have any idea what that was," Mr. Byerley says at Bibbentuckers' headquarters in the industrial district near the Dallas Market Center. "Had you told me it was going to be dry cleaning, I would have laughed you out of the room."

Mr. Byerley, who helped guide Lomas, the Dallas-based mortgage and real estate giant, out of bankruptcy in the early 1990s, is a casually cool guy who feels he's still in his birthday suit if he isn't neatly pressed and lightly starched.

Six years ago, he was tired of spending \$ 500 to \$ 600 a month on laundry only to battle broken buttons, chemical smells, inconvenient hours and owners who wouldn't make good on mistakes.

An iron mark on a brand-new designer dress shirt sent him over the edge.

After studying the industry, Mr. Byerley discovered that the \$ 24 billion-per-year dry cleaning industry is made up of 100,000 Mom-and-Pops that do about \$ 240,000 apiece a year in revenue.

Mr. Byerley decided to create his vision of the perfect cleaner: busy-people's hours, a drive-through, a 24-hour drop-off box, free delivery and service that fixes little things like torn hems free.

"I wanted a place that was ready to move into the 21st century," Mr. Byerley says. "And I wanted it to be clean."

Mr. Byerley persuaded his mentor, former Lomas chairman Jess Hay, Texas Tech's deputy chancellor Jim Crowson, Gov. Dolph Briscoe, Norman Brinker and a handful of other high-profile investors that there was money to be made with a first-class, technologically advanced operation built to meet higher environmental standards.

Mr. Hay had offered to help his protege with his entrepreneurial yearnings if he came up with a decent idea, although the 70-year-old certainly wasn't thinking of a laundry.

After an initial guffaw or two, Mr. Hay was swayed by the research. "It seemed the industry was ripe for dramatic consolidation -- not through acquisition but along the lines of a Home Depot," he says.

Clothes get permanent but unobtrusive bar-code tags. Their vital statistics, such as type of garment and special cleaning instructions, are entered into the computer and tracked throughout the process.

Customers can enjoy coffee or lemonade in the drive-through or give their pets a doggie treat. Bibbentuckers even gives AAdvantage mile rewards.

Mr. Brinker, a customer before becoming an investor, was bowled over when he got his windshield cleaned while he went through the drive-through.

"I thought, 'Boy, oh boy,'" he says. "There are thousands of dry cleaners and no national leader that stands out for quality and service."

With four stores, all in the Dallas area, Bibbentuckers (a takeoff of "bib and tucker," or best clothes) is on track to post \$ 9.5 million in revenue this year.

Cash flow turned positive in May, and Mr. Byerley is predicting that the company will become profitable late this year.

That's always been the pressing question: Can you make money offering premium service in a penny-ante business?

You can, says Mr. Byerley, but it takes time to build the needed volume.

"From the time you open a store, there's probably a two-year maturation process to get the revenue up," he says. "You have to go through an educational process with every customer who walks in the door expecting to get a raw deal."

Bibbentuckers' first store, at Preston Road and Park Boulevard in Plano, opened in 1996, followed by one at Lemmon and McKinney avenues in 1998 and one at Preston and Forest Lane in 1999. The newest unit at MacArthur Boulevard and LBJ Freeway in Las Colinas opened last August.

Last year, the original 4,500-square-foot Bibbentuckers in Plano brought in \$ 2.5 million in sales and handled an average of 10,000 items a week.

"At the time, everybody said, 'My God! Don't build something that large,'" he says, with a self-satisfied laugh. "Well, it ain't nearly big enough."

One customer spent an astonishing \$ 36,000 in a year (that's \$ 99 a day) on her family's clothes and household items. More typically, customers spend around \$ 100 a month.

"This year, the cash rate of return on investment for that facility is about 35 percent with a profit margin of about 20 percent," Mr. Byerley says. "For retail, that's very, very good."

Robert E. Byerley Jr., reared in the tiny West Texas town of Sudan (population 978) and educated at Texas Tech, packed his worldly possessions into his pickup and hit **Big D** in July 1982 armed with a dual degree in accounting and finance.

When he arrived for his first day at Lomas, the 22--year-old learned that a drunk driver had killed his boss, Minor Miller, on his way to work that morning. Mr. Byerley was temporarily shooed away until they could figure out what to do with him.

"I called my parents from a pay phone on Main Street practically in tears," Mr. Byerley recalls. "I felt bad about Minor, but I was in fear that I'd have to move back to Sudan."

The company did find a place for him: a desk with a PC tucked in a corner of one of the executive floors.

For the first year or so, he swears no one knew his name. "I was 'that kid on the 35th floor with the computer,'" he says, adding that his primary task was to automate spreadsheets. "Executives would stand behind me and say, 'Make it do something.' It was such a novelty."

His work came to the attention of Jess Hay, who thought Mr. Byerley could put "that machine" to work on some pet projects. That initial contact led to increasingly higher duties, including work on major acquisitions.

Then the economy soured, as did Lomas' financial condition, leading to its bankruptcy. "So I also got to lead many of the teams as we divested ourselves," Mr. Byerley says. "I got to see both sides of it."

In January 1991, Lomas emerged from Chapter 11 and looked as if it might survive. But Four years later, when a second wave of mortgage refinancing turmoil struck, and the company foundered again.

Exhausted and at odds with the new owners, Mr. Byerley finally left Lomas.

He planned to take six months off, but after three months of mental vegetation, he was bored and depressed.

Driving around late one night, he ended up in a parking lot and was struck with the idea of putting a standalone cleaner next to a grocery store at busy intersection.

"I wrote down the top 10 things I wanted in my perfect dry cleaners literally on the back of an envelope. It was all about quality and customer service. I didn't care about price."

Bibbentuckers is pricey: \$ 1.95 for a dress shirt vs. \$ 1.45 (99 cents with a coupon) at most dry cleaners. A two-piece suit is \$ 11.95, vs. about \$ 9.

Like Southwest Airlines, Mr. Byerley uses humor to create a corporate culture.

He calls his employees "fashion police." A poster in their work area asks: "What's the verdict? Are the garments ready for release? Or do they need more time?"

Employees wear T-shirts promising customers "a miracle cure for wrinkles" and "clothes encounters of the cleanest kind" and warning them that clothes should "tell where you're going and not where you've been." Barbara Yates, assistant general manager of the Preston and Forest Lane store, worked at Fishburn's for 22 years before crossing the street to Bibbentuckers when it opened in late 1999.

"I love it here," Ms. Yates says. "They treat us right. Here we have health and dental benefits and get free cleaning."

So far, Mr. Byerley has raised \$ 13.5 million through private placement to expand the concept.

But finding additional capital has gotten tougher this year, he says, and plans for a national rollout (including two more units in the Dallas area) have been put on hold.

"Deals are out there to be done, but the terms are onerous," he says. "That's been a blessing in disguise. We're going to use this time to improve on what we've got and to plan for tomorrow because the money will be there at some point."

Mr. Byerley says no company has a spotless reputation -- mistakes will be made. "When you screw up with a customer, that's the time to make a customer for life," he says. "That's when you stand up and do the right thing."

Cheryl Hall is business columnist for The Dallas Morning News. Ideas at Work is intended as a forum for ideas and opinions of interest.

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EXHIBIT E

8 of 89 DOCUMENTS

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The Press-Enterprise

June 20, 2001, Wednesday

KR-ACC-NO: RI-MCCUE-COL

LENGTH: 582 words

HEADLINE: The Press-Enterprise, Riverside, Calif., Andy McCue Column

BYLINE: By Andy McCue

BODY:

Hillwood Development Corp. has barely established a presence in the Inland region. The Dallas airport development firm hasn't finalized its exclusive contract with the San Bernardino International Airport & Trade Center and it's still getting its local office going.

But already, some brokers say, you are beginning to see effects from the anticipated deal.

Rick Lazar, a commercial broker with Lazar & Lauer, says investors (colloquially known as speculators) are snapping up property, or options on property, around the periphery of the former Norton Air Force Base.

The lure, of course, is Hillwood's reputation and contacts. The company, run by Ross Perot Jr., took 65 square miles of cow pasture near Fort Worth and turned it into Alliance Airport, an all-cargo operation that serves both the Cow Capital and **Big D**.

Alliance has since attracted \$ 4 billion in private-sector investment, 94 tenants--including 27 Fortune 500 companies -- and 18,000 full-time jobs. That's given Hillwood international credibility with firms interested in air-related businesses and logistics.

"There's no doubt there's more interest with Hillwood," says Lazar, who specializes in San Bernardino properties. "Investors are looking in anticipation of what Hillwood's going to do."

Hillwood's a huge factor, agrees Bruce Springer, an industrial broker with Grubb & Ellis in Ontario.

But, he sees some other issues playing a role.

The promise of Burlington Northern and Santa Fe Railway service is one large factor. BNSF has developed a strong relationship -- and one of its largest intermodal freight terminals -- with Hillwood at Alliance. BNSF continues to look at other sites around the region for a planned expansion of its San Bernardino intermodal yard. But brokers say the Hillwood connection is making the railroad focus on the Norton site. Paul Earnhart, a broker with Lee & Associates in Ontario, says the merged Union Pacific- Southern Pacific railroad is also looking for an intermodal yard site near the base.

Mike Daley, a broker with Colliers Seeley handling Union Pacific Railroad properties in the area, is inclined to discount the impact of the Hillwood relationship.

Instead, Daley sees the driving factor being the rising prices and shrinking inventory of industrial property to the west, a force recognized by the other brokers. Ontario is just about full and the city has lost interest in warehousing and distribution operations.

The Press-Enterprise June 20, 2001, Wednesday

"Norton isn't driving it at all," says Daley. "Ontario land is getting harder to find. The next logical distribution point is Mira Loma and that's kind of at a standstill" because of environmental issues raised by neighbors. "In the meantime, demand has not diminished."

Daley says most of the activity he's seeing is in the area southeast of the base, in Redlands and the "donut hole" of county land surrounded by that city. There, he says, the interested parties are mostly users rather than investors. The primary example is Hershey, which committed to an 84-acre, 579,000-square-foot warehouse facility.

Earnhart, who's represented Hershey in a number of other deals, says he expects the Hillwood relationship to have a big impact down the road. But first, they'll have to prove they can build on a site where the Air Force left plenty of problems and then attract a name tenant.

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10 of 89 DOCUMENTS

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The Dallas Morning News

June 10, 2001, Sunday

KR-ACC-NO: DA-IDEAS-WORK-COL

LENGTH: 1765 words

HEADLINE: The Dallas Morning News Ideas at Work Column

BYLINE: By Cheryl Hall

BODY:

DEEP ELLUM ENTREPRENEURS HOPE SUCCESS FOLLOWS THEM DOWNTOWN: Patrons are stacked four deep at the bar cooling their heels for a table -- nothing extraordinary for a local hot spot on a Saturday night.

Except for one thing.

This lively gathering is smack dab in the heart of downtown Dallas, known for being a dead zone after dark.

Jeroboam, located on Main Street in the historic Kirby Building, is the newest venture of two thirtysomething brothers, Brandt and Brady Wood, who've revved up nightlife in Deep Ellum with several popular clubs and restaurants offering live music, spirits and eats.

Now they've brought their native New Orleans hospitality to this most neglected nighttime area with an urban brasserie.

Remarkably, a highly diverse clientele is converging here after business hours to feast on coq au vin and braised lamb shank. Jeroboam, which means an oversized bottle of wine, serves only the French variety.

"When you go to other cities like Chicago or New York, you don't hang out in the suburbs," Brady says. "To me, it's mind-boggling that downtown Dallas was such a void. We took a historical space -- and a risk -- and people are loving it."

And the Wood brothers have just begun. Later this summer, they plan to open a subterranean lounge beneath downtown's high-rise landscape. Low Main, on the south side of Main Street four doors down from Neiman Marcus, is being billed as an upscale urban-chic bar where folks can dance the night away.

Could this be the beginning of bringing a bit of The Big Easy to **Big D**?

Brandt and Brady Wood certainly hope so.

"We're paving the way for other operators to come in," says older brother Brandt, who hopes their success will encourage an assortment of grocery stores, retail shops and restaurants. "It's so satisfying to see a culture changing and to make a difference."

Brandt, 35, is president and Brady, 33, is CEO of the Entertainment Collaborative, a Dallas-based partnership that also owns the Green Room, Gypsy Tea Room, Vortex Mex and the recently rejuvenated Trees -- all in Deep Ellum.

The EC, as the four-partner company is known, has evolved from a severely undercapitalized seat-of-the-pants operation formed in 1988 into a financially sound hospitality and entertainment group that should pull in \$ 11.6 million in revenue this year and post a healthy 15 percent profit margin.

When Shelle Bagot joined Neiman Marcus as general manager of the downtown flagship two years ago, she started the Downtown Renaissance Award to recognize unsung heroes of urban renewal. Brandt and Brady were two of the first recipients.

"They have incredible vision in the way they look at the city," Ms. Bagot says. "They're the new wave of leadership that Dallas needs."

Such sentiments are echoed by Salve! restaurant owner Janet Cobb, who chairs the Central Dallas Association efforts to revitalize retail along Main. "They're true pioneers of the area," she says. "People who live downtown are looking for more to do. Jeroboam is getting an excellent bar crowd after work."

These are, after all, the same guys who put together downtown New Year's Eve celebrations for 2000 and 2001. They lost \$ 50,000 on the first, broke even on the second and are mulling over the possibility of a third.

They're also breathing life into abandoned buildings. Brandt and Brady live in the old Dallas Power & Light substation on Commerce and Willow streets. They converted the structure, which was built in 1919, into trendy loft apartments. The EC office, which houses a staff of 15, was once a boarded-up, pigeon-infested complex on Elm Street.

"Symbiotic is the right word," Brandt says in defining his partnership with his brother. "We have an intuitive relationship. One of us can attend even a high-level meeting and represent both of us. I know what Brady would think about a challenge, and that helps me reason out a situation."

"We disagree and agree all the time -- that's the fun part," Brady says. "We have different perspectives. We're not afraid to debate out an issue and end up at a compromise."

Brandt and Brady have been in business together almost as long as they've been brothers.

As 12- and 14-year-olds growing up in River Ridge, La. -- "just 10 minutes upstream from downtown New Orleans" -- they went into the music business, making custom recordings for friends.

As soon as Brady turned 15 and was old enough to drive, the brothers started a trucking company. "All the yards sink in New Orleans, so we delivered river sand," Brady says.

College briefly separated the boys. Brandt went off to Washington and Lee University in Virginia. Two years later, Brady landed at Southern Methodist University. Both chose business majors.

After graduating, Brandt took over the family industrial-marine business, dredging the harbor and running barges and tugboats along the Mississippi River, and produced occasional weekend concerts on the company's riverfront property.

Brady, still in school, was social chairman of his fraternity, putting together "events" at a hangout near SMU called the Rhythm Room. Brady was all too willing to share his advice with its owners on how they could improve business.

One night in the middle of his spiel, one of the pub's owners challenged Brady to buy him out. The price was \$ 20,000 with a \$ 2,000 discount if Brady paid cash. So he called Brandt in New Orleans and said they needed to scrape together \$ 18,000 to buy this groovy (some might call it gritty) bar. They sold their hand-me-down cars, liquidated bank accounts, and Brandt took out a \$ 5,000 loan. They were still \$ 3,000 short.

"The night of the transaction I swiped my credit cards like I had a big bar tab," laughs Brady, who at 20 couldn't legally drink but could own the joint. "When one card reached its limit, I'd go to the next."

With that, the brothers Wood became half owners in the Rhythm Room, lunging head first into their entertainment company, Rhythm Inc., never giving much thought to what would happen next.

"We have a tendency ... how should we say this?" Brady begins.

"An entrepreneurial seizure will take hold," Brandt continues. "We're creative guys. That's our forte. But we sometimes lack the planning aspects."

The Dallas Morning News June 10, 2001, Sunday

For the first five years of their business, Brandt continued to run the family business in New Orleans, spending his weekends in Dallas, while Brady finished college and burned the candle at both ends.

In 1990, when a nearby pub bit the dust, the landlord let the Wood brothers and their Rhythm Room partner take over the vacated space for \$ 12,000. They named it the Green Elephant, decorated it with dorm-room posters and retro hippie memorabilia, and had themselves another lucrative proposition.

The next year, the partnership took over Trees in Deep Ellum for \$ 2,500 and the assumption of a long-term lease. The live music venue on Elm was less than six months old but already in serious financial trouble. They turned things around by creating strong entertainment calendars. Nirvana, Smashing Pumpkins, Pearl Jam and Stone Temple Pilots all played their first Dallas gigs at Trees.

In 1994, when the Green Room opened, they went from dishing out cheeseburgers, pizza and brew to serving up 4 1/2 star dining.

"We did a gourmet food and wine presentation in a rock 'n' roll environment and threw Dallas for a loop," Brandt says. "Today, the Green Room gets compared to Los Angeles and New York all the time."

By this time, Brandt and Brady were getting long in the tooth for the college scene and decided to sell the two profitable college pubs. "When you're 24 and in a place like that, people ask if you're in town for parents' weekend," Brady says. "It was time to move on."

The brothers pocketed \$ 100,000 for their half of the Rhythm Room, which is now called the Home Bar, more than five times their original investment. They sold the Green Elephant for \$ 400,000 and carried the note with "generous terms" for four years so that their employees could buy it.

Brandt and Brady won't tell you how profitable they've been over the years, because they frankly don't know.

"It's just been in the last two years that we've made a consistent, trackable revenue flow," Brandt says sheepishly.

"For the first eight years, we paid bills, and if we had money left over in the bank account, we thought we must be profitable," Brady says. "We were allergic to developing a corporation because we feared it would diminish our creativity."

In 1998, after opening the Gypsy Tea Room, another live-entertainment venue with a 1,200-person capacity, the company's haphazard structure was crimping operations and making it nearly impossible to raise investment money.

The company was generating about \$ 4.5 million in sales with a hundred employees but had no real oversight of human resources, inventory control, leases or finances.

"We wanted to grow and get corporate in some systems, but not let that philosophy infiltrate the customer and employee experience," Brandt says. "We didn't want to sacrifice the individuality of the units."

They implemented controls that made everyone from the partners to the dishwashing staff accountable for expenses and the economic well-being of the company.

Ironically, they say, the rules have set them free.

They centralized sales, marketing special events and HR; hired a professional controller (they now know what one is); and clearly defined the four partners' roles.

Whit Meyers, who oversees food and beverage and handles legal issues, bartered his legal fees into a full partnership 10 years ago. The purchase of Trees was a complicated legal deal, and the Wood brothers couldn't afford to pay him.

From his perspective, the partnership (which also includes Erick Schlather as head of operations) works because talents are complementary.

"Each of us has strengths that fit together," says Mr. Meyers, who at 39 is the oldest of the group. That's true, too, of the brothers, who on the surface might appear to be one and the same. "Brady has a great knack for the macro business scheme of things -- seeing the big picture -- and Brandt loves to run his fingers through the details."

Cheryl Hall is business columnist for The Dallas Morning News. Ideas at Work is intended as a forum for ideas and opinions of interest.

The Dallas Morning News June 10, 2001, Sunday

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JOURNAL-CODE: DA

LOAD-DATE: June 12, 2001

EXHIBIT G

11 of 89 DOCUMENTS

Copyright 2001 Knight Ridder/Tribune Business News
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The Dallas Morning News

June 3, 2001, Sunday

KR-ACC-NO: DA-TOURISM

LENGTH: 568 words

HEADLINE: Irving, Texas, Takes a Look at Tourism Data

BYLINE: By Suzanne Marta

BODY:

IRVING, Texas--Between 35,000 and 45,000 people request information from the Irving Convention and Visitors Bureau each year, but whether they actually visit has always been a mystery.

That could change, as tourism officials pore over initial results from their first-ever studies on visitor impact and awareness.

The data show that an estimated 1.5 million overnight visitors pumped more than \$ 456.4 million into Irving's economy during 2000.

Tourism officials said the studies would help develop baseline information that will refine their marketing efforts. For years, the city relied on Dallas-area studies and visitor inquiries to develop its marketing strategy.

But a more sophisticated strategy will be crucial as the city prepares to build a \$ 100 million convention center in the Las Colinas urban center.

"As we go forward, we know we have, for the first time, a really good picture of who our baseline customer is and where we can target growth opportunities," said Maura Gast, the assistant executive director of marketing for the Irving visitors bureau.

Two Irving studies -- visitor impact and perception -- have been completed. Another study on how inquiries translate into actual visits is expected later this year. An annual study on the economic impact of day-trippers is still under way.

That research will help tourism promoters refine their strategy for marketing and advertising the area.

The Irving visitors bureau will spend about \$ 600,000 this year, mostly to woo national meeting planners. Some dollars also go to advertising in regional and national publications.

"It doesn't make sense for us to spend dollars on national advertising if most of our visitors are coming from Texas, Oklahoma, Arkansas and Louisiana," Ms. Gast said.

The initial data have proven some of the hunches that local officials had, they say. For instance, they'd long thought that business travelers made up the balance of Irving visitors because of the city's proximity to Dallas/Fort Worth International Airport and the dozens of hotels lining state highways 114 and 183.

In fact, the report shows, 70 percent of all travelers to Irving come on business trips. Only about 13 percent come for leisure travel, and 2 percent come for conventions or trade shows.

The Dallas Morning News June 3, 2001, Sunday

That's a big difference from visitors to the Dallas area as a whole.

Big D attracts an estimated 13 million visitors annually -- 40 percent of whom come for business, said Greg Elam, senior vice president of communications for the Dallas Convention and Visitors Bureau. Visitors to the Dallas area spend an estimated \$ 8.5 million.

Bureau officials also found that most Irving visitors don't come to stay within the city limits.

"Dallas and Fort Worth are the brand names that visitors recognize," Ms. Gast said. "If we want to get them, we have to start with the D-FW message. If you take your ego out of it, it makes sense."

So tourism promoters plan to stress Irving's location in the middle of the two cities.

"People know where Irving is, but they're planning a trip to Dallas or Fort Worth," Ms. Gast said. "First, we have to get their attention and get them to stay in Irving. Then we can show them all the things there are to do here."

To see more of The Dallas Morning News, or to subscribe to the newspaper, go to <http://www.dallasnews.com/>

JOURNAL-CODE: DA

LOAD-DATE: June 6, 2001

EXHIBIT H

12 of 89 DOCUMENTS

Copyright 2001 Knight Ridder/Tribune Business News
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The Dallas Morning News

May 6, 2001, Sunday

KR-ACC-NO: DA-IDEAS-WORK-COL

LENGTH: 1677 words

HEADLINE: The Dallas Morning News Ideas at Work Column

BYLINE: By Cheryl Hall

BODY:

ENTREPRENEUR SERVES TENNIS TO NEW DALLAS GENERATION: Glen Agritelley intends to move tennis back to center court in Dallas.

In the process, the former Microsoft executive hopes to move Dallas back to the center court of professional tennis.

And the 48-year-old owner of T Bar M Racquet Club in North Dallas is using business lessons he learned at the software giant to implement his plan.

Founded in 1970 by Dallas' Turpin (T), Bartzen (Bar) and Mayberry (M) families, T Bar M has long been the crown jewel of local tennis facilities and the only private club in Dallas where golf is a four-letter word.

But the gem needed a little polishing when Mr. Agritelley bought it in 1997. Membership was graying, the courts were dated and the club was losing money. You could walk onto a court just about any time of day.

"My vision was to make this the premier tennis club in the United States," he says as he shows off the facilities nestled on 12 acres of oak trees across Preston Road from Valley View Center. "I wanted to enhance its national reputation and return professional tennis to Dallas."

Four years and \$ 7 million later, he's come pretty far.

He's upgraded the facilities, boosted its membership and turned red ink into black. He's returned professional-circuit play to Dallas after an absence of more than a decade.

And he's written personal checks for most of this -- thanks to Microsoft.

Mr. Agritelley joined what was then a still sleek, entrepreneurial software company in 1988 as its 1,530th employee, getting stock options representing nearly a million bucks if things panned out.

At the time, he didn't give a flip about that perk. He was jumping a foundering ship called Businessland that had lavished him with stock that turned out to be worth nothing as the PC retailer headed into the financial tank.

"I'd just lost my shirt in Businessland, so I had absolutely no interest in options," he says with a little laugh. "I was looking for security, more money and a growth opportunity."

By 1997, Mr. Agritelley had plenty of all three. As director of Internet sales for the central third of the United States based in Dallas, he was responsible for \$ 280 million in sales. His stock options had multiplied through six stock splits to be worth tens of millions of dollars.

But he'd also climbed as far as he could within Microsoft without heading up to corporate headquarters in suburban Seattle.

Rather than uproot his wife and two young sons, Mr. Agritelley exercised his options, sold a portion of his stock to pay a whopping tax bill and bought T Bar M, hoping to refocus his life around family.

"I didn't want to be a dad who looked up when my kids were 15 and 16 and realized that I'd never spent any time with them," says Mr. Agritelley, who still owns a lot of Microsoft stock. "I was at the point where I had to ask myself, 'When is enough enough?'"

He also wanted to rekindle Dallas' love affair with his favorite sport.

Big D used to mean **Big T**. During the 1970s and mid-'80s, World Championship Tennis, the Virginia Slims women's tour and the Association of Tennis Players were all based in the Dallas area. The city hosted several annual world-class events that featured such superstars as Martina Navratilova, Bjorn Borg and Jimmy Connors.

Ken Rosewall's five-set victory over Rod Laver at Moody Coliseum in 1972 captured the public's imagination and put tennis on the world sports map, says Dick Stockton, who worked at T Bar M before becoming head coach for men's tennis at the University of Virginia.

"If one match could do it, that was it," he says.

"Dallas was the best tennis town in America," Mr. Stockton says. Then, in the late 1980s, the Texas economy hit the skids just as corporate sponsorships for professional tennis and the sport's popularity in the United States took a nosedive.

"All of a sudden, everything in Dallas disappeared off the face of the Earth," says Mr. Stockton, a former Top 10 world-ranked player. "People in other parts of the country couldn't believe that it had all gone by the wayside."

He's impressed with the progress his former boss has made with the help of club director Darren Boyd, who was the head tennis pro at Brookhaven Country Club for six years before starting T Bar M with Mr. Agritelley.

"Glen's done nothing short of what he promised and maybe more," Mr. Stockton says.

In February, T Bar M held its third annual United States Tennis Association Challenger tournament, which features players ranked 50th and higher on the American Tennis Professionals circuit. These players are either veterans trying to jump-start flagging careers or young up-and-comers seeking to break into the big money.

The USTA Challenger is a step below the major tournament tour of the U.S. Open, Wimbledon and this month's French Open, but Mr. Agritelley contends that it's a good start.

Corporate sponsors helped foot the bill for this year's tournament, including \$ 50,000 in prize money, and attendance rose substantially.

"We crossed a major hurdle this year. I would like to build it into an event that captures sponsorship and media attention, and makes people want to come to see it as much as they want to go to a Cowboys game," Mr. Agritelley says.

"And if an ATP tournament event becomes available, I'd love nothing better than to bring it here. I think Dallas needs it."

At most private clubs, golf pays the bills, and tennis is a losing proposition.

Since T Bar M doesn't have fairways and greens, Mr. Agritelley has to make his courts operate like a business.

Not surprisingly, one of the first things he did was install a robust computer system that is Windows-based. Although the dollars he's dealing in are a tiny fraction of his Microsoft days, he tracks all of the same financial measurements he used to plot the course of his \$ 280 million company within a company.

Compensation is tied to club performance, and the profit-and-loss statement is shared with employees. He gives his staff the same latitude to make decisions -- and mistakes -- that Bill Gates and Steve Ballmer gave him.

"We had a saying at Microsoft: 'Turn the volume up,' which meant if you wanted something to happen, and you couldn't get anyone to listen, it was your responsibility to turn the volume up and make it happen," he says in an office

decorated with Roy Orbison memorabilia. "I want people to say what they think, substantiate it with data and be prepared to push back on me if I push back on them."

Mr. Agritelley routinely went through such mental jousting with Mr. Gates and Mr. Ballmer, who quickly splayed field managers who showed up at headquarters unprepared or unwilling to acknowledge their mistakes. But his former bosses were more than willing to cut some slack if they felt problems were being addressed.

"These are very, very smart guys," Mr. Agritelley says. "You could sit there with your 70-page presentation, and they'd flip through it and go right to the weakest point, always. It was a culture where you were expected to present the truth and never got in trouble for doing so."

Joe Zarrehparvar, a Microsoft consultant in Dallas, says his former colleague can assess market conditions, knows how to juice up demand and surrounds himself with smart staff.

He says such savvy helped Mr. Agritelley grow a small outpost in Dallas into a regional sales machine. "It's no accident that good things happen to Glen. He's been incredibly fortunate, but you can only go so far on luck. There's a lot of substance to what he does."

In the case of the club, the complex of 30 indoor and outdoor courts has been upgraded with new high-tech lighting. Tennis offerings were revamped, and 20 teaching pros are now on staff.

There's a new emphasis on its juniors program, which has multiplied in attendance and has increased the number of its national level players, says T Bar M tennis coordinator Bill McGowan, who was the junior Davis Cup captain and coach when John McEnroe was on the team.

The basement was transformed into a 6,000-square-foot fitness center with personal trainers, massage therapy and a Pilates program, the current fitness rage.

All of this has attracted a younger, more active customer base that's revitalized the club.

Membership had been heavily skewed to people over 55 who also belonged to a country club where they did most of their dining and retail spending. Typically, the wife played tennis at T Bar M once or twice a week, but that was it.

"We were the tail and not the dog," Mr. Agritelley says. "We knew we had to change the demographics and get younger families with kids in here."

Today, 65 percent of the membership is under 45 years old.

The roster of 600 families is up 20 percent from 1997, despite losing some members, mostly older ones who didn't like the changes or the 15 percent hike in fees and dues. A family wanting full privileges now pays a \$ 2,500 initiation fee and \$ 170 in monthly dues. Single members pay \$ 1,500 plus \$ 140 a month.

Club member Tim Harle says Mr. Agritelley earned the right to raise dues. "He's putting dollars back into the facilities versus using it as a cash cow and raising dues at will," says the 35-year-old Dallas stockbroker. "At some point, those costs have to be passed on to the members."

For the first 18 months, Mr. Agritelley used money out of his pocket to meet payroll and wondered what he'd gotten into. It's profitable today, but he admits the numbers won't turn anyone's head.

"I didn't get into this looking to make a lot of money. I don't need another penny to buy milk for my kids," he says.

"I feel lucky every day, believe me. I never thought I'd be in this position, never in a million years."

Cheryl Hall is business columnist for The Dallas Morning News. Ideas at Work is intended as a forum for ideas and opinions of interest.

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JOURNAL-CODE: DA

LOAD-DATE: May 8, 2001

EXHIBIT I

Tulsa World April 11, 2001, Wednesday

13 of 89 DOCUMENTS

Copyright 2001 Knight Ridder/Tribune Business News
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Tulsa World

April 11, 2001, Wednesday

KR-ACC-NO: TU-TECH**LENGTH: 610 words****HEADLINE: Leaders See Tulsa, Okla., Shifting toward Tech Emphasis****BYLINE: By Nicole Nascenzi****BODY:**

Tulsa's ability to ride the wave of technology will determine its success in the coming decades, speakers said Tuesday at a local conference.

Several hundred people attended the Mayor's Technology Conference at the Tulsa Convention Center. The event was sponsored by the Tulsa Metro Chamber, the mayor's office and the Gardere Wynne Sewell LLP law firm. "Tulsa has, in effect, been reinventing itself into an emerging technology center," said Curtis Long of Gardere Wynne Sewell.

During the boom of the oil industry, Tulsa was known as the oil capital of the world but the city is changing into the network capital of the world, Mayor Susan Savage said.

Telecommunications is one of the fastest-growing segments of the local economy, she said.

Tulsa is not alone in the paradigm shift of its major industries. Dallas, as well as many other communities, followed the technology tide to become one of the nation's leading cyber cities, she said.

"While government is local, all businesses are now global," Dallas Mayor Ron Kirk said.

The changing commercial landscape requires local government officials to think differently, Kirk said.

The "Big D" did not make its paradigm shift from an energy-based economy to a technology hub without error, and the key to success is for city officials to learn from each other, he said.

"The best mayors are the ones who steal ideas from one another," the Texan said.

Kirk recalled that the process of change was slow, but time and money spent building transportation infrastructure and revamping its civic center were critical to the city's success.

He noted that Dallas-Fort Worth International Airport has grown to become the third busiest in the world.

Savage took the opportunity during her speech to endorse the third penny sales tax package, which comes before Tulsa voters May 8.

If approved, the nearly \$ 390 million package will go toward capital replacements, mass transit, park and recreation centers, cultural facilities and urban development projects aimed at improving Tulsa's quality of life.

The Dallas mayor stressed the importance of quality educational systems and communications between the private and public sectors.

Tulsa World April 11, 2001, Wednesday

Tulsa Public Schools Superintendent David Sawyer joined Tom Pipal, director of corporate training for WorldCom Inc., and Wayne Anderson, Sabre Inc. senior vice president, on a panel discussing education and work force development.

Sawyer used The Tulsa High School for Science and Technology, which is slated to open in August, as an example of how the school system is trying to better serve its students by giving them more exposure to technology.

Successful work force development programs need to be scalable and able to respond quickly to the needs of the business community, Pipal said.

Pipal cited several area programs, including the many operated by the Oklahoma Department of Career and Technology, as examples of quality efforts.

Successful work force development programs are critical to creating a technology-savvy city, Anderson said.

Currently, there are more than 5 million job openings nationwide for information technology workers, 6,000 of them in Tulsa, he said.

Sabre's Anderson, who is board chairman for the Center of Excellence in Information Technology and Telecommunications, said the CEITT is working to improve technology education in T-town.

The conference, which was free and open to the public, also covered telecommunications trends, Internet security and the future of technology.

To see more of the Tulsa World, or to subscribe to the newspaper, go to <http://www.tulsaworld.com>.

JOURNAL-CODE: TU

LOAD-DATE: April 11, 2001

EXHIBIT J

15 of 89 DOCUMENTS

Copyright 2001 Knight Ridder/Tribune Business News
Copyright 2001 Fort Worth Star-Telegram
Fort Worth Star-Telegram

March 6, 2001, Tuesday

KR-ACC-NO: FT-AIRLINES

LENGTH: 450 words

HEADLINE: Dallas/Fort Worth Airport Uses Aviation Forum to Woo International Flights

BYLINE: By Bryon Okada

BODY:

DALLAS--In an effort to expand its network of flights here and abroad, Dallas/Fort Worth Airport officials are hosting an aviation conference to lobby airlines to bring new service to the Metroplex.

With passenger and operations totals declining the past two years, D/FW Airport officials hope the two-day Network 2001 -- the first North American planning forum conducted by Airline Business magazine -- will open international and low-fare markets to D/FW.

Thirty-eight airlines and 35 airports are represented at the conference, which is being held at the Wyndham Anatole Hotel.

"We'll be making presentations to 15 airlines, reaching airlines around the world from here in downtown Dallas," said Joe Lopano, D/FW executive vice president of marketing. "These conferences didn't exist 10 years ago, but the industry is realizing a lot of money is at stake here, and sophisticated marketing is becoming the norm."

From D/FW's perspective, the conference gives airline executives from around the world a firsthand glimpse of the Metroplex and provides a forum for lobbying each of them to make D/FW Airport one of their destinations.

Officials are extolling Dallas' cosmopolitan virtues, as well as feeding the **Big D** pop culture image with a gala dinner Monday at the Southfork Ranch's Ewing Mansion.

The bulk of the lobbying effort, which is broken down into 20-minute presentations, will be today. Among the airlines represented are Aerolitoral, AeroMexico, Air France, AirTran Airways, American Airlines, Lufthansa, Continental Airlines, Delta Air Lines, Grupo TACA, Iberia Airlines, JetBlue Airways, KLM Royal Dutch Airlines, LOT Polish Airlines, Shanghai Airlines, Southwest Airlines and Swissair.

"Just one of the single new international routes we're pursuing could add more than \$ 170 million per year to the economies of North Texas," D/FW Chief Executive Officer Jeff Fegan said.

