

680. Another dozen were arrested for failing to disperse from the main gate in the afternoon.

One person was arrested for battery, but the event was generally peaceful with protesters and police praising each other for re-

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4/15/03 SF Chronicle

Raiders, Oakland collide in court

Team says relocation fraudulently induced

By Rick DeVecchio
CHRONICLE STAFF WRITER

SACRAMENTO — False promises of stadium sellouts lured the Raiders back to Oakland and into a deal that cost the football team hundreds of millions of dollars in unrealized revenues and franchise value, a lawyer for the team told jurors on Monday.

That charge by lawyer Roger Dreyer in Sacramento County Superior Court opened what is expected to be a two-month-long trial. At the core of the Raiders' lawsuit are allegations of breach of contract in the deal that brought the NFL team back to its Oakland birthplace from Los Angeles in 1995.

The case pits the three-time Super Bowl winners and last year's American Football Conference champs against businessman

► **RAIDERS:** Page A17 Col. 1

Late filers

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rial opens

signed a 190-page written contract which provided no revenue guarantees, Brosnahan said.

The three defendants were allies of the Coliseum complex co-owners, Alameda County and the city of Oakland, in the successful campaign to sign the Raiders to a long-term lease.

The city and county are not defendants in the trial. They were dropped from the case because the Raiders failed to act against them before a statute of limitations expired.

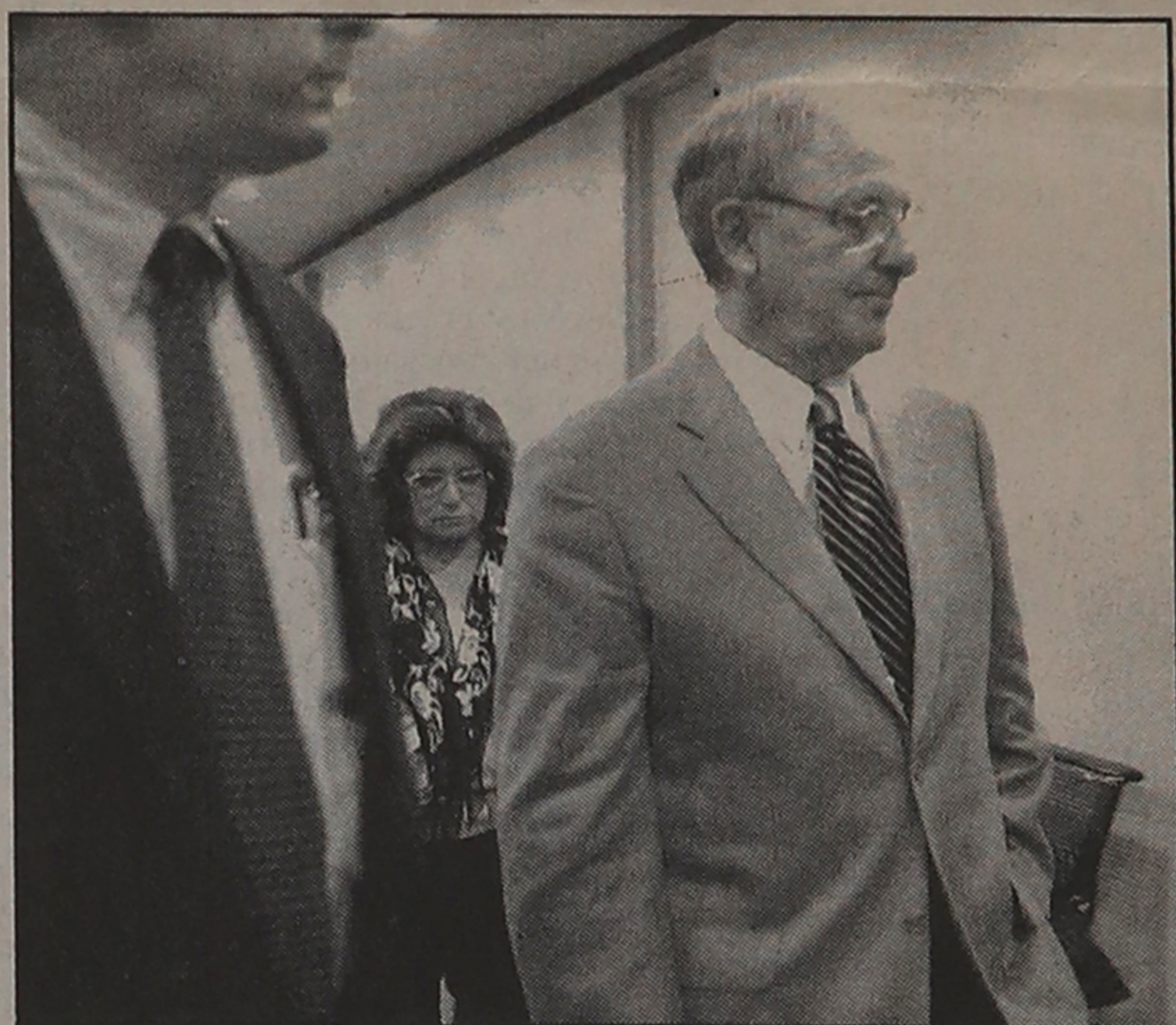
But a question hovering over the trial is whether the city and county could be liable for any damages should the jury find fault with any of the three private defendants.

