

**FREE**

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# Santa Monica Daily Press

*Serving Santa Monica for the past 58 days*

## Alley replacement a multi-million proposition

*Project one of the largest undertaken by city employees*

**BY ANDREW H. FIXMER**  
Special to the Daily Press

After more than 40 years of use, the aging alleyways of Santa Monica aren't just getting a facelift, but a complete overhaul that is expected to cost close to \$3 million.

The alleys will still run parallel to the streets they share their names with, but now they will be designed to better handle water. And at a higher cost, the alleys will be able to control polluted runoff created by heavy rains.

**"Now people are catching on and I get calls all day long from people who want their alleys fixed too. But we're trying to do projects evenly spread out around the city in different neighborhoods so that we don't favor one area."**

**— ROBIN JARIT**  
City street superintendent

City engineers have designed the new alleys in a v-shape to channel water to a central gutter that will carry the water directly into the sewer system. The new alleys are made of porous concrete which allows puddles to seep through the sur-

face, letting the rain return to the soil unpolluted. With the old alleys, water collects on the surface which can be polluted with oil, fertilizers and waste that may be carried to the ocean.

Officials say using the new concrete is

about 20 percent more expensive than regular cement, but the process eliminates polluted water that enters the rivers and oceans. Also, officials say it will provide less ground water that the city's sewer plants treat before releasing into the ocean.

"It costs more but it's not a whole lot more," said Craig Perkins, the city's director of environmental and public works management. "It prevents polluted runoff from leaving the site and because that ends up in the rivers and oceans, and in our treatment plant; so there's really a two-prong benefit."

So far the city has used the new concrete in some "minor projects" around town, but now officials say they feel com-

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## Female dominance ...



Carolyn Sackariason/Daily Press

**It was girls against the guys in a pick-up game of basketball at Lincoln Park Sunday. Half way through the game, the girls were up three points.**

## Auto dealership faulted for missing diagnosis

**BY CAROLYN SACKARIASON**  
Daily Press Staff Writer

Auto repair shops have a duty to inform customers of looming mechanical problems even before they become obvious, a judge here ruled last week.

In a small claims case appearing to mirror medical malpractice standards, judge pro tem Edmond Siegel ruled in favor of car owner Lynda Jackson's \$1,313 claim that Steve Taub's Porsche Audi dealership should have told her that her Audi needed new brakes before her warranty expired.

When Jackson brought her 1998 Audi into Steve Taub Inc. in August of 2000 for a check-up covered under her 3-year warranty, she claimed the repair shop didn't diagnose problems with the front and rear brakes, as well as a disc, a new boot and rotor. So when she returned the next April for a routine oil change, she was surprised to learn that the car needed \$2,500 in repairs. The delay was costly because her warranty had expired two months earlier.

Like many medical patients, Jackson got a second opinion — which she felt reaffirmed Taub's delayed diagnosis. She had the repairs done by a competitor, but argued that had Taub properly alerted her, they would have been covered under warranty at Steve Taub Inc.

"I couldn't believe that all the damage had occurred and they didn't see it," she said. "Prior to going into service, none of those problems existed."

Steve Taub Inc.'s service manager, Ardy Ghaffari, said it would have been premature to diagnose Jackson's Audi as needing new brakes. After all, she had traveled another 7,000 miles before the problems were observed, he noted. Several repair shops have noted that it's possible for

brakes to go bad in that period, depending on the driver.

"So much time had elapsed and she had come in after her warranty expired," he told the judge, adding the

car is supposed to have sensors that tell the driver when the brakes are going bad.

Jackson said the second opinion revealed that the car's brakes were "metal on metal" — in very bad shape — and that no sensor had ever gone off.

Questioned by Judge Siegel on how thick the brake pads must be when they need to be replaced, Ghaffari said four millimeters. His technical testimony may have wrapped up the case for Jackson.

"That is putting an awful amount of risk on the driver," Siegel told Ghaffari. "I don't know if that's appropriate that she would go metal to metal in 7,000 miles. You allowed her to go that far and that's

See REPAIR, page 3

**Consumer watch**

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- 3rd Street and Wilshire Boulevard, northeast corner; in front of Surla Table
- Ocean Avenue and Wilshire Boulevard; in front of the Bank of California building
- Wilshire Boulevard, between 22nd-23rd Streets; in front of Manhattan Bagel
- 14th and Santa Monica Boulevard; in front of Chevron
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# HOROSCOPE

## Get in some extra Z's, Sag

### JACQUELINE BIGAR'S STARS

The stars show the kind of day you'll have:

★★★★★-Dynamic   ★★★★★-Positive   ★★★-Average   ★★-So-so   ★-Difficult



**ARIES (March 21-April 19)**

★★★★★ You drive a hard bargain. Those around you will hardly realize what you are up to. You're subtle with your intellectual questions when helping others view a situation as you do. Seek out an expert if need be. Adapt plans. Open up to different thinking, too. Tonight: A friend tries to lure you into joining him or her.