One of D/FW's possible long-term strategies would mirror Atlanta Hartsfield Airport, the world's busiest airport. Because of a partnership between Delta Air Lines and Air France, more international flights out of Hartsfield are warranted. If a major carrier like American could set up a similar alliance out of D/FW, flights to Europe could be drastically increased.

"It's not a zero sum game when it comes to the trans- Atlantic flights," said Patrick Bianquis, a vice president with Air France.

Fort Worth Star-Telegram March 6, 2001, Tuesday

D/FW has international flights to five cities in Europe, three cities in Asia, four cities in Canada, five cities in South America and 16 cities in Mexico.

To see more of the Fort Worth Star-Telegram, or to subscribe to the newspaper, go to <http://www.startext.com>

JOURNAL-CODE: FT

LOAD-DATE: March 7, 2001

EXHIBIT K

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Copyright 2001 Knight Ridder/Tribune Business News
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The Dallas Morning News

February 7, 2001, Wednesday

KR-ACC-NO: DA-AMTRAK

LENGTH: 794 words

HEADLINE: Amtrak Plans New York City-Dallas Route

BYLINE: By Tony Hartzel

BODY:

Amtrak passenger trains could soon be rolling through East Texas on a new route from Dallas to New York City, thanks to an agreement between the train service and the Kansas City Southern Railway.

The agreement is expected to be formally announced this week, Amtrak officials said Tuesday. No start date or ticket prices have been set for daily passenger service on the "Crescent Star" between **Big D** and the Big Apple -- the first direct service from Dallas to New York in at least 40 years.

But Amtrak board member John Robert Smith said he expects a largely ceremonial inaugural run in May for the route, a 38- to 40-hour trek one way.

"Whether we can start daily service then, that's another consideration," said Mr. Smith, who also serves as mayor of Meridian, Miss. The Crescent Star will join the main Crescent line in Meridian on its way from New Orleans to New York City. A coach fare on the New Orleans-to-New York route is \$ 177 one way.

No estimate has been given on the number of passengers expected to use the new Amtrak line. Revenue from passengers, U.S. mail contracts and other freight services are expected to pay all the Crescent Star's operating costs, Mr. Smith said.

Before service can begin, however, Amtrak must obtain a loan from the Federal Railroad Administration to improve Kansas City Southern's track and add a new train dispatch and control center, said Ab Rees, the railway's vice president for international operations. The loan will be repaid from Crescent Star revenues.

"The operating agreement is not the problem. It's that Amtrak has not secured a loan for the infrastructure improvements," Mr. Rees said. "If that gets done, the rest will fall into place."

Amtrak officials have characterized the Federal Railroad Administration loan as another step toward beginning the long-awaited train service. The loan could total tens of millions of dollars.

"We want it to happen. We'll be glad to do this," Mr. Rees said of using the loan proceeds to improve the track.

The route could have noticeable effects on East Texas towns served by the Kansas City Southern. Cities such as Wylie, Greenville, Sulphur Springs and Jefferson could be considered for stations.

"It gives more options to visitors coming to Texas from New York, Washington and Atlanta," said U.S. Sen. Kay Bailey Hutchison, a strong supporter of expanding the Amtrak network. "The more routes we have on Amtrak, the better service we can get."

The Dallas Morning News February 7, 2001, Wednesday

Amtrak planners also had considered running the Crescent Star on the Union Pacific line, which travels through East Texas on a more southern path that mirrors Interstate 20. Amtrak's Texas Eagle train from Chicago to San Antonio uses that rail line as it heads through Dallas and Fort Worth.

The Kansas City Southern agreement will allow Amtrak to run the Crescent Star on the same track through Shreveport and on to Meridian, Miss. Not including possible Texas stops, trains are expected to pick up and drop off passengers in Shreveport, Ruston and Monroe, La., and in Jackson and Vicksburg, Miss.

Once in Meridian, the train will hook up with the original Crescent train from New Orleans before proceeding to Atlanta, Washington, D.C., Philadelphia and New York City.

Trains from Dallas' historic Union Station are expected to leave every evening and arrive in Meridian the next morning. From Meridian, the journey to New York City takes an additional 26 hours.

"This will not only benefit Amtrak, it will benefit the business shippers, too," said Tim Geeslin, president of the Texas Association of Rail Passengers. "And this means that for us locally, instead of going to Chicago and then catching another train, we have a direct route to Atlanta, Washington, D.C., and New York -- all on the same train."

Historically, railroads began cutting passenger service in the early 1960s, as air travel became the dominant mode of interstate transportation. But popularity for airlines has created a new set of problems as airports have begun reaching capacity.

Dallas/Fort Worth International Airport, for example, has no passenger gates to spare. It has embarked on a multibillion-dollar capital improvement program to build a new terminal and people-mover system.

Passenger rail supporters tout trains as a possible way to ease the burden on the nation's increasingly crowded airports.

"In the past, Amtrak has tried to move to self-sufficiency by cutting lines. We need to grow to self-sufficiency," Mr. Smith said. "For cities on this interstate system of steel rails, they will be impacted as much as those on the interstate highway system."

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EXHIBIT L

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October 31, 2000, Tuesday

KR-ACC-NO: DA-MILLER-COL

LENGTH: 1027 words

HEADLINE: The Dallas Morning News Robert Miller Column

BYLINE: By Robert Miller

BODY:

The Texas Discovery Gardens dedicated itself last week to "Three B's" that supplant Bach, Brahms and Beethoven: butterflies, bugs and botany.

The backdrop was the pre-announced annual Flora Award presentation to retired Dallas commercial contractor giant Henry C. Beck.

But that was only part of the importance of the black-tie gala at the Fair Park Center, which was formerly known as the Dallas Horticulture Center and before that as the Dallas Garden Center.

The real surprise of the evening was the announcement that a \$ 3 million grant from The Rosine Foundation Fund of the Communities Foundation of Texas would be used to build The Rosine Smith Sammons Butterfly House and Insectarium there.

This lead gift to the Texas Discovery Gardens' \$ 10 million capital campaign, made at the behest of Mary Anne Sammons Cree, will create the world's first combined butterfly and insect immersion exhibit in the memory of Mrs. Cree's mother.

Furthermore, it will be the centerpiece of the Texas Discovery Gardens, where visitors will explore the interrelationship of the Three B's in **Big D**.

"We are elated and overwhelmed by this cornerstone grant," said Roslyn Dawson Thompson, chairwoman of the Texas Discovery Gardens board of directors.

"The Rosine Smith Sammons Butterfly House and Insectarium will be a unique educational resource and a magical visitor experience."

"This is an appropriate tribute to my mother, both for her love of butterflies and her interest in education and conservation," Mrs. Cree said.

"I am very pleased that her name will be associated with this place of beauty and of learning.

"Butterflies are the jewels of nature, and they will be seen in the context of plants and insects in this exciting and exceptional facility."

Ms. Thompson says the board of directors has chosen the Dallas firm of Oglesby-Greene as the architect for the project.

The design phase is under way, with construction and renovation of the building and 7.5-acre gardens scheduled to begin in November 2001.

During the 10-month construction period, the Texas Discovery Gardens will be closed to the public, reopening in September 2002 with the dedication of the Rosine Smith Sammons Butterfly House and Insectarium.

During that 10-month period, the organization will provide off-site education programming and member services.

ON WEDNESDAY, there are two luncheons with celebrity speakers who are popular with Dallas audiences and a free evening seminar on depression and anxiety sponsored jointly by two well-known Dallas health institutions.

Liz Carpenter, former press secretary to Lady Bird Johnson, will serve as keynote speaker for the Greater Dallas Chamber's Distinguished Women Leaders Lecture Series sponsored by The Dallas Morning News at the Wyndham Anatole Hotel.

Ms. Carpenter and former Gov. Ann Richards have helped push Texas to first among the 50 states when it comes to women humorists in public life.

And humor will be the topic when this sixth-generation Texan discusses "Humor is Power: Start With a Laugh," taken from her fourth book, *Start With a Laugh: An Insider's Guide to Roasts, Toasts, Eulogies and Other Speeches*.

The Dallas Morning News Distinguished Women Leaders Lecture Series was introduced by the Greater Dallas Chamber to educate the public about women leaders, identify future opportunities for women in leadership positions and highlight the achievements of women leaders.

In addition to The News as title sponsor, event sponsors include Deloitte & Touche LLP and Gardere & Wynne LLP.

Contributing sponsors are Southwest Airlines and The Mansion on Turtle Creek.

Tickets for the public are \$ 50 each; tables of 10 are \$ 500. Call 214-746-6787 for additional information.

ELIZABETH DOLE, who has served five United States presidents and was until recently president of the American Red Cross, will address the eighth annual Women & Heart Health Luncheon presented by the American Heart Association's Dallas Vision at the Hyatt Regency Dallas at Reunion.

Jimmy Westcott is the honorary chairwoman for the Women & Heart Health Luncheon, which raises funds for American Heart Association research and education programs and helps increase awareness among women in the Dallas community about the risks of heart disease and stroke in women.

Heart disease is the leading cause of death for all women in the United States, says Dr. Nina Radford, president of the AHA's Dallas division.

Sponsors include Aetna, Integer Dallas, Imprimis, Interprise, Bank One, the Cooper Aerobics Center and KTVT-TV (Channel 11).

Tickets are \$ 75 each, and table sponsorships range from \$ 2,000 to \$ 100,000.

Call Kerri Dear at 214-748-7212.

THE PUBLIC IS INVITED TO ATTEND a 7 p.m. lecture by Dr. Madhukar Trivedi in Bohannon Hall on the grounds of Cooper Institute, 12330 Preston Road at Willow Lane.

Dr. Trivedi is an associate professor of psychiatry of the University of Texas Southwestern Medical Center at Dallas and a noted researcher who heads the depression and anxiety disorders program at UT Southwestern.

In addition to discussing state-of-the art treatment with medications and/or psychotherapy for depression, Dr. Trivedi will discuss research investigating new treatment, including taking St. John's wort and following a prescribed exercise plan.

He and Cooper Institute researchers Drs. Andrea Dunn and Heather O'Neal are working together in a nationwide study funded by the National Institutes of Health investigating exercise as treatment for mild to moderate depression.

They are looking for participants between the ages of 20 and 45 who are suffering from symptoms of depression but are not on medication or other treatments and do not exercise more than twice a week normally.

Those who are interested in applying should call 972-341-3235 for additional details.

Staff columnist Robert Miller writes about people and events of interest to the business community for The Dallas Morning News.

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JOURNAL-CODE: DA

LOAD-DATE: November 1, 2000

EXHIBIT M

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Copyright 2000 Knight Ridder/Tribune Business News
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The Dallas Morning News

October 15, 2000, Sunday

KR-ACC-NO: DA-IDEAS-WORK-COL

LENGTH: 2076 words

HEADLINE: The Dallas Morning News Ideas at Work Column

BYLINE: By Cheryl Hall

BODY:

DALLAS REALTORS DEFY RULES OF HOME SELLING: Rod Monger and his partners at campbellmonger.com Realtors are intent on upsetting the long-established order of residential sales.

Homeowners, they figure, are tired of losing a significant chunk of change in commissions when they sell what usually is their most valuable possession.

So the guys at campbellmonger.com implemented a plan that lets owners put their homes up for sale with the Dallas brokerage for an up-front, flat fee of \$ 955 in lieu of the traditional 3 percent listing commission.

That amounts to a \$ 2,045 difference on the sale of a \$ 100,000 home or \$ 8,045 on one for \$ 300,000.

There is still a 3 percent commission paid to the agent who actually sells the house.

Fooling with the norm has made campbellmonger.com an industry pariah to some and a consumer champion to others.

Mr. Monger, formerly an assistant dean of the Graduate School of Business at Fordham University in New York City, accepts both characterizations as compliments.

"Residential real estate is a sick industry," argues the 52-year-old mastermind behind the flat-fee listing plan that was put into full force in January. "The revolution is going to happen with or without campbellmonger.com. We're just passengers on the bus, and the listing side is just a scratch on the surface. When you start to restructure the buyer side, you are going to see some breathtaking changes."

Change at campbellmonger.com has been enough to make you gasp, too.

Just two years ago, Campbell Monger Realtors was a traditional brokerage with 18 independent sales agents operating primarily in the East Dallas market.

Today, it has an Internet-embracing name and is down to Mr. Monger, his equal partners, Mark Liesner, 31, and Wayne Garcia, 37, and two support staff. Everyone else -- including lead-name partner Michael Campbell, who accounted for a third of the company's revenue last year -- has jumped ship.

"We were going back to square zero," explains Mr. Campbell, who sold his partnership interests in March and is now a top producer for Ellen Terry Realtors. "Cutting my take-home pay by 75 percent wasn't in my plans. I felt six years was long enough to be a start-up company."

Despite this intense upheaval, campbellmonger.com is more profitable today than any time in its history. It has increased its listings by 37 percent this year, with a much larger presence in its core markets of the M Streets, Hollywood Heights and Lakewood, the remaining partners say.

Ride through those neighborhoods and nearly one sign in 10 is a blue-and-white campbellmonger.com.

Homebuilder David Youngs uses campbellmonger.com because of its flexibility in commissions. "I'm a guy who needs to buy five or six places and sell five or six homes each year," says the owner of R. David Youngs & Associates Inc., which does new-home construction in East Dallas. "They understand what I need as a multiple user better than other Realtors."

With an all-for-one attitude worthy of the Three Musketeers, the campbellmonger trio agreed to cap their individual take-home pay at \$ 72,000 this year (significantly less than what Mr. Liesner and Mr. Garcia had been making) and plow the rest back into the company.

"In other brokerages, independent agents take 70 percent of every dollar. That's the snake's head we had to cut off here," says Mr. Monger, who does much of the listing work and actually got a pay raise with the restructuring.

The idea is to invest as much as they can in technology to expand the company and stay focused on what the partners see as a higher mission.

"We're not just three guys honking around East Dallas cutting fees on real estate," says Mr. Monger. "If everybody in the M Streets had used an option like this last year, that one neighborhood would have saved \$ 2 million. We calculated it would have saved Lakewood another \$ 1.7 million. If you fold that into a national level, you're talking about the kind of money that changes the productivity numbers of the national economy."

Nobody has ever accused Rod Monger of understatement, lack of enthusiasm or skirting a challenge.

The native Houstonian, who holds a doctorate in business administration from the University of Houston, has always had a passion for blending technology with commerce.

Those who know him say he's a strong theoretician with cutting-edge ideas. The question is whether he can take largely unproven concepts and turn them into solid business practices.

"I do tend to be an idea guy, and some people have used that to disenfranchise me," Mr. Monger responds. "But my background has given me a lot of experience to draw from."

In the late '80s and early '90s, Mr. Monger was a jet-setting vice president of information technology consulting for the Research Board, a prestigious New York City think-tank that guided such companies as American Airlines, Kraft General Foods, Chrysler Corp. and Merrill Lynch & Co.

In 1990, Mr. Monger began buying depressed rental real estate in Dallas, where he came to visit friends. He spent his weekends in **Big D** as a "de-slum" landlord, renovating his properties. "I put in security, ripped out carpet, painted and got rid of the cats," he says.

His weekdays were spent in New York City and Palo Alto, Calif., counseling the likes of Apple Computer's Steve Jobs, Microsoft's Bill Gates and Oracle's Larry Ellison, who came to him to find out what major corporate clients wanted from technology.

"So you can see there was a certain lack of focus and balance in my life," Mr. Monger says with a laugh.

He'd made a lot of money in consulting, so he decided to replant his Texas roots in Dallas, kick back, go to barbecues and sell a few houses. "I had something like 20 listings, and I was working out of the bedroom of my apartment," Mr. Monger says.

In 1994, Mr. Campbell and Mr. Monger joined names, leased 2,000 square feet on North Central Expressway near Mockingbird Lane and began recruiting independent agents to help cover their brokerage's overhead.

"The more I got into the business, the more idiotic it seemed to me," says Mr. Monger. "The brokers weren't making any money because the agents were taking it all. And you had very little control over the quality of what these people did."

Almost immediately, he began to tinker.

"The residential real estate business needed to restructure itself big time," he says. "I felt there was -- as they say in the South -- a bird's nest on the ground for anyone who could figure out how to crack the problem."

Thinking he might have part of the answer, Mr. Monger tested a flat-fee listing program in the suburbs to the north, so that it wouldn't attract too much attention.

"I had to do it secretly because I had an office full of traditional agents, and they wanted no part of it," he says.

His hopes for the flat-fee plan and his worries about the agents turned out to be absolutely on target.

Nov. 19, 1998, became Black Thursday at campbellmonger.com. That day, Mr. Liesner and Mr. Garcia were scheduled to sign papers making them equal partners with Mr. Campbell and Mr. Monger. But word got out to the other agents that things were about to change at the brokerage.

"I came in early and three quit at once," recalls Mr. Garcia. "Then four and five quit, too."

Mr. Liesner and Mr. Garcia quickly escaped to discuss their options over lattes. "We were freaked out," says Mr. Garcia. "We wanted to see what David Musslewhite at Legal Grounds [Law & Coffee] thought of all this."

Despite their misgivings, the duo went ahead with the deal, although they reduced the amount they were willing to invest in the company.

"I was amazed they went through with it," Mr. Monger says. "That was November 1998, and that winter was just abysmal."

By March of 1999, everybody except the four partners had scattered.

"It was a deeper, darker black hole than any of us envisioned," says Mr. Liesner, who now is the company's president and chief executive.

"Our volume dropped by half in 1999," continues Mr. Monger. "However, our profitability shot up. For the first time in the history of this company, I wasn't raiding my investments to pay my rent here."

The turn of the millennium seemed like a good time to turn the company's gears with the flat-fee program.

"We had a bottom-line number of what we needed to make off a listing to cover our expenses -- man hours, signs, graphics and marketing," says Mr. Liesner, adding that \$ 955 is pretty much a break-even fee.

They know the plan is simply too radical for some homeowners, so they devised two other options. Sellers can choose a reduced listing commission of 2 percent at closing, or opt for a deal that combines a \$ 487.50 up-front fee with a 1 percent sales commission.

All three options still pay the traditional 3 percent commission to the agent who brings the buyer to the table. More than 90 percent of its listings go the flat-fee route.

"I had thought blue-hair ladies would still want to do it the free' way with the 5 percent total commission," says Mr. Monger. "But they're often the quickest to pull out their checkbooks and pay the \$ 955. I've been amazed."

Critics argue that with nearly \$ 1,000 in hand, campbellmonger.com has no imperative to sell the house, and the seller is locked in.

Mr. Monger wishes it were that easy.

"We got into a trap early on when we began to list houses for \$ 955 and then a few days later, an Ellen Terry or Coldwell Banker agent would sell the home. We'd go to closing, and they'd get the check," he says. "Those were black days that made Black Thursday look like kindergarten."

Campbellmonger.com currently sells 32 percent of its listings, says Mr. Liesner. "That's well above our East Dallas competition, which averages about 23 percent."

They knew the flat-fee plan would ruffle feathers. "We sat around thinking, How can we do this in a stealthy way?" Mr. Liesner says. "We came up with the idea of offering it on the Internet, drive people to our Web site and they'd stumble on to it."

Thus far, however, e-commerce hasn't been that effective as a marketing tool. A few clients have signed up via the Web, but most customers still want face-to-face dealings.

Robin and Ron Schwarz enjoyed a bit of both. The couple thought they'd sell a rent house on Belmont Avenue themselves but changed their minds when they came across the flat-fee plan. They met with Mr. Monger, paid their \$ 955 and promptly left for an around-the-world vacation -- even though they worried that nothing would get done while they were away.

"We were sitting at the Internet Cafe in Hong Kong overlooking the harbor when Ron checked e-mail and said, Hey, we've got an offer," Mrs. Schwarz says.

By the time the Schwarzes reached Thailand, all the details had been ironed out via fax and e-mail. They closed the deal three days after returning to Dallas.

"Rod was amazing," she says. "He did absolutely everything. The buyer was in a real hurry to move in, so Rod even contacted a plumber."

Still, not every listing turns out to be a happy marriage. Mr. Liesner estimates that about 12 percent don't renew the contract if the home doesn't sell -- even though there's no additional fee to do so.

Revenue this year should be about \$ 500,000, flat with 1999. They consider that an accomplishment since they lost the brokerage's biggest producer when Mr. Campbell left. Next year, they expect revenue to double, which would put sales back on par with when the firm had 18 agents.

But with that growth comes another significant challenge: attracting agents who share their vision. So far, other Realtors haven't been beating down campbellmonger.com's doors.

That puts a damper on expansion. For the time being, there's no plan to move out of the current boundaries of North Central Expressway east to Abrams Road, and Northwest Highway south to Henderson Avenue.

"We want to be a major player nationwide someday," says Mr. Monger, narrowing his eyes to savor the thought. "But right now, we're focused on East Dallas."

Cheryl Hall is the financial editor and columnist of The Dallas Morning News. Ideas at Work is intended as a forum for ideas and opinions of interest.

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JOURNAL-CODE: DA

LOAD-DATE: October 17, 2000

EXHIBIT N

The increase in passengers only tells part of the story. Daily departures at the airport have risen to 185 from 159 in 1999. And, air travelers can now fly from Love Field to popular U.S. destinations such as New York, Los Angeles, Chicago and Atlanta.

"It's no question that D/FW is an economic engine for the region," said Kenneth Gwyn, Dallas' aviation director. "We have our niche."

Because Love Field offers more convenient travel options, downtown Dallas could become more appealing to some businesses, said Daniel Slottje, a professor of economics at Southern Methodist University in Dallas.

"Competition is always a healthy thing," Mr. Slottje said. "My expectation is that it's not going to have any impact on D/FW."

Of the four airlines that entered Love Field this year or expanded service to new cities, all are showing steady gains in passenger traffic. Leading the pack is Continental Express Inc., the regional affiliate of Houston-based Continental Airlines Inc.

Little more than two years after launching service at Love Field with daily flights to Houston, the regional carrier added new service to Continental's Cleveland hub in June, using 50-seat regional jets.

The new service, plus an extra daily flight to Houston, has helped Continental Express boost passenger traffic by 38 percent in the first eight months of this year, compared with the same period a year ago.

Start-up carrier Legend Airlines Inc. of Dallas and regional carrier Atlantic Southeast Airlines, a unit of Delta Air Lines Inc., also are bringing travelers to Love Field. From its launch in April through the end of August, Legend flew 58,878 paying passengers on its all-first-class flights to Los Angeles, New York, Las Vegas and Washington.

Atlantic Southeast, which operates out of a gate at Legend's private terminal, carried 15,701 passengers during August and July, when it started six daily flights to Atlanta.

To compete with Legend, American Airlines Inc. began operating all-first-class flights at Love Field in May, eliminating daily service to Austin.

From May through August, 55,685 paying passengers flew on American to Los Angeles, Chicago and New York from Love Field. Last year, when American served only Austin, 65,709 travelers flew the airline in the same period.

For the first eight months of this year, though, American's total traffic at the airport, including the Austin service, is up 11 percent to 149,135 passengers. American launched the Austin service in August 1998 but shifted the service to regional affiliate American Eagle in January 2000.

So far, the new rivals haven't given Southwest any cause for alarm. It hasn't added any new service at Love Field this year. Through the end of August, traffic is up about 3 percent to 4.4 million passengers.

Southwest spokesman Ed Stewart credits a robust economy for the increase.

Love Field's growth is coming at D/FW's expense, said Kevin Cox, D/FW's senior executive vice president. D/FW estimates it will lose between 744,000 and

868,000 passengers this year to Love Field, a number it expects will grow to 1.2 million passengers next year.

"That is lost revenue for us," Mr. Cox said. "They [new Love Field passengers] are no longer paying parking, and they are no longer buying concessions."

D/FW, its dominant carrier, American Airlines, and the city of Fort Worth had sued Legend to block it from operating long-haul flights out of Love Field.

They said such flights would violate a 1968 bond agreement financing D/FW and would harm D/FW's revenue.

But in February, a federal appeals court in New Orleans determined that federal law permits airlines to fly from Love Field to cities beyond Texas and seven nearby states as long as they use planes carrying no more than 56 passengers. In late June, the U.S. Supreme Court refused to hear appeals of that decision.

Despite the new flights at Love Field, passenger traffic at D/FW hasn't yet dropped. Through the end of July, domestic flights to and from D/FW carried 33.2 million paying passengers, an increase of 1.6 percent. International passenger traffic soared 18.7 percent to 2.9 million travelers.

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The Dallas Morning News

September 24, 2000, Sunday

KR-ACC-NO: DA-AIRPORT

LENGTH: 1517 words

HEADLINE: Air Travelers Discover Benefits of Dallas Love Field

BYLINE: By Katherine Yung

BODY:

Kathryn Butterfield says it puts her in a better mood. Vicki Smith enjoys the quiet and convenience. And for Bonny Wilson, the smaller size is a plus.

They aren't gushing over Dallas' newest spa or boutique. With flight delays on the rise this year at large airports around the country, they and thousands of other air travelers are taking advantage of an alternate way to get in and out of **Big D**: Dallas Love Field.

"This has been a pretty well-kept secret for a while," said Ms. Butterfield, a 32-year-old employee of Andersen Consulting LLP. She commutes weekly between Dallas and her home in Atlanta on Atlantic Southeast Airlines Inc.

Until this year, Love Field, the former military airfield named for a pilot killed in training 87 years ago, survived as a commercial airport because of Southwest Airlines Co.

Since 1974, when eight other airlines moved to new digs at Dallas/Fort Worth International Airport, the Dallas-based low-fare carrier has dominated the tiny airport with little competition.

But early this year, the rules changed at Love Field. A federal appeals court decided that airlines can now make some flights to destinations outside Texas and seven nearby states, the boundary previously set by federal law.

Today, the airport's passenger traffic is on the rebound after three years of little or no growth. Airlines are expanding flights or launching new service.

And an airport that once labeled the 1950s as its decade of growth is now planning to build a new parking garage, remodeling portions of its roof, installing a new heating and air-conditioning system, and conducting an extensive analysis of how much growth it can handle.

While it's too early to tell which airlines will emerge as the market leaders from the expanded service, one doesn't have to look far to find the real winners: air travelers.

"It's easier to drive down here than it is to drive to D/FW," said Ms. Smith, a telecommunications analyst who moved to the area from Seattle in February. "At D/FW, I can't tell where I have to go."

For the first eight months of this year, passenger traffic at Love Field is up 4.6 percent to 4.8 million travelers. That compares with a gain of 1.6 percent for all of 1999 and small declines in traffic during 1998 and 1997.

The increase in passengers only tells part of the story. Daily departures at the airport have risen to 185 from 159 in 1999. And, air travelers can now fly from Love Field to popular U.S. destinations such as New York, Los Angeles, Chicago and Atlanta.

"It's no question that D/FW is an economic engine for the region," said Kenneth Gwyn, Dallas' aviation director. "We have our niche."

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American, which controls two of every three flights at D/FW, saw its traffic rise 2.7 percent, not including American Eagle's results.

Traffic at Delta, the second-largest carrier at the airport, slipped 1 percent while Continental Airlines and United Airlines Inc. showed gains of 3.7 percent and 16 percent respectively.

D/FW is also poised for a major expansion. The airport plans to build a \$ 1 billion, 23-gate terminal for international flights that's scheduled to open in 2005, and it's conducting a study on the need for an eighth runway.

Unlike D/FW, Love Field won't be able to grow beyond its three runways. A master plan that airport officials say will be completed at the end of November will recommend how much growth the airport can handle.

The study will also include suggestions on whether the airport's north and east concourses should be opened to passenger traffic. More gates at Love Field could lead to more carriers.

The influx is raising concerns about noise, traffic and pollution among some residents in surrounding neighborhoods.

"The quality of life in this city is going to deteriorate ...," said Lanay Hartmann, president of the Greenway Park Neighborhood Association and a 25-year resident of the area. "It's just imminent disaster. It seems a real tragedy to the city when we already have D/FW there."

Today, newcomers to Love Field encounter a facility that's experienced few upgrades since D/FW opened its doors. Passengers heading toward the Continental Express

and American gates pass through a corridor where moving walkways have been switched off. The main lobby lacks the bright lights and modern signage found at other airports.

Yet, change is coming. The first new parking garage since 1987 is expected to open in 2003. The four-story structure will add about 3,000 more spaces to the 1,400 that currently exist on the open parking lot it will occupy.

Also in the works: a replacement of the airport's original heating, ventilation and air-conditioning system.

Workers are in the third year of the \$ 20 million, eight-year project.

And for the first time in years, air travelers can now tune into 1580 AM on the radio for the latest airport information.

"This is so much better than the mob scene at D/FW," said Ms. Butterfield, who flies so often on Atlantic Southeast's Love Field flights that the ticket agents recognize her.

"People are so much friendlier because they are less harricd. I finally just decided I love Love Field."

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JOURNAL-CODE: DA

LOAD-DATE: September 26, 2000

EXHIBIT O

20 of 89 DOCUMENTS

Copyright 2000 Knight Ridder/Tribune Business News
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The Dallas Morning News

September 24, 2000, Sunday

KR-ACC-NO: DA-LOCAL-MAG

LENGTH: 771 words

HEADLINE: Dallas-Based Magazine Aims to Portray City as High-Tech Mecca

BYLINE: By John Kirkpatrick

BODY:

The Dallas area is not filled with dummies who can't cut it in New York. Lots of people here are not only very smart and talented but also quite decent. And the place is a high-tech hotspot.

That may not be considered news to many North Texans, but one national magazine has devoted much of its latest issue to those themes.

On the cover of The American Enterprise is a neon-bright photo of downtown's flying red horse. The main headline on the cover is "Dallas Takes Off." Underneath that, in parentheses, is: "In the backyard of Bush and Cheney, the sky's the limit."

The latest issue tries to debunk the stereotypes about Dallas "held by East and West Coast liberals," the magazine says.

The American Enterprise is unabashedly conservative. So is its parent organization, the American Enterprise Institute, a think tank based in Washington.

Among the institute's senior fellows is Lynne Cheney. Her husband is Dick Cheney, former chief executive of Dallas-based Halliburton Co. and now Gov. George W. Bush's vice presidential running mate. Mr. Cheney is a trustee of the institute and a former senior fellow.

The American Enterprise is the latest in a list of national publications to hold a mirror to Dallas.

Fortune, Time, The New York Times and others have done so in past years, although sometimes with less gusto and verbiage.

Several stories and a long introduction by The American Enterprise's editor in chief, Karl Zinsmeister, examine angles of Dallas ranging from business to sports to religious life.

Mr. Zinsmeister said in an interview that Dallas is a "vastly underappreciated and, frankly, an unloved and misunderstood place" in many parts of the nation.

Much of the blame for that belongs to "media elites" in New York, Los Angeles and Washington, he said.

"They can't imagine that a place without a subway could have real life to it," and they tend to sneer at or dismiss Dallas as a "retrograde" place that is "fly-over territory," he said.

One story is a question-and-answer with Roger Staubach, the former Dallas Cowboys quarterback who is now a king of commercial real estate.

Mr. Staubach is an admirer of Mr. Bush and has played basketball with him.

In the interview, Mr. Staubach is asked whether he truly felt part of the Cowboys team because he "didn't womanize and drink."

His answer: "One time they compared me with Joe Namath and I said, I like sex just as much as he does -- but I happen to do it with only one woman," referring to his wife.

Dallas poet Frederick Turner is the author of a story in the magazine that lauds Dallas' "inner life."

He writes that Dallas is "remarkably free of the snobbery that paralyzes Boston, and the class hatreds of London.

"It lacks the totalitarian liberal guilt of politically correct Berkeley, Ann Arbor, New Haven, Madison and Hollywood, and the knee-jerk partisan paranoia of Washington, D.C.

"Above all, Dallas possesses none of the subtle and pervasive sense of cultural despair that one finds in almost every Northern and Eastern city. ..."

In a piece called "Capital of capitalism," Joel Kotkin, a contributing writer for the magazine, asks why Dallas is "so often overlooked by a media that froths over Austin or New York City's so-called Silicon Alley?"

He answers his question: "In part, because Dallas lacks the accoutrements that East and West Coast media elites think are essential for information-age success -- like tony universities, a liberal culture, or an attractive natural setting.

"Dallas is simply too prairie, too blunt, too middle American to fit their biases of what makes a great city."

The magazine has a circulation of about 30,000. Subscribers have already received the latest issue, which is to hit newsstands early next week.

Dr. Darwin Payne said he hasn't read the issue but believes that some myth-busting about Dallas needs to be done.

The idea that Dallas is a soulless, money-grubbing venue with little cultural or historic significance "exists even here within this city," he said.

A professor emeritus of communications at Southern Methodist University, Dr. Payne wrote a history of Dallas, **Big D: Triumphs and Troubles of an American Supercity in the 20th Century**

This semester, he is leading a seminar on Dallas history, which is part of a degree program designed for adults.

He said some students in the class think that Dallas "has no history, no substance and lives for the moment."

CONSERVATIVE

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JOURNAL-CODE: DA

LOAD-DATE: September 26, 2000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

)	Opposition No. 91156821
JUDY MCCUTCHIN,)	
)	Serial No. 78/105,321
OPPOSER,)	
)	Mark: BIG "D" REAL ESTATE
v.)	
)	Filed: January 28, 2002
JAN DUBELL,)	
)	Published: January 21, 2003
APPLICANT.)	
)	



Commissioner for Trademarks
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Arlington, Virginia 22202-3514

04-09-2004
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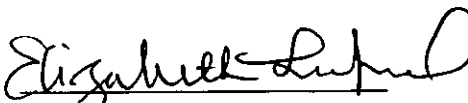
1. Exhibit A: Nexis printout of article dated September 22, 2000 from *The Dallas Morning News*' Robert Miller Column.
2. Exhibit B: Nexis printout of article dated September 3, 2000 from *The Dallas Morning News*' Ideas at Work Column.
3. Exhibit C: Nexis printout of article dated July 31, 2000 from *The Dallas Morning News*' Robert Miller Column.
4. Exhibit D: Nexis printout of article dated May 7, 2000 from *The Dallas Morning News*' Ideas at Work Column.
5. Exhibit E: Nexis printout of article dated April 20, 2000 from *The Dallas Morning News*' Robert Miller Column.
6. Exhibit F: Nexis printout of article dated March 7, 2000 from *The Dallas Morning News* entitled "Milwaukee-Based Airline Makes Mark on Industry By Pampering Passengers."

7. Exhibit G: Nexis printout of article dated November 12, 1999 from *The Dallas Morning News*' Real Estate Column.
8. Exhibit H: Nexis printout of article dated November 29, 1999 from *The Dallas Morning News*' Robert Miller Column.
9. Exhibit I: Nexis printout of article dated November 29, 1999 from *The Dallas Morning News* entitled "Dallas Tops Fortune's List of Best Cities for Business."
10. Exhibit J: Nexis printout of article dated November 29, 1999 from *The Dallas Morning News* entitled "Dallas Returns to Top of Magazine's National Ranking."
11. Exhibit K: Nexis printout of article dated February 4, 2000 from *The Dallas Morning News*' Robert Miller Column.
12. Exhibit L: Nexis printout of article dated January 14, 2000 from *The Dallas Morning News*' Real Estate Column.
13. Exhibit M: Nexis printout of article dated October 16, 2000 from the *Tucson Citizen* entitled "Move Review" by Chuck Graham.
14. Exhibit N: Nexis printout of article dated June 22, 2000 from the *Tucson Citizen* entitled "Calendar" by Polly Higgins.
15. Exhibit O: Nexis printout of article dated October 29, 1999 from the *Tucson Citizen* entitled "Comment/Notes" by Chris Walsh.

These publications are relevant because each evidences the general public's understanding of the phrase "Big D" to refer to the city of Dallas, Texas.

