

Fezell 294 pursues judgment

Ex-DA after funds from libel interest

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Former McLennan County District Attorney Vic Fezell has asked the judge who presided over his libel trial against WFAA-TV to set a judgment hearing so the interest can begin ticking on his jury award.

Fezell, who resigned as the county's chief prosecutor in September 1988, is still giddy from his unprecedented \$58 million libel verdict 11 days ago against former WFAA-TV reporter Charles Duncan and the Belo Broadcasting Co., which owns Channel 8 in Dallas.

In his motion for judgment on the verdict, Fezell asks visiting judge James Meyers of Austin to award him the 19th State District Court jury's verdict of \$17 million in actual damages and \$41 million in punitive damages, which includes \$1 million from Duncan.

Fezell also is seeking pre-trial interest dating back to 1986, when he filed the suit, at 10 percent a year, compounded daily.

Trial judges or appellate courts often reduce jury verdicts in libel cases, but Fezell thinks his will stand.

If granted, and if Belo attorneys drag out an appeal or settlement, it might take a team of accountants to figure out what Fezell and his attorney, Gary Richardson of Tulsa, Okla., stand to reap from the total package.

Mike McCarthy, Belo vice president and general counsel, said Monday that Belo attorneys will file motions to set aside the verdict and for a new trial.

Belo has up to 30 days after judgment to file a motion for new trial. In that time, Fezell will have earned more than \$550,000 in interest if the judge grants his

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motions, he said.

The interest is paid into a court escrow account. Fezell will not collect any money until Belo exhausts its appeals or both sides reach a settlement.

The jury verdict, the largest in the country in a libel case, puts Belo in the so-called "Texaco-

Pennzoil squeeze," Fezell said, referring to the \$11 billion verdict for Pennzoil Co. in the two companies' legal battle.

Fezell said if he recovers the entire verdict plus pre-trial and post-trial interest and the appeal drags on for five years, the total sum he could earn may eclipse \$100 million.

"Is the appeal worth the gamble for that amount of interest?" Fezell asked. "From a legal standpoint, that is a genuine concern.

It's like I said before, if I were a Belo stockholder, I'd be very concerned."

Fezell said he has asked the judge to set a judgment hearing for May 8, 9 or 10.

Jurors ruled unanimously April 19 after the six-week trial that a 10-part series Duncan and Channel 8 aired in 1985 libeled Fezell by implying that he accepted bribes to dismiss criminal cases, particularly drunken-driving cases.