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Mathes family prepares to take Rangers to court Heirs hope to claim property profits *Kim Horner Staff Writer of the Arlington Morning News*

The Mathes family's legal battle over 13 acres that was condemned in order to build parking lots for The Ballpark in Arlington did not end with a recent \$7.3 million settlement from the city's sports authority.

Next, the family plans to take the Texas Rangers to court for the profits the team has earned from the property.

The heirs to the late television magnate Curtis Mathes accepted a \$7.3 million settlement last month to end a five-year lawsuit that claimed the Arlington Sports Facilities Development Authority didn't pay a fair price for the land.

Now that their challenge against the sports authority has been settled, the Mathes heirs are ready to move forward with their suit against the Rangers, said Glenn **Sodd**, the family's Corsicana-based attorney.

"We're alleging that underhanded tactics were used against my clients in the process of condemnation," Mr. **Sodd** said.

The 1994 lawsuit claims that the Rangers and Dallas law firm Jackson & Walker "conspired" to take away the family's land to build parking lots during the planning stages of the baseball team's new stadium.

Texas Rangers General Manager Tom Schieffer could not be reached for comment. The ballclub's spokesman, John Blake, said he could not comment on the litigation.

Stephen Schoettmer, an attorney for Jackson & Walker, said he could not comment on the case because it hasn't been resolved.

The lawsuit alleges that the law firm had a conflict of interest because it represented the Rangers while also representing the Mathes heirs during ballpark negotiations.

"The Rangers are currently being unjustly enriched through the exploitation of these properties by renting the properties for a variety of for-profit uses, including private parking for Rangers baseball games," the lawsuit states.

The case does not request a specific dollar amount in damages.

Jackson & Walker attorneys denied all the charges in court papers filed in the state district courthouse in Tarrant County.

Attorneys also argued in 1994 court documents that since the jury in the sports authority case ruled on a fair price for the land, the Mathes heirs have no grounds to complain they were deprived of income.

The ongoing litigation surrounding the ballpark has made it difficult for officials with the city and the Rangers to discuss who will pay the \$7.3 million settlement in the case against the sports authority.

City officials say the Rangers must pay the money because taxpayers already have spent the \$135 million voters committed to the ballpark project in a 1991 special election.

The city's contract with the Rangers stipulates that taxpayers will not pay more than the \$135 million generated by sales tax revenue.

But Mr. Schieffer has repeatedly said the Rangers don't owe any money because the judgment was not against the team. He argues that the ballclub has already paid the \$7.3 million because the sports authority used money from the team's lease payments.

Both city and Rangers officials say they will discuss the issue of who pays the judgment after litigation surrounding the ballpark has been resolved.

City Attorney Jay Doegey said a week ago that city officials understand why the Rangers have said they don't owe the judgment.

The Rangers do not want to prejudice the outcome of the Mathes lawsuit against the team, he said.

"The Rangers don't want to be perceived as having deep pockets," Mr. Doegey said.

Mr. Doegey did not return phone calls regarding the case on Thursday and Friday.

Although the Mathes litigation against the sports authority is over, the agency faces another lawsuit over land condemned for the ballpark.

Relatives of the late Clara Fanning have sued the sports authority, alleging that the agency didn't pay fair market value for their 10-acre farm that was condemned and used for ballpark parking lots.

That case is still pending.

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