Respectfully submitted,

Dated: April 9, 2004

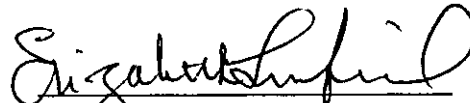
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ELIZABETH A. LINFORD

EXHIBIT A

21 of 89 DOCUMENTS

Copyright 2000 Knight Ridder/Tribune Business News
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The Dallas Morning News

September 22, 2000, Friday

KR-ACC-NO: DA-MILLER-COL

LENGTH: 985 words

HEADLINE: The Dallas Morning News Robert Miller Column

BYLINE: By Robert Miller

BODY:

SATURDAY JOB FAIR TARGETS OLDER WORKERS: Experience 2000, a job fair hosted by the city and targeting those over 50, will be held from 9 a.m. to 2 p.m. Saturday at the Dallas Radisson Hotel, 1893 W. Mockingbird Lane.

Constance Smith, city of Dallas' Senior Affairs manager, says employers will be seeking applicants for both part-time and full-time positions, from entry level to professional jobs.

Job seekers are advised to bring multiple copies of their resumes and references to present to potential employers and to dress as one would if attending a job interview.

The host for the event is the city of Dallas' Senior Affairs Commissions Employment Advisory Council, a coalition of community organizations that promote employment opportunities for older workers.

Some of the main sponsors of the job fair include Hyatt Regency Hotel at Reunion, Texas Health Resources, United Dominion Trust, Weblink Wireless, Dave and Buster's, Hire Potential, Stewart Services, The Senior News Source and Parkland Health and Hospital System.

Free parking will be available at the hotel.

Advance registration is not necessary, but for more information, call 214-670-4894 or 214-670-5227.

The Dallas Historical Society announced the recipients of its 2000 Awards for Excellence on Thursday. The awards will be presented at a Nov. 13 luncheon at the Fairmont Hotel.

The categories and recipients are:

Arts -- Tom Adams, founder and retired manager of TITAS, which has made Dallas a venue for some of the world's outstanding performing artists.

Business -- Vin Prothro, founder, chairman and chief executive officer of Dallas Semiconductor, who has been a leader in art, philanthropy and human services.

Creative arts -- David Bates, a homegrown artist whose paintings and sculptures can be found in many leading art museums throughout the country.

Education -- William F. Farrell Jr., the founder of I Have a Dream Foundation in Dallas, which has made dreams a reality for those who need it the most.

Humanities -- Robert S. Folsom, a Sunset High School alumnus who went on to serve the community, first as president of the Dallas School Board and later as mayor of the city.

Philanthropy -- Former Gov. and Mrs. William P. Clements Jr., who have given both time and money to improve the lot of the needy and of civic and cultural institutions.

Volunteer community leadership -- J. McDonald Williams, who is capping a life of business and civic leadership with a personal mission to bring educational institutions, industry and jobs to the southern part of the city, the area that is in the most need of economic development.

Science -- Jack Kilby, whose invention of the monolithic integrated circuit, the microchip, while working at Texas Instruments created one of those historic watersheds in the industrial and societal development of the entire world.

Jubilee history maker -- Stanley Marcus, who has done it all and is still doing it -- internationally acclaimed merchant and marketing prince, cultural and fashion arbiter who was responsible for putting Dallas on the worldwide map long before the assassination of President John F. Kennedy and the TV series placed **Big D** under the global spotlight.

Ticket prices, underwriting levels and other information will be provided closer to the event.

Memory Walk 2000, the 10th annual fund-raiser benefiting the Greater Dallas Chapter of the Alzheimer's Association, will be held Saturday at Reverchon Park, 3505 Maple Ave.

Registration begins at 7 a.m., and the run starts at 8. The event is certified by USA Track and Field.

Co-chairs are Nancy Armour and Betty Neuman. Tracy Rowlett, KTVT-TV (Channel 11) news anchor, is honorary chairman.

The event is designed for both walkers and runners. Interested parties may preregister at Luke's Locker, 3607 Oak Lawn, through Friday.

The minimum registration fee is \$ 15. Registration forms are available at the Alzheimer's Association chapter office on the sixth floor at 7610 N. Stemmons Freeway at Mockingbird.

For additional information, call the Alzheimer's office at 214-827-0062 or the Memory Walk Hotline at 1-877-WALKDFW (925-5339).

Preservation Dallas' Fall Architectural Tour will visit the Oak Cliff houses designed by architect Charles Stevens Dilbeck. The starting point is 9 a.m. at the Kessler Park United Methodist Church.

Co-chairs are Ralph Randall and Stewart Lee. Proceeds benefit the nonprofit Preservation Dallas.

The general tour costs \$ 50 for members, \$ 60 for nonmembers. The patron tour is \$ 100 for members and \$ 110 for nonmembers.

Reservations must be made in advance at Preservation Dallas, 2922 Swiss Ave., or by calling 214-821-3290.

For more information, visit the Web site at www.preservationdallas.org.

A photo exhibit of 20 breast cancer survivors will be exhibited in Saks Fifth Avenue's windows this weekend.

The photos by Sandi Fellman are part of a benefit for "Fashion Targets Breast Cancer," an initiative of the Council of Fashion Designers of America. Photos of former Texas first lady Nellie Connally and Susan G. Komen Foundation founder Nancy Brinker are included in the exhibit.

A part of Saks' sales revenue through Sunday will go toward breast cancer research, education and advocacy and outreach programs.

You can benefit the University of Dallas' Partners in Excellence Scholarship Program by attending Saturday evening's UD/Texas Rangers Community Night at the Ballpark in Arlington when the Rangers play the Anaheim Angels.

Tickets are \$ 14. Call Eloise Pinckney at UD or e-mail her at pinckney@acad.udallas.edu.

Staff columnist Robert Miller writes about people and events of interest to the business community for The Dallas Morning News.

To see more of The Dallas Morning News, or to subscribe to the newspaper, go to <http://www.dallasnews.com/>

JOURNAL-CODE: DA

LOAD-DATE: September 23, 2000

EXHIBIT B

22 of 89 DOCUMENTS

Copyright 2000 Knight Ridder/Tribune Business News
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The Dallas Morning News

September 3, 2000, Sunday

KR-ACC-NO: DA-IDEAS-WORK-COL

LENGTH: 1993 words

HEADLINE: The Dallas Morning News Ideas at Work Column

BYLINE: By Cheryl Hall

BODY:

Beth Mack is doing her bit to save the sanctity of supertime.

The 45-year-old advertising-research executive knows the power of consumer input when it comes to effective marketing.

But the wife and mother of two children hates for their family dinner to be disturbed by an intrusive phone call or her shopping trip to be halted by a clipboard-toting stranger seeking her opinion about some product.

So she devised a system that allows consumers to step up to the plate and offer their opinions when it's convenient for them via the Internet. And they're paid for their time with enough cash for their next latte -- and sometimes much more.

"I don't think people should work for free. I wouldn't do it, even if it's just 10 minutes," says Ms. Mack. "Traditional research expects people to offer their opinions out of the goodness of their hearts. A few dollars may not be much, but at least it's a token of respect."

Her Dallas company, aptly dubbed i.think inc., has an "inventory" of more than 150,000 demographically profiled people who willingly signed up to do her market research surveys. Her clients, primarily advertising agencies, are looking for speedy information done cheaper and faster than traditional polling methods of phone, mail and focus groups.

Need 300 users of Palm Pilot-like devices to tell you what new features they'd like? I.think inc. can get that feedback in less than a week, Ms. Mack says.

A current project for a luxury car client has her mining for people who make at least \$ 80,000, who've already purchased at least five cars on a list of 50 models and are willing to plunk down \$ 45,000 to \$ 55,000 for a new set of wheels. "We're getting real specific on this one," she says.

This year, i.think inc., which roosts comfortably above the Stoneleigh P restaurant on Maple Avenue, will do about \$ 1 million in revenue. More importantly, this 4-year-old company will post a robust profit -- a point of distinction in a dot.com world that tends to operate in crimson.

Beth Mack's take-home pay, however, won't live up to her \$ 200,000-a-year ad-agency past. "I'm not up to my market value yet," she says with a broad smile. "I could be if I were willing to skimp on things like servers and programming talent. But it's far more important at this point to put the money back into the business than to put it into my pocket."

Rob Iles, senior vice president and director of brand planning at WestWayne Inc., a \$ 275 million regional agency in Tampa, Fla., has done a couple dozen focus projects with i.think and is an online believer. He's conducted at least 1,000 traditional focus sessions during his career and finds that with online groups, he gets the same demographic spread and reaches several markets at once. And, he says, the responses are often more reliable.

"They collect their thoughts before they answer instead of spouting off the first thing that comes to mind," he says. "The answers tend to be articulate, more complex and thorough."

One disadvantage: He's had to learn to type really fast.

Today, it seems as though Ms. Mack has logged onto the obvious. The Council of American Research Organizations estimates that by 2005, as much as 40 percent of all research volume will be done online.

But in 1996, when Ms. Mack jettisoned herself from a career in advertising, the Internet was virtually nowhere. The Dallas agency she'd been working for didn't have a Web site and had no plans to develop one.

Demographically speaking, this middle-aged mom with a quarter-century of real-world experience doesn't exactly fit the profile of a cyberspace up-and-dot.commer. But her youthful appearance and exuberance -- and the fact that she thinks it's cool to office above a well-known burger joint -- do.

She put a dot between the lowercased "i" and "think" back when capital letters were still vogue. In fact, her bank had to hand-code her first set of business checks because the unusual spacing confused the check-reading machines.

"They tried to convince me that I didn't really need to know my check numbers on my statements," she says with a laugh. "But I assured them that I did."

What sets Ms. Mack apart, say her clients, is her two decades of supervising advertising work for such clients as J.C. Penney, Pizza Inn, Cellular One and BMW.

"Beth understands marketing from an agency perspective," says Hart Weichselbaum, who recently joined FCB Worldwide in Chicago as executive vice president of account planning after 13 years with the Richards Group in Dallas. "She's not an Internet person who's just come into the marketing-research world."

Mary Elizabeth Barrow Mack, who grew up in East Dallas, graduated from the University of Texas at Austin in 1976 with a degree in journalism and a minor in chemistry. "I was going to write for chemical journals," she explains with a shrug. "Yeah, big market there, right?"

After a series of short corporate and agency stints, Ms. Mack joined the Bloom Agency to help win New York-based Block Drug Co. -- one of the first big packaged-goods accounts to come **Big D's** way.

She was elated to help land the maker of BC Headache Powder and Poligrip. "This was 1980, and packaged goods was where it was at," she says. "It was a huge deal for a Dallas agency."

For the next 10 years, Ms. Mack was the go-to person at Bloom when it came to marketing things that come in a box or a package. "That's where the research started," she says. "Packaged-goods accounts are marketing-intensive. You do a slew of research studies and get heavily involved in the strategy of advertising."

In 1990, a former boss recruited her to Bozell Inc. to help wrest J.C. Penney Co.'s \$ 50-million-plus marketing program from a New York agency that had handled it for eight years.

At the time, Penney's had unloaded its major appliances and was making a real effort to move into better apparel, she says. Wall Street had embraced the repositioning message, and its stock was booming. "It was pretty much a no-brainer to say, 'Hey, you forgot to tell the consumer.'"

A year later, Bozell became agency of record for the mega retailing account -- shocking the advertising circuit and handing Ms. Mack a major-league challenge.

"While everyone is yelling, 'Yea! Yea! We got it,' I'm sitting in my chair and thinking 'Holy cow. What am I gonna do now?'" she recalls.

Lucky for her, Dallas was stuck in its economic morass, and there was a battalion or two of experienced ad folks only too happy to enlist.

Her creative partner at the time, Glenn Ashley, now an independent commercial director, says Ms. Mack has a gift for understanding what people are thinking and where that's leading the market. "She has such good instincts and insights," he says. "She's like a sponge. She soaks in ideas partly because she's such a darn good listener."

After five years of fashion fun -- churning out between 130 and 150 Penney's commercials a year -- she returned to Bloom to head up its new strategic planning department.

Three days before the agency (which had become Publicis Bloom) was to make its pitch for BMW's national dealer account, Ms. Mack needed "a bazillion" BMW drivers to look at the proposed campaign and tell her whether it worked.

Truly a geek at heart, Ms. Mack thought it would be fun to post a quick survey on a special Web site she'd developed since the agency didn't have one. She'd come in the next day and analyze all the responses.

She got five. "The only people who'd gone through the survey were the few BMW users I knew in Dallas and called before I did it. It was horrible."

But it planted an entrepreneurial seed. "It got me thinking, 'You know, if you had this group of people sitting over here in a pool ready to answer surveys, this could work.'"

She chewed on the idea for a few months and then took the plunge.

Her husband, Tim Mack, suggested that she name the company i.think inc. because Beth kept telling him "I think this will work."

They also used the name for the company's Web site, ithinkinc.com.

The first thing she needed was that inventory of names, so she offered \$ 5 to everyone who signed up. Ten thousand people came online in five months.

That was the good news. The bad was she didn't have an automated payment system, so she and her husband had to sign 10,000 five-buck checks while their 11-year-old daughter and 8-year-old son sat on the floor and stuffed the envelopes. "For a while, the kids were conned into thinking this was fun," she says. "But when they boycotted at a penny an envelope, I decided it was time to automate."

Programming four years ago was elementary. Her first assignment was for an agency that wanted 100 people to comment on an advertising concept. But she had no way to cut off the survey at 100 responses, and she was paying \$ 5 for each one.

"I set my alarm for every 20 minutes that night and got up to check," she recalls. "When we hit 100, I immediately shut down the survey."

Another challenge was that when a survey asked an open-ended question, the software clipped the answers after 50 characters.

"You learn as you go," she says matter of factly. "We dumped that program and got one that could capture anything anybody cares to spend the time to give us."

"What Beth has done is amazing," says Mary Lee Broder, another Dallas advertising veteran who joined i.think inc. six months ago to head its marketing.

"She's developed a company with fabulous technology that exceeds what huge companies out there are doing, and she's making a profit doing it."

The explosion in Internet usage has broadened Ms. Mack's polling pool.

"At the outset, there weren't as many people online, and they tended to fit the stereotype of the geek or the high-income computer user," she says.

That includes the Ensure and Depends set, she says. "People would come to me and say, 'I want this audience, 25 to 60, and I want a third, a third and a third,'" she says, using her hands to parcel the age brackets. "And I'd say, 'Let's talk about that older third.' You couldn't find them. Now they're there and signing up to answer surveys."

Clients pay respondents between \$ 2 and \$ 10 to complete a typical survey. But that bounty can go as high as \$ 250 for a highly targeted audience.

While at the Richards Group, Mr. Weichselbaum anted \$ 200 apiece to recruit 300 advanced software and hardware engineers to help him with a Web development project for chipmaker Cyrix Corp. "We wanted gearheads to figure out how to optimize their Web site experience," he says. But first he had to get Ms. Mack to unearth them.

She rounded them up by e-mailing subscribers of technical magazines, as well as Cyrix's customers. "These guys make well over six figures, and we wanted them for two hours. So we were going to make it as easy, pleasant and profitable as possible," she says.

"They were definitely the most intellectual audience we've ever put together. Understanding what these guys were giving us back was crazy. They used terminology you never knew existed."

A grateful Mr. Weichselbaum says the information came back to him in translated lay form. "She speaks geek."

Ms. Mack sees competition coming from two sources: established research companies, which, she contends, don't understand the Net; and Web development houses, which, she contends, don't know how to cultivate that all-important inventory of potential respondents.

"Having a million people on a database doesn't mean anything if many of those people didn't ask to be there and aren't interested in participating in surveys."

Cheryl Hall is the financial editor and columnist of The Dallas Morning News. Ideas at Work is intended as a forum for ideas and opinions of interest.

To see more of The Dallas Morning News, or to subscribe to the newspaper, go to <http://www.dallasnews.com/>

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LOAD-DATE: September 6, 2000

EXHIBIT C

24 of 89 DOCUMENTS

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The Dallas Morning News

July 31, 2000, Monday

KR-ACC-NO: DA-MILLER-COL

LENGTH: 833 words

HEADLINE: The Dallas Morning News Robert Miller Column

BYLINE: By Robert Miller

BODY:

Six men -- including three from Dallas -- "whose careers are as diverse as Texas" will be honored as the 2000 inductees into The Texas Business Hall of Fame.

Henry C. Beck Jr., Albert V. Casey and Roger Staubach will carry the **Big D** banner Oct. 5, when they will be recognized at the foundation's annual awards dinner in Dallas at the Wyndham Anatole Hotel.

The other three are A.R. "Tony" Sanchez Jr. of Laredo, H.B. Zachry Jr. of San Antonio and his late father, H.B. Zachry Sr.

At the dinner, the group will also award 23 Texas students studying for their master's degrees \$ 5,000 scholarships each.

The Texas Business Hall of Fame recognizes Lone Star State business leaders who have made outstanding contributions in their field and the communities in which they live.

A brief background of the inductees follows:

Mr. Beck is the retired chairman of the Henry C. Beck Co.-Construction Managers and General Contractors.

Mr. Casey is a distinguished executive in residence at the Edwin L. Cox School of Business at Southern Methodist University and a former chairman and chief executive officer of AMR Corp. and its principal subsidiary, American Airlines.

Mr. Sanchez is chief executive officer of Sanchez Oil & Gas Corp., one of the most successful independent oil and gas companies in Texas.

Mr. Staubach, the legendary former quarterback of the Dallas Cowboys, is CEO of The Staubach Co., a commercial real estate company that operates in several states.

Mr. Zachry Jr. is chairman and CEO of H.B. Zachry Co., an international contracting firm founded by his father. Affiliated corporate interests include ranching, oil and gas, real estate, property management and the production and sale of cement, aggregates and ready-mix concrete.

Mr. Zachry Sr. founded the family corporate empire, H.B. Zachry Co., in 1924.

"This year's list of honorees is an exceptional group of business leaders," said Matrice Ellis-Kirk, chairwoman of The Texas Business Hall of Fame.

"Each one truly exemplifies the standards of The Business Hall of Fame. We also have a very strong group of scholarship winners and are very proud to be a part of furthering their business education."

The 18-year-old Texas Business Hall of Fame Foundation is a nonprofit organization of 100 directors who are business leaders from all over Texas.

The annual awards banquet raises funds for the organization's scholarship program.

To date, more than \$ 1.6 million has been awarded in scholarships to students pursuing a business education at Texas' leading institutions of higher learning.

Prior honorees include former President George Bush, former Texas Gov. William P. Clements Jr., Comer J. Cottrell, Michael Dell, Mary Kay Ash, Stanley Marcus and Ross Perot.

For additional information about the Oct. 5 dinner in Dallas, call 713-993-9433.

Why travel around 500 miles to a barren moonscape spot in West Texas known as Terlingua when your company's six-person team can participate in the Totally Texas Corporate Chili Cook-off in civilized downtown Dallas?

This festive competition in Pegasus Plaza will be completed at 11:30 a.m. on Sept. 29, and the public is welcome to sample the entries.

This and much more are part of the 8th annual Downtown Roundup presented by the Downtown Improvement District, State Fair of Texas, Coca-Cola and the Texas Department of Agriculture.

DID president Larry Fonts says the lunchtime festivities kick off the State Fair of Texas and offer several opportunities for companies, organizations and their employees to participate.

At noon there will be a carnival-themed parade that will begin its procession on Main Street.

It will include "organized brigades of cheering, chanting and dancing downtown employees who will compete for the 'best brigade' title as they march along with the U.S. Marine Corps Drum & Bugle Corps, Prairie View A&M University and Grambling University bands, decorated floats and other parade units."

Mr. Fonts reports that entries to date in the Downtown Roundup include Bank of America, Bank One, Greyhound, Main Street Partners, Manor House, Neiman Marcus, Trammell Crow Center, Trammell Crow Co., Transamerica Real Estate Information Cos., TXU and Wynnwood Hospitality.

A company can enter as many six-member teams as its wishes.

The entry fee is \$ 500 for each corporate chili cook-off team, which includes all ingredients, aprons, cooking equipment and basic booth decorations, and \$ 250 for a corporate marching brigade of up to 75 people.

For information about entries, call the Downtown Improvement District at 214-744-6655.

For information about the State Fair of Texas, call 214-565-9931 or visit its www.bigtex.com.

Staff columnist Robert Miller writes about people and events of interest to the business community for The Dallas Morning News.

To see more of The Dallas Morning News, or to subscribe to the newspaper, go to <http://www.dallasnews.com/>

JOURNAL-CODE: DA

LOAD-DATE: August 1, 2000

EXHIBIT D

25 of 89 DOCUMENTS

Copyright 2000 Knight Ridder/Tribune Business News
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The Dallas Morning News

May 7, 2000, Sunday

KR-ACC-NO: DA-IDEAS-WORK-COL

LENGTH: 2131 words

HEADLINE: The Dallas Morning News Ideas at Work Column

BYLINE: By Cheryl Hall

BODY:

COUPLE BRING DECADES OF DALLAS RESTAURANT EXPERIENCE TO TABLE: Janet and Phil Cobb watch as the lunch crowd at Salve! builds.

Legendary developer Trammell Crow is among the first to take a table close to the front, followed shortly by Dallas Symphony Orchestra president Eugene Bonelli, who advances through the restaurant like the regular he's become. Henry S. Miller Jr. ambles to the private back room where he is hosting a business luncheon.

The fact that the Cobbs' upscale Italian restaurant on McKinney Avenue has opened to rave reviews and attained instant powerhouse status might make some owners heady.

After all, Moses, the California wine maestro and the merchant prince have made their way to this Milan-chic eatery during its inaugural three months. Charlton and Lydia Clarke Heston, in town for Love Letters, dined here twice; Robert Mondavi gave his vintner's nod of approval; and Stanley Marcus celebrated his 95th birthday last month by supping on caviar, braised beef shortribs and chocolate soufflé.

But the Cobbs, who also own Mi Piaci in Addison, are anything but lightheaded. It's their tied-in-knots stomachs that they're feeling.

"It's scary," says Janet, who knows that Dallas diners can be fickle and cruel when it comes to eating out. "It's such a high stress level. We've gotten over the first hump of being reviewed. Now we have to focus on perfecting service and food."

Salve!, Italian for "welcome, good friend" and pronounced "sal-vay," has been three years, five trips to Italy and \$ 5 million in the making. Not to mention the sampling of 138 wines in a single evening in Mi Piaci's wine cellar to map Salve!'s region-by-region, all-Italian wine list.

"I thought I was going to have to call an ambulance," Phil says with a laugh.

The Cobbs, sole owners of Salve!, aren't playing with other people's money. And there's more than ego and dollars at stake. The veteran restaurateurs have invested their hearts not in a clone but in a second child.

"We did not want to do a chain. We wanted to do a one-of-a-kind," says Janet, adding that they considered opening another Mi Piaci here, in Coral Gables, Fla., or Washington, D.C., before settling on the sister version of Salve!. "Every restaurant needs to be a little different. Otherwise, you take on a chain mentality and lose some credibility from the food standpoint."

The Cobbs, married for five years, have been opening (and sometimes closing) restaurants around town for decades.

They're an unusual pairing: Mr. Casual Dining (The Old Church, Black-eyed Pea, Dixie House and San Francisco Rose) meets Ms. White Tablecloth (Dakota's, Maple Street East and Mi Piaci here and Veni Vidi Vici in Atlanta). The 57-year-old smart operations guy and the 51-year-old tantalizer of trendy tastebuds.

John Mariani, food and travel columnist for Esquire magazine in New York, is looking forward to visiting the Cobbs' latest foray into fine dining. "Janet and Phil have a great ability to bring fresh style and approach to the restaurant genre," he says.

But as the Cobbs watch the Armani-esque dressed servers mix dressing and cheese into the insalata and serve risotto (Italian rice) at tableside, they can't help but think about how far they've come to get to this juncture.

Back in 1971, Bill Cobb, who owned a Shell station in downtown Toledo, Ohio, across from the prison and City Hall, lent his son \$ 2,500, never expecting to see a dime of it again.

"He thought I'd lost my mind," Phil says. Then, he adds reflectively, "Probably had."

You see, 28-year-old Phillip Eugene Cobb, who moved to Dallas five years earlier, was on his third job -- this time hawking printing presses, having blown through sales jobs at International Paper and a ladies' dress company.

One night while downing a couple of beers at the Knox Street Pub, Phil met a shock-absorber salesman named Gene Street who was thirsting to open a bar with a limited food menu to take advantage of loosened liquor laws.

They quickly hatched a plan where each guy would ante up \$ 5,000. Phil was about \$ 4,500 shy, so he cashed in two paid-up insurance policies and begged the rest from dad.

Neither Phil nor Gene gave up his day job as the duo opened the J. Alfred's on Oak Lawn, one of Dallas' first establishments licensed to serve mixed drinks, followed the next year by The Old Church.

But converting the wood-framed, steepled church on Cole Avenue into a trendy pub serving fondue and fancy mixed drinks almost ended their venture before it got off the ground. Phil accepts full blame for what both men call a complete fiasco.

Gene remembers walking up on its opening night in 1972 and eagerly asking a couple walking out about their experience. "They said to me, My God, don't go in there."

Phil still shudders as he recalls boiling grease, melted cheese and a fermented smell that couldn't be tamed. "We stuck to it for about three or four weeks, but it seemed liked years. We saw our whole lives pass before us."

They unloaded 150 fondue pots and cooking apparatuses at a garage sale in Phil's front yard and switched to hamburgers, sandwiches and salads to go with the booze. They also plugged in a jukebox (two plays for a quarter), and things began to boogie.

"We literally changed overnight, and it took off the next day," Phil says.

In 1976, Gene and Phil latched on to home cooking and chicken-fried steak with their first Black-eyed Pea restaurant on Cedar Springs. Over the next 10 years, they built 47 Black-eyed Pea and Dixie Houses before selling out for \$ 45 million.

On Nov. 24, 1986, Phil, always considered the straight man to the raucous Mr. Street, laughed all the way to the bank where he deposited \$ 17.5 million.

"I made a pretty good return on that \$ 5,000," says Phil, who had paid back his father after two years.

Timing turned out to be everything. "If it had been just a year later with the way the market turned, I wonder if the deal would have happened."

Janet Elizabeth Jackson ("She's the first Janet Jackson. You should see her dance," Phil interjects with ooh-la-la eyes.) received her bachelor's degree from

Southern Methodist University and intended to teach. That's what well-heeled young ladies did back in the '60s as "marital insurance policies."

Janet married, had two sons and tucked away her diploma.

"So, no, I didn't have some grand plan," she says of her entry into an industry where female proprietors are still outnumbered.

In the early '70s, she and her first husband became original investors in Chili's and then general partners in Tolbert's Chili Parlor on Cedar Springs. After her divorce, she took over the popular chili joint, figuring she could make more money than by teaching. Besides, she was having enormous fun.

"That's how I got into the restaurant business," she says with a matter-of-fact shrug.

In 1980, she sold her interests in Tolbert's to start Maple Street East, located in a two-story house on Maple Avenue. Things were cooking at the snazzy American bistro until construction on the Crescent began.

"I watched the people on top of the cranes every day, crying my eyes out because the street was closed," she says, then adds with a self-effacing laugh, "I made a business decision to shut it down. It was easy, because we had no business."

Phil Cobb knew Janet from her days at Tolbert's, where she'd shared a parking lot with his Tamales, a Tex-Mex and barbecue place. He'd been impressed with her natural business savvy, Texas grit and, frankly, good looks.

In 1984, Lincoln Properties needed someone to help create an underground restaurant in downtown Dallas. Phil suggested Janet, who was licking her wounds and contemplating the next phase of her life.

"I fell in love with the project," she says of Dakota's, which was located under a public street to circumvent a deed restriction that prohibited liquor sales in Lincoln's office tower.

She became the head of Lincoln Properties' restaurant division with plans to duplicate Dakota's in Lincoln's buildings around the country. She opened one in Boston and another in Nashville before the real estate meltdown.

In 1989, an investor group approached her about doing a high-end Italian restaurant in Atlanta with noted cookbook author Marcella Hazan. They named it Veni Vidi Vici, (I came, I saw, I conquered). The classy restaurant did in fact take a pasta-hankering Atlanta by storm.

But importing upscale Italian to **Big D** proved a tougher challenge. A national food critic once said Dallas' idea of autentico Italiano was ketchup on spaghetti noodles.

"That's basically what I was up against," Janet recalls of her early Mi Piaci days. "That and Caesar salad and California Chardonnay."

She thought she'd educate and elevate customers with her all-Italian wine list and light-sauced pasta dishes and homemade risotto.

Customers and critics thought she and her staff were uppity. Luckily she mended her ways, and the restaurant is enjoying its 10th year.

"I was wrong," she says. "You don't tell people they can't have Parmesan cheese on an oil-based pasta sauce. If they want it, let them have it."

Mr. Mariani, who's also author of the Dictionary of Italian Food and Drink, has followed Janet's career since her days at Dakota's.

During his first visit to Mi Piaci right after it opened, he found the food tentative and a bit too Americanized to suit his palate. But subsequent visits yielded vast improvement. "It has emerged as a first-class Italian restaurant with some Texas swagger to it."

In 1992, Phil bought out Janet's quarrelsome partners in Mi Piaci, not knowing fusilli from tagliatelle. "I knew about minestrone, though, because one time at a resort in Mexico, Gene Street orders some mine-strone soup' and I fell off the chair."

When Janet and Phil married two years later, they did "pinkie swears" that they wouldn't bring work or arguments home.

Friends and associates find the idea laughable, saying it's impossible to separate the couple's two passions.

The Cobbs hope Salve! fares better than their first collaborative effort. Natura Cafe, a funky eatery featuring low-calorie and healthful cuisine, was named one of Dallas' best new restaurants in 1994, but departed the scene just three years later.

"That's my biggest heartbreak. It's my best failure," Phil says wistfully, figuring he's done about 100 restaurants in the past 29 years with only a few flops. "But if you don't have failures, you're not really in the restaurant business."

Given the Cobbs' high-dollar investment, Phil figures Salve! has to generate \$ 2.8 million in yearly revenue to make money. So far, it's running ahead of that. "But we don't have enough weeks under our belt to see whether we're a \$ 3 million or a \$ 4 million restaurant," he says.

Salve! welcomed its first customers during the lucrative Valentine's Day weekend, but not everything was precisely in place -- like half of the lights. People couldn't read the small-print menu.

So Phil and maitre d' Wayne Broadwell, formerly the front man at The Mansion on Turtle Creek, drove to Elliott's Hardware and bought seven large magnifying glasses with lights on them and a slew of non-prescription eyeglasses.

"The first five nights, you'd look around and see everyone with these lights and cheater glasses on," Phil laughs. "It was downright bizarre."

Then there was the night Phil Romano, who's about to open a French restaurant across the street called We Oui's, waited an hour and a half for his entree. (But that was during a practice night, and the food was free.)

Janet, who still cringes at the "service condescending" reviews Mi Piaci drew at its outset, was thrilled to tears with the highly favorable ratings Salve! has drawn, including a five-star food rating from The Dallas Morning News.

Mr. Street, who is doing his restaurant thing at Consolidated Restaurant Operations, which owns the Old Spaghetti Warehouse, has dined at Salve! a half-dozen times (and even paid for it). He proclaims it a masterpiece, albeit highfalutin'.

"I don't know for sure, but I think Phil's spaghetti may be as good as mine," Gene says in his well-honed Texas twang, then yields to his urge to one-up his alter-ego buddy. "He's got two Italian restaurants, and I've got 40 of 'em."

"That's true," Phil responds. "I hadn't thought about it, but I guess we are competitors."

Well, maybe, maybe not.

Cheryl Hall is the financial editor and columnist of The Dallas Morning News. Ideas at Work is intended as a forum for ideas and opinions of interest.

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EXHIBIT E

26 of 89 DOCUMENTS

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The Dallas Morning News

April 20, 2000, Thursday

KR-ACC-NO: DA-MILLER-COL

LENGTH: 981 words

HEADLINE: The Dallas Morning News Robert Miller Column

BYLINE: By Robert Miller

BODY:

UT BOOSTERS TO BE FETED IN DALLAS: Next Thursday will be Hook 'em Horns Day in **Big D**.

And you thought the annual Texas-OU football game in the Cotton Bowl was the only time Austin descended en masse on Dallas.

University of Texas at Austin president Larry R. Faulkner and his wife, Mary Ann, are hosting a party at the Wyndham Anatole Hotel for regional boosters who have played a major role in helping the school surpass the halfway point in its seven-year, billion-dollar capital campaign that began in 1997.

Football coach Mack Brown will serve as master of ceremonies.

Sally (Mrs. Buford P.) Berry and Barbara (Mrs. John T. III) Stuart are co-chairing the program, which "will feature a robotic light show and rousing performances by students from UT Austin's College of Fine Arts," school spokesman Robert D. Meckel reports.

He said the entertainment will range from selections from Broadway musicals to jazz to solo performances.

In other UT-Austin news, Dallas bank executive John T. Stuart III he's the one who's identified as Barbara Stuart's husband above -- is one of six graduates who will receive the Distinguished Alumnus Award for 2000 from the Ex-Students Association Oct. 20 at the Lyndon B. Johnson Library on campus.

The others are:

Alejandro Junco de la Vega of Mexico City, owner and publisher of Mexico's most prominent newspapers.

John W. Fainter Jr. of Austin, president and chief executive officer of the Association of Electric Companies of Texas Inc.

Lowell Lebermann of Austin, CEO of Centex Beverage Inc.

Ellen Clarke Temple of Lufkin, civic leader and a former member of the UT System Board of Regents.

Virgil Waggoner of Houston, president and CEO of JWV Investments Ltd., vice president of the board of directors of Sterling Chemicals Inc. and founder of the Waggoner Foundation.

Mr. Stuart is the executive vice president and chief lending officer of GuarantyBank and a past president of the Ex-Students' Association. His financial career spans nearly four decades, during which he served as president of First RepublicBank-Dallas and president and CEO of Alpert Corp.

He has held numerous leadership positions in the banking and mortgage banking fields.

In addition, he is on the board of the Cotton Bowl Athletic Association, having served as its president and chairman, and is on the board and executive committee of the Public Communication Foundation for North Texas, which oversees public broadcasting radio and TV in the Dallas-Fort Worth-Denton area.

A graduate of the College of Business Administration, he received the Distinguished Alumnus Award from that school and was inducted into its Hall of Fame in 1986.

He has served in numerous leadership positions for organizations serving the university and its alumni.

The other distinguished alumni have also served the university with dedication, inspiration and honor through the years as well as their communities, their governments and various institutions.

Fujitsu Network Communications Inc. has joined five other companies in becoming a "strategic partner" of the School of Management at the University of Texas at Dallas.

Strategic partners currently contribute between \$ 20,000 and \$ 100,000 annually for a minimum of four years, and their senior executives act as advisers in the UTD President's Leadership Circle, the UTD Development Board and the School of Management's Advisory Council.

School of Management dean Hasan Pirkul emphasized that the school maintains a reciprocal relationship with its strategic partners. In return for their financial and advisory support, the School of Management provides customized executive and continuing education programs tailored to fit the companies' needs.

"Such partnerships with industry give our strategic partners a stake in our school and allow them to spend sufficient time being engaged with us in our programs," Mr. Pirkul said. "Only then can we stay abreast and continue to address the rapidly changing needs of industry and the workforce."

The Dallas Museum of Natural History has been awarded four grants totaling \$ 160,000 to renovate its popular dioramas.

Foundations and their grants include The Hoblitzelle Foundation, \$ 100,000; The Harry S. Moss Foundation, \$ 25,000; The Constantin Foundation, \$ 25,000; and The Charles E. Goddard Foundation, \$ 10,000.

"Most of the dioramas were created between 1935 and the 1980s, with backdrop paintings created by some of the best-known wildlife and landscape artists of the day like Reveau Bassett and Granville Bruce," museum spokesman Tim Gette said.

"Most of the leaves in the displays are individually made of wax, hand-painted and applied, and the number of leaves in individual dioramas can number in the thousands.

"Some of the scenes depicted can still be seen in various parts of Texas today.

"Others, like the ivory-billed woodpecker diorama, show extinct species in their natural habitat and are sights which will never again be seen outside the museum."

Just as amazing, he points out, is that the exhibits were created by the director and a staff of two or three people who handled everything from the carpentry to the leaves to the taxidermy of specimens.

The Dallas Museum of Natural History at Fair Park is owned by the city and is funded in part by the city of Dallas Office of Cultural Affairs and the Texas Commission on the Arts.