**TAURUS (April 20-May 20)**

★★★★★ Others seek you out. If you are to get anything done, you must close your door. Be practical in a discussion with someone you sometimes find to be ungrounded. A meeting provides much insight and perspective. Tonight: Jump to a boss's request.



**GEMINI (May 21-June 20)**

★★★★ Plug into work, especially if you want to free up some additional time. A boss might ask you to take the lead role on a project. You can get everything done, as long as you screen your calls. Realize how refreshing a walk or break can be for you. Tonight: Opt for a favorite sport or exercise.



**CANCER (June 21-July 22)**

★★★★ Your imagination could cause a problem with a loved one. You might be creating cotton candy in your brain when reality is actually different. Make an effort to understand where someone is coming from. Ask this person to walk you through his or her logic. Tonight: Be more honest with someone.



**LEO (July 23-Aug. 22)**

★★★★ If you can work from home, do so; otherwise, shut your door at work. You're gung-ho about clearing out a project. A meeting proves to be fruitful if you allow someone to brainstorm away. Difficulties arise from a partnership. You simply do not see eye to eye. Tonight: Hang out.



**VIRGO (Aug. 23-Sept. 22)**

★★★★ Speak your mind, with an eye to enlisting like-minded individuals or supporters. Don't worry, someone somewhere will play devil's advocate. Be thankful for different voices. Don't push beyond your limits. Your nerves could easily be shattered. Take a break when you need to, and ease pressure. Tonight: Relax with a pal.



**LIBRA (Sept. 23-Oct. 22)**

★★★★ You're OK with spending money in order to make money. Still, be circumspect about what is going on here. You don't live with a money tree in your backyard. Dig into work with enthusiasm. Don't let a child or loved one distract you; this person might try nearly anything. Tonight: Pay bills.



**SCORPIO (Oct. 23-Nov. 21)**

★★★★ Verify what you're hearing! On some level, you might feel as if it is too good to be true. Your creativity and strong will often cause you to drive a hard bargain. Think about different approaches that could enhance your success. Tonight: Ask for what you want. Give up being shy.



**SAGITTARIUS (Nov. 22-Dec. 21)**

★★★★ Your instincts help you with finances. You could be confused by someone and his or her very odd behavior. Check out an investment, possibly in your home. Make sure your expectations will be fulfilled. Don't push someone too hard. Explore this person's ideas. Tonight: Get some extra Z's.



**CAPRICORN (Dec. 22-Jan. 19)**

★★★★★ Your ideas are met with recognition and weighed very carefully. Others find you to be a source of excellent judgment. Listen to friends, but draw your own conclusion. Meetings add to your prestige and awareness. Use extra care financially. Tonight: Follow the crowd.



**AQUARIUS (Jan. 20-Feb. 18)**

★★★★★ Others seek you out for feedback. Give someone acknowledgment. Brainstorm with this person. Demonstrate that you walk your talk. Follow through on your words with actions. Carefully check any paperwork that you sign today. You might even surprise yourself. Tonight: Burn the candle at both ends.



**PISCES (Feb. 19-March 20)**

★★★★★ Your high energy energizes someone, helping this person to complete a project or make a call. Start thinking about taking a vacation. Hop on the Net; talk to a loved one. You shake up the status quo. You might even shock yourself with a decision. Tonight: Flip through travel brochures.



# WEATHER

**Today ...** Partly cloudy with a high 70°F.

**Tonight ...** Clear with a low of 51°F.

**Tomorrow ...** Partly cloudy      High—70°F      Low—50°F



## QUOTE of the DAY

“The trouble with the rat race is that even if you win you’re still a rat.”

— Lily Tomlin

### Santa Monica Daily Press

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## LOCAL

# Some alleys may not be replaced because of budget shortfall

ALLEYS, from page 1

fortable enough using it on all the alleys.

"We've been experimenting with it on a pilot basis for the past few years," said Perkins. "Permeable concrete has only been available for the past few years commercially, and that's about as long as we have been using it."

**"It was horrible before they came through here. It is much better than it was."**

— **BRUCE BARCLAY**  
Santa Monica resident

Replacing all 656 alleys in the city — which range from 137 to 1,100 feet long — will take almost five years, costing \$528,000 each year, totaling \$2.65 million.

