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# Barkley in court for lawsuit over bar fight

■ **NBA:** *Charles Barkley patted his two lawyers' rear-ends and stopped to sign autographs in the courthouse*

*The Associated Press*

CLEVELAND — Charles Barkley, sued for $500,000 over a bar fight, jumped past bouncers to repeatedly punch a man who was acting as a peacemaker during an argument about a woman, a lawyer said Monday in opening statements.

Earlier in the day, Barkley mouthed an expletive to the plaintiff, Jeb Tyler, before prospective jurors were led into the courtroom.

The scuffle happened last summer at The Basement nightclub when Barkley was in town with the U.S. Olympic basketball team. Barkley has told police he was the one who was attacked, and a defense lawyer said Olympic teammate Reggie Miller will testify that Tyler threw the first punch.

Relaxed as ever, Barkley patted his two lawyers' rear-ends when asked to stand as the judge entered the courtroom. The Houston Rockets forward had stopped earlier to sign autographs for some youngsters in the courthouse.

During jury selection, plaintiff lawyer Timothy Ita asked jurors, "Does anyone have a problem with Mr. Tyler being from around Rochester, N.Y.?" Barkley, who is from Leeds, Ala., raised his hand.

Barkley would not discuss the case, but told reporters, "You tell everybody back in Houston I'm fine. Unfortunately, being famous, this is one of the drawbacks."

In a complaint amended Monday, the 24-year-old Tyler of Spencerport, N.Y., is seeking $50,000 in compensatory damages from Barkley and the bar, and $500,000 in punitive damages from Barkley. The jury can award any amount it sees fit.

"Who knows what we'll ask for?" Ita said. "It's up to them."

The trial is expected to last three to four days, Judge William J. Coyne said.

In his opening statement, Ita said Tyler was at the club with some friends on July 7, 1996, when they saw Barkley and Miller, who plays for the Indiana Pacers.

The two sides agree only on what led up to the fight. One of Tyler's friends got into a discussion with a woman who said she was with Miller and Barkley. When the woman was asked if she was sleeping with Miller, Barkley asked the man to leave.

Tyler stepped in to try to break up the argument, Ita said.

"He gets near them and says, 'Listen, let's calm down,'" Ita said. "Mr. Barkley would have none of it. ... To make a long story short, Jeb Tyler gets punched in the face by Mr. Barkley."

A melee ensued and Barkley jumped over bouncers to hit Tyler repeatedly in the back of the head, Ita said.

"Mr. Tyler tried to fight back a little bit, but it wasn't very effective," he said.

Tyler, a business equipment salesman, is 6-feet, 180 pounds, while Barkley is 6-6, 252. No criminal charges were filed.

One of Barkley's lawyers, Larry Peskin, told jurors they would hear videotaped testimony from Miller saying that Tyler threw the first punch.

"At this point, Charles Barkley put his arms out," Peskin said. "It all happened so fast, Charles Barkley can't tell you whether he hit Jeb Tyler or not. There was a tussle, there was a scuffle. At some time during that scuffle, Jeb Tyler got two small abrasions on his forehead. One's about the size of a dime, the other's a little smaller."

Barkley was accompanied by a second lawyer, Tom Sullivan of Birmingham, Ala. The player's agent, Glenn Guthrie of Bessemer, Ala., also was in the courtroom.

"It's a typical case," Guthrie said. "The guy wants money."

Ita responded, "My client is not here to get rich quick."

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# NHL: Messier led Rangers to first Stanley Cup in 54 years

■ Continued from Page 5

York general manager Neil Smith said. "My intention all along was to try to keep Mark as a Ranger. There's no equivocation. ... I couldn't tell you how disappointed I am that Mark won't be on the team."

Smith said Messier never got back to the Rangers after the team increased its first offer.

"I think we would have given serious consideration to anything they came back to us with," he said. "They never came back to us. I'm not saying we would have done it. That's what negotiating is — offers and counter offers."