Sponsors include American Airlines and The Dallas Morning News.

For added information or for volunteer opportunities, call the museum at 214-421-3466, ext. 200, or visit the museum's Web site at www.dallasdino.org.

Staff columnist Robert Miller writes about people and events of interest to the business community for The Dallas Morning News.

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EXHIBIT F

29 of 89 DOCUMENTS

Copyright 2000 Knight Ridder/Tribune Business News
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The Dallas Morning News

March 7, 2000, Tuesday

KR-ACC-NO: DA-MIDWEST-EXPRESS

LENGTH: 1296 words

HEADLINE: Milwaukee-Based Airline Makes Mark on Industry By Pampering Passengers

BYLINE: By Katherine Yung

BODY:

ABOARD MIDWEST EXPRESS FLIGHT 305--The smell of chocolate chip cookies baking in an oven wafts through the aircraft as passengers lean back in their wide and comfortable seats.

They've enjoyed unlimited red or white wine at their fingertips. And finished a gourmet meal on china with real silverware. Now it's time for dessert.

Welcome aboard Midwest Express Airlines for a preview of the type of service promised by Dallas start-up carrier Legend Airlines Inc. later this month.

The first-class cabin is the entire plane. Travelers settled into the chocolate brown leather upholstery are reading newspapers without hitting each other in the nose. And no one has to struggle past two people to get to the bathroom. There are no middle seats.

For all these luxuries, only 130,757 people flew Midwest Express from Dallas last year. Why? The airline only operates four daily flights to Milwaukee from a single gate in Terminal B at Dallas/Fort Worth International Airport. Its schedule hasn't changed since 1984.

"Midwest Express is one of the best-kept secrets in this town," said Tom Parsons, editor of BestFares.com, a Web site and magazine that tracks airfares.

To be sure, almost everything about Midwest Express looks, well, Midwestern.

Flight attendants wear conservative navy blue uniforms trimmed in red with white shirts. Carpeting is an indistinctive blue with beige squares. Eyes gazing toward the front of the plane are met by a comforting swirl of blue mixed with shades of brown on the bulkhead.

But when it comes to comfort, food and customer service, the airline that labels itself the "Best Care in the Air" does in fact put on a first-class show.

Midwest Express passengers get armrests that they can actually use to rest their arms. When they stand up, knees don't bump the back of the seat ahead. And no one has to worry about food trays collapsing in their laps -- they are tucked into the armrests.

The leather seats are memorably wider than those in coach on other airlines, though the touted extra legroom is much less apparent. Midwest Express seats measure 21 inches wide with 33 to 34 inches of "pitch," which is airline jargon for the distance from seat to seat.

That's better than the usual 17- to 18-inch-wide cloth seats and 31 inches to 32 inches of overall space. However, it may soon feel ordinary. Fort Worth-based American Airlines and some other carriers are now starting to put 34 to 35 inches between seats outside of first class on many planes.

To achieve two-by-two accommodations on its 34 aircraft, Midwest Express removes about a third of the seats normally found on similar models. McDonnell Douglas DC-9s with either 60 or 84 seats make up the majority of its fleet.

Legend will have even more room to play with. It plans to use DC-9s reconfigured to carry only 56 customers, the maximum that federal law allows for Love Field flights going beyond Texas and seven nearby states.

Food is Midwest Express' forte, however. A recent lunch flight to Milwaukee from Dallas started with munchies by Gardetto's, a maker of fancy snacks, instead of peanuts or pretzels. Then came a tasty, lean and tender chicken breast on cranberry sauce with corn, potato salad and a roll.

That was not only a far cry from a dry or still partially frozen sandwich in a bag, but it also was served with a linen napkin, tiny salt and pepper shakers, a china coffee cup and a wine glass made of real glass.

Flight attendants served hot coffee out of silver pitchers and wine from bottles with corks. And they quickly swooped in to grab the remnants when lunch was done.

Best of all, they then reappeared bearing platefuls of baked-on-board chocolate chip cookies. Two per passenger, please.

"It's just a very pleasant experience," said Eddie Campbell of Dallas, a facilities manager at American General Financial Corp. who religiously chooses the airline for every-other-week trips to his company's Milwaukee office.

Based on what he has heard, Mr. Campbell, 39, said he will consider flying Legend the next time he heads to Los Angeles or Washington. "There is such a market for this type of an airline," he said. "This is like the difference between day and night."

Service isn't limited to the air, either. After enduring a D/FW parking nightmare, a customer recently arrived at Midwest Express' Dallas gate exactly when the plane was scheduled to take off. At most airlines, there'd be no discussion: Too bad, it's too late.

But the gate agent quickly processed the ticket. A flight attendant met the straggler halfway up the jet bridge to point the way to a seat before turning to close the door.

First-timers often leave impressed, just as Midwest Express intends. "They [Midwest Express] did a good job," said Brian Aldridge of Dallas, a project manager at Data Recognition Inc., stepping off a recent flight back to Big D from Milwaukee. His favorite feature: the bigger seats.

"If Legend is the same as Midwest Express, I will certainly check them out," he said.

Even though imitation is supposed to be the sincerest form of flattery, Legend is a sensitive topic for Midwest Express these days. It has already sent the Dallas carrier a letter objecting to how Legend worded a reference to a top executive's former Midwest Express experience on the Legend Web site. In all, three former Midwest Express executives now help run Legend.

Midwest Express chairman and chief executive Timothy Hoeksema declined to be interviewed for this article.

"I absolutely wish them [Legend] the best of luck," said Midwest Express spokeswoman Lisa Bailey. "We probably won't compete with them on routes. They aren't looking at the Milwaukees of the world."

If Legend does everything it plans, Midwest Express may no longer be the industry's gold standard in customer service. The Dallas carrier wants to go way beyond most current definitions of first-class airline service.

For starters, Legend's seats are 8 inches wider with a foot more distance between them. They're also more akin to an armchair than an airline seat and include adjustable leg rests. Passengers are being promised 24 channels of free television programming on individual screens built into the seatbacks in front of them.

Legend also says it will allow up to four carry-on bags. Midwest permits just one.

Then there's the food. Midwest Express spends an average \$ 9.88 per meal -- impressive since it is more than twice the industry average. But Legend says it expects to spend \$ 10.41.

Planned meals include torte Florentine with smoked bacon, wilted spinach and Swiss cheese for breakfast; chicken Caesar salad with grilled cheese quesadillas for lunch; and grilled shrimp or marinated chicken breasts for dinner. Some local celebrity chefs such as Grady Spears of Reata Downtown in Fort Worth and Matt Martinez of Matt's El Rancho in Dallas have agreed to design menus. And to match Midwest's cookies, Legend plans a number of unique morsels, starting with a warm praline nut in a coquette dish.

The highlight, however, may be Legend's new \$ 20 million executive terminal at Lemmon Avenue and Lovers Lane, on the other side of Love Field from the crowds streaming on and off Southwest Airlines planes.

Expect valet parking and a warm greeting. Need a bathroom? Customer service representatives are being instructed to show, not just point, the way. Legend says representatives get the same type of training as at Ritz-Carlton Hotels.

"Legend will raise the expectations of the Dallas traveler," predicted Rod Mayer, Legend's managing director of terminal and station operations and a former Midwest executive.

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EXHIBIT G

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THE DALLAS MORNING NEWS

November 12, 1999, Friday

KR-ACC-NO: DA-REAL-ESTATE-COL

LENGTH: 819 words

HEADLINE: The Dallas Morning News Real Estate Column

BYLINE: By Steve Brown

BODY:

PROPERTY INVESTORS GIVE DALLAS LOW MARKS: When it comes to real estate, Dallas and St. Louis usually don't have much in common.

But the cities share the unenviable distinction of landing the bottom spots on the latest industry poll of the country's top property markets.

Dallas ranks 17th and St. Louis is dead last at 18 in the annual "Markets to Watch" ranking by Lend Lease Real Estate Investment and PricewaterhouseCoopers.

The companies each year interview real estate executives from more than 150 firms to prepare their annual "Emerging Trends in Real Estate" report.

As part of the exercise, real estate industry leaders are asked which major U.S. cities will be the best markets for property investment and development in the year ahead.

Dallas has steadily fallen in rank in recent years, but the current position is a new low. Not since the late 1980s real estate bust has **Big D** gotten such an unfavorable rating.

And Dallas is getting the bad marks this time for the same reason it did in the '80s: worries about overbuilding.

Although the amount of development in this cycle is far less than what was built in most years of the last decade, it's still enough to give investors and industry consultants the jitters.

Dallas gets lumped in with other Sunbelt growth markets as places for investors and developers to avoid.

"The suburban agglomerations Dallas, Atlanta, Houston and Phoenix continue to trail because of development-risk concerns and bad karma over sprawl-related issues," the Emerging Trend report concludes.

The survey rates Dallas industrial properties as the best bet next year. Apartments are red-lined as the riskiest property.

As in recent years, the top ratings in the national development survey went to big East Coast and West Coast cities with high property values and long development lead times.

First-class office buildings and apartments are at the top of investor and builder shopping lists for 2000, while regional malls and limited-service hotels are being shunned.

"Unless a deep recession pulls the rug out from under tenant demand and consumer spending, the year 2000 will feature relative supply-demand balance in most property sectors and markets," the survey predicts.

At least Dallas isn't St. Louis, which the report says "suffers from increasing irrelevance."

APARTMENT DEVELOPERS continue to cut back on the number of new building starts in the Dallas area.

In September the latest month for which numbers are available builders received permits to build 732 apartments. That's down just more than 50 percent from the same month last year, according to M/PF Research Inc.

But market analysts would like to see even further declines in apartment building.

While construction was down 27 percent through the first nine months, developers started more than 11,000 additional multifamily units.

Single-family home construction continues to edge above last year's record level.

Through September, builders received permits to start 17,535 homes a 5 percent increase from the same period of 1998.

IN WHAT MAY BE ONE of the biggest local real estate loans this year, Metropolitan Life Insurance has provided \$ 220 million in refinancing for the Galleria and Westin Galleria Hotel.

Houston developer Hines Interests obtained the new loans for the properties in a transaction negotiated by Holliday, Fenoglio, Flower LP of Dallas.

The mortgage is on the 1.8 million-square-foot shopping mall and the 431-room hotel.

Hines considered selling the mall and hotel last year but decided to keep the properties. Hines did sell the three Galleria office buildings to Toronto-based TrizecHahn Corp.

A DEVELOPMENT PARTNERSHIP has bought more than an acre on Woodall Rodgers Freeway in downtown Dallas with plans to build a residential high-rise.

Riverstreet Development acquired 60,000 square feet of land between the Federal Reserve Bank of Dallas and Routh Street on the north side of Woodall Rodgers.

"They are looking at plans to build a residential building similar to what's being done in the area," said broker Newt Walker.

The tract is one of the last vacant properties fronting the north side of Woodall Rodgers.

A REALTY CAPITAL CORP. PARTNERSHIP has purchased about 1.3 acres in Grapevine for a garden office complex.

The property is located on State Highway 26 across from Heritage Business Park.

Construction on an 11,000-square-foot office building called Grapevine Office Center is scheduled to be finished in early 2000.

"We believe that this is an excellent site due to the fact that it is strategically located at the western gateway to Grapevine, just off State Highway 114," said Realty Capital president Richard Myers.

Steve Brown is the Real Estate Editor of The Dallas Morning News.

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LOAD-DATE: November 14, 1999

EXHIBIT H

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THE DALLAS MORNING NEWS

November 29, 1999, Monday

KR-ACC-NO: DA-MILLER-COL

LENGTH: 966 words

HEADLINE: The Dallas Morning News Robert Miller Column

BYLINE: By Robert Miller

BODY:

TWO LOCAL AUTHORS DISCUSS TOPICS OF NATIONAL INTEREST: Author, author.

Mark Curriden, legal affairs reporter for The Dallas Morning News, and prominent Dallas obstetrician/gynecologist Joseph L. Godat have recently joined a rapidly growing list of **Big D** authors who are writing books destined to have an impact on society far beyond the Southwest.

Mr. Curriden's book, "Contempt of Court: The Turn-of-the-Century Lynching that Launched a Hundred Years of Federalism," is already in its third printing after being released a scant seven weeks ago. It's the true story of Ed Johnson, who was arrested in 1906 in Chattanooga, Tenn., put on trial, convicted, sentenced to die and lynched -- all within 60 days.

The book relates how the black man was framed for the rape of a white woman, railroaded through the state's criminal justice system, attacked by jurors in the courtroom, abandoned by his own lawyers and sentenced to die.

Mr. Johnson's life was spared, though only temporarily, when two black lawyers from Georgia entered the case and successfully appealed his case to the U.S. Supreme Court.

Meanwhile, Dr. Godat has written a detailed guide to the diagnosis, treatment and cure of impotence and sexual dysfunction in an easy-to-understand primer titled "Putting Impotence to Bed: What Every Man & Woman Needs to Know."

He originally intended to explain male impotence to the millions of women who were dealing with partners' problems in the bedroom. However, he soon concluded that although studies showed 30 million men nationwide are afflicted with impotence, almost half the women in our society are also suffering from some form of sexual dysfunction.

More about each book follows:

Contempt of Court.

Though the appeal to the U.S. Supreme Court was successful, the victory lasted less than 48 hours, because a frenzied mob, assisted by the abandonment by the sheriff and his deputies, dragged Mr. Johnson from his jail cell, took him to the county bridge and hanged him.

The outraged Supreme Court, for the first and only time in history, Mr. Curriden writes, brought criminal contempt of court charges against the sheriff, his deputies and members of the mob.

The author says that in an occurrence that has never happened before or since, the justices decided they would hear the criminal trial themselves.

Whereas lynchings were not unusual in the South of those days, the case remains of supreme importance to this day, Mr. Curriden emphasizes.

This truly fascinating and deeply tragic story of an innocent man, a politically motivated Southern sheriff who was up for re-election and a state court system that was anything but color blind is a real page turner even when the outcome of the hair-raising action is foreordained.

Mr. Curriden says the story of Ed Johnson presents a rare opportunity to bring to life a Supreme Court case that "demonstrates that the liberties and prerogatives we so frequently take for granted were etched in flesh and blood. Many legal scholars say this case signaled a change in the nation's entire criminal justice system."

Needless to say, Mr. Curriden is now busily involved in addressing some of the nation's leading legal organizations and law schools and has been receiving rave reviews.

Typical was his appearance on CNN's Burden of Proof, where host Greta van Susteran described the story of the book as "one of the most incredible cases in American history."

She asked longtime law professor and federal constitutional law expert Michael Tigar -- formerly a law professor at the University of Texas and attorney for Terry Nichols, a co-defendant in the Oklahoma City bombing -- why the case was not known before the release of the book and why the book is not taught in law schools around the country.

He called the case a "landmark that forever changed and improved the justice system" and acknowledged:

"Prior to reading Contempt of Court, I, too, was unfamiliar with this case. Why the story hasn't been told before, I don't know. But thanks to this book, it should now be taught in every federal courts class."

Mr. Curriden said that half of the research along with generous counsel came from his former Vanderbilt University law professor Leroy Phillips Jr., now retired, who shares billing on the book's cover.

Both Mr. Curriden and Mr. Phillips are donating a portion of their royalties to establish a trust fund for Tuskegee University to help identify and preserve historical documents related to lynchings and black newspapers from the turn of the century.

There will be a book signing from 5 to 9 p.m. Tuesday at the Belo Mansion, 2101 Ross Ave. downtown, home of the Dallas Bar Association. The cost of the book is \$ 30.

Putting Impotence to Bed.

Well-known Dallas pediatrician and medical/health issues consultant Dr. Robert L. Kramer acknowledges in the book's foreword that many of the problems of sexual dysfunction have not been addressed where they should be in the doctor's office.

"Sexuality has not been part of the education of most physicians and, as a result, most of them have been either ill-equipped or unwilling to approach the subject.

"The inability of doctors to deal with sex has been compounded in the past by misguided public attitudes that defy logic."

In an era of more open-mindedness on the part of the public, Dr. Kramer believes that Dr. Godat's carefully researched and thoughtfully presented book can be of immense value to the many people whose relationships are fragile because of sexual difficulties.

Staff columnist Robert Miller writes about people and events of interest to the business community for The Dallas Morning News.

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EXHIBIT I

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THE DALLAS MORNING NEWS

November 29, 1999, Monday

KR-ACC-NO: DA-CITY-RANK

LENGTH: 796 words

HEADLINE: Dallas Tops Fortune's List of Best Cities for Business

BYLINE: By John Kirkpatrick

BODY:

Dallas has been given another reason to celebrate during this holiday season. Fortune magazine has named it the best U.S. city for business.

The magazine's Dec. 20 issue will spotlight "Best Cities for Business," with Dallas ranking No. 1 on the list of 10 U.S. cities. Dallas beat out last year's top city, Austin, and left behind powerhouses such as New York, Atlanta and San Jose.

This is the second time Dallas has won the spot since Fortune inaugurated the rankings in 1989. That year, Dallas was at the top of the roster, and Mayor Annette Strauss was pictured on the cover with the city skyline.

This time around, though, Mayor Ron Kirk and Dallas won't be on the cover, although the story is noted there. And that's OK with some city officials. Just landing on top is enough, they said.

"We are thrilled. We knew that Dallas was the best city all along, and now the world will know," said Jan Hart Black, president of the Greater Dallas Chamber of Commerce.

The Dallas area can take a bow -- and it fully intends to do so, worldwide.

Ms. Black said the the ranking provides "international recognition because of Fortune's circulation. So it will be a good marketing tool for our economic development and international business development efforts. ... I think it contributes to an overall marketing effort."

Mr. Kirk said through a city spokesman that "this is great for our city. Now the rest of the world knows what we always have -- that Dallas is THE place for business."

In some ways, the magazine's story on the top cities is something of a valentine to Dallas.

Some resident critics, however, might disagree with all the plaudits.

For example, D/FW International Airport "runs like a Swiss watch" on most days, "so it's not nearly as annoying as the airports of some other cities on our list," the magazine story says.

Fortune also employs a bit of romantic imagery. "Big D," it says, is "plunked down in the middle of a vast plain" and is "the least densely populated metropolitan area in the world." Weary commuters on LBJ may find that hard to remember.

Still, the magazine's story may not suit folks who find too little praise for the area's cultural institutions.

"Dallas has a symphony, an opera company, some good museums," the story says, without endowing coveted descriptions such as "world-class."

What could be hard to argue with is the story's statement that Dallas has significantly diversified its business base and has "enticed big-name companies in just about every imaginable business."

The story and listing will "do wonders in free publicity for the area and in stroking the business leadership," said Dr. Bernard Weinstein, director of the Center for Economic Development and Research at the University of North Texas.

Although Dr. Weinstein does not question the Dallas area's business vitality, he does wonder about the validity of Fortune's list as well as some other business-location rankings.

He noted that Dallas was absent from Fortune's top 10 list in 1998 and 1997.

"Now they say we're Number 1. Obviously, in the real world, if we're the best place in America to do business in in 1999, does that mean we weren't good in 1998? These assessments are very subjective."

The reason for Dallas' on-and-off showing is that Fortune sometimes has "themed" the lists for its top 10 cities for business, said Terry McDevitt, the magazine's vice president of communications.

For instance, last year's list focused on "boomtowns," she said, and Austin came out on top. "The survey methodology remains the same, but the criteria can change."

This year, the criteria were fairly general, Ms. McDevitt said. Research for the rankings was done by both Arthur Andersen and the magazine, and the magazine made the final selections.

Fort Worth does not share the honors with Dallas this year, as it has in some years past. To define Dallas, Arthur Andersen used eight counties: Collin, Dallas, Denton, Ellis, Henderson, Hunt, Kaufman and Rockwall.

Dan Malachuk, Arthur Andersen's director of business-location services, said a decision was made to narrow major markets. The change was particularly necessary to separate San Jose from San Francisco, he said.

The Fort Worth area includes Arlington and is composed of Hood, Johnson, Parker and Tarrant counties.

"Frankly, Fort Worth does well. It's not lagging in significant ways," Mr. Malachuk said. "Fort Worth would clearly be in the top tier of cities, but we don't have a number" for ranking it.

Since 1989, Dallas alone has been on the top 10 list once, and that is for 1999. Dallas-Fort Worth has been listed an additional five times.

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LOAD-DATE: November 30, 1999

EXHIBIT J

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THE DALLAS MORNING NEWS

November 29, 1999, Monday

KR-ACC-NO: DA-BIZ-DEVELOPMENT

LENGTH: 796 words

HEADLINE: Dallas Returns to Top of Magazine's National Ranking

BYLINE: By John Kirkpatrick

BODY:

Dallas has been given another reason to celebrate during this holiday season. Fortune magazine has named it the best U.S. city for business.

The magazine's Dec. 20 issue will spotlight "Best Cities for Business," with Dallas ranking No. 1 on the list of 10 U.S. cities. Dallas beat out last year's top city, Austin, and left behind powerhouses such as New York, Atlanta and San Jose.

This is the second time Dallas has won the spot since Fortune inaugurated the rankings in 1989. That year, Dallas was at the top of the roster, and Mayor Annette Strauss was pictured on the cover with the city skyline.

This time around, though, Mayor Ron Kirk and Dallas won't be on the cover, although the story is noted there. And that's OK with some city officials. Just landing on top is enough, they said.

"We are thrilled. We knew that Dallas was the best city all along, and now the world will know," said Jan Hart Black, president of the Greater Dallas Chamber of Commerce.

The Dallas area can take a bow -- and it fully intends to do so, worldwide.

Ms. Black said the the ranking provides "international recognition because of Fortune's circulation. So it will be a good marketing tool for our economic development and international business development efforts. ... I think it contributes to an overall marketing effort."

Mr. Kirk said through a city spokesman that "this is great for our city. Now the rest of the world knows what we always have -- that Dallas is THE place for business."

In some ways, the magazine's story on the top cities is something of a valentine to Dallas.

Some resident critics, however, might disagree with all the plaudits.

For example, D/FW International Airport "runs like a Swiss watch" on most days, "so it's not nearly as annoying as the airports of some other cities on our list," the magazine story says.

Fortune also employs a bit of romantic imagery. "Big D," it says, is "plunked down in the middle of a vast plain" and is "the least densely populated metropolitan area in the world." Weary commuters on LBJ may find that hard to remember.

Still, the magazine's story may not suit folks who find too little praise for the area's cultural institutions.

"Dallas has a symphony, an opera company, some good museums," the story says, without endowing coveted descriptions such as "world-class."

What could be hard to argue with is the story's statement that Dallas has significantly diversified its business base and has "enticed big-name companies in just about every imaginable business."

The story and listing will "do wonders in free publicity for the area and in stroking the business leadership," said Dr. Bernard Weinstein, director of the Center for Economic Development and Research at the University of North Texas.

Although Dr. Weinstein does not question the Dallas area's business vitality, he does wonder about the validity of Fortune's list as well as some other business-location rankings.

He noted that Dallas was absent from Fortune's top 10 list in 1998 and 1997.

"Now they say we're Number 1. Obviously, in the real world, if we're the best place in America to do business in in 1999, does that mean we weren't good in 1998? These assessments are very subjective."

The reason for Dallas' on-and-off showing is that Fortune sometimes has "themed" the lists for its top 10 cities for business, said Terry McDevitt, the magazine's vice president of communications.

For instance, last year's list focused on "boomtowns," she said, and Austin came out on top. "The survey methodology remains the same, but the criteria can change."

This year, the criteria were fairly general, Ms. McDevitt said. Research for the rankings was done by both Arthur Andersen and the magazine, and the magazine made the final selections.

Fort Worth does not share the honors with Dallas this year, as it has in some years past. To define Dallas, Arthur Andersen used eight counties: Collin, Dallas, Denton, Ellis, Henderson, Hunt, Kaufman and Rockwall.

Dan Malachuk, Arthur Andersen's director of business-location services, said a decision was made to narrow major markets. The change was particularly necessary to separate San Jose from San Francisco, he said.

The Fort Worth area includes Arlington and is composed of Hood, Johnson, Parker and Tarrant counties.

"Frankly, Fort Worth does well. It's not lagging in significant ways," Mr. Malachuk said. "Fort Worth would clearly be in the top tier of cities, but we don't have a number" for ranking it.

Since 1989, Dallas alone has been on the top 10 list once, and that is for 1999. Dallas-Fort Worth has been listed an additional five times.

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JOURNAL-CODE: DA

LOAD-DATE: November 30, 1999

EXHIBIT K

33 of 89 DOCUMENTS

Copyright 2000 Knight Ridder/Tribune Business News
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The Dallas Morning News

February 4, 2000, Friday

KR-ACC-NO: DA-MILLER-COL

LENGTH: 957 words

HEADLINE: The Dallas Morning News Robert Miller Column

BYLINE: By Robert Miller

BODY:

AUTHOR PRESENTS COMIC RELIEF: Her humor is quite droll, and you'll find yourself smiling much of the time and laughing out loud the rest. Does that make author/lecturer Prudence Mackintosh a stand-up comedian?

Well, she will be standing up, and you can judge for yourself just what kind of special comic she is if you attend the Our Friends' Place annual luncheon Tuesday at The Fairmont Hotel.

Ms. Mackintosh's tales of parenthood and societal foibles are good, clean fun, and those attending are guaranteed to face the afternoon in a much better frame of mind than they thought possible when they rolled out of bed.

The nonprofit Our Friends' Place, founded in 1985, provides a warm, nurturing, homelike environment that offers safety and support for girls who have been abused, neglected or abandoned or have behavioral difficulties.

There is a therapeutic group home for girls 10 to 17 and a transitional loving center for young women 18 to 24 that provides a home where they can begin to heal and learn skills for a successful future as self-reliant young women.

Maxine Shapiro will serve as emcee. Suzanne Holliman and Susan Fisk are co-chairwomen. Monarch Dental Corp. is the lead underwriter at \$ 10,000. Tickets are \$ 60 per person, and tables of 10 may be purchased at several levels: \$ 600, \$ 1,200, \$ 2,500, \$ 5,000 and \$ 7,500.

For reservations and information, you may call Kristi Hinkamp at 214-520-6268.

Other major donors include:

-- Sponsors (\$ 5,000) -- Ben E. Keith Co. and Harper House Inc.

-- Benefactors (\$ 2,500) -- Mart and Rosemary Nelson, Omsted-Kirk Paper Co. and Texas Health Resources.

-- Friends (\$ 1,200) -- **Big D** Charity Horse Show, Georgie Ledbetter Phillips, Specialized Consulting and The Men's Wearhouse.

The Lakewood Service League is a group of more than 100 women who offer their time, energy and creativity to make a difference in the Lakewood area. And making a difference is what they've done since 1982.

In addition to thousands of hours of volunteering, they raise money at their annual extravaganza that makes those grants possible. The grants now total more than \$ 590,000, including \$ 61,000 from last year's gala.

This year's ambitious "Carnevale in Venice -- An Evening on the Grand Canal" fund-raiser will start at 6:30 p.m. Saturday at Union Station with tickets costing \$ 125 and \$ 200 per person. The event ends at 1 a.m. Call 214-828-2409 for tickets and information or to make a donation.

The program for this black-tie event includes a seated dinner and a live auction featuring a trip to Rome, a Harley-Davidson XLH Sportster 883 Hugger and other highly prized items. A silent auction will offer hundreds of items, including restaurant and retail gift certificates, portrait packages, jewelry, specialty baskets, sports and event tickets, weekend getaways and lots more. Rebecca Winston of the Fort Worth Opera will perform, accompanied by her husband, pianist Christ Winston.

Guests are encouraged to wear masks, and for those who can't find theirs, masks will be for sale at the party.

U.S. Rep. Pete Sessions and his wife, Nete, will serve as honorary co-chairmen. Liz Fraley and Kristi Barc are the co-chairwomen. Vickie Thompson is president of the league.

Sponsors include Shore & Fineberg LLP; Intelesolve, a division of One Ink; Charlla Feller Davis; Corporate Press; Millet Printing; Earth Blooms; PDQ Press; Goody Goody Liquor; Clampitt Paper Co.; Nathaniel's; La Petite Patisserie; Lakewood Country Club; Addison Securities; Belmont Garage; Carol Hensley-Group One; David Bush/Henry S. Miller; Ernst Young; D&L Entertainment and Security Services; Matthew Trent; Catina Ferraine Couture Gallery; Blanche M. Stanley; Gayle and Mike McKool; Liz and Scott Fraley; Bettye Mills, and Jennie and Steve Hargrove.

The Greater Dallas Asian American Chamber of Commerce has installed its new executive officers and board of directors.

The officers include Grace McDermott, chairwoman; Dilip Patel, chairman-elect; Peter Ng, immediate past chairman; Sudhir Parikh, Angie Chen Button and A.K. Mago, all past chairmen; Robert Hsueh, founding chairman; Dr. Anant Jain, secretary; Emelita de la Rosa, treasurer; Carole Ishii, Hari Masand, Jennifer Nguyen, Walter Tung and Kevin Yung, all vice chairmen.

Directors include Victor Abraham, Deepak Aurora, Tim Choe, Joe Chow, Sergio Chua, Linda Do, Bhupendra Ganatra, Ramesh Gupta, Suzie Jung, Gurumurthy Kalyamara, Linda Kao, Leck Keovilay, Seung Kim, Dr. Charles Ku, Rishi Kuba, Bryan Lee, Sun-Kwon Lee, Kevin Leung, Jane Lin, Chong Oh, Dave Phillips, Audrey Sreshta, Harry Watts, Jason Yeh and Seifu Yigezu.

The public is invited to a free African-American Read-In 2000 from 3 to 5 p.m. Sunday at the Majestic Theatre featuring actor LeVar Burton and former Dallas Cowboy Daryl Johnston. Other guests include George Dawson, a 102-year-old African-American who learned to read at 98 and co-authored Life is So Good. Mr. Dawson, Dallas Mayor Ron Kirk and Gerald Borders, a trustee of the Dallas County Community College District, will serve as chairmen of the event.

The district will present the event, and GTE Reads, a public charity arm of GTE, is a major contributor. Other sponsors include Random House Inc., KKDA-FM (104.5), The Dallas Morning News, The Dallas Weekly and Dallasblack.com. Call 214-860-2005 for additional information. All those attending will receive copies of Mr. Dawson's book.

Staff columnist Robert Miller writes about people and events of interest to the business community for The Dallas Morning News.

To see more of The Dallas Morning News, or to subscribe to the newspaper, go to <http://www.dallasnews.com/>

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EXHIBIT L

34 of 89 DOCUMENTS

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The Dallas Morning News

January 14, 2000, Friday

KR-ACC-NO: DA-REAL-ESTATE-COL

LENGTH: 1031 words

HEADLINE: The Dallas Morning News Real Estate Column

BYLINE: By Steve Brown

BODY:

GERMAN INVESTORS TAKING SHINE TO U.S.: During the 1980s, Japanese investors were big players in the U.S. commercial real estate market -- snapping up billions of dollars in trophy properties ranging from downtown skyscrapers to suburban country clubs.

But at the turn of this new century, some of the biggest foreign investors in America's property market aren't from Tokyo but hail from Berlin and Frankfurt, Germany.

During the last 18 months, German buyers and lenders have pumped more than \$ 3 billion into U.S. commercial property acquisitions -- mostly high-profile office buildings, according to a new survey by Jones Lang LaSalle.

The Chicago-based real estate service firm estimates that over three years, German investors could account for as much as \$ 15 billion in deals.

The Dallas area ranks high on German buyers' shopping list.

A tally of major German investments in the United States during the last 18 months includes the \$ 325 million sale in late 1998 of the 72-story Bank of America Plaza tower in downtown Dallas. The purchase of **Big D's** tallest office tower by a private German investment group ranks as the third-largest investment on the Jones Lang LaSalle list.

"German investors are committed to investing in the United States," the new survey concludes. "They have realistic return expectations, a focused view on preferred markets and sectors and a definite time frame in which to invest a considerable sum of money."

While Japanese buyers -- most of which have since sold their U.S. holdings -- preferred purchases on the West Coast, the Germans favor East Coast financial capitals. Dallas is tied with Chicago for fifth place in a survey of German investors.

Along with U.S. pension funds and private American investors, real estate forecasters predict that German buyers will help take the place of retreating real estate investment trust investors in the commercial property markets.

"It is our sense that while German investors have been acquiring a great deal of assets to date, the volume should increase dramatically in 2000 and beyond," the Jones Lang LaSalle study predicts.

A **NEW OFFICE LEASE** will bring more than 1,000 jobs to Dallas' Stemmons Freeway Corridor and will fill a building that was expected to be empty soon.

VarTec Telecom Inc. has agreed to lease the former FirstPlus Financial Corp. headquarters building at 1600 Viceroy Drive.

The future of the 250,000-square-foot office tower had been in doubt since FirstPlus filed for bankruptcy.

VarTec, a long-distance telephone and Internet service provider, will more than double its home-office space with a move from Lancaster.

Several VarTec operations this summer will be consolidated into the new office.

Jones Lang LaSalle and Staubach Co. arranged the relocation details. The building is owned by a New York investment trust.

INVESTORS COMPLETED several major Dallas-area office building acquisitions in the final weeks of 1999.

Prudential Insurance Co. of America bought two office buildings in Richardson from Koll Real Estate. The five-story, 207,000-square-foot office buildings were built in 1998 and leased to Northern Telecom. Both buildings are on Performance Drive in the new Galatyn Park development on the east side of North Central Expressway.

Centex Corp. bought the Citymark building, at 3100 McKinnon St. near the southern entrance to the Dallas North Tollway. The 11-story, 205,000-square-foot building was acquired from CarrAmerica Realty. Prudential Insurance provided a \$ 19.95 million loan for the purchase, according to deed records.

Centex plans to use the building for expansion after it fills up its nearby corporate offices.

Pension fund adviser Koll Bren bought the 3535 Travis St. office building near Turtle Creek from Unum Life Insurance Co. of America. The three-story building has about 120,000 square feet of office space and was built in 1983 as the headquarters for now-defunct Muse Air.

And the Ohio State Teachers Retirement System bought the five-story Las Colinas Corporate Center III building from WHCN Real Estate. The building at 6600 E. Campus Circle in Las Colinas contains about 128,000 square feet.

OLYMPUS REAL ESTATE CORP. -- the property investment and development company set up by Dallas businessman Tom Hicks -- has formed a new hospitality company.

Olympus Hospitality Group will be based in Scottsdale, Ariz., and will operate hotel brands including Park Inns International, Park Plaza International, Unique Hotels and Rockresorts. The company is now involved in more than 100 hotels and resorts.

To head the new operation, Olympus has hired Carlos C. Lopes and L.K. Eric Prevette, both former senior vice presidents with Dallas' Rosewood Hotels.

Some of the resorts in Olympus' portfolio include the La Posada in Santa Fe, N.M.; Rosario Resort on Orcas Island, Wash., and Cheeca Lodge in the Florida Keys.

COSERV ELECTRIC, the Denton County utility company, is moving into its new corporate headquarters complex next week.

The 320,000-square-foot office complex is on Stemmons Freeway in Corinth and will consolidate the offices in Corinth, Lewisville and Flower Mound.

CoServ provides electric, gas, telecommunications and security services for customers in 36 communities.

The utility company also offers Internet service to tenants in some of downtown Dallas' new loft apartment complexes, including the Kirby Building and the new South Side on Lamar complex.

VETERAN DALLAS real estate broker Michael F. McAuley has been recognized as the area's top commercial real estate agent for 1999.

Mr. McAuley, an officer with Henry S. Miller Commercial, was the winner of the Stemmons Service Award by the North Texas Commercial Association of Realtors.

Mr. McAuley is also president of Miller Real Estate Advisors Inc. and Miller Investment Partners Inc.

He began his real estate career in 1972 working for the original Henry S. Miller Co., which was later sold to Grubb & Ellis Co.

Steve Brown is real estate editor of The Dallas Morning News.