To complete the project, the city also has purchased about \$300,000 in new paving equipment and hired a new part-time crew of seven.

However, officials say cuts are looming

for next year's municipal budget stemming from a loss of sales tax revenue which could threaten the alleyways project.

"Everybody is taking budget cuts right now," said Robin Jarit, street superintendent for the city. "So who knows, maybe this might get put on hold for a while."

City workers have replaced the alleyways in the Pico neighborhood. But now they replace alleys across town from each other to make sure construction is not centered in one place.

"Now people are catching on and I get calls all day long from people who want their alleys fixed too," said Jarit. "But we're trying to do projects evenly spread out around the city in different neighborhoods so that we don't favor one area."

Residents say they are more than happy to put up with the hassles of construction if their alleys are being redone.

"It was horrible before they came through here," said Bruce Barclay, a resident who lives on 11th Street between Wilshire Boulevard and California Avenue. The alley behind his apartment was replaced in November. "It is much better than it was." However, it doesn't deter people from speeding through the narrow strip or deter traffic from the El Cholo restaurant, he added.



Carolyn Sackariason/Daily Press

**With Scott LLamar supervising and Raul Sanchez cleaning up, city worker Anthony Barnes cuts the pavement in the alley between Pico Boulevard and Pearl Street at 20th Street. The city is replacing alleys in the next five years that will cost upwards of \$2 million.**

After each alleyway is completed, the city mails a survey to all residents and businesses on its borders asking if the job was satisfactory.

"It's a personal touch with the city crews doing the work," said Jarit. "With contractors, residents get frustrated but with the city crews there is more of a sense of pride."

For the public works department, the alleyway project has been a source of self-respect. It is one of the largest construction projects of its kind undertaken by city employees. Most

projects are done by outside contractors.

"This is going to another level and the department is really stepping up to the plate," said Jarit. "It's something we should all be proud of."

Public works employees say they have been amazed that the alleys lasted as long as they did.

"Most of these were first done in the '60s," said Jarit. "Basically, they were one inch of asphalt over dirt. We're really putting some alleys in that will last, hopefully way past my time."

## Letters

### Paper of record where?

Editor:

I read L.A. Times newspaper this morning and almost choked on my generic Kaptain Krunch cereal.

In the California section, or the "designated" paper of general circulation in Santa Monica, there were printed three Santa Monica notices of interest for the people of Santa Monica.

Does the L.A. Times have a contract with the City of Santa Monica to print these? Is the agreement "in-bulk," or is it a charge per boxed item printed, per issue(s) distributed?

Please check the paper, and see that on page B9 there are "displayed" the three Santa Monica notices.

My more specific and more direct questions are as follows:

1. Does the rent control board hearing notices get billed to the city or to the rent control board directly, as an independent entity?

2. Why are there two Landmarks Commission notices in the paper on one page? Please note that the 2625 Third Street matter is "displayed" twice. Why?

3. Is the staff evaluation available for review at the L.A. Times offices, or only with the Santa Monica city clerk, and does it include the "appropriate and architectural compatible" information about this property, as disclosed in your paper about other properties that appear to be modified in accordance with reverse NIMBY policies? Was the duplication done with intent to obfuscate the second property?

I await your response or printing in the paper of my concerns.

Thomas D. Carter  
Santa Monica

## Auto dealership will appeal ruling

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your responsibility."

Siegel ordered that the Santa Monica-based Steve Taub Inc. pay Jackson \$1,313 — the amount she paid to make the repairs, which came in \$1,187 less than Taub's original estimate.

**"If I could have (diagnosed under the warranty), I would have because I would have gotten paid. Half of the time, the customer doesn't come back. She'll go to someone who can break our prices."**

— **ARDY GHAFFARI**  
Service manager, Steve Taub Porsche Audi

Ghaffari said he will appeal the judge's decision and said he isn't surprised because California is a "consumer friendly state."

"It's a joke," he said. "She neglected her car and it's our fault?"

A dealership doesn't have a financial incentive to wait until a warranty has expired, some service managers said. They noted that warranties sometimes pay better than straight labor at the service shop.

Even though repair prices are based on dealership labor books and price catalogs, the parent companies sometimes give larger allowances for work done — such as "access time" which is more expensive because a part may be harder to get to than another, said Santa Monica Ford Service Advisor Dennis Amey.

"The standard they set may be higher," he said. "Retail repair in some cases is less."

Both Ghaffari and Amey say the dealership would rather do the warranty work because it's guaranteed business. In Jackson's case, Steve Taub Inc. lost the after-warranty repair business to a competitor who was less expensive.