Soon after it was signed, the deal turned from euphoria to dismay as cash from pre-sold ticket contracts known as personal seat licenses fell short.

Embarrassed city and county officials, who had assured taxpayers the deal would pay for itself through the initial sales, were forced to tap public coffers to cover bond payments and marketing and administrative costs. The tab swelled to more than \$20 million a year.

Raiders lawyers say they will prove that DeSilva and Arthur Andersen made written and oral claims to the public and to the NFL that the seat licenses and stadium suites were oversold.

The Raiders maintain that they complained to the city and county



RICH PEDRONCELLI / Associated Press

Co-defendant Ed DeSilva (right) enters the courtroom on the first day of the Raiders' suit for fraud over their return to Oakland.

after discovering what team lawyers term "the fraud." The misstatements locked the team into a long-term contract that was less valuable than alternative deals the Raiders had been looking at before the deal was signed, according to the team.

The financial troubles drove a wedge between the deal partners and attempts to negotiate the differences fell through. Frustrated city and county officials sued the Raiders in 1997 because they were afraid Davis was trying to back out of the agreement.

But the team officials branded the suit an "ambush," all the more underhanded because it was filed during the football season.

They countersued for fraud the next year.

Lawyers for the defendants maintain that the Raiders had accurate financial information all along and knew every line of the deal.

Far from suffering financial damages, the Raiders and their owners have been enriched, defense lawyers say. The team distributed \$38 million to its owners from 1995 to 1999, compared with \$10.2 million from operations in Los Angeles from 1990 to 1994, according to information given in court on Monday.

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ers vs. transit riders in race to game

tation. As the train emerged from the darkness of the Berkeley Hills tunnel and neared Rockridge station, he finished the news quiz. And just before West Oakland station, he completed the word puzzle, leaving time to relax as the train zipped through the Transbay Tube.

At Embarcadero station, Phinney had one tense moment. For a couple of minutes, he couldn't find his ticket — his ticket to the game. But after a bit of fumbling in his duffel bag, he located it, and moved on to Muni Metro. He dropped four quarters in the fare gate and headed down to a wait-

ing train.

Minutes later, it pulled up outside Pac Bell Park, and Phinney dashed down King Street for the finish line next at the Willie Mays statue. His time, 51 minutes, was the record. All three transit riders beat the drivers. Jim Venenciano, a Fremont postal service worker, was a close runner-up, making the trip aboard the Golden Gate ferry and Muni Metro in 57 minutes.

KNBR news and traffic director Renee Brinkley was the first driver to arrive, finishing in about an hour and 10 minutes. She said, however, that she had spent about

30 minutes in the parking lot finishing the quiz, the call and puzzle.

But Alfonso Felder, Giants transportation manager, said it appeared that even without the extra challenges, the transit team would have still beaten the drivers to the game.

And that message was not lost on Phinney.

"It was easy," he said. "I'll do this again to get to weeknight games."

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Raiders trial opens

► RAIDERS
From Page A13

and deal negotiator Ed DeSilva, the accounting firm of Arthur Andersen and Oakland-Alameda County Coliseum Inc. The Coliseum Inc. was a non-profit corporation that ran the Coliseum sports complex at the time the deal was made.

"There were fraudulent misrepresentations that induced (the Raiders) to sign the agreement," Dreyer told the jury of 10 women and two men, most of them non-football fans.

Dreyer said he will present evidence that the alleged lies cost the team hundreds of millions in lost revenues and franchise value, as well as a untold lost profits from a contemplated relocation to Baltimore before the Oakland deal was signed.