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LOAD-DATE: January 15, 2000

EXHIBIT M

1 of 3 DOCUMENTS

Copyright 2000 Tucson Citizen
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Tucson Citizen

October 16, 2000 Monday

SECTION: LIVING; Pg. 1B

LENGTH: 643 words

HEADLINE: MOVIE REVIEW

BYLINE: Chuck Graham

BODY:

It's 'T time

'Dr. T and the Women' is long on eye candy - Richard Gere, Helen Hunt, Farrah Fawcett, Laura Dern, Shelley Long, Tara Reid, Kate Hudson, Liv Tyler, Janine Turner - but short on substance.

By CHUCK GRAHAM

Citizen Film Critic

Robert Altman's latest film, "Dr. T and the Women," is one of the famed director's lesser works. Of course even a bad film by Altman is still more interesting than most others. But the man who started out making "M*A*S*H" and continued right on with such modern classics as "Nashville," "The Player," "Short Cuts" and "Cookie's Fortune" sets a high standard for himself.

In the frothy "Dr. T," it seems as if Altman the director and Anne Rapp the screenwriter (who also wrote "Cookie's Fortune") do have a lot on their minds. We just can't tell what it is.

Maybe Altman just wanted an excuse to hang out on the movie set with lots of beautiful, talented women. The cast includes Helen Hunt, Farrah Fawcett, Laura Dern, Shelley Long, Tara Reid, Kate Hudson and Liv Tyler. The only man among them is Richard Gere as Dr. T, for Travis.

"What kind of doctor is he?" asks one stranger.

"The lucky kind," is the answer.

Lucky, indeed. Dr. Sullivan Travis is the gynecologist of choice for the city's social elite. Genial Dr. T maintains his unique position among **Big D's** glitterati by being sensitive to the complete needs of every patient.

Dr. T simply understands women. He's sure of that, and his patients couldn't agree more. His waiting room is filled with fur coats, big jewelry and high-maintenance hairstyles.

Most of these fine ladies aren't beautiful, but he makes them feel beautiful, and everyone is happy. Of course, behind this faCade of the Man Who Has Everything is a tortured soul feeling life's lacerations.

His beloved wife, Kate (Fawcett), suffers from serious mental problems unique to the beautiful and wealthy. Basically, she feels guilty that life has brought her so many good things. So she is regressing into a childlike state that puts her in a psychiatric hospital.

When Dr. T comes to visit Kate, she doesn't recognize him. But back home, he tells his two grown daughters that their mom is getting along just fine.

A separate story line has daughter Dee Dee (Hudson, with lots less sparkle than she flashed in "Almost Famous") planning her wedding. Dee Dee's sibling Connie (Reid) is jealous of all the attention Dee Dee gets. So Connie keeps

trying to sabotage Dee Dee's wedding plans.

Also filling space in Dr. T's home (and in this movie) is champagne-loving Peggy (Dern), Dr. T's sister-in-law, with her three young daughters in tow. A further complication arrives in Marilyn (Tyler), the maid of honor flying in from Houston.

Connie caught Dee Dee and Marilyn in a compromising situation back in Houston. Now that Connie is so upset about the wedding, she is dying to tell somebody that her sister is a lesbian.

With so many conflicting agendas creating a sweetly perfumed swirl of agitated emotions, Dr. T starts spending more time with his buddies at the country club. Here the good doctor meets one of those short-haired, independent women with muscles. Bree (Hunt) is the assistant golf pro.

She is so determined to make her own way in the world, she won't even let a man tee up her golf ball.

Of course with so many helpless women fluttering around Dr. T, he is drawn to the resourceful Bree. Yet the resolution of "Dr. T and the Women" isn't what you would expect. Professional certification prevents my revealing the ending, of course, but let me say this: Dr. T does not discover that modern women are superior to the more-traditional kind.

GRAHAM'S GRADE

C

'Dr. T and the women'

- Rating: R (some profanity, brief nudity, no violence)

- Length: 122 minutes

- Playing at: Foothills 15 Cinemas, Century Park 16, Century Gateway 12, Century 20 El Con

GRAPHIC: CREDIT: Artisan Entertainment Richard Gere stars as Dr. Sullivan Travis, a Dallas gynecologist, in "Dr. T and the Women." Farrah Fawcett is Kate, Dr. T's wife. Helen Hunt is Bree, the assistant golf pro. Tara Reid is Connie, one of Dr. T's two daughters. Laura Dern is Dr. T's recently divorced sister-in-law. Janine Turner is Dorothy, one of Dr. T's patients.

LOAD-DATE: May 16, 2003

EXHIBIT N

Copyright 2000 Tucson Citizen
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Tucson Citizen

June 22, 2000 Thursday

SECTION: CALENDAR; Pg. 19L

LENGTH: 632 words

HEADLINE: CALENDAR

BYLINE: Polly Higgins

Tucson Citizen June 22, 2000 Thursday

BODY:

Say 'amen!' to the Reverend Horton Heat's musical pleasures

By POLLY HIGGINS

Citizen Staff Writer

"AC/DC is the lawn mower, and all other bands are the grass," Reverend Horton Heat drummer Scott Churilla summarizes. Of course, the meaty machinery of AC/DC has chunked up sections of America's musical tableau to varying degrees over the years. The verve and density of the Reverend Horton Heat illustrates the trio has incorporated - at the very least - the weighty vigor of the long-term Aussie rockers.

The punkabilly rock that is the Rev smashes into Tucson's Rialto Theatre June 29. And as if that weren't enough punch, the screamin' deal of a show - just \$15. in advance - kicks off with the ripping country of Hank Williams III and booty-shakin' rawk of Tucson's own Thunderosa.

A sleepy Churilla, who has been providing rhythm to the Heat for six years, sits on his front porch in Dallas, Texas ("I'm a total crab"), attempting to shake himself awake for the noon-time interview he spaced. The shots of Jagermeister and 13 Budweisers from the night before seem to be working their predictable morning-after surliness.

Alcohol, testosterone, lust and basically goin' back, Jack, to hit the vice replay button again and again provide the emotional framework for the Reverend Horton Heat's latest, "Spend a Night in the Box." Speeding down the path of pleasure and screaming "whoohoo-hooooo!" while hanging out the window, nearly every song captures the frenzy of those periods in life when foot-stompin' is privileged over all else. With the exception of "The Bedroom Again," the Reverend's 25-mile-an-hour sing-along of marital regret, the speed-limitless album keeps the party cruising just slightly under control.

"Box" points toward a raucous live show pumped to capacity with the band's trademark surf-twang-rockabilly sound. Produced with the omnidirectional spank you'd expect from Paul Leary, this CD travels tracks parallel to the tightly engineered ones laid out in the Rev's 1993, Gibby Haynes-produced "The Full Custom Sounds of . . ." (Sub Pop).

The band's been doing some label hopping throughout its 10-year career, but it seems to have found a comfortable, accommodating home with Time Bomb Recordings. On Interscope for its previous two albums ("It's Martini Time" and "Space Heater"), the Rev felt the lack of attention that groups with smaller numbers can often receive from majors. So the trio packed it up.

"I think we got fired. A combination of getting fired and they weren't doing anything for us," Churilla says. "I don't think they cared about us. They weren't promoting us." As opposed to Time Bomb, he notes.

The new Time Bomb record is loaded with standouts, many of them infused with difficult-to-walk-a-straight-line rockabilly, as with the burning-fuse whip of "Spend a Night in the Box" (a song about being sent to the doghouse by an angry girlfriend) and circular guitar of "**Big D** Boogie Woogie." "It Hurts Your Daddy Bad" punches the gas down a straighter rock road with Jim Heath's (the Reverend himself) Gretsch Falcon guitar steaming off the hot ground.

And, naturally, libidinal lyrics hip-shake throughout "Box." A ruffle-voiced Heath cries - "With curves that kill/And eyes that sting/The angels cry/And demons sing" ("The Girl in Blue") - and celebrates - "Girl you can move it you can move it around/Move it back and forth baby upside down" ("Whole Lotta Baby") - the ups and downs of that sexual attraction thing, but always with an underlying "amen."

If you go

What: Reverend Horton Heat with Hank Williams III and Thunderosa opening.

When: June 29 at 8 p.m.

Where: Rialto Theatre, 318 E. Congress St.

How much: \$15 in advance (CD Depot, Guitars Etc., Zips University, Congress St. Store).

Details: 798-3333.

GRAPHIC: Special to the Tucson Citizen; Can they get a rocking "amen"? Bow down to the Reverend Horton Heat -

Jimbo Wallace (left), Jim Heath and Scott Churilla - as it revs up its punkabilly engines next Thursday at the Rialto Theatre in downtown Tucson.

LOAD-DATE: May 16, 2003

EXHIBIT O

3 of 3 DOCUMENTS

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Tucson Citizen

October 29, 1999 Friday

SECTION: SPORTS; Chris Walsh; Pg. 11D

LENGTH: 1365 words

HEADLINE: COMMENT/NOTES

BYLINE: Chris Walsh

BODY:

Colts have copied Cowboys' formula

Fans of the adult cartoon show "South Park" are probably familiar with last year's Halloween episode, in which the boys from the small Colorado town came face to face with their evil counterparts from a parallel universe.

The spoof was complete with the "evil" ones wearing goatees as happened in a classic episode of "Star Trek."

Sunday afternoon, the Cowboys may not be able to help from doing a double take when they line up against the Colts. Indianapolis' offense offers more than just a resemblance to the Dallas group that dominated the league under Jimmy Johnson in the early 1990s and still sits atop the NFC East.

The Cowboys, of course, feature the talented trio of quarterback Troy Aikman, running back Emmitt Smith and wide receiver Michael Irvin, although Irvin is out with a possibly career-ending neck and spinal injury.

Filling the skill positions for Indianapolis are QB Peyton Manning, running back Edgerrin James and wideout Marvin Harrison.

Even the supporting cast is somewhat similar with a dominating offensive line. Manning has been sacked only three times this season, which is the fewest in the league. Aikman has been sacked only seven times, best mark in the NFC.

"Indianapolis has built the foundation in a similar way to 'The Big Three' in Dallas," said ESPN studio analyst/reporter Ron Jaworski, a former outstanding quarterback with Philadelphia. "The Colts have three components in place that can make their offense explosive. It led the Cowboys to three championships. Obviously, the Colts are hoping for the same thing."

At 4-2, Indianapolis is off to a good start. It has the NFL's top passing game (277.2 yards per game) and ranks fourth in total offense (365.0).

Harrison and Manning have hooked up for 15 touchdowns in the 18 games they've played together.

"Their passing game is so quick and rhythmic that you can't come up very far or they'll try those double moves and go

Tucson Citizen October 29, 1999 Friday

behind you," Cincinnati Bengals cornerback Artrell Hawkins said. "Marvin Harrison has so much speed, you can't afford to give him any steps."

James, a first-round draft pick whose selection was openly questioned as Indianapolis passed on Heisman Trophy winner Ricky Williams, has found similar success. His 149 carries top the league and his 520 rushing yards rank third.

Ten-year veteran Smith has 515 rushing yards this season and ranks first in the NFC with 37 rushing first downs. With 141 career touchdowns, Smith needs five to pass Marcus Allen (145) for second on the all-time list behind Jerry Rice (177).

While Smith, at 5-9, 214 pounds, is shorter than James (6-0, 216), they both are vital to their teams' success. The Colts and Cowboys both like to get an early lead and then sap the energy out of the opponent with ball control. The Colts have outscored opponents 41-9 in the first quarter this season.

Both teams strive to have balance on offense and force the tempo on defense. As the Washington Redskins learned last week, the Cowboys are still more than a worthy adversary, especially when provoked, and can still dominate.

But the key to the **Big D's** success in the past was all the players coming of age together. It's now a proven formula for success.

"As was **Dallas**, it is absolutely critical that the Colts are all young players," Jaworski said. "They will peak together and they will play together at that peak."

Having Deion Sanders lined up against Harrison only adds to Sunday's matchup, although quite a debate could rage over which team should wear the facial hair symbolizing the evil twin.

NOTES

Holmgren return overshadows game

As is usually the case when a head coach returns to his former home, Monday figures to be a special night in Green Bay for the Packers and Mike Holmgren.

Holmgren, now the head coach/general manager of the Seattle Seahawks, returns to Lambeau Field, where only one coach in the 79-year history of the franchise compiled a better winning percentage: Vince Lombardi.

In seven seasons (1992-98) in Green Bay, Holmgren posted an 84-42 record for a .667 winning percentage and returned the Packers to prominence.

Lombardi built a 98-30-4 record (.758) in his nine years with the Packers (1959-67). Lombardi won two Super Bowls, Holmgren went to two and won one, and both men now have streets named after them in this small Wisconsin town.

"I remember telling him when he left, 'Is it all right for me to have the street?' "safety LeRoy Butler said. "And he looked me right in the eye and said, 'No, you cannot have that.' And it's big signs everywhere you go, Holmgren Way; he's a great coach.

"I love him to death. It feels this week as if I'm playing against my dad, because he has taught me so much, kind of as a person and as a player. Without him, there's no way I could be in the situation I'm in now."

Other story lines figure to get lost in the commotion once Holmgren takes the field. The first is that quarterback Brett Favre will tie Ron Jaworski's mark for most consecutive starts by a quarterback since 1970. Jaworski started 116 consecutive games for the Philadelphia Eagles from 1977-84.

Favre started the streak at the age of 22 on Sept. 27, 1992, against Pittsburgh. The Packers won 17-3.

It's also the return of receiver Derrick Mayes and Seattle's first appearance on Monday Night Football since 1992.

"Anytime you go back and compete against your old team or old friend, there's a little bit extra to that game," Holmgren said. "There always is. For everybody involved. We were there a long time, and we have a lot of friends there."

Youngest tackles

Arizona's recent shake-up on the offensive line means the Cardinals have the youngest set of bookends in the NFL.

Anthony Clement and L.J. Shelton are both 23, and among the biggest players in the league. Clement stands 6 feet 8

and is the NFL's second-heaviest player at 355 pounds. Shelton is 6-6 and is the sixth-heaviest player in the NFC at 343.

Imagine if the Cardinals started former University of Arizona standout Yusuf Scott, listed as a mere 6-3 and 332 pounds, at guard.

"(Shelton) has a wealth of athletic ability and quickness," line coach George Warhop said. "He needs to play. My thoughts to head coach Vince Tobin were, 'You might as well put him in there and let them develop.'

"Being so young, Anthony and L.J. give us an opportunity, as they improve and get better over time, to have two very athletic tackles for a long time."

Translation: At 2-4 and Jake Plummer out for a month, the Cardinals know they have nothing to lose, and realize they aren't returning to the playoffs.

News and notes

How unpredictable has the NFL season been? Last year's first-place teams are a combined 16-24 (.400). Last-place teams are 20-19 (.513).

Sixteen clubs are in first place or only one game out, tying 1979 and 1995 for the most through seven weeks since the NFL went to a six-division format in 1970.

Raiders receiver Tim Brown, who recently went over the 10,000yard mark, on Miami cornerback Sam Madison: "Well, his trash talk doesn't bother me, that's for sure. His holding bothers me."

A final thought on the Seahawks-Packers game: Jon Kitna leads the AFC in passing rating with a 92.4 mark. He is tied with two other quarterbacks for the fewest interceptions (two) in the league.

Favre, who has struggled with a hand injury, has a 78.1 rating. He has 10 touchdowns and eight interceptions.

Walsh's top 10

1. St. Louis Rams (6-0): If they win this week, might run the table
2. Miami Dolphins (5-1): Clearly the top team in the toughest division
3. Jacksonville Jaguars (5-1): Super Bowl-bound if offense comes together
4. Green Bay Packers (4-2): Think they'll be jacked to face Holmgren?
5. Indianapolis Colts (4-2): Harrison could end up leading most receiving stats
6. New England Patriots (5-2): Success a testament to Bledsoe's growing maturity
7. Dallas Cowboys (4-2): Redskins stirred up nest known as Dallas D
8. Seattle Seahawks (4-2): Kitna has highest passing rating (92.4) in AFC
9. Washington Redskins (4-2): The offense can't keep doing it by itself
10. Kansas City Chiefs (4-2): Arrowhead still one of toughest places to play

LOAD-DATE: May 16, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

)	Opposition No. 91156821
JUDY MCCUTCHIN,)	
)	Serial No. 78/105,321
OPPOSER,)	
)	Mark: BIG "D" REAL ESTATE
v.)	
)	Filed: January 28, 2002
JAN DUBELL,)	
)	Published: January 21, 2003
APPLICANT.)	



Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

04-09-2004
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

OPPOSER'S FOURTH NOTICE OF RELIANCE

Opposer, Judy McCutchin ("McCutchin"), in accordance with Rule 2.122(e) of the Trademark Rules of Practice, submits the following copies of publications available to the general public through libraries and/or general circulation:

1. Exhibit A: Nexis printout of article dated August 23, 2001 from *The Daily News of Los Angeles* entitled "His Big D: Determination; Granada Hills High Grad's Hard Work Earns Him NFL Shot" by Matthew Kredell.
2. Exhibit B: Nexis printout of article dated October 5, 2000 from *The Daily News of Los Angeles* entitled "Virginia Coach Caught in Net" by Scott Wolf.
3. Exhibit C: Nexis printout of article dated April 21, 2000 from *The Daily News of Los Angeles* entitled "Schedule Works For Jackson" by Howard Beck.
4. Exhibit D: Nexis printout of article dated November 8, 1998 from *The Daily News of Los Angeles* entitled "Matadors Win, Leap Into 1st; Big Sky Race Takes Yet Another Turn; CSUN 32, Portland St. 28" by Brian Dohn.
5. Exhibit E: Nexis printout of article dated February 9, 1998 from *The Daily News of Los Angeles* entitled "The Week That Was; No D In Big D."

6. Exhibit F: Nexis printout of article dated March 5, 1997 from *The Daily News of Los Angeles* entitled "Dallas Gets Nicked by Lakers; Van Exel Scores Season-High 37; Lakers 102, Dallas 92" by Marc Stein.
7. Exhibit G: Nexis printout of article dated March 4, 1997 from *The Daily News of Los Angeles* entitled "Lakers Notebook; McCloud Back in Big D, Needs Work" by Marc Stein.
8. Exhibit H: Nexis printout of article dated August 23, 2001 from the *Denver Westword* entitled "Let it D" by Laura Bond.
9. Exhibit I: Nexis printout of article dated June 10, 1999 from the *Denver Westword* entitled "The Hole Truth" by Bill Gallo.
10. Exhibit J: Nexis printout of article dated February 4, 1999 from the *Denver Westword* entitled "Southern Discomfort; Writer Terry Southern Helped Shape a Generation. Now His Son Is Fighting For His Legacy" by Robert Wilonsky.
11. Exhibit K: Nexis printout of article dated February 20, 1997 from the *Denver Westword* entitled "What Hit Us?; Long Before 'Asteroid,' Moviemakers Made Their Mark on Colorado. A Guide to Some High and Low Points." by T.R. Witcher.
12. Exhibit L: Nexis printout of article dated October 3, 1996 from the *Denver Westword* entitled "Catch a Falling Star" by Bill Gallo.
13. Exhibit M: Nexis printout of article dated January 24, 1996 from the *Denver Westword* entitled "Cowboys? Lost In A Cloud Of Coal Dust" by Bill Gallo.
14. Exhibit N: Nexis printout of article dated August 31, 1994 from the *Denver Westword* entitled "Coaches Cornered" by Bill Gallo.
15. Exhibit O: Nexis printout of article dated April 6, 1994 from the *Denver Westword* entitled "The Rox Win The Pennant" by Bill Gallo.
16. Exhibit P: Nexis printout of article dated June 7, 2001 from the *Phoenix New Times* entitled "Kinky Wizard; Long the King of His Castle, Ever-Prolific Deathray Davies Front Man John Dufilho Is Learning To Share" by Colin Maycock.

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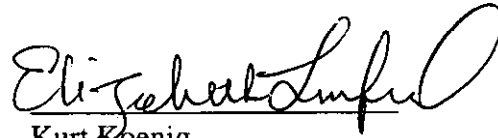
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These publications are relevant because each evidences the general public's understanding of the phrase "Big D" to refer to the city of Dallas, Texas.

Respectfully submitted,

Dated: April 9, 2004

By:



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CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the foregoing document is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on the date identified below.

Express Mail Mailing Label No. EV066295711US

Dated: April 9, 2004


ELIZABETH A. LINFORD

CERTIFICATE OF SERVICE

I, Elizabeth A. Linford, hereby certify that I caused a copy of the foregoing document to be served on April 9, 2004 by first class mail, postage prepaid, addressed to:

Jan DuBell
523 Ranch Trail, Suite 142
Irving, Texas 75063

Executed this 9th day of April 2004 at Santa Barbara, California.


ELIZABETH A. LINFORD

EXHIBIT A

1 of 7 DOCUMENTS

Copyright 2001 Tower Media, Inc.
The Daily News of Los Angeles

August 23, 2001 Thursday, Valley Edition

SECTION: NEWS; Pg. N1

LENGTH: 1057 words

HEADLINE: HIS **BIG D:** DETERMINATION;
GRANADA HILLS HIGH GRAD'S HARD WORK EARNS HIM NFL SHOT

BYLINE: Matthew Kredell, Staff Writer

BODY:

OXNARD - Not since the John Elway era has a Granada Hills High player gone on to the National Football League - until Jamal Brooks.

Jamal who?

"I coached a player named Jamal Brooks," said his and Elway's former high school coach, Daryl Stroh. "I'm not sure he is the same one you're talking about."

Told that Brooks was on the training camp roster of the Dallas Cowboys and likely to make America's Team as a special teams player and backup middle linebacker, Stroh responded in disbelief: "He is?"

Brooks, 24, was a good high school player, starting at linebacker and tight end. He was a team captain his senior year, making second-team all-conference with 77 tackles and 16 catches for one touchdown.

But NFL players aren't second-team all-conference, too slow and too small for the big time. They are all-state, or at least all-city. They are the elite of the elite.

Unless they truly believe and work as hard as Brooks has.

"I really knew I could do it when I played in the Daily News All-Star Game," said Brooks, now 6 feet 2 inches and a bulked-up 240 pounds.

"I dominated the game. I had three sacks. I had a hell of a game and started thinking maybe it's not so much that I can't do it but that I need to be put in the right situation."

His former coaches couldn't imagine the right situation would ever come along.

"It's kind of surprising because of all the guys that go through the football program, he wasn't like all-world," said Granada Hills co-coach Tom Harp. "He was a hard worker, but the NFL? I mean, you just would never know."

Stroh and Harp didn't even know Brooks had tried out for the New Orleans Saints last year. Brooks was cut before the season started, but got a good recommendation to play in NFL Europe. His performance for the Scottish Claymores got him invitations to camp from four NFL teams.

He chose the Cowboys but was just a warm body to fill out the roster when camp started, a third-string linebacker not expected to make the team.

Brooks' performance has changed that. He jumped over undrafted rookie J.J. Jones - who attended football power Arkansas while Brooks went to a small college - to second on the depth chart at middle linebacker behind Dat Nguyen. He is also first string on special teams.

"I think Jamal is another guy with an excellent chance of making the team," Cowboys coach Dave Campo said. "You can't make the team with one game, that's why you have to continue to do great things in practice and the games, and

Jamal is doing that."

It's been a long road from the days when he was bused into Granada Hills High from the inner city. Brooks had never played football as a child. It wasn't until his freshman year, when an injury forced him in as the starting varsity fullback that Brooks began playing the sport regularly.

Brooks, who graduated from Granada Hills in 1994, started playing linebacker as a junior, but wasn't very big and didn't have great speed. He had grown by the time he was a senior and had his first standout season.

That helped him get into Hampton University - a 5,000-student Division I-AA school in southeastern Virginia and a football backwater.

But for Brooks it was the right situation.

Never a good student in high school, he became a Burger King Scholar Athlete and graduated with honors. If football doesn't work out or after a career in the NFL, Brooks plans to return to school to become a lawyer.

"I promised my parents I would get my degree from college," Brooks said. "But getting my law degree and my master's, I promised that to myself."

Surprisingly, to those who saw him play in high school, the law will probably have to wait.

Jimmy Landress was the starting quarterback for Granada Hills when Brooks played. Landress' father, Steve, is a teacher and former coach at Cleveland High in Reseda.

Told that his son's former teammate was on the Cowboys, Steve said, "Are you sure about that?"

Brooks admits that, for those who saw him play in high school, the idea he could play in the NFL would seem far-fetched.

"They used to call me a budding star," Brooks said. "It's just that in high school, it didn't blossom for me. Second-team all-conference is a big difference from the Dallas Cowboys. There are people who are All-America who don't get to play in the NFL."

Jimmy Landress, now a bartender going to school at Mesa College in San Diego, was surprised to find out the story on his former teammate.

"He was a good leader who worked hard," Jimmy said. "He was a nice guy too. I'm really happy for him. But if he's NFL status, he certainly wasn't that in high school."

Playing in Oxnard is a homecoming for Brooks, giving him the opportunity to see some of his friends and family in the area, including his father, Ray, who lives in Pasadena.

Brooks had circled last Saturday's game against New Orleans as a chance to pay back the team that released him. He finished with four tackles, two on special teams and two at linebacker, prompting Campo to single him out for his performance.

Cowboys teammates have also noticed Brooks' hard work.

"Jamal Brooks looks great," said fellow linebacker Markus Steele out of the University of Southern California. "We looked at him on tape today. He goes out and makes plays. He's bringing a big boost to the team so hopefully he can just keep it up. I've seen a big improvement in him."

The final 53-man roster will be submitted to the league Sept. 2. Brooks seems confident he will make the team. His father has already made plans to attend the first three games of the season, including a family gathering for the second game at Detroit. Brooks' grandfather lives in Detroit and is planning to go to the game along with Ray's seven brothers.

"I'm really proud of Jamal," Ray said. "He has taken this from a dream to reality and done it the right way. He's a fine young man. Even if I weren't his father, I'd like him."

Brooks' high school coach sees a lesson in Brooks' achievement: "This is a real story of persistence," Stroh said.

Brooks said hard work is what it's all about.

"I may not have been the best player, but I was always good enough to start and I gradually became better," Brooks

said. "There are stories like this all across the league. The top athletes in football aren't always the ones who make it."

GRAPHIC: Photo:

(1 — color) Linebacker Jamal Brooks, a graduate of Granada Hills High, wears No. 50 while working out with the Dallas Cowboys at their training camp in Oxnard.

Andy Holzman/Staff Photographer

(2) no caption Jamal Brooks

LOAD-DATE: August 24, 2001

EXHIBIT B

2 of 7 DOCUMENTS

Copyright 2000 Tower Media, Inc.
The Daily News of Los Angeles

October 5, 2000, Thursday,

SECTION: SPORTS.

LENGTH: 1241 words

HEADLINE: VIRGINIA COACH CAUGHT IN 'NET

BYLINE: SCOTT WOLF College Football

BODY:

Has a football coach been fired via the Internet?

That debate was raging around the University of Virginia, after athletic director Terry Holland sent a letter to an independent Web site that covers Cavaliers sports that said a timetable would be established after the season to find a replacement for coach George Welsh.

Holland's letter, posted on TheSabre.com, didn't say when Welsh would leave but said he supported planning "that will clearly define the coaching transition in a manner that guarantees the protection of our recruiting base and competitive situation."

Welsh, 67, is 131-82-3 in 19 seasons, but the Cavaliers are 3-2 this season and fans are upset the program has been eclipsed locally and nationally by Virginia Tech.

Welsh admitted being surprised by the e-mail but said he thought Holland was trying to rally support for Virginia football.

"I am convinced that what Terry Holland e-mailed last week was intended to support the football program and me," Welsh said, reading from a statement he used to open his weekly meeting with reporters.

"I would rather that he not have raised the issue, but I am satisfied with his response to me after meeting with Terry on Friday. As we normally do, the future of the program will be discussed at the end of the season."

Welsh has said he would like to coach at least four more seasons. Will he last? Stay tuned.

—Mad Larry: Missouri coach Larry Smith is upset, as usual, but this time he's mad his Tigers didn't get enough

The Daily News of Los Angeles October 5, 2000, Thursday,

respect from poll voters in an 18-point loss to Nebraska.

The Cornhuskers slid from No. 1 to No. 2 in the Associated Press poll based on that result.

"I think it hurts people that go off and play their tails off like we did and then somebody says, 'Well, you didn't beat them bad enough,'" Smith said. "So, sure, it's an insult to the program, but more importantly, it's just one of the evils of banking so much on the polls.

"I think it basically points to what the polls want nowadays. They don't care who wins. They just want them to win by big scores."

—No Simms fan: Former Oklahoma quarterback Jamelle Holieway, who led the Sooners to the national title in 1985, guaranteed Oklahoma would beat Texas on Saturday, especially if the Longhorns play sophomore quarterback Chris Simms.

"If you play (Chris) Simms, OU will beat you," Holieway said.

—Gopher jinx: Penn State hasn't been the same since its 24-23 loss to Minnesota last year, a defeat that dropped the Lions out of the No. 2 spot in the Bowl Championship Series rankings and preceded two more losses in their remaining regular-season games.

Since the Gophers' visit to Beaver Stadium, Penn State is 3-7.

—Dirty play? Oregon defensive end Saul Patu accused Washington's offensive line of playing dirty during the Ducks' 23-16 victory.

"They were trying to grab your throats, your eyes and your privates," said Patu, a senior from Seattle. "They were trying to take cheap shots, little things. I'm glad they felt they had to do that to get the win because that's never going to work."

This week, Washington rebutted Patu's comments.

"There was no eye-gouging or anything like that," said Washington center Kyle Benn, adding that he's been involved in "a lot more dirty games than that. There was just the token stuff that happens in every game."

Washington coach Rick Neuheisel seemed stunned by the accusations.

"If I had seen any of that, I would have addressed it," Neuheisel said.

—Hurry-up and win: Northwestern is winning by being creative.

Coach Randy Walker said he stole the Wildcats' no-huddle offense from the Cincinnati Bengals in the early 1990s when he was coaching at Miami of Ohio.

"Boomer Esiason was the quarterback and that was our way of trying to control the tempo of the game," Walker said. "We quit doing it at Miami the last couple of years. But we were talking here last winter and it was just kind of a mutual thing that we said let's re-investigate this thing."

The Wildcats are 4-1, 2-0 in the Big Ten for the first time since their 1996 Big Ten co-championship season.

"The no-huddle is just a different way of communicating, but it does put pressure on the defense," Walker said. "We are going to play as soon as the referee puts the ball in play. That's what we will do. I don't think people pay 30 bucks a ticket to watch you sit in the huddle."

—Fasani's not finished: Stanford quarterback Randy Fasani's season was believed over when he injured his knee against Texas. But surgery revealed some torn cartilage and a strained ligament, and he is expected back in three to five weeks.

—Big game in **Big D**: Oklahoma and Texas play Saturday in **Dallas**, and this year's hype appears legitimate. For the first time since 1984, both teams enter the game ranked in the top 15.

"ESPN Gameday" will telecast from outside the Cotton Bowl, and Texas has issued 850 press passes. Scalpers are asking \$185 for end zone tickets, with \$400 sought for lower-level midfield seats. Face value is \$45.

FOOTNOTES

By Scott Wolf

THE TOP 10

1. Florida State (5-0)

Weinke's questionable; Noles' last loss came when he couldn't play.

2. Nebraska (4-0)

Huskers' official drop from No. 1 in AP poll came five weeks late.

3. Kansas State (5-0)

Ho hum. Big in-state tilt with Kansas will be a snoozer.

4. Virginia Tech (4-0)

Vick completes just five passes, but no one cares as he rushes for 210 yards.

5. Michigan (4-1)

WR David Terrell might spend some time in secondary to stop Drew Brees.

6. Ohio State (4-0)

Buckeyes are Big Ten's lone undefeated team, at least until this weekend.

7. Florida (4-1)

Gift win over Tennessee unappreciated. Spurrier's back to criticizing officials.

8. Texas (3-1)

Will Mack Brown just let QB Major Applewhite start?

9. Miami (3-1)

Canes' leading rusher, Clinton Portis, will miss Florida State game.

10. Clemson (5-0)

QB Woodrow Dantzler leads ACC in rushing with 125.8 yards per game.

< BEST BET

No. 1 Florida State (5-0)

at No. 7 Miami (3-1)

This rivalry is supposed to be competitive again, but the only way this game will be close is if Seminoles quarterback Chris Weinke is unable to play. Miami has lost five straight to Florida State, and coach Butch Davis is 0-10 against Florida

The Daily News of Los Angeles October 5, 2000, Thursday.

State and Virginia Tech, the Hurricanes' biggest annual opponents.

< BY THE NUMBERS

1,241

Yards Michigan has rushed for, only 221 less than last season.

3

Quarterbacks who have started for Colorado this season.

0

Times Purdue coach Joe Tiller has beaten Michigan, Ohio State and Penn State.

< THE LIST

For the ninth time since 1987, Florida State and Miami enter their annual intrastate showdown ranked in the Associated Press Top 10. Here's a look at the first eight meetings, and where they were ranked:

Year Florida State Miami Result

1987 4 3 Miami, 26-25

1988 1 8 Miami, 31-0

1989 9 2 Florida St., 24-10

1990 2 9 Miami, 31-22

1991 1 2 Miami, 17-16

1992 3 2 Miami, 19-16

1993 1 3 Florida St., 28-10

1996 3 6 Florida St., 34-16

EDITOR-NOTE:

Staff Writer Scott Wolf can be reached via e-mail at Scwolf1(at)aol.com. The college football column appears Thursdays in the Daily News.

GRAPHIC: 3 boxes;

Box: (1) FOOTNOTES (see text);

(2) LEADERS (3) MUST-SEE TV GAMES

LOAD-DATE: November 29, 2000

EXHIBIT C

3 of 7 DOCUMENTS

Copyright 2000 Tower Media, Inc.
The Daily News of Los Angeles

April 21, 2000, Friday,

SECTION: SPORTS,

LENGTH: 696 words

HEADLINE: SCHEDULE WORKS FOR JACKSON

BYLINE: Howard Beck Staff Writer

BODY:

EL SEGUNDO – A little time to heal, a little time to practice. That's all the Lakers need to right themselves for the playoffs, and it's just what they'll get, thanks to the NBA's corporate TV partners.

NBC got its wish, getting the Lakers-Sacramento Kings playoff opener Sunday afternoon, instead of Saturday – and gave the Lakers an extra day to prepare.

An NBA agreement with Turner Sports has stretched the first three games of the first round over eight days, from Sunday to Sunday. That gives the Lakers five days off in between games, all in L.A.

With Shaquille O'Neal, Kobe Bryant, Ron Harper and Derek Fisher all nursing injuries, and with the Lakers having gone 3-3 to finish the season, the extra time is welcome, even if the drawn-out series seems awkward.

"I don't know if it's awkward or not. We'll see how it works for us," coach Phil Jackson said. "One thing that we can use, though, is some good practice time, because we tailed off at the end of the season, shortened the practice time and tried to keep our bodies live and our players healthy, and in the process lost a little bit of rhythm.

"And the effect of starting Sunday, rather than Saturday, has given us a day's rest and an opportunity to practice for two days, which helps. The opportunity then to have four days before the next game (on Thursday) is an advantage to those teams that can make adjustments and improve. And every team that is going to win in the playoffs has to improve from game to game."

The Kings, too, will benefit from the schedule – perhaps more so, Jackson said.

"I believe it favors Sacramento, and I'll tell you why – because normally you'd have to be in L.A. for two or three days. And this way they'll be able to go home and keep the boys out of trouble, if L.A. is trouble. For visiting teams it sometimes is an allure," he said.

—Ouch report: Fisher rejoined the active roster Thursday after spending a week on the injured list because of a bone spur in his right ankle. Rookie John Celestand was left off the playoff roster to make room for Fisher's return.

Meanwhile, X-rays were negative on Bryant's right wrist, which he sprained Tuesday at Dallas and aggravated Wednesday at San Antonio.

O'Neal goes into the playoffs with a sore right shoulder, courtesy of the Spurs' David Robinson, and Harper continues to nurse a bruised tailbone.

"Of course, they're all a concern," Jackson said. "And yet as a team I think we're relatively healthy."

—Memo to officials: Showing some frustration and perhaps pre-playoff gamesmanship, Jackson said officials are not calling flagrant fouls committed against O'Neal. Robinson's rough play Wednesday prompted O'Neal to elbow him in the gut and draw a technical foul.