"If I could have (diagnosed under the warranty), I would have because I would have gotten paid," Ghaffari said. "Half of the time, the customer doesn't come back. She'll go to someone who can break our prices."

Amey agrees.

"It doesn't always guarantee that the customer will come back for that work," he said. "There is no gain (in not diagnosing under warranty.)"

And while Amey believes that it is the dealership's responsibility to alert car owners to major safety repairs that could pose a risk, he has seen motorists blow through brakes within 7,000 miles.

"The judge ruled in favor of the consumer but that doesn't mean it's right," he said.

Ghaffari said the dealership would not be able to recover from Audi any funds it must pay Jackson.

**YOUR OPINION MATTERS!** Send your letters to Santa Monica Daily Press: Attn. Editor

530 Wilshire Blvd. Suite 200 • Santa Monica • 90401 • sack@smdp.com

# Looking for the Daily Press?

The Santa Monica Daily Press is a free newspaper that is circulated throughout all six commercial zones within the Santa Monica city limits.

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- Supercuts
- Bagel Nosh
- Santa Monica Pizza Kitchen
- Izzy's Deli
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- The Slice
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- The Newsroom
- Polly's Restaurant
- Starbucks

This is not a complete list.  
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## INTERNATIONAL

# Ebola still spreading in African villages

BY ALEXANDRA ZAVIS

Associated Press Writer

**MEKAMBO, Gabon** — In a shaded jungle clearing, John Otolany watched grimly as ghostlike men in white protective clothing lowered a small body bag into the ground and sprayed the grave with disinfectant. He then reached for the edge of his T-shirt and wiped away a tear.

Otolany's 5-year-old nephew was the fifth member of his family to die of the Ebola disease. His eldest son died two days later.

"I can't cry any more," he said. "If I do, everything will fall apart."

This is the fourth time this rare, highly contagious form of hemorrhagic fever has struck Ogooue Ivindo, a remote, north-eastern province inhabited by Pygmies and other hunter tribes — and researchers and villagers alike are struggling to explain why.

Rumors abound, blaming everything from plants and monkeys to politics and vampires.

Twenty-four people have died so far in the region — 17 in Gabon and seven in neighboring Republic of Congo. In the normally sleepy town of Mekambo, a 10-hour drive down a dirt road that winds through a tangle of brush, trees and vines, the outbreak has caused panic.

The sick refuse to go to the town's crumbling medical center, afraid they will be told they have the disease and isolated from all human contact. Health workers refuse to treat patients. Those with money send their wives and children away for safety.

"People cross the street to avoid me," Otolany said. "I smell of death."

Otolany's sister, a nurse, was the first in the family to die. She caught the disease from a patient — a typical pattern with Ebola, which is transmitted through bodily fluids and can be passed by a simple handshake.

It is one of the deadliest viral diseases, killing 50 to 90 percent of those who become infected.

The disease can incubate for up to three weeks before flu-like symptoms set in. It then starts attacking internal organs, causing bloody diarrhea and vomiting. Within two weeks, the victim usually is dead from massive blood loss.

There is no cure. But the virus usually kills its victims faster than it can spread, burning out before it can reach too far.

More than 800 people have died of Ebola since it was first identified in 1976 in western Sudan and in a nearby region of Congo, according to the World Health Organization.

Outbreaks are often years and hundreds of miles apart. The disease last struck in Uganda, killing 224 people last year.

Death tolls have been lower in Ogooue Ivindo, the only place in the world where outbreaks have occurred repeatedly. When Ebola last struck the thinly populated province in 1996-97, it killed 45 of the 60 people infected.

Ebola is believed to be carried by some animals and insects that live with the virus in Africa's vast rain forests. But researchers have been unable to pin down the illusive reservoir, in part because of

the variety of wildlife.

Most outbreaks begin with a single introduction of the virus into a human, who then spreads the disease in a community. But researchers say this time there is evidence of at least two independent transfers in Gabon and one in Republic of Congo.

This suggests a high number of the virus' natural hosts in the area, or a high proportion of them infected with Ebola, said Dr. Daniel Bausch, a medical epidemiologist with the U.S.-based Centers for Disease Control and Prevention.

Much attention has focused on primates. Gabon's outbreaks have all been accompanied by reports of unusually high numbers of dead chimpanzees, gorillas and other animals.

A 1996 case was even traced to hunters who skinned and chopped a chimpanzee found dead in the forest. Researchers say primates are unlikely to be natural hosts, as they too become sick and die.

Authorities have advised local villagers to avoid bush meat for now. With food scarce, hunters armed with rifles and machetes are still seen carrying dead monkeys home.