Outside the courtroom, Dreyer told reporters the team is under financial strain but has no plans to leave Oakland if the team loses at trial.

The East Bay defendants' lawyer, James Brosnahan, told the jurors that Dreyer's version of events is wrong. Brosnahan said he will prove that public and private statements about the status of ticket sales were accurate and that team officials were fully informed.

Seven witnesses will testify that the team's managing general partner, Al Davis, knew the score in the days and hours before he

signed a 190-page written contract which provided no revenue guarantees, Brosnahan said.

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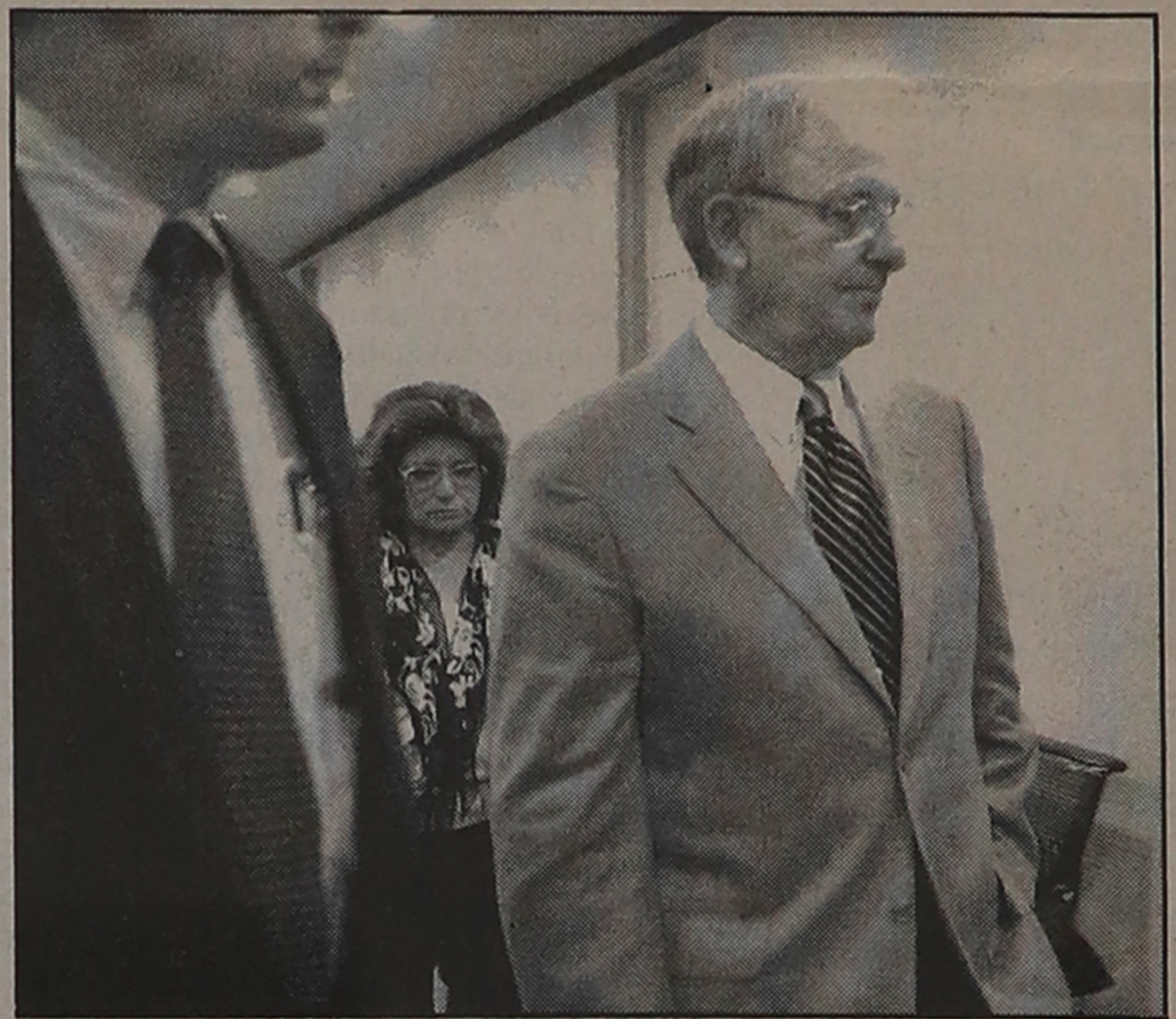
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It's commuters vs. transit riders in race to game

► RACE
From Page A13

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