"Shaquille wanted to let a message be known – you can't just get away with smacking me around without retaliation,"

The Daily News of Los Angeles April 21, 2000, Friday,

Jackson said, "and it's obvious this league does not call flagrant fouls against Shaquille."

A SEASON FOR THE BOOKS

Records fell at every turn of the 1999–2000 season as the Lakers posted their best record in 28 years. Some highlights:

Team highs

—Final record: 67–15 (second best in franchise history, to 69–13 season in 1971–72).

—Streaky: Third team in history with three double-digit winning streaks (16, 19, 11), and 19–game streak was the NBA's third longest all-time.

—Superior: Went 27–3 vs. Eastern Conference, best record ever for a West team vs. the East.

— **Big D:** Held opponents to franchise-record .416 FG shooting (previous low was .432, 1971–72).

—Bigger D: Held opponents to franchise-record 92.3 points per game (previous low was 95.7 in 1996–97).

—Titlists: Won Pacific Division and NBA's best record, both for first time since 1989–90.

Individual highs:

—Shaquille O'Neal: second career scoring title (career-high 29.7 points per game); career-high 3.8 assists.

—Kobe Bryant: career highs in points (22.5), assists (4.9), rebounds (6.3), FG percentage (.468), steals (1.61).

—Derek Fisher: career-high 6.3 points per game.

— Howard Beck

EDITOR-NOTE:

Main Story: How could they lose?

GRAPHIC: box;

Box: A SEASON FOR THE BOOKS (see text)

LOAD-DATE: November 30, 2000

EXHIBIT D

4 of 7 DOCUMENTS

Copyright 1998 Tower Media, Inc.
The Daily News of Los Angeles

November 8, 1998, Sunday,

SECTION: SPORTS,

LENGTH: 1423 words

HEADLINE: MATADORS WIN, LEAP INTO 1ST; BIG SKY RACE TAKES YET ANOTHER TURN;
CSUN 32, PORTLAND ST. 28

BYLINE: Brian Dohn Daily News Staff Writer

BODY:

The announcement came with seven minutes remaining in the second quarter, and the news was significant for both sides.

It was Eastern Washington 31, Montana State 24.

To those following the Big Sky Conference, it was the most anticipated announcement of the game.

So when Cal State Northridge left North Campus Stadium with a 32-28, cling-for-your-life win against Portland State, it meant the Matadors were again on top in the league.

"I heard everyone cheering, but I didn't know what happened," CSUN quarterback Marcus Brady said. "I was like, 'What's going on?' We were in the middle of a play. But now I know we're on top."

It is a plateau with great meaning in the Division I-AA playoff picture.

A win at Idaho State in two weeks ensures CSUN (6-3, 5-2 Big Sky) at least a share of the conference title. If Montana State wins out, the Bobcats would earn the Big Sky's automatic berth and CSUN would be listed second as far as playoff consideration is concerned. That, too, is important. Since the playoff format expanded to 16 teams in 1986, the Big Sky runner-up has been invited every year.

However, if Montana, which hosts Montana State in the season finale, wins its remaining two games, it would tie CSUN for first. In that case the Matadors, with a win at Idaho State, would hold the tiebreaker and grab the conference's automatic bid.

"It's very important for the Griz to get the Bobcats," CSUN coach Ron Ponciano said. "It looks like if we can beat Idaho State we're going to be co-champions, and that would be special."

CSUN, which plays an important nonconference game next week at Southwest Missouri State, got to its current slot by beating the hottest, and arguably most talented, team in the conference.

Portland State (5-4, 4-3) had its four-game winning streak snapped, but not without some wacky plays and loads of excitement.

First and foremost was the play in which CSUN defensive lineman Shambay Jones intercepted a pass after it ricocheted off the foot of running back Derrick Brame. Jones returned it to the Vikings' 7 before running back Melvin Blue scored from the 3 on fourth down.

Two plays later, Portland State quarterback Tyson Parsons (15 of 26, 1789 yards) threw what appeared to be an incomplete pass to Cheo Angel. But after Angel rolled over, CSUN safety Vito Clemente scooped up the loose ball and returned it to the 3.

And on second down Marcus Brady connected with Drew Hill (9 catches, 68 yards) for a 4-yard touchdown. CSUN

The Daily News of Los Angeles November 8, 1998, Sunday,

scored 26 straight points, including 14 in the final 1:31 of the first half, to build a 32-14 lead.

"In the first half we were out there taking stuff and in the second half we got complacent," said Matadors receiver Aaron Arnold, who caught eight passes. "In the second half, we put it on the defense's shoulders. It came down to that for us, which it shouldn't have."

But Portland State, which averaged nearly 42 points per game during its winning streak, countered with a feverish rally.

Super back Charles Dunn, who gained just 37 yards in the first half, exploded in the second and finished with 167 yards on 26 carries. He scored on a 39-yard run on Portland State's first possession of the second half and added a 5-yard touchdown run with 2:06 left in the third quarter to cut CSUN's lead to 32-27.

And with the Matadors offense generating very little yardage in the second half, the Vikings embarked on a journey.

After being pinned on their own 4-yard line with 14:46 to play, Dunn ran the Vikings out of a hole and into scoring position. His 11-yard run put the ball inside CSUN's 10 with eight minutes left before linebacker Shayne Blakey made the defensive play that was lacking.

On first down, Blakey shot through the middle of the line and stopped Dunn in his tracks. Defensive end Brennen Swanson followed that with a sack of Parsons as the drive stalled.

"They were picking us apart," said Clemente, who also had an interception as the Matadors forced four turnovers. "I don't know what it was, but then Blakey had that big hit. I don't know what changed, but we should play like that all the time."

CSUN vs. PORTLAND ST.: A CLOSER LOOK

THE HERO

If not for the hit Cal State Northridge linebacker Shayne Blakey put on Portland State running back Charles Dunn, the Matadors might be looking toward next season instead of next week. With the Vikings driving for the go-ahead score and CSUN needing to stop the momentum, Blakey drilled Dunn on first-and-goal from just inside the 10. Portland State wound up having a 40-yard field goal attempt blocked.

THE GOAT

Not many to choose from, but the Vikings' kicking game was terrible and the two missed field goals were the difference. For that reason, we're nominating kicker Scott Deans. He badly missed a 47-yard attempt at the end of the first half and had a 40-yarder blocked - he kicked it into the line - late in the fourth quarter.

STAT OF THE GAME

The numbers are 26, 14 and 49. The Matadors scored 26 straight points in the first half and capped that spurt with 14 points in 49 seconds in the final two minutes of the half to grab a 32-14 at the break.

QUOTE OF THE GAME

"There's so much emotion. . . . I can't believe we actually did it and we're back on top."

- CSUN safety Vito Clemente, on the Matadors regaining first place in the Big Sky.

NOTEBOOK: Braswell makes his rounds on new assignment

Rest assured men's basketball coach Bobby Braswell rested well Saturday night. Who knows? Maybe he's still snoozing away.

In his first day as administrator-in-charge of Cal State Northridge's athletic department, Braswell took in more events in 12 hours than most people do in a year.

His morning began with a 10:30 a.m. hoop scrimmage involving his men's team and ended with the men's soccer match against UC San Diego.

In the time between those events, Braswell also attended CSUN's football game against Portland State and the

The Daily News of Los Angeles November 8, 1998, Sunday,

women's volleyball match with Montana.

"I think it's important that all of our coaches go out and support all the events, and I'm encouraging all our players to do it," Braswell said. "The public needs to know we're still here and we're still working hard every day. . . . Despite what's taking place over the last couple of weeks, our department is as strong as ever."

Game ball: True to their word, the Matadors gave the game ball to former CSUN athletic director Paul Bubb, who resigned Tuesday.

The ball was presented to Bubb by running back Jaumal Bradley in the locker room following the Matadors' 32-28 win.

"It was emotional, a lot of tears," CSUN coach Ron Ponciano said. "Jaumal said, 'The only reason we're here is because of him. The reason we're in a championship run is because of Paul.' Jaumal gave him the ball and a lot of people came up and gave him a hug."

Bubb also addressed the team Friday night to tell them about life's challenges and to offer his gratitude to the players.

Going to **Big D**: Ponciano said an agreement was reached for the Matadors to play against Division I Southern Methodist next November. SMU will pay the Matadors \$125,000 to make the trip to **Dallas**.

Ponciano also said he expects CSUN to pay Utah State \$10,000 to get out of next season's game in Cedar City, Utah. CSUN officials talked to several Division I schools about a guarantee game, and San Jose State has resurfaced as an option.

"The SMU thing, from what I understand, is a done deal," Ponciano said. "We're looking into San Jose, even though San Jose only wants to pay us \$50,000. But it's an easy trip. I think it's a very realistic thing."

Previously, San Jose State expressed interest in playing a home-and-home series with the Matadors, but CSUN officials said they couldn't produce enough revenue at North Campus Stadium to make it viable.

There would also be some intrigue with a San Jose State matchup since former Matadors coach Dave Baldwin is coaching the Spartans. Also, Ponciano spent last season as San Jose's defensive coordinator.

Extra points: One thing easily overlooked by CSUN since the Matadors won was the kicking game. Placekicker Manny Marquez was unavailable because of a muscle strain in his leg and it cost the Matadors three points.

Frank Millan missed his first attempt and CSUN tried to play catch-up the next two times it scored. Both times, shots at two-point conversions were stopped. However, Millan did convert his last two PAT attempts, the first two points of his career.

- Brian Dohn

EDITOR-NOTE:

Sidebar: Blakey comes up big to put CSUN on top.

GRAPHIC: 3 Photos, Box;

PHOTO: (1) Wide receiver Aaron Arnold fights for possession with Portland State's Jesse Brand in CSUN's 32-28 victory.;

(2) Portland State QB Tyson Parsons is tripped up by Cal State Northridge's Brennen Swanson in the second quarter.;

Myung J. Chun/Daily News (3) BUBB;

BOX: CSUN vs. PORTLAND ST.: A CLOSER LOOK (see text)

LOAD-DATE: November 11, 1998

EXHIBIT E

5 of 7 DOCUMENTS

Copyright 1998 Tower Media, Inc.
The Daily News of Los Angeles

February 9, 1998, Monday,

SECTION: SPORTS,

LENGTH: 272 words

HEADLINE: THE WEEK THAT WAS;
NO D IN **BIG D**

BODY:

Terry Donahue, UCLA's football coach for 20 seasons, was on the verge of becoming head coach of the Dallas Cowboys this week. He met with owner Jerry Jones three times, and it was reported by a number of media outlets that the gutty little Bruin's hiring was imminent. Sources say he was insulted by Jones' low-ball offer, however, but some suggest both parties are merely playing hardball. Stay tuned.

PGA vs. MARTIN

Testimony continued all week in the Casey Martin case taking place in Eugene, Ore., as the disabled golfer pursued his dream of playing on the PGA Tour with a lawsuit targeting the tour's rule that prevents him from using a golf cart, despite a degenerative leg condition that keeps him in constant pain.

LEATHER & WOOD

Bob Watson, who in 1996 became the first African-American general manager of a World Series champion, resigned after two years with the New York Yankees. He was replaced by 30-year-old Brian Cashman, who becomes the second-youngest GM in baseball history and the 16th general manager during owner George Steinbrenner's 25-year tenure. . . .

Denver Broncos quarterback and former Granada Hills High standout John Elway announced he will return for at least one more season. Elway helped guide the Broncos to the team's First Super Bowl victory two weeks ago with a 31-24 win over the Green Bay Packers.

Four-time All-Star second baseman Chuck Knoblauch, holder of a .304 career batting average, was traded to the Yankees from Minnesota for pitchers Eric Milton and Danny Mata, outfielder Brian Buchanan and shortstop Christian Guzman, and \$3 million cash.

EDITOR-NOTE:
SPORTS MONDAY

GRAPHIC: Photo;
PHOTO: ELWAY

LOAD-DATE: February 11, 1998

EXHIBIT F

6 of 7 DOCUMENTS

Copyright 1997 Tower Media, Inc.
The Daily News of Los Angeles

March 5, 1997, Wednesday,

SECTION: SPORTS,

LENGTH: 766 words

HEADLINE: DALLAS GETS NICKED BY LAKERS;
VAN EXEL SCORES SEASON-HIGH 37 ;
LAKERS 102, DALLAS 92

BYLINE: Marc Stein Daily News Staff Writer

DATELINE: DALLAS

BODY:

Despite all that was taken away on a night of rejections and ejections, the needy Lakers couldn't lose to the new-look Dallas Mavericks.

Mainly because Nick Van Exel couldn't miss.

"This is how it's supposed to be," Van Exel said Tuesday night after his season-high 37 points outweighed Shawn Bradley's 10 blocked shots and overshadowed a Bradley-Elden Campbell shoving match in L.A.'s 102-92 victory.

"Like I've said all year, if I'm going well, the team's going well. It's up to me to keep the consistency going."

Throughout this just-completed road trip, Van Exel has provided ample evidence to support that hypothesis - a theory that carries considerably more validity with Shaquille O'Neal and Robert Horry out injured.

In the Lakers' three losses on the trip, he made just 7 of 33 attempts from the field.

In their two victories, he totaled 68 points on 23-of-44 shooting.

In this triumph alone, Van Exel had eight 3-pointers in 15 attempts to tie his single-game club record. And if there was anything left in his legs, he would have buried a wide-open triple with 18.6 seconds remaining to tie his career-high of 40.

"I (tried), but I was dead tired," Van Exel said.

Sick and tired, actually. Sick of letting his teammates down with poor shooting one night and unerring accuracy the next.

Disgusted with his 32.9-percent marksmanship (27 for 82) in the six games that preceded Tuesday's outburst - a performance that closely resembled his 18-point first quarter and 31 points overall in last Thursday's win at Washington.

"I'm not happy," he said. "I'd like to be more consistent. It's good to have a game like this, but it's great when you can be consistent with it."

Because of Bradley's inside intimidation, Van Exel's production - from the perimeter and, down the stretch, at the free-throw line - was pivotal.

Especially since the Lakers (40-19) had to play the final 3:10 without Campbell, who after thrusting his shoulder into Bradley soon found the 7-foot-6 string bean's right hand on the back of his neck.

The players were separated before any punches were thrown, but both were assessed technicals and thrown out of the

The Daily News of Los Angeles March 5, 1997, Wednesday,

game. Campbell was also hit with a flagrant foul, but by then the Lakers' lead was 94-84.

Four free throws from Van Exel and a nice steal and slam by Eddie Jones - playing in spite of back spasms - ensured that there would be no comeback from **Dallas**, which held a 71-68 lead when the final period began.

"I got him pretty good with the shoulder, so I knew he'd probably react," Campbell said. "Just a little pushin' and shovin'."

Just a little victory in **Big D** that a struggling, short-handed team had to have. And we don't mean the Mavericks (19-38).

The Lakers arrived here with six losses in their past eight games and facing the season's first three-game losing streak.

"It was a tough trip," said Lakers coach Del Harris. "We would have liked to have won more, but going 2-3 is something we can live with.

"We are in an adjustment period, changing our defensive style. We made some mistakes, but the effort is there."

Said Van Exel: "Every game is big for us, no matter who we play or when we play. We want to win every game. It's crucial for us right now to try and maintain (the No. 3 seed) in the Western Conference."

Layups: George McCloud, returning to the city where he resurrected his career, made his first start for the Lakers, replacing Jerome Kersey at small forward. McCloud missed his first four shots, though, and had just three points in 21 minutes. "I had good looks," McCloud said. "Just did a little too much thinking out there." . . . Larry Krystkowiak's 10-day contract expires today and the Lakers are expected to part ways with the veteran forward and look elsewhere. Harris said a decision won't be made until he consults with general manager Mitch Kupchak, but Krystkowiak has appeared in only one of five games since joining the Lakers, getting two minutes in Sunday's loss at Indiana. . . . The Lakers got a third straight solid performance off the bench from Corie Blount, who had 10 points and nine rebounds in a season-high 30 minutes. Blount also made a key steal at midcourt with 4:40 to go that set up Campbell for a dunk that made it 91-78 for the Lakers' biggest lead.

THE MAN TO WATCH

The Lakers went 2-3 on their just-completed road trip and Nick Van Exel's shooting percentage was the difference between winning and losing:

Van Exel in the two wins: 23 for 44, 52.2 percent

Van Exel in the three losses: 7 for 33, 21.2 percent

GRAPHIC: Photo,Box;

Photo: (color) Nick Van Exel dribbles past **Dallas'** Robert Pack in the first quarter;

Associated Press Box: THE MAN TO WATCH (see text)

LOAD-DATE: March 7, 1997

EXHIBIT G

7 of 7 DOCUMENTS

Copyright 1997 Tower Media, Inc.
The Daily News of Los Angeles

March 4, 1997, Tuesday,

SECTION: SPORTS.

LENGTH: 477 words

HEADLINE: LAKERS NOTEBOOK;
MCCLLOUD BACK IN **BIG D**, NEEDS WORK

BYLINE: Marc Stein Daily News Staff Writer

DATELINE: **DALLAS**

BODY:

Recently acquired George McCloud predicted that he'd begin to approach his usual standard of play "by the end of this road trip."

Coincidentally, the finale of the Lakers' five-game, nine-day trip is tonight in **Dallas**, where McCloud resurrected his career by averaging a career-high 18.9 points per game last year for the Mavericks.

This season, back in a reserve role, McCloud was averaging 13.7 points with **Dallas** when he was featured in the Mavericks' nine-player trade with New Jersey on Feb. 17. Three days later, without playing a single game for the Nets, he was sent to the Lakers.

And now he's back in **Big D**, but without the benefit of the five-on-five practice time he badly needs to blend in with his new club.

"The **Dallas** game really isn't a big deal, because my teammates aren't there anymore," said McCloud, whose eight points off the bench Sunday at Indiana increased his Lakers average to 4 points in 15 minutes through five appearances.

"It won't be the same because no one's left."

Michael Finley, A.C. Green, Derek Harper, Samaki Walker and Greg Dreiling are the only Mavericks to play with McCloud, who at least still has a relationship with the Reunion Arena fans.

"The people there have been good to me," McCloud said. "(Seeing them) is something I'm looking forward to."

More McCloud: Lakers coach Del Harris is looking forward to going home tonight, which will finally allow him to get McCloud on the practice court and fully integrate the 6-foot-8, 225-pound swingman into the Lakers offense.

When that happens, the Lakers will be able to show exactly why they sent Joe Kleine and two draft picks to New Jersey for McCloud by moving him into the starting lineup at small forward until Robert Horry returns in April.

"And when Shaquille (O'Neal) comes back, he'll be even more of a factor," Harris said of McCloud, who figures to get lots of open looks from outside when O'Neal returns for the playoffs.

Bryant update: Another player to benefit from the Lakers' upcoming schedule is Kobe Bryant, who, aside from a 22-minute stint Sunday at Indiana, has found himself out of the rotation in the past week-plus.

Harris has been relying on the players who make the fewest mistakes since Horry and Shaquille O'Neal got hurt.

After tonight, the Lakers' next five games are at home, and only one - Friday against Houston - is against a team with a winning record. New Jersey, Golden State, the Clippers and Toronto are the following four opponents.

The Daily News of Los Angeles March 4, 1997, Tuesday,

Calm coach: To keep his players from getting discouraged, Harris has repeatedly pointed out that they'll qualify for the playoffs even if they lose all 24 remaining games. With O'Neal and Horry due back for the postseason, Harris sees no reason to panic.

"The one thing our guys have in their favor is that all is not lost," the coach said.

LOAD-DATE: March 5, 1997

EXHIBIT H

1 of 8 DOCUMENTS

Copyright 2001 New Times Inc.
Denver Westword (Colorado)

August 23, 2001, Thursday

SECTION: Music/Featured Stories**LENGTH:** 1729 words**HEADLINE:** Let It D

With its show off the air, Tenacious D no longer rules the idiot box. Now the rotund duo just wants to rule the world.

BYLINE: Laura Bond**BODY:**

No one was very surprised when Tenacious D — the duo composed of vocalist/guitarist Jack Black and guitarist/backing vocalist Kyle Gass — finally made it big. It was clear early on that the D had something special, even if the meager audiences who showed up for weekly open-mike appearances at a Los Angeles club at first failed to recognize that. Armed with nothing more than a pair of acoustic guitars and two microphones, the D experienced a kind of physical catharsis on stage, transporting audiences to that rarely traveled stylistic purgatory between Beethoven, Simon & Garfunkel, Whitesnake and the soundtrack to Jesus Christ Superstar. Demonstrating an almost telepathic connection on stage, Black and Gass braved topics ranging from the martial arts ("With karate I kick your ass/From here to right over there... You broke the rules/Now I'll pull out all your pubic hair" opens "Karate") to friendship ("Kyle Quit") to the pending retirement of Ronnie James Dio ("He has songs of wildebeests and angels/He has soared on the wings of a demon/You're too old to rock/No more rockin' for you"). Tenacious D's performances often left audiences so thoroughly shaken that they were too stunned to clap.

As Comedy Central began documenting the band's ascension to stardom, it not only chronicled the D's live performances, but it offered intimate glimpses into JB and KG's creative process, their friendship and their escapades. When an evil beast commanded the pair to produce the best song in the world, Comedy Central's cameras were rolling, catching every moment of the miraculous event on film. And though the resulting tune was not the greatest song in the world (it was just a tribute), the encounter suggested the boys might be capable of channeling something even mightier than their own hefty selves.

In September, the pair is slated to release its first album on Epic Records. Produced by the Dust Brothers, Tenacious D features cameos by Dave Grohl, Phish's Page McConnell, Warren Fitzgerald of the Vandals and Steve MacDonald from Red Kross. But this new fame hasn't changed Black or Gass: Though their Comedy Central days are over, Black has remained humbly at work at his day job as a character actor, earning a cultish following for his spastically charming performances in *High Fidelity* and the lesser-seen but no less worthwhile *Jesus' Son*. Gass, meanwhile, has focused most of his attention on Tenacious D, an outfit that continues to live up to its reputation as "the greatest band in the world."

Westword: You should be warmly embraced in Denver. One of the city's nicknames is "D-Town."

Kyle Gass: Excellent. Dallas's nickname is "the **Big D**," which was nice, 'cause I'm really into O-Town right now. But I think "D-Town" is better. It will be more appropriate for when we come in and proceed to rock the shit out of the place.

Jack Black: What is the name of the place we are playing? Is it Red Rocks or Red Rock?

WW: It's Red Rocks, plural.

JB: Shit! Goddamn it! I was hoping it was Red Rock, like a new form of music. Like when they first started using the phrase "heavy metal." People would be like, "Well, what kind of rock is it?" And we'd be like, "It's Red Rock." Can we

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do some rock climbing there?

WW: It is severely discouraged.

JB: Shit. Kyle and I are expert rock climbers. We will rappel. Rappel and bounce off of the Red Rock. We will display feats of extreme jackassery. Will we be given some sort of chopper to get there?

WW: I don't know. I think Ween gets one.

JB: Those fucking pricks. Is there any risk that these rocks could tumble and fall in the middle of our show?

WW: I doubt it. I saw Mötley Crüe there last year, and they didn't even cause a tremor.

JB: Yeah, but we rock so much harder than the Crüe! I predict that when we are finished, they are going to have to find a new name for Red Rocks. It's going to be...Red Rubble.

KG: Red Wreckage.

JB: We will shake it to the earth. I've heard that Colorado has some of the most beautiful people in the world. That everyone's really into, like, extreme mountain biking and kayaking and shit. They're all going to be wearing tank tops and thongs, and they'll be pointing at us, like, "Who the hell let these fat guys in here?" I wonder if we will be allowed to cross the state line. We will be halted. We will have to say we are on our way back to Nebraska, where the fat people belong.

KG: Do you think that we would be booed if we played a song by John Denver? Didn't he turn his back on Colorado?

JB: I heard he built a toxic-waste dump out in the middle of the forest.

KG: And people got excited about that? After all he did for them with "Rocky Mountain High"?

WW: People are fickle.

JB: I heard that we are not actually the headliner. That is such bullshit! Are we the opener? It's fine if we are opening for Ween. We've always wanted to play with those guys. We heard they party really hard. But what the fuck is Galactic? Is that like one of these fucking hippie jam bands who are going to play for eight years?

KG: I predict there will be lots of extended space jams and Hacky Sack shit. Lots of Ultimate Frisbee players.

JB: Sounds like a pretty stony crowd, at least. Would you say that Denver is hungry for the D?

WW: think they are. I saw you play at CMJ last year, and that crowd was definitely hungry for it. You guys had one of the biggest buzzes of anyone who played.

JB: Well, it wasn't all for us. At the Drive In was on that bill, too. But come to think of it, they broke up soon after that. Holy shit. I think we fucking broke them up. They saw what it was like to have to follow the D, and they immediately broke up.

KG: We were the big buzz at SXSW last year, too. But after our show, some critic wrote this review where he said, "So, that was it?" I had some extra time the next day, so I called him. Set him straight. He was a prick. It's like, "Despite the fact that every person in the room seemed to be having a good time, the band was a bore."

JB: You can't sweat it, dude.

KG: I know. And it's like, well, there were so many artists that people loved, and the critics were always telling the public that it was wrong. That they actually sucked, despite their enjoyment. Look at Neil Diamond.

WW: What is with you guys and Neil Diamond? Half of your record was produced at his studio in Los Angeles. And you, Jack, were recently on V-H1 talking about how much you admired him.

JB: Well, Tenacious D? That's what the D stands for. Well, not really. I think I'm the son he wishes he had. I guess his actual son is kind of a drag. But I'll tell you, if you intend to get to the bottom of my connection to Neil Diamond, you will get no further.

WW: Well, would you say the D is influenced by him?

KG: I think we are more influenced by the classics. And the Beatles. Who were, of course, contemporaries of Neil's.

Denver Westword (Colorado) August 23, 2001, Thursday

JB: We might be more inclined to say that we were influenced by Barry Manilow.

KG: Who is a notorious pot smoker, and we can relate to that.

JB: Dude. Barry Manilow is not a fucking pot smoker. How can you even say this? Reveal your source!

KG: One of my friends used to be his driver. He said that every day when he'd drop Barry off or something, he'd check the ashtray and, sure enough, there would be fatties and all sorts of roaches and joints in there.

JB: Dude, that's because his passengers were blazing up. Not Manilow, dude. You fucking fuck.

KG: It makes sense if you think about it. Like, the "Copacabana"? Tell me that is not the work of a stoned man.

WW: What are you guys traveling in? Do you have a big tour bus?

JB: Dude, did you hear the insinuation in that? She totally wants to rock with us on the bus. (Approximates an imitation of Westword's voice.) "Do you have a big tour bus?" You are so transparent, lady!

KG: We do have a huge bus. And be sure you print that.

JB: We've requested the Don Henley model. It is state of the art. Which is good in case I have to take a donkey crap on the bus. Although I got some tips from Page from Phish. He said there are rules of the road, and rule number one is that you never, never crap on the bus. You have to make the driver pull over. It's a rule known to everyone who travels the road. I bet you Neil Young would not crap on his bus. But I have a feeling that Kyle is going to have a big problem with that one. I think he should have his own van, and he should have to drive it.

WW: What are the other rules?

JB: There will be no cigarette smoking, because I have to protect my instrument. But there will be weed smoking, because this is rock and roll. And ladies. There will be plenty of fuckin' sexy ladies in the huzz-ouse.

WW: I think there's a perception out there that you guys are a joke band. Like Spinal Tap.

KG: Well, that really takes the pressure off having to play well.

JB: To me, that sounds like someone just needing to find a little compartment to stuff us in. Like, they always have to find a little box for everything when they don't understand it. They've got to give us a name and call us a joke band. Well, fuck them. I guess the joke is on them when they come to the show and find their fucking ass is blown out.

WW: Do you ever witness that transformation — like, the crowd expects to laugh, but then they're just...rocking?

JB: All the time, my dear, all the time. It gets so intense sometimes, it actually scares me. I didn't used to understand that. I once read a quote from Eddie Vedder where he said that sometimes his voice gets so intense that he frightens himself. And at the time, I thought that was really fucking funny.

KG: It's like, the final shots of the "Jeremy" video, where he looks like he's having a bowel movement.

JB (singing the "Jeremy" chorus): Hoo-Hoo!

KG: That was the reason they stopped making videos, not because they were compromising their art or whatever. They just watched the last half of that and were like, "Dude, this has to stop."

JB: Yeah, but you know, it used to be that, whenever someone got too serious, it would just amuse me. But now, with the D, I can understand it better. It's like we put the hurt on the audience. But we also put the hurt on ourselves.

KG: We're gonna put the hurt on Denver.

JB: You'd better warn them. Those fucking rocks are comin' down.

LOAD-DATE: August 23, 2001

EXHIBIT I

2 of 8 DOCUMENTS

Copyright 1999 New Times Inc.
Denver Westword (Colorado)

June 10, 1999, Thursday

SECTION: Sports

LENGTH: 2181 words

HEADLINE: The Hole Truth

BYLINE: Bill Gallo

BODY:

Growing older, you find yourself searching for the deeper meanings in things, for their essence, with an intensity that would have been unlikely, or impossible, earlier in life. Why, you may find yourself asking, did your strikingly beautiful, once-married aunt, a mysterious woman by any account, stay so long in a private hospital forty years ago? How is it that your only brother, whose entire nervous system seemed to be throbbing on the surface of his skin, could run a mile in four minutes, fly jets like a cowboy and die so young? What early secret loomed up before your parents (long before they were your parents, of course) as they first met in a midnight operating room, both dressed in red-spattered white, before the spectacle of a fatal head wound? How does madness descend through families?

By the way, was Kennedy crazy, or brave, or trapped when he challenged the Russkies on the Cuban missile thing? That week, they made us go to chapel six or seven times, and then they put the firing pins into our drill rifles. We were schoolboys, but the way they saw it, we would put on our combat fatigues, slither down the hillsides to the river and do battle with the Red Army, all 300 of us. But what of Frankie Accardo (and probably some others), who wasn't thinking about mushroom clouds or fighting the Russians? Accardo had a firing pin in his rifle now, and his only purpose in life was to shoot Brother Boyle, who had mocked him mercilessly in Latin class. This was 1962.

It's only natural that these questions, each with its own weight, crowd together. In the nagging search for hidden meanings, the mind connects one thing and another in strange ways. Why didn't you spend your life with A.? Were the braciolo and the veal scallopini on your grandparents' fragrant Sunday table as transcendent as they seem now, or is that a trick of memory? And when you flew off Route 28 that time in a dizzy swirl of pavement and moonlight and Johnny Walker Red, why did the little convertible flip miraculously back onto its wheels? So that K., her heart like a flower, could become a painter of renown?

And tell me now, what does it mean to score a hole in one at age fourteen and never experience such bolt-from-the-blue perfection again? In anything?

As any golfer or ex-golfer can tell you, this is no small question, no inconsiderable mystery. The old Scottish game has tormented its adherents, and given them momentary pleasure, for centuries. It's a cruel and beautiful game, a thing of such richly tangled emotions that it can become inseparable from life's big issues—even among those who refuse now to play it.

I am one of those, a fallen-away golfer. I have reasons.

From the time I was six years old and began taking lessons from a famous pro in south Florida until the age of eighteen, I played golf like a kid possessed—nine frenzied holes wedged between caddie assignments, eighteen after school, thousands of chip shots on the big front lawn, hundreds of cracked and smiling balls struck joyously into the woods. There were tournaments at age ten, another battery of lessons at twelve, and my first full-sized, pro-shop-measured, grown-up set of clubs—Kroydons, ten irons, four persimmon woods—at thirteen.

This was a major event in life, a rite of passage no less momentous than confirmation by the local bishop or kissing Barbara Smith in the popcorn-strewn last row of the Galli-Curci Theater during the second reel of, if I'm not mistaken,

Denver Westword (Colorado) June 10, 1999, Thursday

South Pacific. By thirteen I played as well as my patient father, better than my brother and most of my friends. I had also copped one of the most obnoxious attitudes in the history of adolescence. Demanding of myself and fellow players, cocky and petulant, I was a smug little jerk when I was shooting par and sheer brooding hell when things weren't going so well. If my dad had confiscated my clubs and thrown them in the river, no one would have blamed him—least of all the people whose golfing afternoons I regularly ruined.

But aside from giving me The Gaze every now and then...a withering gaze refined by the Italians over many centuries...or gently rocking one palm in the other in an expression of suppressed menace that only now do I fully grasp...aside from that, my father indulged my fits and tantrums with stoic resolve. He understood how hard the game was, and he understood the stupidities of boys born to relative privilege in America.

This was the kid—good Christ, it was me—who on a dewy morning in July 1959 stood in the tee box of the par-three fourth hole at our local course in upstate New York and grabbed a five iron out of his bag. He set a Spalding Dot down on the grass and promptly struck the thing on a perfect arc over the blue pond, between the bunkers, onto the green and into the cup, 162 yards away, on one gentle hop.

"Whoa!" my brother marveled.

"Holy shit!" Johnny H. said.

The other players teed off (one bunker, one rough, one fringe), and we walked, chortling, to the green, plaid canvas golf bags slung onto our shoulders. There, with exaggerated ceremony, my brother swooped my magic Spalding Dot out of the hole and, grinning apishly, danced away from me with the ball hidden in his palm. A taunting little game of keep-away in the wake of dumb luck.

For all practical purposes, that was the end of my love affair with golf. At the age of fourteen, at the moment of my lone hole in one, I had a twelve handicap, a terrible temper and a stubbornly underdeveloped sense of life's mysteries. But even as Danny juked and feinted in the morning light with my golf ball in his hand, there came one of those rare dilations of vision that even foolish teenagers can experience. I remember it as clearly as I remember today's breakfast. This will never happen again, I thought. Nothing like this will ever happen again. In any realm.

As if in a dream, my soul left my body in that instant, and I looked at myself from outside, across a great gulf of time and space. In that instant, I'm certain, I imagined myself doing this, writing the words on this page, four decades later, telling this story and trying to figure out what it means. I was, as mystics say, transported. Just like that, in a flash of light.

"Hey! Numbnuts!" my brother laughed. "What the hell're you looking at?" There on the fourth green, I must have been staring blankly into his face but seeing nothing. I must have been imagining a future in which my beautiful aunt would vanish into a private hospital and my true love would disappear into another life and my grinning brother would go into the ground during a merciless rain as a flight of dark fighters whooshed over the cemetery. In that moment, I imagined a future where the monkey at the typewriter does not write Hamlet (nowhere to go from there but downhill), where your child is desperately ill and your best-meant five iron lands not in the cup but in the drink.

In that moment, I imagined a future without golf—then made it happen. Truth be told, I've played five times in the last seventeen years, devoid of anger or much interest. On a whim that surprises me, I even bought a cheap set of fashionably high-tech clubs a couple of seasons back—as if to tempt the gods. But golf is one mystery I no longer care to unravel. So my new clubs, irrelevant as Latin, have gathered a fine coat of dust. I look, but I don't touch.

In **Dallas**, the Colorado Avalanche fell on its crevasse. In New York, the valiant colt Charismatic broke his leg trying to win the Triple Crown. And in Paris, a pair of 29-year-olds, both in their tennis twilight, used experience and guile to post stirring comeback wins at the French Open.

It's not hard to make connections between these weekend events. Colorado's gutless home-ice performance in game six of the conference final with the **Dallas** Stars presaged their inevitable downfall in game seven: The Avs had about as good a time in **Big D** Friday night as President Kennedy, and it was their own fault. They held all the cards (and a one-goal lead) at McNichols Arena earlier in the week, but the old listlessness set in again, and they let slip a shot at a second Stanley Cup.

The distracted Avs could have taken lessons in determination from the scandalously unappreciated Charismatic, who ran out of his coat at Belmont Park Saturday afternoon in pursuit of Triple Crown legends with names like Citation, Secretariat and Affirmed. Even students of the breed who had dismissed the Kentucky Derby and Preakness wins of this

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brave athlete because he'd recently been a \$62,500 claiming horse must now recognize what exceptional heart he had. Injured near the finish of the Belmont Stakes' grueling mile and a half, Charismatic galloped on under Chris Antley to finish third—with a multiple fracture in his left foreleg.