Many villagers question whether Ebola really is the cause of the latest deaths, which have mostly been confined to two families.

"If there was Ebola here, the whole village would be dead," said Jean-Claude Ndjibadi, who has lost eight members of his extended family.

He still lives in the same mud house in Mendemba, a tiny hunting village about 30 miles east of Mekambo, and sleeps on the same mattress where his brother, sister and mother died.

He blames an ancient family feud and accuses a cousin who lived next door of using witchcraft to poison five loved ones. The cousin, his mother and baby have also died.

Most villagers seem to agree with Ndjibadi, and resent WHO's daily visits to monitor all who have had contact with victims. They blame the international medical teams for the difficulties they now have selling their bush meat, cocoa, coffee and other crops.

When a parliamentary vote was postponed in the region, disappointed candidates even started accusing the government of inventing the outbreak for their own political purposes.

Otolany has no doubt that Ebola is ravaging his family and is angry authorities did not act sooner. The outbreak was only officially confirmed Dec. 11, though WHO was notified earlier.

Regional health officials say their efforts were hampered by a critical lack of resources and experienced personnel.

Protective equipment, including gloves and face masks, had to be flown in from the capital, Libreville. Blood samples had to be sent 370 miles south to a laboratory in Franceville. Phone lines are erratic, and the provincial health authority owns just one vehicle.

"We should have had the material in place, as we know Ogooue Ivindo is a region susceptible to outbreaks," provincial health director Prosper Abessolo Mengue acknowledged. Next time, he hopes, things will be different.



# Argentina requests help with economy from businesses

BY BILL CORMIER

Associated Press Writer

**BUENOS AIRES, Argentina** — President Eduardo Duhalde's new government called on Argentine business and industry Monday to hold down prices after a sharp devaluation of the peso ended a decade of strength for Latin America's most stable currency.

"We are asking business and industry not to raise prices," said Duhalde's cabinet chief, Jorge Capitanich. He said supermarkets, shopkeepers and leading business chambers were all asked to keep the lid on any inflationary spurt after a nearly 30 percent devaluation of the currency.

Argentine authorities announced over the weekend that the peso, pegged the past 11 years at one to one with the dollar, would be allowed to weaken. A dollar will now officially buy 1.4 pesos for all import and export transactions, while a parallel, free-floating rate on foreign exchanges is to be set by the market for ordinary Argentines.

Although there have been scattered reports of price increases, many merchants said they couldn't hike prices even if they wanted to. Years of recession have left Argentines strapped for cash and in no mood to spend money on anything but essentials.

Nonetheless, uncertainty gripped many Argentines Monday as they prepared for the end of 10 years of relatively stable prices. A 1989 devaluation of a previous currency, the austral, led to runaway inflation and price hikes, still fresh on many minds.

"I'm not sure where this leads," Adrian Gonzalez, a 42-year-old shopkeeper, said of the latest devaluation. "I'm expecting the worst. But they had to do something. We couldn't keep suffering like we have the past few years."

Tensions remained high amid uncertainty about possible price hikes, erosion of purchasing power and how long bank deposits, frozen Dec. 1, will remain out of bounds. Casa Rosada government palace in downtown Buenos Aires was blocked off by iron barricades after the devaluation. Security was eased when calm prevailed.

In Mendoza, scene of some of the worst provincial unrest in December, some 100 state workers threw rocks Monday at local government offices and clashed with police to demand unpaid holiday bonuses. Police used tear gas to quell the demonstration. There were no reports of serious injury in the city, 640 miles west of Buenos Aires.

The Buenos Aires Stock Exchange was closed Monday for a two-day "banking holiday," muting local investor reaction as the country embarked on the wrenching currency shift.

Overriding the worries of foreign investors and citizens alike, Economy Minister Jorge Remes Lenicov broke the news late Sunday that "one-to-one" — as the dollar-peso rate was known — is history.

"We are devaluing, we are in collapse, Argentina is bankrupt," Remes Lenicov said bluntly.

The peso had been the most stable currency in Latin America until a run on the banks last Nov. 30 saw Argentines yank \$2 billion in a day. The rioting and looting that followed forced then-President Fernando de la Rúa from office and brought on a series of interim leaders.

The abandonment of the currency peg ends a decade of the one-to-one peso peg to the dollar, enshrined in a 1991 "Convertibility Law" used to slash hyperinflation and to end a deep economic crisis at the time. The weakening of the peso heralds a radical departure from the unabashed free market era in which Argentina — South



Associated Press

**A woman holds her son as she begs in Buenos Aires near an advertisement which reads "Argentina, on its feet and in peace." Despite the concerns of foreign investors, Argentine lawmakers on Sunday granted President Eduardo Duhalde emergency powers to devalue the peso and set the shattered economy on a new, less market-friendly course.**

America's second-biggest economy — was the darling of emerging markets.

