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Attorneys for Rams file motion to derail St. Louis' case

By Mike Faulk St. Louis Post-Dispatch Dec 1, 2017



NFL Commissioner Roger Goodell (left) joins Los Angeles Rams owner Stan Kroenke, during the groundbreaking for the team's new stadium and entertainment district in Inglewood, Calif. on Nov. 17, 2016. (AP Photo)

A St. Louis lawsuit over the Rams football team's relocation to Los Angeles took up nearly four hours in court Friday when both sides argued over motions that could have a dramatic effect on the outcome of the case.

The case alleging breach of contract and four other counts against the Rams and the NFL was filed in April by the city of St. Louis, St. Louis County and the Regional Convention and Sports Complex Authority. The public entities also allege fraud, illegal enrichment and interference in business that caused significant public financial loss.

Three motions filed by attorneys for the Rams and the NFL could keep the case from going to trial, if successful. The motions are to dismiss the lawsuit based on the league's relocation policy being unenforceable; to send the case to arbitration as outlined by the lease; and to dismiss most of the teams and their representatives as defendants for lack of jurisdiction.

St. Louis Circuit Court Judge Christopher McGraugh said he hopes to rule on the motions before the end of December.

All but three of the 90 defendants named in the lawsuit, including NFL teams and their owners or representatives, want to be removed from the lawsuit for lack of jurisdiction in Missouri. They say there is no jurisdiction in Missouri because the team owners' vote to move the Rams happened in Houston, but the plaintiffs say their actions caused direct harm locally.

Only the Rams, owner Stan Kroenke and the NFL say the case's jurisdiction in St. Louis applies to them. However, they want the judge to send the case to arbitration out of court under a process agreed to in the Dome lease.

The lawsuit isn't attempting to enforce the lease between the Rams and the public entities, which was ended in January 2016 after the vote to move the Rams to Los Angeles. But the Rams' attorneys argue enough of the case against them is based on the lease that the conflict should be handled through arbitration.

"We have a right to relocate in the lease and this case should be governed by that," Rams attorney Andrew Kassof said.

Chris Bauman, an attorney for the plaintiffs, said the lease didn't provide a framework for relocation. That framework is found in the league's own relocation policy, which Bauman said the league and its members violated numerous times in the process of moving the Rams.

“The petition nowhere says the Rams left even though they had a lease,” Bauman said. “Nothing in the stadium lease lets them violate NFL policy, which is what our claims are based on.”

The league argues the relocation policy isn’t a binding contract, and that nothing in it should be construed as making the city, county and Dome authority beneficiaries of the policy. On Friday, the league and the Rams tried to convince the judge that it’s a discretionary document with guidelines rather than a legally binding contract.

The public entities say they conducted business trying to keep the Rams in St. Louis under the mistaken assumption that the NFL and its teams would abide by the relocation policy.

“The policy is subject to unilateral change at any time,” defendants’ attorney Benjamin Razi said.

James Bennett, another attorney for the plaintiffs, argued the policy is legally binding because team owners used their powers under the league’s constitution and bylaws to authorize NFL Commissioner Roger Goodell to create the policy. Bennett said entities such as the Regional Convention and Sports Complex Authority are beneficiaries of the policy because it explicitly references such entities.

Bennett also cited numerous public statements by league officials, Kroenke and other Rams representatives between 2010 and 2014 about their desire to stay in St. Louis. Plaintiffs cited former coach Jeff Fisher’s public comments that he had known as early as 2012 that the Rams intended to move, which they say supports the case they were misled.

“I decided on L.A., or St. Louis, at the time, knowing that there was going to be a pending move,” Fisher said in an interview on a Los Angeles ESPN radio affiliate in December 2016.

Bennett said many public statements by the Rams and NFL on staying in St. Louis were knowingly false and that they concealed “material facts” from the public entities working to keep the Rams in St. Louis. Enormous amounts of public time and money were wasted as a result, he said.

A public task force to keep the Rams in St. Louis with a new riverfront stadium spent more than \$16 million on the failed effort.

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