His name will never go in the history books next to his more famous predecessors. But he deserves every horse-lover's utmost respect and our prayers for his recovery.

As for Steffi Graf, the tennis world must be rejoicing this week. Publicly disrespected as a has-been by her petulant eighteen-year-old opponent, Martina Hingis, Graf coolly shredded that racquet-throwing brat in the third set Saturday. While Graf struck twin blows for experience and grace on the red clay of Roland Garros Stadium, Andre Agassi set perseverance on a pedestal. A loser of French Open finals in 1990 and 1991, Agassi lost the first two sets to Andrei Medvedev Sunday, then stormed back to win the next three—and to become just the fifth man to win all four Grand Slam events.

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Writer Terry Southern helped shape a generation. Now his son is fighting for his legacy.

BYLINE: Robert Wilonsky

BODY:

Peter Fonda told him to call back at 4 p.m., January 16. "I'll be here," he promised Nile Southern, who has been waiting for years to hear those words, that hint of promise. "We'll talk then."

It's now 3:58 p.m. on January 16, and Southern paces around the basement office in his Boulder home—though paces may not be the right word for it. He damn near vibrates. Even his longish brown hair—normally askew, as if on loan from a young Gene Wilder—seems taut.

"I'm just a bit...trepidatious," explains the 38-year-old Southern, his soft voice floating nervously. He asks his visitor to sit behind the pink see-through curtain that divides the office. This way, Southern will at least feel alone when he makes the call.

Finally, he takes a seat at his desk, where he notices two photographic proof sheets featuring dozens of pictures of Peter Fonda taken on the set of *Easy Rider*, the film that proved to Hollywood it was indeed possible to get rich and famous making movies about dopers on motorcycles.

Standing next to Fonda in nearly each tiny picture is Nile's father, Terry Southern. Back then—in 1967 and '68, during

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the filming of *Easy Rider*—Southern was the epitome of hip, the coolest mother in any room. He was one of the Academy Award-nominated writers of *Dr. Strangelove*, director Stanley Kubrick's tenebrous, hysterical Cold War put-on. He had rewritten scripts for such films as *The Cincinnati Kid*, *Barbarella*, *The Loved One*. He had co-written the best-selling bit of cerebral porn in the country, *Candy*, in addition to the novels *Flash and Filigree* and *The Magic Christian*. He was a friend to Peter Sellers and Ringo Starr, William Burroughs and Miles Davis, Lenny Bruce and Jean Genet.

Hell, in 1967 he was bestowed with the ultimate stamp of hipster prestige, landing his face on the cover of the Beatles' Sgt. Pepper's Lonely Hearts Club Band.

And who was Peter Fonda back then? Just Henry's little kid and the star of some acid-drenched biker B-movies. In other words, a famous father away from being a nobody.

Terry had written the script for *Easy Rider*, which celebrates its thirtieth anniversary this year. There exists a script, which is in the safekeeping of Terry's second wife, that proves that Terry—and Terry alone—penned the screenplay about Billy (Dennis Hopper) and Wyatt (Fonda) and their last-score dope deal before hitting the road in search of the good life. Southern had created the character of civil-rights lawyer George Hanson for his old pal Rip Torn to play (though it would become the role that made Jack Nicholson a star), and it was Terry who insisted on keeping the ending in which two rednecks shotgun-blast the easy riders all to hell. That was an especially Southern touch: Death to the rebels. Astonishing.

Yet Hopper, the film's director, to this day insists Southern had nothing to do with *Easy Rider*—well, except for coming up with the title. Hopper gave Southern that much. Otherwise, Hopper was known to rant, "This is my fuckin' movie!" And when it came time to be paid for *Easy Rider*, this little cult movie that became one of the most popular and profitable films of the 1960s (it made \$60 million), Hopper and producer Fonda stuffed their pockets full of easy money.

Terry Southern, who made sure the two young nobodies got co-screenwriting credit with him against the wishes of the Writers Guild of America, got nothing more than the \$5,000 he was paid up front to lend his name and his prodigious talent to the project. Though he was nominated for an Academy Award for *Easy Rider*, his generosity, his desire to help these kids get their movie made with the promise of more to come, would eventually be Southern's undoing.

When he died in 1995, at the age of 71, one of the most esteemed, forceful writers of the 1960s had only \$2,400 in the bank. His farm in New Canaan, Connecticut, no longer belonged to him; his creditors and the federal government would see to that, even though Terry had left half of the house to his second wife and companion of 31 years, Gail Gerber. Terry owed the IRS more than \$100,000, and thousands more were due to hardware stores, screenwriters guilds and friends.

"I guess I'm the only person he paid some money back to," Rip Torn says now.

You name it, and Terry Southern owed it to somebody, somewhere.

It has been left to Nile Southern to pay, quite literally, for his father's sins of generosity, stubbornness, naivete. As the executor of his father's estate, he has spent thousands of dollars of his own money trying to rescue from oblivion the dozens of screenplays his father wrote that were never made, the unpublished short stories and fragments that now sit in boxes in a New York City warehouse.

Each day, he goes to the copy shop around the corner and feeds his father's papers into the Xerox machines, then puts them into envelopes and shoots them to agents, writers and friends across the country, hoping someone will want to make a film based on one of his father's books or unpublished scripts. He sorts through the manuscripts, wrangles with film studios over old debts, does the dirty work Terry never cared to do or too often left in untrustworthy hands.

Nile, testing the patience of his wife, Theodosia, has put his own career as a writer and filmmaker on hold while he tries to find a home for his father's archives, which take up dozens of boxes and are estimated to be worth \$200,000—more than enough to pay off the debt. But there are no takers, not yet. And each day, the debt keeps growing, like an amoeba about to sprout legs.

"In the beginning, after Terry passed away, these things had to be dealt with," says Theodosia. "But then, when it started dragging on and on, I questioned what he was doing. I now realize that unless Nile brings the whole project to a satisfactory end, he will never feel free to really focus on his own writing."

In a last-ditch attempt to find someone interested in bailing out the estate, Nile sent out help-me fliers to twenty of Terry Southern's old friends, hoping someone might pitch in enough money to help rid the estate of its bills and donate the archives to some library more capable of dealing with the voluminous collection. Among the mailer's recipients were

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Hustler publisher Larry Flynt, some old writer buds, and Peter Fonda, the only one of the twenty to respond.

That is why this phone call to Fonda—the man whose youthful arrogance helped push Terry Southern down a well from which he could never crawl out—means everything to Nile. Maybe he might be able to pitch in something, anything, to help get the weight of the archives off Nile's thin shoulders.

It is now 4 p.m., time to make that call.

Nile anxiously dials the phone, hoping he finds a savior on the other end. Instead, it's Fonda's voice mail. He is not home. Nile leaves a message instead, telling Fonda to give him a ring as soon as possible...

"...so we can get things kick-started, to use an apt metaphor," Nile says, forcing a small chuckle at his motorcycle reference.

He hangs up and says something about how this is a "pivotal moment for the estate." He shrugs and exhales as though he has been holding his breath for a lifetime. "Luckily, I'm a patient guy."

The look of disappointment on his face could reduce the Rocky Mountains to gravel.

On October 25, 1995, Terry Southern collapsed as he tried to make his way up the stairs leading into Columbia University's Lewisohn Hall. His heart, already frail, attacked the man one final time. He did not linger on his deathbed too long—just enough for Nile to go to New York to visit, to read his father letters from old friends and fans and to bid him farewell.

Terry wondered why he hadn't died already. "What's the delay?" he asked his son. He was an old man, heavy and slow. He had already undergone surgery for colon cancer, already suffered a stroke and an earlier heart attack—which seemed linked, at least in time, to IRS vultures swooping down on him...again.

Southern was ready to get out of this world and on to the next: What's the delay? Even at the end, he was writing perfect dialogue, crafting the impeccable scene.

Terry Southern died on October 29 at St. Luke's Hospital in New York City. But in some ways, he was long gone by then, a great writer reduced to teaching students about filmmaking, screening 1964's *Dr. Strangelove* over and over, as though it were the only thing he had ever done. It must have been like walking through a graveyard time and again, being reminded of what he had been rather than looking forward to what was yet to come.

Far too often these days, when you mention the name Terry Southern to someone, all they can offer is a blank stare and a stupefying who? Southern's last book, 1991's *Texas Summer*, a collection of sweet, semi-autobiographical tales about his young life in Alvarado and Dallas, went out of print almost as soon as it went on sale, disappearing without much of a trace. Terry Southern, it seems, did not fare much better.

Yet to recount his life's story is to meet the most famous and the most fab figures of the last half of the twentieth century. They are the literary icons who counted Southern among their closest friends and influences: Paris Review founder and editor George Plimpton, for whom Southern often wrote in the 1950s; William S. Burroughs and Jean Genet, with whom Southern covered the 1968 Democratic Convention in Chicago; and Hunter S. Thompson, who created an entire career standing on Southern's shoulders. They are the rock stars, directors and actors for whom Terry was a touchstone of ultimate hip: Peter Sellers, who, it is said, was never so comfortable on screen as when he was reciting Southern's dialogue; Ringo Starr and Keith Richards, who found in him a sympathetic soul; and Stanley Kubrick, who knew *Dr. Strangelove* needed Southern's whacked-out wit in order to make it fly.

To recount his life's story is to visit the dusty prairie town of Alvarado, which lies 45 miles southwest of Dallas. Terry was born there in 1924, to a druggist and a dutiful Irish housewife. Later moving to Dallas, he attended Sunset High School, where a thirteen-year-old Terry wrote his first short story based on Edgar Allan Poe's *The Narrative of Arthur Gordon Pym*. When the piece scared all hell out of his classmates, he realized even then that Texas was too small a place for him. He visited the Central Track whorehouses in Deep Ellum, where he claimed to have lost his virginity, smoked his first weed, heard his first jazz. He enrolled at Southern Methodist University for a short while, then joined the Army in 1943 and traveled to Europe. In 1945 he returned to Chicago, then attended the Sorbonne in Paris in the late '40s, where he began writing for such publications as *New Story*, *Merlin*, *Zero*, and the brand-new Paris Review. Later came moves to Geneva, New York, Hollywood, then finally to Connecticut...and every point in between.

And to recount Southern's life's story is to realize what an important writer he was—as a journalist, novelist,

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screenwriter, even letter-writer. He revolutionized the English language, made up words that became part of the casual lexicon. Rip Torn insists that Southern was the first man to refer to the Beatles as "the Fab Four" and, Torn says with a huge guffaw, "He was the first person I ever heard say fanfuckingtastic!"

In his book *The New Journalism*, Tom Wolfe credits Southern as the man who proved it was possible to blend reportage with autobiography until the writer became as important as the subject. Southern's 1955 story for *Esquire*, "Twirling at Ole Miss" (which appears in Wolfe's book), was less about baton girls on campus than it was about an expatriated Texan's return to the South—a place he adored and abhorred with equal passion. In the story, Southern walks through the streets of Oxford, Mississippi, disgusted and amused by what he sees, wondering whether "reverting to the Texas twang and callousness of my youth would suffice to see me through."

From the late 1950s through 1972—when his novel *Blue Movie* was published—Southern reigned as the literary world's most savage yet sincere satirist. The "squares" called his stuff "unnecessarily unpleasant...grotesque...offensive." At least, that's what *Mademoiselle's* fiction editor, Rita Smith, wrote to Southern in 1952, when rejecting one of his earliest short stories. They balked at his unflinching desire to "astonish," as he told *Life* magazine in 1964. Merely shocking the reader was too pedestrian, too easy for him.

Southern's novels, beginning with *Candy* in 1958 (co-written with Mason Hoffenberg) and *Flash and Filigree* the same year, were published in Europe before they ever reached the U.S. Indeed, *Candy*—about a woman whose sexual exploits land her in the embrace of a lunatic humpback ("Your hump! Your hump! she kept crying, scratching and clawing at it now")—sold an estimated 12 million bootlegged copies in the States before it was officially released in 1964. "Sick sex," bemoaned the critics at *Publishers Weekly*—after which *Candy* spent more than twenty weeks on the bestseller list. Southern, however, could never recoup the illicit proceeds made from the sales of pirated copies. (The only money Southern made off *Candy* was when he sold the book to the movies—and then Terry claimed Hoffenberg got most of it.)

His 1959 novel *The Magic Christian* told of a billionaire named Guy Grand who gets his kicks from pulling off the daftest pranks that would make the public "hot." Guy hires an actress to appear on a soap opera and deliver dialogue condemning the at-home audience for watching such "slobbering pomp and drive!," or has sky-writing airplanes scrawl racial and religious epithets in order to incite mass rioting. The book was such an absurd, corrosive marvel that Peter Sellers bought 100 copies for his friends—including Stanley Kubrick. Nelson Algren wrote in *The Nation* that Southern ranked "among our very best novelists."

Southern wrote some of the grisliest, darkest, funniest short stories imaginable: about men luring women into sexual con games for twisted kicks, about men convincing their hated co-workers to defecate on the snow-white carpets of royalty, about strange sex he had known. Among his most infamous pieces is "The Blood of a Wig," in which Southern and *The Realist* editor Paul Krassner, in the midst of a heated, drug-addled writeoff, try to one-up each other. Southern wins, crafting a scene on Air Force One in which Jackie Kennedy walks in on Lyndon Johnson standing over the corpse of JFK, "his coarse animal member thrusting into the casket and indeed into the neck wound itself." Jackie is, of course, appalled: "Great God, how heinous! It must be a case of...of...NECK-ROPHILIA!"

Like Burroughs, Southern believed the only way to make a point was to exaggerate it, to make it absurd, to take the madness toward its "informal conclusion." Such writing—over-the-top, delirious, fueled by drink and drug and the freedom found in such a "monstro" combo (to use one of Southern's favorite words)—made him a cultural hero. He was the link between the Beat 1950s and the Beatles 1960s, a man who found beauty in the grotesque and sanity inside deep madness. Southern was the writer as rock star, especially after he and Stanley Kubrick collaborated on *Dr. Strangelove* in 1964.

Nobody better personified the anything-and-everything-goes 1960s than Terry Southern. Which is perhaps why his legend remains there, stuck in the past like some time-warp prisoner.

"You think of the '60s as a really fertile time," Nile explains. "And Terry is like a gardener of that time...He was able to enter all these different scenes without an objective. I think he just wanted to produce work that was culturally significant."

I guess I first realized I was a foot-man—or 'piedo' as the French have it—on the occasion of my 13th birthday in **Big D**, Dal. Tex, at a beach picnic (family-style) on the torrid sands of White Rock Lake. For over a year I had entertained a torturously bitter-sweet infatuation for my beautiful drum-majorette cousin, a college sophomore 5 years (quelle con!) older than myself...She was lying on her stomach and I on mine, and she was silently reading poetry (poetry!) for an English assignment. When I flopped down, she looked up from her book for an instant and smiled (be still, my heart!)

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then lowered her eyes to her book once more—and I mine to contemplate her body inch by inch, so to feed my prolific fantasies...until...I saw that something was missing—her perfect perfect feet! She had buried them—perhaps absently, perhaps in delightful caprice—and now I was lying on them—the point of contact, or near contact (I could have counted the grains between us!) being you may imagine where!

—Terry Southern, unpublished, date unknown

The Chelsea Mini-Storage on the West Side of Manhattan is hardly the sort of place one would expect to find the collected works of one of the greatest contemporary writers. It's a barren sort of facility, its white walls and steel doors exuding a certain sterile chill despite the climate-controlled environs.

Yet it's here that Terry Southern's archives sit—45 enormous boxes in all, containing Southern's scripts for *The Loved One* and *Dr. Strangelove*, dozens of unpublished screenplays (including one based on William Burroughs's novel *Junky*), typed manuscripts covered in pencil corrections, half-finished fragments, letters to and from the famous, including Kubrick, Robert Redford, Larry McMurtry and Gore Vidal.

It's the collected refuse of a life spent writing nearly every single day. Indeed, Nile says, his father often sat at the table with guests and kept a pen and legal notepad at arm's distance, just in case he was moved to jot down a line of dialogue. Visitors were sometimes offended by such behavior, but Southern was too far into his craft to notice or care.

If nothing else, the archives disprove the myth that Southern became inactive after the publication of his 1972 novel *Blue Movie*, the story of a director trying to make the first big-budget Hollywood porno featuring big-name stars engaging in full-penetration sex. (Stanley Kubrick, who gave Southern the idea, said Southern had written "the perfect blow job!") There exist only scant traces of Southern's work after that: the cut-and-paste novel *Texas Summer*, a brief 1981 stint writing for *Saturday Night Live*, the breathless bio for the Black Crowes, his contribution to a book about the history of Virgin Records, the screenplay for 1988's Whoopi Goldberg fiasco *The Telephone*, the random porn pieces in spread-beaver mags. Anything to pay the bills. In a 1992 interview with the *Dallas Observer*, Southern called such writing "deadly, tedious, enervating work."

Some of what exists in the archives will never get past a researcher's sight. Other pieces will perhaps surface some day in one of myriad collections of Terry's work Nile hopes to get published. A few of these might be taken from the autobiography Terry never finished—or, to be more exact, never really started. The *White Rock Lake* piece—excerpted from three manuscript pages that Terry titled "The Footman" and that bear the note to "change to the 3rd pers."—likely comes from the "auto-bio," as Nile and Terry referred to it.

Nile—along with Carol Southern, Terry's first wife (and Nile's mother), and his second wife, Gail Gerber—would like to get these boxes into the hands of an academic institution that would cherish the never-seen writings of this man of letters. But Nile has had no such luck.

In 1996, Willis Van Devanter, a Maryland-based appraiser of rare books and manuscripts, estimated that Southern's archives were worth \$200,000—not an unreasonable figure for such a collection. (Jack Kerouac's estate, still the subject of litigation, is valued at \$10 million.) In his assessment of the collection, Van Devanter wrote that the material "represents a comprehensive history of American literature of its period" and concluded that "literary historians now, more than ever, recognize the importance of Southern as an influential and groundbreaking author and screenwriter and in my opinion, his stock will continue to rise." Van Devanter insisted that the acquisition of the archives "would be a major coup for any institution."

Yet there have been no takers. Bill Morgan, acting as broker for the Southern estate, has contacted eighteen libraries about buying the archives, and each has passed. Among those institutions that have rejected the archives are the Academy of Motion Picture Arts & Sciences, the University of California at Los Angeles, the University of Texas at Austin, the Smithsonian, even Southern's old alma mater, Northwestern University. (SMU has not been approached.)

In 1996, the Library of Congress did express some interest. James Hutson, chief of the manuscript division, wrote a letter to the estate insisting that Southern's papers would fit in nicely alongside the early works of Truman Capote, William Styron and Philip Roth. Hutson also thought the film scripts would make "rich research sources" for film students. "With the film *Dr. Strangelove* on the National Film Registry," Hutson wrote, "it is most appropriate that the script drafts and correspondence also be available here."

There was only one stipulation: The Library of Congress wanted the estate to donate Terry's works—to make it a

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"gift," as Hutson called it.

Nile, of course, balked at the idea. He needs money.

"I have visited several of the libraries personally to talk to the librarians about the archive," Morgan wrote in a letter to Nile on March 24, 1998. "And each time, I have had the feeling that they did not consider Terry Southern a 'serious' enough writer to warrant such a large expenditure." Morgan said so many rejections were starting to look bad.

And they've left Nile feeling a little bitter. It is like being told, Your father wasn't important enough.

"They won't even go beyond the popular-culture aspect of Terry," says Nile. "He was a writer. He set out to be a writer when he was thirteen, in Texas. He knew that's how he could really get a rise out of people, and he never stopped doing it. But when these institutions look at him...maybe he's just too threatening for them."

So Nile has taken it upon himself to reclaim his father's rightful place in literary history: In 1996 he worked a deal with Grove Press to reissue *Flash and Filigree*, *Candy*, *The Magic Christian* and *Blue Movie*.

In the next few weeks, Nile hopes to sign a deal with Grove-Atlantic for a Terry Southern reader, likely to be called *The Quality Lit of Terry Southern*—so named for his father's sneering term for "serious writing." Assisting him in sorting through and paring down his father's letters, screenplays and short stories is Josh Alan Friedman, whose father, novelist Bruce Jay Friedman, was friends with Southern during the 1960s, when both men lived on Long Island, New York. The younger Friedman, now a **Dallas**-based writer, published some of Southern's work during his editing tenure at *High Times* magazine in the late 1970s. They remained close friends until Southern's death.

"I love his work—I love him," Friedman says of Terry. "I wish that sensibility and what he stands for were known by more millions of people, because I think it would be a better world."

One of the future projects Nile feels most optimistic about is a cinematic version of Terry's final book, 1991's *Texas Summer*, the coming-of-age tale about twelve-year-old Harold Stevens and 23-year-old C.K., the black farmhand on his daddy's ranch. The book—which features chapters lifted wholesale from Southern's 1967 *Red-Dirt Marijuana and Other Tales*, a sadly out-of-print anthology illuminating some of his journalism and fiction—wasn't really a "new" novel when it was published. Rather, it was culled from pieces in the archives.

Those who did review it wondered what had become of the insurgent, the heretic, the fab Southern who seemed to have disappeared when the 1960s turned into the 1970s. The *New York Times* treated *Texas Summer* as a minor release, accusing Southern of trying to "pad" his old stories without expanding them.

But Nile talks with great enthusiasm about a *Texas Summer* screenplay written by a young Pittsburgh-born film student named Robert Kimmel—a script Nile liked so much he read it to Terry as he lay on his deathbed. Nile didn't even know whether his father heard him—by then, Terry was nearly gone—but reading it gave Nile a connection to his father. In recent weeks Nile has entered into negotiations with the Hollywood-based agency *Industry*, headed by Nick Wexler—who, Nile says, has long kept a copy of *Red-Dirt Marijuana* on the bookshelf in his office.

Susan Schulman, the New York-based agent Nile has charged with finding new outlets for Terry's archived works, will not say whether any of these projects are a go. "Nothing," she says, "is ever definite in the film business."

Schulman explains that there is much work to be done, but she remains optimistic. "It's a dream to be able to represent Terry Southern's work," she says. "It's so important. His was one of the strongest literary voices of my formative years. My passion is to protect it. I knew that the estate needed direction...and I lobbied for the estate. I went after it, invited all the problems in. And so we have begun."

There's no mystery as to how it happened—how Terry Southern died penniless, owing so much to so many. There are perhaps no fewer than a dozen reasons behind such a tragedy as this one. Blame it on Hollywood—producers, directors, actors. Blame it on the accountants and lawyers and agents. Blame it on the booze Southern drank until his death. Blame it on Southern's legendary generosity, his fondness for picking up the check even when his wallet was full of lint. Blame it on his failure to turn in books when promised. Blame it on greed, jealousy, lies. Blame it on the 1960s.

It's quite a long, dirty list full of guilty parties. Den Hopper (as Terry used to call him, even in the days after their falling-out) sits somewhere in the middle of it, no more or less culpable than perhaps even Southern himself.

Still, Nile figures his father's financial problems began around the time of *Easy Rider*. By 1967, Southern had already

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worked on a handful of successful films and was living the high life. His were the extravagances of success—the fast cars, the good booze, the primo drugs. He and Rip Torn even shared a boat off the coast of Long Island: The Bay O' Peeg, a thirty-foot sloop.

So when Dennis Hopper and Peter Fonda came to Southern asking that their names be put on the screenwriting credit for *Easy Rider*—this, despite the fact that Terry believed "they can't even write a fucking letter," as he would say later—he was happy to help them out. The spirit of the '60s and all that bullshit. He would forever regret it: What was supposed to be a three-way split on the proceeds quickly became a 50-50 deal, with Hopper and Fonda dividing the loot with the production company run by their friends Bert Schneider and Bob Rafelson, who were already rolling in dough, having "invented" the Monkees.

A defensive Hopper, just a few months ago, when speaking at an exhibit at New York's Guggenheim Museum, was still taking credit for the film: "I flew to New York, and ten days later, I came out with a screenplay. And that was it. Why am I the whipping boy in all this?"

Perhaps because there exists the evidence—that script of *Easy Rider*, referred to as "the 55th Street draft," named after Southern's Manhattan office—that it was Southern alone who penned the film. Oh, Hopper and Fonda contributed to the story—it was their idea, though they imagined a modern-day Western about two race-car drivers zooming through America—but it was Southern who gave it shape, meaning, importance. Indeed, Hopper originally objected to Southern's insistence that Wyatt and Billy die at the end of the movie. Not long before his death, Southern told an English interviewer that "Hopper didn't have a clue as to what the film was about." He also said he was still waiting to get paid for his share of the movie.

In 1997 a Los Angeles jury ruled that Dennis Hopper was a liar. Three years earlier, Hopper had gone on *The Tonight Show* and told Jay Leno that there had indeed been another actor up for the role of ACLU lawyer George Hanson, played in the film by Jack Nicholson. Hopper said it had been Rip Torn, but that Torn had been fired from the film because "at dinner Torn pulled a knife on me."

Torn, in the midst of much critical acclaim over his role as Artie on HBO's *The Larry Sanders Show*, was furious. After all, he had once before been blackballed from the industry, he says now, because of his extensive involvement in the civil-rights movement. A once-promising film career stalled out in a quagmire of B-movie roles. Hopper wasn't gonna screw that up again.

The way Torn tells it, it was Hopper who pulled a knife on him. Hopper had made some remark about how "all Texans are assholes," and Torn told him, "You can't judge all Texans by me." This outraged Hopper, who grabbed a knife off the dinner table and lunged at Torn—a former military policeman—who then turned the weapon on his attacker, forcing Hopper to drop it.

In August 1994, not long after *The Tonight Show* aired, Torn sued Hopper for defamation and asked Southern, a witness to the knife incident, to give a deposition documenting what really went on behind the scenes of *Easy Rider*. In his deposition, Southern swore he was the sole writer of the film, which Hopper would claim at trial wasn't true. Hopper testified he wrote the film by himself and told Torn's attorney that he didn't have the script because no script actually existed. At this point, the lawyer presented Hopper with the 55th Street script. Case closed.

The jury found that Hopper had lied and forced him to pay \$475,000 in damages. Early last year, the California Court of Appeals upheld the verdict.

"The reason they had to destroy me—or Hopper figured he did—was because I was the witness to a great crime—the way Terry was robbed of his just deserts," says Torn, who delivered a eulogy at Southern's memorial service in New York. "But Terry was too much a gentleman. I never knew why he wouldn't fight for his own work, particularly *Easy Rider*. The story Hopper put out was that Terry never finished anything. They put him out of writing, said he was undependable, that he never finished anything and he walked off projects. The sad thing is, when Terry died, *People* magazine, instead of letting me help place him in his proper position, went to Hopper instead. I thought that was obscene for him to say he never finished anything. He finished so much."

In June 1998, *The New Yorker* ran a lengthy story by Mark Singer about the battle over *Easy Rider*. It contained a letter Southern sent to Hopper in 1970.

"Dear Den: I'm very sorry to bug you, Den, but I'm in a terrible bind—completely strapped, an inch, maybe less, from

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disasterville. If I were alone, I would never hit on you (Not my style, Den) like this, but I have Nile and Carol to take care of—in the face of recent monstro financial reverses, and no relief in sight. In view of such circumstances, and of our (yours and mine) solid ancient friendship, and of great success of ER, could you please put a single point of its action my way?...Please consider it, Den—I'm in very bad trouble."

According to Singer's article, Hopper insists he can't remember getting the letter and, "in any case, Hopper never gave Southern a share."

Terry, it seemed, had one bad habit that would be the ruin of him: He didn't much care for paying taxes. By 1970, the IRS came after him, claiming Southern owed more than \$100,000 in back taxes. By then, with all his money blown, Terry couldn't even afford to hire an accountant to assist him with the government. If only he had some of that Easy Rider scratch. That might well have saved him.

But the IRS began docking money from his paychecks and royalties, even seizing money from the penny-ante gigs he would take just to stay afloat. Terry's second wife, Gail, began teaching ballet lessons at five bucks a pop to help put food on the table and pay the bills—despite Terry's habit of picking up expensive checks whenever he went out. Josh Friedman recalls that one night in New York, Southern insisted on paying a \$200 bill and getting all their cab rides. He wouldn't let his friend's son fork over a cent.

Each day, it seems, Nile is still discovering some studio in L.A. handing over a fraction of Terry's royalty checks to the government. (Terry gets \$250 for each televised screening of Easy Rider, considerably less every time Strangelove runs on TV.) It will take years before Nile can account for every cent due his father—and every cent his father owes someone else.

All Nile can do now is wait it out and hope someone will buy the archives and donate them to a library. All he can do is keep spending his own money to fly to L.A. for a meeting with an agent to discuss filming Texas Summer or remaking The Magic Christian or, maybe, Blue Movie, which itself is a tangled mess of legal issues, since Stanley Kubrick might own up to 40 percent of its rights (it was, after all, his idea!). All Nile can do is keep getting temp jobs—working construction, stretching barbed wire on area ranches, anything—and hope his wife and two-year-old daughter understand how important this is to him.

"I knew that I wanted to be involved with Terry's work, because I feel it's an important body of work," Nile says. "They're wonderful stories. There's this kind of nagging feeling of something wonderful that's neglected—like, say, a beautiful woman who's unmarried. It just doesn't feel right. That's a situation that ought to be corrected."

It is now a few hours after Nile first called Peter Fonda. He decides to try again, and this time gets him on the phone. Fonda is in bed, ready to talk, reminisce...even, Nile says later, sort of apologize. They talk about the old days, Easy Rider, how much Fonda wishes he had known earlier of Terry's financial state. He says he wants to help.

Nile is direct, wanting to know how much Fonda can contribute. Maybe the whole 200 thou?

Fonda says it's late and he will call again tomorrow. They will talk specifics then. Nile is relieved.

But Fonda doesn't call on Sunday.

Still, Nile waits.

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Denver Westword (Colorado)

February 20, 1997, Thursday

SECTION: Features

LENGTH: 3721 words

HEADLINE: What Hit Us?;
Long Before "Asteroid," moviemakers made their mark on Colorado. A guide to some high and low points.

BYLINE: By T.R. Witcher

BODY:

Now that NBC's Asteroid has leveled much of Denver (which stood in for Dallas and Kansas City), it's time to sift through the smoking rubble and unearth some more of our state's memorable celluloid moments.

Hollywood fat cats come here because they like the mountains and because it's cheaper to shoot here than in L.A. Meanwhile, locals teeter between annoyance at the intrusion and a clinging hope that the next film project will be the start of a cinematic boom for Colorado—or at least include some recognizable scenery.

The Rocky Mountains may never become a film mecca, but the hits—both entertaining and embarrassing—keep on coming.

IN THE BEGINNING THERE WAS... HAROLD BUCKWALTER?

A news and commercial photographer in Denver around the turn of the century, Harold Buckwalter made several short pictures about life in Denver and Colorado.

* Denver Firemen's Race for Life was Buckwalter's 1902 film about Denver firemen racing at full speed up 16th Street between Champa and California. That's it: Buckwalter staged the gag just to promote the city.

* For Denver in Winter (1905), Buckwalter picked a warm January day and persuaded Denverites to walk about in short sleeves to tout the city's mild climate. A major snowstorm hit a few days later.

* In 1905 Buckwalter was in western Colorado, filming a hunting party of President Teddy Roosevelt. At some point, a young woman who was apparently part of the hunt got into a few scenes with the president. Scared that his masculine image would be tarnished, Roosevelt ordered Buckwalter to destroy the footage.

COLORADO'S FIRST MOVIE HEROINE

It has to be Ida Noland, mother of former Denver district judge James Noland, who appeared in The Great Bear Hunt (1908). Directed by Edwin S. Porter, who shot The Great Train Robbery five years earlier, the new film's plot was designed to appeal to Eastern audiences unfamiliar with the beauty and adventure of the Rockies.

The threadbare plot: Heroine Noland goes fishing in a stream, only to be surprised by a large grizzly. She runs to warn the camp, and the hunters move in for the kill.

THE HOLLYWOOD OF THE ROCKIES?

CANON CITY, OF COURSE

Between 1910 and 1912, Chicago's Selig-Polyscope Company came to Canon City and fired off dozens of two-reel silent Westerns, many starring the legendary Tom Mix. News of year-round filming conditions in a little town called Hollywood drew the company to California in 1913, and it never came back.

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Some of William Selig's old employees, however, stuck around and started up the Colorado Film Company, which continued to make short Westerns for a few more years. Alas, a drowning accident involving star Grace McHugh and a subsequent lawsuit bankrupted the company.

Still, filmmakers have returned to Canon City often for movies such as:

- * Vengeance Valley (1951), a Burt Lancaster vehicle about dueling foster brothers (the other is Robert Walker) in a small Western town.

- * Canon City (1948), based on a real-life prison break from the Colorado State Penitentiary in December 1947. With a young DeForest Kelley before he became "Bones" McCoy.

- * The Outcast, a 1954 Western revenge drama with John Derek, shot at the MacKenzie B-H and Everheart Mountain ranches near Canon City. Derek, of course, went on to fame as the groomer and hubby of Bo Derek.

- * The White Buffalo (1977), in which Charles Bronson portrayed an aging Wild Bill Hickok obsessed with a mythical white buffalo (a la Moby Dick) that represents his fear of death.

THE CITIZEN KANE OF CANON CITY?

Possibly 1912's *The Equine Hero*, about a horse that crosses a deep ravine on a narrow log, unties a rope and saves the heroine. Described by the Canon City Record upon its release as "probably the greatest motion picture ever taken in Canon."

THE OFFICIALS' FILM CAPITAL

- * Former governor Ed Johnson had a brief role in *Night Passage* (1957). Johnson, who had started out as a railroad telegrapher, got to play one named Big Ed. Apparently, he got through his brief scene without flubbing a line.

- * Johnson's successor, Governor Steve McNichols, was invited to do a cameo in *These Thousand Hills* (1959), a Western being shot in Durango (which was filling in for Montana). McNichols was offered the part of the starter of a big horse race but couldn't make it down to Durango.

- * In *Canon City* (1948), Warden Roy Best played himself and allowed some filming in his office.

- * Ever hear of Robert Christides? In the 1960s he was set to be the fictional hero of a television show called *The Mayor*, to be shot in Denver by the makers of *Dr. Kildare*. The show's creator, E. Jack Neuman, reportedly chose Denver for its lack of recognizability.

- * Yaphet Kotto as Wellington Webb? Kotto, onetime Conifer resident and supporter of mayoral candidate Norm Early, was intrigued by Denver's 1991 mayoral race, in which both candidates were black. The tentatively titled *War of the City* would have starred Kotto as "Clarence Chancellor," a figure modeled after Webb, rather than Early. But then, it was Webb who won the race.

- * Esai Morales (the bitter older brother from *La Bamba*) lit up the screen as former Denver mayor Federico Pena in last year's *Dying to Be Perfect: The Ellen Hart Pena Story*, shot in Denver and Boulder and also starring Crystal Bernard.

COLORADO: MAP OF THE WORLD

As they do in *Asteroid*, Colorado and Denver have often doubled for other locales:

- * Korea: *Target Zone* (1955). American troops battle between enemy lines during the Korean War. With Chuck Connors and Charles Bronson.

- * Switzerland: A 1972 TV pilot for an "international detective show" called *Intertect* was shot in Glenwood Springs.

- * The Future: Woody Allen made use of the famous "Flying Saucer" house in the mountains off I-70, just east of Denver, for his sci-fi parody *Sleeper* (1973).

- * South Dakota: Terrence Malick's *Badlands* (1974), about the Charles Starkweather-Carol Fugate murder spree in 1958 (which occurred chiefly in Nebraska) was shot around Lamar with Sissy Spacek and Martin Sheen.

- * Washington, D.C.: Stapleton International Airport filled in for Dulles Airport in *Die Hard 2* (1990).

- * Chicago: Point the cameras east, and no one will ever know TV's *Father Dowling Mysteries* were filmed in Denver.

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* **Dallas:** Larimer Square stood in for the **Big D** in NBC's Asteroid.

* **Kansas City:** Asteroid again; while hundreds of extras were evacuating downtown Denver at 16th and California, upper Larimer was about to be wiped out by a flood (re-created with studio models).