Congress gave Duhalde sweeping emergency powers Sunday to tackle the crisis, the worst in decades. He was appointed Jan. 2 to serve out the term of the last elected president, de la Rúa, who was toppled Dec. 20 amid deadly street riots.

## Personal information may end up on driver's licenses

BY TED BRIDIS

Associated Press Writer

**WASHINGTON** — The government is taking first steps with the states to develop drivers' licenses that can electronically store information — such as fingerprints — for the 184 million Americans who carry the cards.

Privacy experts fear the effort may lead to de facto national identification cards that would allow authorities to track citizens electronically, circumventing the intense debate over federal ID cards.

Supporters said it was predictable after Sept. 11, and after a briefly raucous debate over U.S. identity cards, that officials would turn to improving existing identification systems. With careful use, they say, these new licenses could alert authorities if a suspected terrorist attempted to board an airliner, withdraw

cash or enter the country.

The Transportation Department, under instructions from Congress, is expected to develop rules for states to encode data onto driver's licenses to prevent criminals from using them as false identification. Under a new national standard, a license from California could be verified and recorded using equipment even in Texas or Florida.

In a report accompanying the funding legislation, Congress told the department it would "strongly encourage" officials there to develop guides quickly with the states for electronically storing information on licenses. "This could benefit the nation's efforts to improve security," lawmakers wrote, adding it could also cut down on financial fraud and underage drinking.

Transportation officials told The Associated Press this week the department's new security administration

probably will take charge of the project, still in its early stages. Already, 37 states store information on licenses electronically — often using bar codes or a magnetic stripe — though none yet are known to include fingerprints or imprints of retinal- or facial-scans.

"What you're seeing here is sort of a hardening of the driver's license that could lead to development of a national ID system without creating a national ID card," said Marc Rotenberg, head of the Washington-based Electronic Privacy Information Center.

"If they start scanning these things, they can track where I go," said Richard M. Smith, former chief technology officer for the Privacy Foundation, an advocacy organization in Denver. "If we do this, come up with a national standard, there's no difference between a driver's license and a national ID card."

Nathan Root, standards director for

the American Association of Motor Vehicle Administrators, said, "When you look at the expense of improving what we have already versus implementing a new national ID document, the hassle and expense just don't compare." He said, "It would be a better idea just to work with what we have."

The association, based in Arlington, Va., has already developed detailed guides for storing information on licenses. Its current rules do not require states to include biometric data, such as fingerprints or retinal scans, but that could change. "It was not practical, not before September 11," Root said. "It wasn't popular to include anything like that."

The association represents all the state motor vehicle agencies in the United States and Canada, and counts as associate members the U.S. government and Mexico.

## Judge denies Microsoft request to delay anti-trust case

BY D. IAN HOPPER

AP Technology Writer

**WASHINGTON** — Microsoft lawyers failed Monday to persuade a federal judge to delay the company's antitrust case, clearing the way for a March trial.

"This schedule is well within the range afforded the parties throughout this case," U.S. District Judge Colleen Kollar-Kotelly said at the hearing's outset. "Certainly no one can claim that they lack the resources."

Microsoft did succeed in raising concerns that some competitors called to testify by the nine states suing Microsoft aren't cooperating with the software giant's lawyers. Several firms scheduled to testify — including Oracle, Sun Microsystems and AOL Time Warner — have lobbied for the broader penalties the states now seek.

Dan K. Webb, Microsoft's lead attorney, said only six of the 24 companies served with subpoenas have responded at all. Webb said he soon may have to ask the court to compel their cooperation.

"I need a good hunk of these documents before I do

depositions," Webb said, naming SBC Communications as one offender.

**"This schedule is well within the range afforded the parties throughout this case."**

— COLLEEN KOLLAR-KOTELLY  
U.S. district judge

Kollar-Kotelly said if any Microsoft competitor refused to cooperate with Microsoft, she would bar them from testifying for the states.

"You can't be friendly to one group and not to the other," she said. "I want that message to go out loud and clear."

Kollar-Kotelly continued pushing the two sides toward discussions rather than litigation by forcing them to sub-

mit a report on what they agreed were the facts of the case — as well as their differences. The judge said she would use the report to speed up the process, in which she will have to decide what penalties the company should face for limiting consumer choice and breaking antitrust law.