Since becoming a free agent on July 1, Messier has talked to several teams about a new contract, including Detroit and Washington.

Messier had said money was not his primary concern, and he was intent on working out a deal with the Rangers, whom he led to the Stanley Cup in 1994. He later criticized the team's negotiating tactics.

In today's Vancouver Province, a large front-page photo of Messier ran under the headline: "He's Ours." The front page of the New York Post read: "He's Gone."

The Canucks, who lost last year's bidding war for Wayne Gretzky to the Rangers, are hoping Messier will get the most out of inconsistent star Russian wingers Pavel Bure and Alexander Mogilny.

With Messier aboard, they can boast two top lines also including Bure, Mogilny and Linden.

Last season, the Canucks went 35-40-7 for 77 points and had trouble filling their arena.

"He's probably one of the best pressure players of all time," Vancouver defenseman Dave Babych said. "And there would finally be someone on the team balder than me."

Messier has played six seasons with the Rangers and three years ago led them to their first Stanley Cup in 54 years. He also won five Stanley Cups with the Oilers.

Messier led the Rangers last season with 36 goals, and his 84 points were second only to Gretzky's 97.

He is one of five players in NHL history to have more than 1,500 career points. He was the league's MVP in 1990 and 1992 and the playoff MVP in 1984. He has played in 13 NHL All-Star games.

In 18 NHL seasons with Edmonton and the Rangers, Messier is 10th all-time in goals (575), sixth in assists (977) and fifth in points (1,552).

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# Emeralds: Spokane tied the game at 2-2 in the sixth inning

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2/3 innings, gave up two hits, but more importantly, two runs and took the loss. Lebejko is still looking for his first win of the season with a 0-3 mark.

Spokane's Scott Key pitched two perfect innings and stuck out two hitters for the win, improving his record to 2-2.

Thieme, who played with Indians' starting pitcher Kris Wilson at Georgia Tech, started the game off on a solid note, striking out the first two Indian hitters looking. But on a 1-and-0 pitch, Dermal Brown belted the ball well over the right-field fence, drawing nothing more than a watchful eye from right fielder Pooh Hines as it sailed over the fence to give the Indians an early 1-0 lead.

Eugene could not counter in the bottom half of the first, but following two more Thieme strikeouts in the second, Eugene took the lead 2-1.

Left fielder Greg Strickland ledoff the inning with a triple deep into the left-field corner. Al Castro grounded out to the pitcher, but Mark Mortimer, the next hitter, drove Strickland in when he lined a pitch back up the middle for a single.

Collin Wissen followed Mortimer with a single through the space vacated by Indians' shortstop Rich Petru as he attempted to cover second for the stealing Mortimer.

Mortimer didn't stop running until he reached third, putting Eugene runners on first and third with one out.

Pooh Hines followed Wissen with a fly ball to center field that was deep enough to score Mortimer, but Wissen, stealing on the pitch, could not get back to first in time and was thrown out.

However, Mortimer reached home plate before Wissen was called out at first, allowing the run to count and giving the Ems' a 2-1 lead.

Those two runs would be all Eugene would get as Key and Wilson combined to retire 21 of the last 24 Eugene batters, five of them by strikeout.

"We weren't aggressive enough tonight with the bats," Eugene manager Jim Saul said.

Saul also pointed to a missed hit-and-run and steal sign that cost his team the game. Saul was, however, pleased with the performance of his pitchers.

After giving up a run in the first inning, Thieme, who came into Monday's game with a 7.29 ERA and allowing opponents to hit for a .304 average against him, settled down to retire 12 of the next 17 batters, strikeout four and hold the Indians scoreless over the next four innings.

In the sixth, LeBron, who was 2-for-5, ledoff the inning with double down the left field line. Indians first baseman Dave Willis moved LeBron to third on a groundout to first and Rico Montas, the next hitter, sent LeBron home with the tying run on a single.

Eugene now heads to Portland for a three-game set beginning today.

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