WE'LL PRETEND IT'S COLORADO

Colorado Territory (1949) and Denver and the Rio Grande (1952) were both shot in-state, but many films that ostensibly take place in Colorado were shot on the backlots of Hollywood:

* Call of the Rockies (1944), in which Sunset Carson teams up with some Westermesque Robin Hoods who steal from an evil mining-equipment man.

* Colorado (1940), a Roy Rogers tale about a plot to keep Colorado out of the Union that stirs up Indian uprisings.

* The Denver Kid (1948), about a border patroller who lures a killer into the arms of the law.

* Colorado Sundown (1951), starring Slim Pickens, about the inheritors of a ranch who are unscrupulous about getting rid of their competitors.

* The Hallelujah Trail (1965), a Western satire with Lee Remick and Burt Lancaster. Remick is a temperance leader trying to stop shipments of whiskey from reaching Denver miners. Shot in New Mexico.

* Red Dawn (1984), in which Commie forces invade America and overrun a small Colorado town; we fight back. Shot in New Mexico.

* Cliffhanger (1993): Though filmed in the Italian Alps, the Sylvester Stallone mountain action flick supposedly took place in the Rocky Mountains.

HEY! THAT'S MY HOUSE!

Zeroing in on specific sites used by moviemakers:

* For The Glenn Miller Story (1953), the first feature-length movie ever shot in Denver, Lowry Air Force Base was turned into the site of a World War II USO show, and the corner of West Colfax and Fourteenth Street became a 1926 gas station.

* In Cold Blood (1967), in which a Colorado prison filled in for the Kansas State Penitentiary.

* Downhill Racer (1969), in which Robert Redford starred as an arrogant Olympic hopeful who was eventually cut down to size. Filmmakers shot in Conifer and parts of Clear Creek County.

* The feminist epic Stand Up and Be Counted (1972), in which Jacqueline Bisset memorably burns her bra, featured scenes shot at the State Capitol and the U.S. Mint, as well as on East Sixth Avenue, along the stately parkway of homes just east of Colorado Boulevard.

* Scarecrow (1973), in which Gene Hackman and Al Pacino decide to journey from San Quentin to Pittsburgh: Scenes were shot at Turk's Supper Club on Denver's north side and an unnamed LoDo tavern, where Hackman does a striptease for Pacino.

* I Want to Keep My Baby, a 1976 TV movie with Mariel Hemingway, was shot at George Washington High School.

* TV's Mork and Mindy, which ran from 1978 to 1982, helped put Boulder and Robin Williams on the map. The goalposts at Folsom Field never looked so good. Na nu, na nu.

* Continental Divide (1981): Blair Brown is a Rocky Mountain woman in touch with the eagles, and John Belushi is a struggling Chicago reporter sent to get her story. Shot in Pueblo and Custer counties.

* Dynasty (1981-1989): Though Blake Carrington's mansion was actually an estate south of San Francisco, this glamorously trashy soap opera, which starred Joan Collins, Linda Evans and John Forsythe, was set in Denver. One episode featured former prez Gerald Ford and former secretary of state Henry Kissinger at the Carousel Ball.

* Breaking Away redux: American Flyers (1985) included scenes of the then-annual Coors International Bicycle Classic in Golden.

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* Every Which Way But Loose (1978), Clint Eastwood's orangutan classic, featured Eddie Bohn's Pig-N-Whistle on West Colfax, the Zanza Bar, a country-Western joint on East Colfax, and Sid King's strip lounge on East Colfax, where Westword staffers played extras. (Former Westword writer John Ashton popped up Sunday night in Asteroid as a hospital patient.)

* City Slickers (1991): Billy Crystal wrestles with cattle and Jack Palance in La Plata County.

* Die Hard 2: The filmmakers staged a big snowmobile shootout in Mead, a little town off I-25 north of Denver. Filmmakers blew up a false front and steeple built onto the Highland Lake Church.

* Under Siege 2 (1995): Navy SEAL Steven Seagal is a chef at the Wynkoop Brewing Company.

* Things to Do in Denver When You're Dead (1995): What film list would be complete without it? Locales included the Casino Cabaret on Welton Street in Five Points (it emerged as the Silver Naked Lady); scenes were also shot outside Coors Field and the Denver Museum of Natural History.

* Larger Than Life, Bill Murray's recent elephant opus, was shot for a few days last summer in Loveland at Johnson's Corner, one of the last family-owned truck stops in the country. Employees appeared as extras in the film.

* A soon-to-be-released TV remake of The Shining, starring Rebecca DeMornay and Steven Weber, was shot partly in Congress Park and partly at the Stanley Hotel in Estes Park, the original inspiration for Stephen King's tale of a demented resort caretaker.

MYTHICAL TOWNS

* Centennial: the fictitious setting of Centennial, a sprawling 26-hour mini-series based on James Michener's novel about the settling and development of a Colorado town. The project aired in twelve segments that ran from October 1978 to February 1979. Its \$25 million budget was four times that of Roots. The cast was a who's who of rising stars and fading legends. Just a few: Raymond Burr, Andy Griffith, Sally Kellerman, Barbara Carrera, Timothy Dalton and that old mini-series stalwart Richard Chamberlain.

* Snowfield: Phantoms, a Dean Koontz thriller starring Peter O'Toole, recently finished filming around Georgetown, which played Snowfield—a town where everyone has strangely vanished. Producers turned down Westword's offices as the set of a newsroom in the film, saying they weren't realistic enough.

COMING SOON TO A THEATER NEAR YOU

In addition to Phantoms, scheduled for release later this year, look for:

* Warriors of Virtue, a locally produced action-adventure movie about five martial-arts-fighting kangaroos. Scheduled for release in May.

* Going West in America: Shot last March in the mountains and on the streets of Five Points, this Dennis Quaid-Danny Glover thriller should make theaters before 1997 is out.

THOSE CRAZY HOLLYWOOD STARS...

* During the filming of Cat Ballou (1965), crew members recalled star Jane Fonda arriving straight from Paris, mad that she couldn't find any French food in Texas Creek, about 25 miles west of Canon City, while Lee Marvin nursed a hangover by alternately swigging wine and cold milk on a ninety-degree day.

* Mr. Majestyk (1974), from an Elmore Leonard novel, starred Charles Bronson as a Vietnam vet trying to be a peaceful farmer in Colorado. The peace doesn't last: During the filming, Bronson apparently was offered pottery by some children in La Junta, where the film was shot; he threw the pottery to the ground and broke it.

* The Disappearance of Aimee (1976), a TV movie starring Bette Davis and Faye Dunaway, was shot in Denver. (The real-life story of evangelist Aimee Semple McPherson took place mostly in California.) During a church-sermon scene, Dunaway shouted at one lackadaisical extra, "Why aren't you listening to me? Look at me, LOOK at me!!!"

MEMORABLE STUNTS AT THE ROYAL GORGE BRIDGE

* The climax of Denver and the Rio Grande (1952) involves two trains colliding on the bridge just west of Canon City.

* Two stuntmen leaped 900 feet off the bridge for Fast Getaway (1990), a direct-to-video chase flick starring washed-

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out teen star Corey Haim.

BOMBS AWAY

In the late Eighties, Councilwoman Debbie Ortega proposed that the 16th Street Viaduct be sold to Hollywood impresarios looking to blow up a bridge.

BOOSTERMANIA

It's not surprising that Colorado—the first state in the country to establish a film commission, back in 1969—would also be great at tooting its own horn:

* Canon City Record, 1911: "There is some thought that Canon City may become the movie capital of the country."

* Denver Post, June 15, 1915: "The big picture enterprises should have been located in this state instead of the rainy, murky action of California."

* Denver Post, August 15, 1940: "Denver will become the 'movie capital' of the world."

* Denver Post, February 1, 1953: Actress Janet Leigh fails to attend the 1953 world premiere in Denver of the Western *The Naked Spur* with James Stewart. Why? "She's busy on a picture in the customary and more prosaic Hollywood."

* To appease oversensitive Coloradans, the makers of *The Naked Spur* included a credit line at the end of the picture that read: "FILMED IN THE ROCKY MOUNTAINS OF COLORADO, U.S.A."

* Rocky Mountain News, August 28, 1955: "Colorado Becomes Top Movie Location Area."

* Denver Post, July 22, 1973: *Running Wild*, an inauspicious Western, was nevertheless "the first in a series of major motion pictures...to establish western Colorado as a center for motion-picture production."

* Denver magazine, October 1976: "Lady Hollywood has arrived in Denver, and it appears certain she plans to stay."

* Rocky Mountain News, February 24, 1983: "Colorado boosted as cinema center."

* Rocky Mountain News, September 24, 1988: "A major film production studio is planned for the Denver area."

* Rocky Mountain News, September 16, 1994: "Colorado, Stage of the Stars."

AND THE WINNER IS...

Colorado, Utah and New Mexico have been butting heads for decades trying to lure film companies. For years, New Mexico seemed to be the most successful, but now New Mexico film officials say their state is experiencing a film drought of late, with no major projects scheduled.

Utah, on the other hand, is raking them in. Leigh Vonderesch, executive director of the Utah Film Commission, says the state—which currently is home to two television series, *Promised Land* and *Touched by an Angel*—has eight more projects under way, all TV movies.

Colorado has no film or TV projects under way. Could Utah be stealing our scenes?

"For the last several years, Utah has been getting a lot of business, but I don't know that it's directly taken from Colorado," says Peggy Larson, head of Colorado Casting. "Maybe some of the business they're getting we could take from them. Other than the Salt Lake and that big Tabernacle, we have the same things as them."

Vonderesch denies that Utah is grabbing Colorado business. "I don't know who would spread that rumor," Vonderesch says. "I fly in at the dead of night and take from Michael Klein head of Colorado's film commission? It's not the way you work getting movies. We're not in a negotiating position."

The states have been rivals since the early 1950s, when both Durango and Kanab, Utah, were vying for the title "Hollywood of the Rockies."

THE NATIVES ARE GETTING RESTLESS

* The filming of *The Duchess and the Dirtwater Fox* (1976), with Goldie Hawn and George Segal, enraged some Central City residents after asphalt streets were covered with dirt to make the town appear older.

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* While *The Last Gun* (1978), a Western with samurai overtones, was filming in Central City, residents balked at the hassles. "I guess if I wanted to live in a movie colony, I'd have moved to Hollywood," said local merchant Vern Terpening.

* Filming of the opening sequence of *Indiana Jones and the Last Crusade* (1989) at Mesa Verde National Park came under fire from the park's archaeologist, who feared that filming would damage ancient ruins. He was overturned by the National Park Service's regional office in Denver, but the filmmakers wound up shooting in Conejos County, near Antonito.

* Filming of a 1989 episode of *The Father Dowling Mysteries* on High Street, a few blocks from the Denver Country Club, had residents up in arms about all the lights and all the trailers and all the noise.

* When *The Shining* was filming in Congress Park last summer, residents were up in arms about all the lights and all the trailers and all the noise.

WE PAUSE FOR A PRODUCT PLUG...

Smokey and the Bandit (1977): Back in the days when Burt Reynolds, a black Trans Am T-top and Coors beer were all you needed, Burt tried to smuggle several hundred cases of Coors east of Texas, where it wasn't sold and importing was illegal. Mayhem ensued.

SNOW JOBS

* *Aspen*, a 1977 TV mini-series, featured Sam Elliott and a gaggle of near-stars in a steamy soap opera.

* *Avalanche*, a 1978 "disasterama" set at a posh mountain resort, starred Mia Farrow, Rock Hudson, cheesy special effects and lots of snow.

JUST PASSING THROUGH

* *The Searchers* (1956): This classic John Ford-John Wayne film has the Duke playing a Civil War vet obsessed with finding his missing niece, who was kidnapped by Indians. Parts were shot in Gunnison.

* *Eighty Hoofs to Denver* (1962): Based on the true story of a 1908 race sponsored by the Denver Post to prove that the bronco was better on Western terrain than other breeds. The race started in Evanston, Wyoming, and followed a path along the Union Pacific tracks to Denver.

* *Butch Cassidy and the Sundance Kid* (1969): Paul Newman and Robert Redford play bandits cheating and charming their way through the Old West. Shot in southwestern Colorado.

* *Vanishing Point* (1971): In Richard C. Sarafian's cult classic, Barry Newman and an all-white Dodge Challenger race from Denver to San Francisco (1,257 miles) in fifteen hours. Newman plays an ex-cop, ex-racer loser named Kowalski.

* *Bite the Bullet* (1975): Another horse-race film, about a 600-mile jaunt through the West, this one featured filming in Antonito with Gene Hackman and James Coburn.

* *National Lampoon's Vacation* (1983): Chevy Chase clowns his way through a cross-country trip that takes the Griswold family through southern Colorado en route to Wally World.

* *Thelma and Louise* (1991): We don't know for sure whether the gals passed through Colorado en route to the Grand Canyon, but the filmmakers did, shooting scenes in Mesa County on the Western Slope.

CLOSE, BUT NO CIGAR

The most famous Western film landscape, Monument Valley (*The Searchers*, *Once Upon a Time in the West*), is less than 100 miles from Colorado, on the Utah-Arizona border.

NOT EVEN CLOSE

* In 1967, long before Oliver Stone's *JFK*, Robert Larsen of Colorado Springs planned to make *Countdown in Dallas*. The pivotal roles of Lee Oswald and Jack Ruby were to be played by musicians who closely resembled the two men. The film was never made.

* In 1979, sites in southern Colorado were being considered for a 2,500-acre, \$400 million movie set and science-

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fiction theme park that would have been larger than Disney World. The park would have been built as a set for a \$55 million sci-fi extravaganza called Lord of Light. The project never got off the ground.

* The biggest movie ever to be filmed in Colorado—according to the film's backers (and given the demise of Lord of Light)—was supposed to be Battlefield Earth, L. Ron Hubbard's very long science-fiction saga. Shooting was set for 1985 in Denver, Canon City, Colorado Springs, Climax and Longmont and was to include a flying platform suspended from a large crane overlooking the Royal Gorge.

* Greeley's near-contribution to furthering the Colorado film scene was a 1989 pilot for a TV show called Curse of the Corn People, which followed several twenty-year-olds in a Midwestern town who were making a horror film of the same name.

* Enter the Bassett was to be a 1984 low-budget, locally shot parody of Bruce Lee featuring characters named Awesome Lotus, Chuck Tuna and Tofu Cava, who battle against Herr Bassett, a canine lover who runs the "Federation for the Advancement of Rayon Textiles." Coming nowhere soon!

JUST HOW MANY PERRY MASON MOVIES WERE THERE?

The answer? Thirty, shot between 1985 and 1995. Raymond Burr did 26 before he died of cancer in 1993; Paul Sorvino and Hal Holbrook starred in the remaining four. Twenty-two were shot in and around Denver, according to Viacom, the show's producer.

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Copyright 1996 New Times Inc.
Denver Westword (Colorado)

October 3, 1996, Thursday

SECTION: Sports

LENGTH: 1479 words

HEADLINE: Catch a Falling Star

BYLINE: By Bill Gallo

BODY:

To the immutable rules of life mandating romantic fidelity, high-quality whiskey and early knowledge of the multiplication tables, it might be wise to attach the following: The moment you turn twelve, stop seeking autographs.

This comes to mind in the wake of an announcement last week that Michael Lasky, founder of the Psychic Friends Network, paid \$280,000 for a baseball. Now, you needn't be psychic—or have manufactured a career convincing troubled souls that they are psychic—to understand that 280 grand is a lot of money to fork out for five ounces of yarn and cowhide. It also doesn't take any special skill to see that Dan Jones, the Towson, Maryland, salesman from whom Lasky bought the baseball, is one lucky SOB. Jones happened to be sitting in the bleachers on September 6 when Baltimore Oriole Eddie Murray hit a long flyball right to him. With interest, the annuity into which Lasky put the \$280,000 will pay Jones \$500,000 over the next twenty years.

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That comes to \$1,000 per home run.

For those who've been wasting all their time on trifles like setting broken legs down at the clinic, teaching American history to half-literate teenagers or getting serial killers off the streets, here's the earth-shattering news: The ball that Murray hit, Jones caught and Lasky paid a small fortune for was the 500th home run of the outfielder/designated hitter's long career, putting him in the company of Willie Mays and Hank Aaron as the only players to pile up both 500 career homers and 3,000 hits.

Half a million bucks. For a baseball. And that wasn't even the largest sports transaction of the week. At Christie's auction house, a 1919 Honus Wagner baseball card (in mint condition, to be sure) went on the block, and one lucky bidder landed it for \$600,000. Poor Michael Lasky. Why couldn't an experienced psychic like him see he was about to be upstaged in the realm of grandiose sporting gestures?

What's wrong here? Has our culture grown so impoverished, our self-esteem fallen so low, that we must tell ourselves that a ball that touched the bat of Eddie Murray for one-fiftieth of a second somehow confers upon the recipient some glow of history or kiss of greatness? What magic power derives from Madonna's discarded brassiere or JFK's cigarette lighter that we no longer find inside ourselves? Why, for God's sake, do fully grown radio and TV reporters (happy to say, I've never seen a print person do it) beg autographs from movie stars in the midst of press conferences?

What in the world does it mean when you turn on the boob tube late at night and behold Ben and Jerry, the guys who make politically correct ice cream up in Vermont, signing scrapbooks and scraps of paper for their "fans," while a grinning interviewer smooths his precious hairdo? Why does Amy Van Dyken, our homegrown Olympic darling, pop up at every shopping-center opening and college football game in nine counties, where she is cheered anew by the wild-eyed throngs? How long until Gabe Lane gets his own TV show?

The cult of celebrity, our poor substitute for self-worth or unity of purpose, has become the unofficial national religion, and nowhere does it express itself more loudly than in the obsession with sports. Walk into a restaurant where John Elway is unfortunate enough to have been spotted and watch men with silver hair, holders of \$150,000-a-year jobs, turn into stammering puddles of gush. Don't they know that "celebrities" only want to hang out with other "celebrities"?

Scan the classifieds in Baseball Weekly and you'll see the ad for a "nationally recognized authentication specialist" who deals in sports memorabilia. In the next column, a home plate autographed by Mickey Mantle is being offered for \$900, a cap signed by Joe DiMaggio for the bargain price of \$225. An autographed 8x10 glossy of Ken Griffey Jr. is \$22 at present (just you wait!), but it will cost you \$225 for a photo of the late Roger Maris. We look in vain for Ted Williams's jockstrap (in its authenticated, unlaundered state). Wouldn't that command a cool 500 bucks? How about Shoeless Joe Jackson's bank book from the fall of 1919, or the actual invoices sent to Michael Irving by his lawyers?

The ultimate prize in the sports-memorabilia marketplace would, of course, be worth more than any two decks of Honus Wagner cards down at Christie's: O.J.'s knife. Get him to autograph it in blood and you could purchase Buffalo, New York.

If we could only keep our wits about us, "memorabilia" would still be connected to "memory," which is to say, our own actual experiences. Rather than transforming their basement rumpus rooms into shrines honoring the famous athletes they wished they'd become, celebrities to whom they have no more than a delusional connection, fifty-year-olds might install down there their grown daughters' first pair of ice skates. Ineffably tender things, these, heartbreakingly small.

The men might hang up Dad's venerable old ball glove, a webless, pancake-shaped Charlie "King Kong" Keller model, perhaps, still vaguely redolent of the old man's sweat (certainly of his deathless presence) and stitched back together at the bottom by a length of brown shoelace. Look how fat the unjoined fingers are. How small it is. How'd he catch anything with it? And what tale of real seventh-inning heroism, long forgotten and unre-marked, resides in the ancient, touching stain under which the top knuckle of the index finger once nested?

Such a shift in priorities probably won't happen anytime soon. As a people, we are so captivated by the cult of fame—Jackie Kennedy to Jackie Collins, Eddie Murphy to Eddie Murray—that a day hardly passes when the anonymous fan in the street doesn't fantasize a batting order containing Ruth, Mays, Bichette and himself, or conjure up late-night, world-saving Oval Office meetings with the chief executive of all major celebrities. Still don't believe it? Visit the edges of the syndrome for a minute. Ask John Hinckley about connecting with famous people. Ask the fellow in Omaha, Nebraska, who read a newspaper story about the "ten most eligible single women" in his city—instant celebrities in his disordered mind—and promptly set out to rape two of them, was chased off by a third and was caught by the cops only after accosting

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a fourth.

How distant in temperament or attitude is this guy from the woman who throws herself on Deion Sanders's car in the stadium parking lot, or the fellow obsessed with collecting the signatures—totems, talismans, signals of his own worth—of every member of the 1996 Colorado Rockies? How have we created a world in which Eddie Murray's home-run ball goes for half a million and Honus Wagner's miniature image on a flake of cardboard is now worth more than he earned in his entire career?

Wouldn't it be nice to think that the next time Dan Jones catches some player's 500th homer, he will hand the ball over to the nearest kid under twelve? So the kid can go home and do what anybody in his right mind is supposed to do with a baseball. Play catch.

Let us speak briefly now of the Texas Rangers, those running, hitting, sliding monuments to perennial frustration. After squandering big mid-July divisional leads in half a dozen seasons, the Rangers have for the first time in their quarter-century of existence reached the American League playoffs.

The question is whether anyone in Dallas has noticed. Big D and environs are Cowboy country—always have been, pardner—and for most of the Ranger years, the locals seemed to care as little about the team as they did a plate of cannelloni up in evil ol' New York or gay rights out in heathen San Francisco. What they do care about is fuh-ball. The peculiar irony of autumn 1996 is that just as Neon Deion, Emmitt and Troy-Boy have fallen on startling hard times, the dogged, long-suffering Rangers have finally risen up to fill the void.

Very good, we say. Baseball, a mysterious, contemplative game, nourishes the spirit in ways the rougher beauties of football cannot, and if the Rangers, October's children at last, succeed in imparting that to a new, expanded audience in Texas, so much the better. If the Rangers can knock off the New York Yankees of imperial legend, great. The precious few in the cheap seats at Arlington have waited long enough to cheer.

But please, all you diamond-studded Dallas folk. If your overdue dudes do go on—here's hoping they will—let's not hear y'all braggin' the thing up too much come Christmas in the lodge at Vail or on the daunting drops of Mary Jane. Do that, and we reckon the ski patrol will lasso your ass and confine ya for the rest of the off-season in a very small room decorated with nothing but H. Ross's dang flow charts.

Would there be time off for good behavior? Kind of. Just enough to watch the Packers take the Super Bowl.

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EXHIBIT M

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January 24, 1996, Wednesday

SECTION: Sports, Pg. 37

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HEADLINE: COWBOYS? LOST IN A CLOUD OF COAL DUST

BYLINE: Bill Gallo

BODY:

Denver Westword (Colorado) January 24, 1996, Wednesday

Folks in blue-collar western Pennsylvania have loved football since Joe Namath weighed nine pounds and had both kneecaps. But they don't have their heads in the clouds about it. Truth be told, there probably aren't three Pittsburgh Steelers fans in ten who actually believe their club can upset the cocky, strutting Dallas Cowboys in Sunday's Super Bowl. Those who do may have spent too many years down in the mines.

Fact is, Pittsburgh backed into the big game on the strength of a bad call, a dropped interception and a Hail Mary that fell two syllables short of an answer. If there were justice in heaven, mid-career wonder Jim Harbaugh and the out-of-nowhere Indianapolis Colts, not the Steelers, would be the doomed souls who'll be led out onto the killing ground at Tempe, Arizona, this Sunday. The Colts won the AFC Championship game in every sense but the one that counted.

Little matter. The NFC's domination of the AFC is now in its twelfth year and, with just two exceptions (wanna try that again, Mr. Norwood?), recent so-called Super Bowls have all taken on the qualities of ritual sacrifice. Every time the last week in January rolls around, the outmanned Broncos or insecure Bills (or their reasonable facsimiles) dutifully put on their helmets, and the Cowboys, Redskins or 49ers dutifully smash them into next season before breaking a sweat.

Consider: Since the L.A. Raiders beat Washington on January 22, 1984, the NFC has outscored the Almost Football Conference 428 to 181.

Take last year. The San Diego "What the hell are we doing here?" Chargers summoned up enough nerve to take the field against San Francisco, but Niners quarterback Steve Young burned the Diego secondary with two touchdown passes in the first five minutes of the game, then meandered on through the early evening to a 49-26 win. It was like the Tyson-McNeely fight: If you stepped into the kitchen for a minute to grab another bowl of Uncle Elmer's chili, you missed the whole thing. By halftime, even O.J. was watching Italian movies on Bravo and Super Bowl TV sponsors were leaping off high ledges.

So, then: Pittsburgh 24, Dallas 21.

That's right. Along with Joe Sixpack in Aliquippa and a couple of old single-wing halfbacks from Canonsburg High School, I'm throwing history out the window and picking the Steelers. I may also have inhaled too much coal dust, but here is how the conventional wisdom (kindly see summary above) and the Dallas Cowboys will be defeated:

1: Barry Bombs. One recent occupant of this year's Super Bowl venue, Buddy Ryan, has been given his long-overdue pink slip by the floundering Arizona Cardinals. But his spirit remains—on the Dallas sideline. If there's a more inept head coach in the NFL than the Cowboys' Barry Switzer, he hasn't shown himself. As thin-skinned as Ryan, more inflexible than Mike Ditka, the former molder of great minds at the University of Oklahoma has inherited the best roster in the game—Troy Aikman, Emmitt Smith, Michael Irvin and many more—but when his stars squabble, Barry can't control the damage, and when the team comes out flat, is banged up or has an off day, he can't seem to squeak them past an inferior opponent. Norv Turner and the dreadful Washington Redskins beat the Boys twice this year, and confirmed Switzer-blitzers point to those consecutive failures running the ball on fourth-and-one against Philadelphia as classic Barry.

If Pittsburgh gets ahead early, Jerry Jones's second-in-command might just implode in the manner of—let's see here—Dan Reeves. Meanwhile, the coach on the other side of the field, Bill Cowher, is a cunning strategist and a supreme motivator. Give his outclassed troops a crack of light and they'll tear it wide open. While Barry stews in his juices.

2: Prime Time Burnout. If there's a more arrogant collection of egos in the game than the one in Big D, no one's seen that, either. Following their NFC Championship win over the Green Bay Packers (America's real team), assorted Cowboys raised a familiar chorus of I-told-you-so's and we're-going-home-to-the-Super-Bowls. One of the loudest voices belonged to wide receiver Irvin, who could be called for offensive holding on 85 percent of his patterns and for felonious assault on the others. Smith had his say, too, but it came as no surprise that first prize in the Loudmouth Sweepstakes went to Deion Sanders—one of the most gifted players in the NFL and the embodiment of everything that's gone wrong in pro sports. Apparently, Prime Time had forgotten that the Packers-Cowboys game featured five lead changes and that Green Bay, down just 31-27 late in the fourth quarter, was driving toward a go-ahead touchdown when QB Brett Favre threw the interception that turned the tide.

The Steelers haven't forgotten. While the Cowboys, who are 13-point Super Bowl favorites, continue to posture and pose and put another win in the books with their talk, Pittsburgh goes about its business—which is super-tough defense and a surprisingly inventive passing game that dropped out of nowhere in 1995.

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3: The Slash Bash. Your Colorado Buffaloes will have to wait for next season to contend for another national championship, but the Golden Buffs Alumni Association—Pittsburgh Chapter—can help do it this week in Tempe. Steelers linebacker Chad Brown, cornerback Deon Figures, center/guard Ariel Solomon and nose tackle Joel Steed are all former CU players, and they've all made their marks in the Bigs. But the star of the show is Pittsburgh rookie Kordell "Slash" Stewart, the former Buff quarterback who now mutates at will: Not even Cowher seems to know if Kordell's a wideout, a quarterback, a punt returner or a punter, so he's used in all those capacities. Naturally, this drives opposing coaches crazy (where's he gonna line up on this play?) and often rattles defenses so badly that Slash's mere presence on the field becomes a winning angle. Cowher is likely to throw Stewart, in his many guises, straight into the teeth of the swift, overplaying Cowboys defense (maybe even at the overconfident Sanders), but there's one guy he's almost certain to exploit—slow, uncertain Dallas cornerback Larry Brown, number 24.

4: The Franco Harris Factor. The Pittsburgh Steelers haven't been double-digit underdogs since the first week of the 1992 season—and they promptly won that game, 29-24, over the Houston Oilers. They have something else going for them, too: They're 4-0 in the Super Bowl, and in the Seventies they beat Dallas twice in the Big One. In Pittsburgh, "they" are no longer "they," of course. The old Steel Curtain has long since been sent to the dry cleaners—but in the trenches, the Steelers still match up with Dallas's widebodies as well as any AFC champion has in recent years with its Super Bowl opponent. The acrobatic Pittsburgh receivers Lynn Swann and John Stallworth are only fond memories now—but Yancey Thigpen and Ernie Mills ain't bad reproductions. Tough QB Terry Bradshaw's up in the broadcast booth these days, but the underrated (and exceptionally bright) incumbent Neil O'Donnell doesn't mind playing second fiddle, attention-wise, to Dallas glamour boy Troy Aikman. Not as long as the Pittsburgh passing game remains wide open—and there's no chance Cowher will suddenly go conservative on Sunday.

As everyone knows, the Cowboys have won three of the last four Super Bowls, and even in western Pennsylvania they're two-touchdown favorites. But the intangibles stack up in big games, too, along with hard defense and veteran experience: So while the Colts' Hail Mary was not answered in the final seconds two weeks ago at Three Rivers Stadium, perhaps there's an Immaculate Reception or two in store for the Steelers down in Arizona.

At least it's nice to think so. It's a thing you want to believe down here in the coal mine. So let's say it again: Pittsburgh, 24-21.

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EXHIBIT N

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Denver Westword (Colorado)

August 31, 1994, Wednesday

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HEADLINE: COACHES CORNERED

BYLINE: Bill Gallo

Denver Westword (Colorado) August 31, 1994, Wednesday

BODY:

When they're not preaching the Word of God or playing General MacArthur, football coaches are usually stewing in their juices. Is it seemly for grown men to worry quite so much about the efficacy of the all-out blitz or the state of mind in the Atlanta Falcons locker room? Probably not, but that may be a question for philosophers. To paraphrase Eugene McCarthy: Football guys must be smart enough to understand a complicated game but dumb enough to think it really matters.

In any event, college and NFL coaches are paid handsomely for their blood, sweat and tears, and they are the ones who always take the heat when things go wrong. In the upcoming football season, you can look for just as many things to go wrong as right.

Herewith, selected predictions about the fates of men at the helm in 1994:

Archbishop McCartney discovers God is dead.

Let's dispense with the undergraduate debate by noting that preseason pundits are ranking Colorado's Golden Buffaloes as high as sixth or seventh in the nation. Fine. Great. Praise the Lord.

Too bad that won't be good enough to win the Big 8.

The Buffs' lumbering old nemesis, Nebraska, is loaded again this fall, and there's no reason to believe they won't do some more grave bodily damage to Colorado in Lincoln on October 29. How many Cornhuskers does it take to screw in a light bulb, or to beat Wyoming Saturday? About 3.5. How many will it take to drive Reverend Bill straight back to his Promise Keepers convention? Twenty-two of 'em—dressed to a man in devil's red. There will be no Orange Bowl for your Buffs again this year. But maybe that's the real blessing: At least McCartney won't get the chance to punt to Rocket Ismail again.

Danny Boy goes ballistic near Secaucus.

As anyone who's ever endured a "losing" press conference with him knows, the New York Giants' Dan Reeves gives a whole new meaning to the term "head" coach. He proved himself one thin-skinned Georgian even when John Elway and the Denver media shot occasional spitballs at him here in the well-mannered Rockies, but he has not yet felt the wrath of the New York area press corps in full lather. That's because last season's Giants were one of the league's happy surprises—an overachieving group that put together an 11-5 season, got to the playoffs and snagged Coach of the Year honors for Reeves in his first year at the Meadowlands.

Now the honeymoon's over. Ravaged by retirements (quarterback Phil Simms and soul-of-the-team Lawrence Taylor) and free-agent defections, the Giants look to be a sorry bunch. They have two wet-behind-the-ears quarterbacks (Dave Brown and Kent Graham); three key starters in the secondary have departed; and three offensive linemen are also gone.

New York fans are notably unforgiving, and the New York media can smell blood like no one else. By the time the Jints are, say, 2-5 this year, both groups will be on Reeves like sweat, and that telltale vein bulging in his neck is liable to explode.

To be sure, he'll blow but good the first time he gets Handley-ized in the Big Apple. Look for the Giants to have a new head coach in 1995.

Wade dons hip boots.

A few weeks ago in this space, we predicted great things for this year's Broncos, based largely on the off-season acquisition of that blue-chip receiving corps. With the rejuvenated Biffster flinging bombs to Mike Pritchard, Anthony Miller and Shannon Sharp, we reasoned, who would be able to stop the boys in orange and blue?

No one at all.

But Denver's secondary (and that's flattering it) has been torched in the preseason. Going into last Thursday's game against the Cardinals, the Donks had given 350 yards and 24 points per in four exhibition contests, the ominous trend having started on the first play from scrimmage of the first game, when Jeff Hostetler connected on a 75-yard bomb for the despised Raiders. Last week the Dallas Cowboys (not a bad club) racked up 440 yards and 34 points against the Broncos, who have responded to their defensive woes by hiring another expensive running back, Leonard Russell.

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One anonymous Raider was authentically baffled. "They can outscore 22 teams in the league," he said of Denver. "But so what?"

Look for a lot of 35-33 and 44-41 Bronco games this season. But if Phillips and company come up on the short end of the high tally too often, look for him to float on out of here on a futile sea of points.

Anarchy reigns in Switzerland.

The kind of reform school Barry Switzer used to run at Oklahoma ("a university the football team can be proud of") probably won't cut it in **Big D**. Even before the season gets under way, there are subtle signs of trouble in the club that has won two straight Super Bowls. A couple of star Cowboys (no names now) have challenged their new, collegiate-minded head coach right there on the sideline, and Barry's superficially good-natured jousting with hardass team owner Jerry Jones has an undercurrent of danger about it. These two aren't about to select pistols at dawn just yet, but who do you think is the better shot? Ask Jimmy Johnson. He was Jones's college roommate, for God's sake, he won the thing twice and he got kicked out of town.

The new storm clouds, combined with a lack of incentive on the part of guys who've already been twice to the mountaintop, are not likely to produce a collapse in **Dallas**—Troy Aikman, Emmitt Smith, Michael Irvin and a dozen other 'Boys are way too proud and talented for that. But Barry's gonna get a rude awakening when the San Francisco 49ers start rumbling through his nightmares this season. Just back the paddy wagon up to the clubhouse door and pile him in.

Big Art wins the Shell Game.

Unbelievably, it's been ten seasons since the Los Angeles Raiders have played in a Super Bowl. But whether Denver's dyed-in-the-wool Donkeymaniacs like it or not, the Silver and Black have their best chance in years. They're even calling themselves "The Team of the Decades" these days. One thing's sure—they've got the steam of the decades. How would you like to cover a speed-burner like Tim Brown, James Jett, Rocket Ismail or Alexander Wright? How about all four of them? Hostetler has the fastest set of receivers in NFL history, and he can get the ball to them. The other key is the acquisition of huge offensive guard Kevin Gogan from the Cowboys, an armored car likely to give Raider quarterbacks the extra half-second to find receivers breaking open downfield—way downfield.

The Don is not quite dead in Miami, and the resurgent Dolphins have at least two enormous incentives to get back to the big game this January: They'd like to do it for aging Dan Marino, the deserving pure passer who lost the whole season to a ripped Achilles in 1993, and they'd love to be the first team to play a Super Bowl in its own stadium. The game is scheduled for Joe Robbie. Buffalo? No. Not this time. Not again. We hope. We pray.

Hate to say it, but the Raiders may have a little more in the tank than Buffalo, or K.C., or your porous Broncos.

In the end, in fact, Big Art Shell and the pride-and-poise guys may even be able to pull off the upset and wear the Ring. Does it really hurt to say it? Nah...not really...Why be dumb enough to think it really matters?

Raiders 27, 49ers 21.

LOAD-DATE: July 1, 1996