Both Webb and Brendan Sullivan, the lead attorney for the states, expressed doubts they could come to any agreements, but Kollar-Kotelly did not relent.

"Hope springs eternal from the court's side," she said.

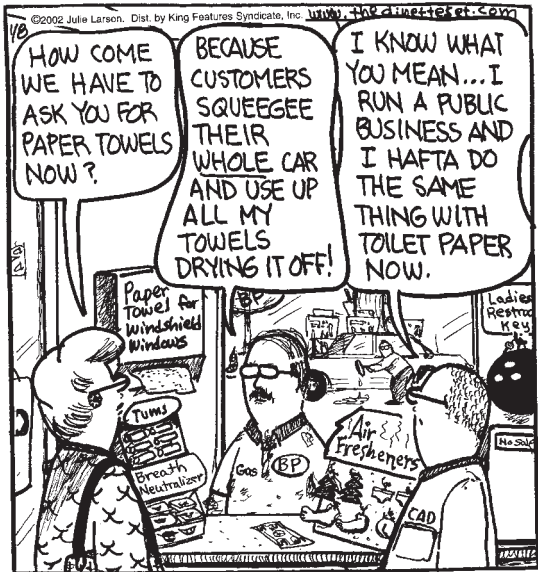
University of Baltimore law professor Bob Lande said the judge's denial of Microsoft's request was a major blow to the company. Delay of the remedy hearing could allow more time for the judge to approve a settlement reached by the federal government and nine other states, which would hurt the remaining states' case.

The states that did not sign onto that settlement are Iowa, California, Connecticut, West Virginia, Utah, Minnesota, Kansas, Florida and Massachusetts. Those remaining states, as well as the District of Columbia, decided to hold out for stricter penalties.



# COMICS

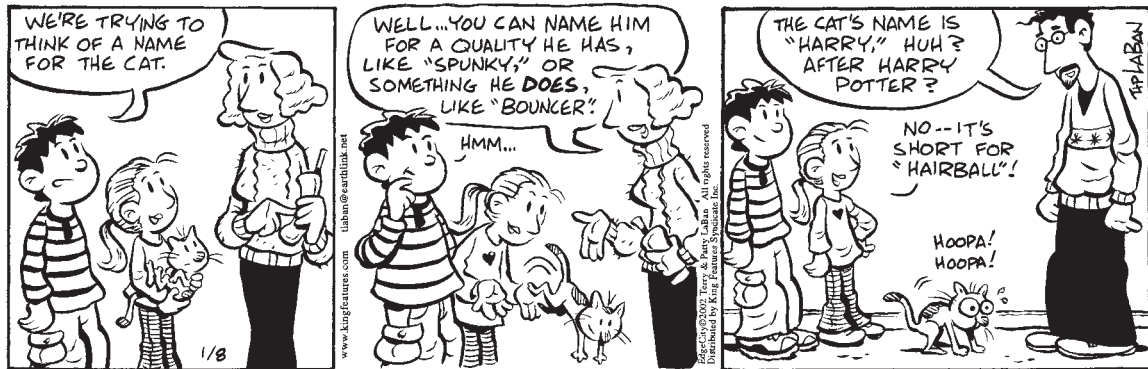
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### ACROSS

- 1 Meal
- 7 Restaurant VIP
- 11 "Twelfth Night" character
- 12 Residence
- 13 Second-tier
- 15 Water sources
- 16 High schooler
- 18 Cowboys or Indians
- 21 Hourglass fill
- 22 Eye part
- 24 Fitting
- 25 Campaigned
- 26 Pop
- 27 Cotton pest
- 29 Repair
- 30 Pull along
- 31 Bankrupt
- 32 Tough puzzle
- 34 Asteroid
- 40 State
- 41 State without proof
- 42 Colors
- 43 Journalist James

### DOWN

- 1 Computer chip

- 2 Yale student
- 3 Grenade part
- 4 Promised
- 5 Temptress of myth
- 6 Statuesque
- 7 Drink follower
- 8 Greedy one
- 9 Flightless bird
- 10 Medical charge
- 14 John of music
- 16 Recorded key
- 17 Computer
- 19 Llama's land
- 20 Intended lass
- 21 Spotted
- 22 "East of Eden" brother
- 23 Tack on
- 25 Severity
- 28 Fumes
- 29 Wall art
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Yesterday's answer

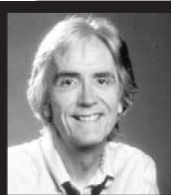
- 33 Practice in the ring
- 34 Fuming
- 35 Wall climber
- 36 Born
- 37 Fishing aid
- 38 Swelled head
- 39 Decimal base

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1-8

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## NEWS OF THE WEIRD

by Chuck Shepard

### Even 'super secret' employees go on strike

In December, a Nevada association of private security guards who work at the federal government's super-secret "Area 51" at Groom Lake, 90 miles from Las Vegas, went on strike for higher wages and benefits. In fact, the association president told reporters he could not even divulge the location of his workplace but that the questioner should "use your imagination." When at work, the guards report to the airport in Las Vegas and are flown in nondescript planes to the site, which they are trained to refer to as "nowhere" and "out of town." The guards are called "camo dudes" locally because they wear camouflaged uniforms on patrol.

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## BACK PAGE

# Big money in portable potties for Winter Olympics

By the Associated Press

**BOISE, Idaho** — An Idaho company landed a \$3 million contract for what might be the most sought after seats at the Winter Games in Salt Lake City — the portable potties.

"Jobs of this scope are very rare," said Larry Moore, chairman of A-Company Inc.

The job is so big that A-Company has had to partner with four other firms to supply the 2,600 portable toilets Olympic organizers have ordered for the Winter Games.

Because of the size of the project, the company realized it would be difficult to handle it all, so they recruited four other companies to help, Moore said. The other companies are Andy Gump Inc. and A Throne Co., both of California, and Northwest Cascade of Tacoma, Wash., and Super Bowl Portable Restrooms Inc. of Denver.

Moore said the Olympic potty contract is 10 times bigger than any other in the company's 29-year history. The

firm has had the portable toilet contract for the Boise River Festival for the past few years, but that job only involved a few hundred potties.

**"Our whole goal is to make sure that portable restrooms and sanitation comes off as a high point in the Olympics."**

— LARRY MOORE  
A-Company Inc. chairman

Still, Moore is confident he can handle the job. "There's a lot of work involved, but we feel good about it," he said. "We're right on schedule."

The firm's road to the Olympics began in earnest two years ago when the Moore brothers started putting together a bid for the project.

Jeff Moore said they ended up spending more than \$40,000 just preparing the bid.

A-Company was awarded the contract in March 2001, and since then has been busily preparing for the job. All 2,600 restrooms are new and are being assembled onsite in Utah. The company has until Feb. 3 to have everything completed and ready to go.

The Moores admit they have heard their share of potty jokes and horror stories. But all smirking aside, they said they want everyone who attends this year's Olympics to have nothing but good things to say about their portable toilet experiences.

"If our job isn't taken seriously it will hurt the whole industry," Larry Moore said. "Our whole goal is to make sure that portable restrooms and sanitation comes off as a high point in the Olympics."

## Artist to pay \$75,000 of profits to Three Stooges heirs

BY GINA HOLLAND  
Associated Press Writer

**WASHINGTON** — Heirs of the Three Stooges will get profits from posthumous depictions of Moe, Larry and Curly, thanks to the Supreme Court.

The court bypassed a chance to give First Amendment protection to photographers and artists who specialize in celebrities, turning back an appeal from Los Angeles artist Gary Saderup. Justices did not comment in refusing to review the case that pitted freedom of expression against property rights.

Saderup also lost in the California

Supreme Court, which ruled last spring that he violated a state law by not getting consent before putting a picture of the slapstick comedians on shirts and lithographs.

Now Saderup must pay the \$75,000 he made from the products to the heirs and cover their legal fees.

Saderup's attorney, Stephen R. Barnett, in urging justices to accept the appeal, said the California ruling "offends not only the proverb that 'one picture is worth a thousand words,' but also the First Amendment's prohibition on legal monopolies over facts."

The heirs' attorney, Robert N.

Benjamin, said the artist was trying to "twist the facts and the law in an attempt to make a constitutional issue where none exists."

California is one of 17 states that give heirs some right to control publicity. In that state, heirs have rights to the likenesses, names, voices, signatures and photographs for 70 years after the death.

Jerome (Curly) Howard died in 1952. Larry Fine and Moe Howard died in 1975. A fourth stooge, Curly Joe DeRita, joined the group after the death of the original Curly. Fine, Moe Howard and DeRita formed a management company in 1959 that owns rights to both versions

of the Three Stooges. That company is now controlled by the actors' heirs.

Saderup did a charcoal drawing of the original trio and sold lithographs for from \$20 to \$250 and shirts for about \$20 out of a temporary booth in a suburban Los Angeles shopping mall. The state court said Saderup's renditions of three unsmiling stooges, including two with their eyes open wide, were merchandise, not art.

Using that decision, "Judges become art critics," Barnett told the Supreme Court.

The case had been closely followed by the licensing industry.

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