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Santa Monica Daily Press

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Insurance company loses in small claims

Company policy states that all claims under \$5,000 are denied

BY ANDREW H. FIXMER
Daily Press Staff Writer

A Santa Monica couple was vindicated this week after a judge ordered that their insurance company must pay medical bills, which were automatically denied as a matter of policy.

Zoreh and Bruce Shaffer presented their case in Santa Monica small claims court this week where Judge Pro Tem Patsy Cobb awarded them \$340 for the ultrasound that detected the cyst in Zoreh's uterus — a claim their insurance company, CalFarm, said was unnecessary.

"This is something I have only heard of in legends," Cobb said, shaking her head in disbelief. "I have actually never come across something like this before."

Last fall, Zoreh Shaffer spent a week in the hospital after she awoke in the middle of the night with excruciating pain in her abdomen. Her hospital stay cost \$6,000 a

day, which didn't include her surgery and doctor bills.

CalFarm refused to pay the medical bills, claiming the hospital stay and most of the testing ordered by her physicians were unnecessary.

"This is something I have only heard of in legends. I have actually never come across something like this before."

— PATSY COBB
Santa Monica judge pro tem

When her husband, Bruce Shaffer, tried to appeal the insurance company's decision, he was routinely denied and none of his letters or phone calls were returned.

It wasn't until several months later, after the couple hired an attorney to go through binding arbitration, that the company finally paid the hospital bill.

See CLAIM, page 3

Marketing campaign a good 'deal' for hotels

Hotels bounce back after Sept. 11

BY CAROLYN SACKARIASON
Daily Press Staff Writer

A three-month local advertising campaign has apparently paid off for local hotels, who fared better than they expected this past holiday season.

The two-pronged campaign, "Shop Santa Monica" and "I wish I had an extra bedroom," helped jump start Santa Monica's sluggish economy, infusing nearly \$33,000 in hotel revenues alone.

In the first of what may become an annual citywide promotion, the shop local campaign spread from mid-November to the end of the year, and reminded people to spend their money in Santa Monica.

It also highlighted how locals could turn their family and friends on to deals.

The subtle part of the campaign was to get locals to bring friends and family to town by turning them, in effect, into travel and booking agents. Some of the discounts, particularly at hotels, required local residency.

The effort to boost occupancy at local hotels recognized that the \$100,000 marketing campaign could hardly target visitors. Instead, it targeted friends and family of Santa Monicans who may come here if they knew there was a deal to be had.

The hotels have seen steep booking declines since Sept. 11 and it was estimated that collectively, they would lose \$10.9 million in room revenues in the fourth quarter of 2001.

Seventeen Santa Monica hotels offered deep discounts and package upgrades for visiting friends and family. Residents got bargain rates for their friends by showing proof of residency when their guests

See HOTELS, page 3



Carolyn Sackariason/Daily Press

Conductor Christopher Schwabe leads the Santa Monica Chamber Orchestra at the Fairmont Miramar Hotel Friday. The orchestra heads off to New York City next month to perform at Carnegie Hall.

Santa Monica High students to perform at Carnegie Hall

By Daily Press staff

The Santa Monica High School Symphony Orchestra is about to hit the big time. The orchestra will be performing at Carnegie Hall on March 31, but some students need help getting there.

Of the 87 students planning to head to New York, about 19 of them need help raising the \$1,500 it will cost each of them for the once-in-a-lifetime opportunity, according to Joe Phelps, president of the Samohi orchestra parents association.

Fundraising efforts are currently being coordinated. The first official event was held Friday night at the Fairmont Miramar Hotel, where the chamber orchestra performed for about 50 people.

The Santa Monica City Council will consider a request by Councilman Ken Genser on Tuesday to donate money from the city's coffers.

On March 17, there will be a send-off party for the students at the Lincoln Middle School auditorium at 7:30 p.m. The entire orchestra will perform. Admission is \$10. The price for students and seniors is \$5.

Anyone who is interested in helping the students, or to donate can call (310) 752-4400, ext. 810.

Raffle tickets, being sold for \$1 each, are being sold by students, parents and school faculty. To buy a raffle ticket call Grace Yamamura at (213) 614-4816 or Susan Hartley at (310) 458-3700. The grand prize is a trip to Cabo San Lucas.

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★★★★ Listen to information that heads your way. Listen to your instincts when hearing a stern message or communication. You hear more than someone says, because you can read between the lines. Understand what is happening behind the scenes. Tonight: Happy at home.

TAURUS (April 20-May 20)
★★★★ Be more inventive with those you deal with. Your sense of what works financially might be a lot different than many others'. Your conservative streak emerges. Listen to a friend or pal who means a lot to you. This person keeps your interests in mind. Tonight: Favorite pastime with favorite people.

GEMINI (May 21-June 20)
★★★★ Your serious demeanor lets others know to rethink an idea. Your intellectual leadership impacts family and friends alike. Your logic remains indisputable. A financial idea puts stars in someone's eyes. Be clear that it is only an idea! Tonight: Your treat.

CANCER (June 21-July 22)
★★★★ Your intuition leads you to have a long heart-to-heart conversation with someone. A call affects plans. Understand where this person is coming from. Your winning personality and nurturing ways encourage someone to make a pass. Are you ready for this? Tonight: Follow the music.

LEO (July 23-Aug. 22)
★★★ You don't need to advertise what is happening. In fact, discretion could make you more comfortable. Your sense of humor makes up for someone's stern and uptight mood. You know how to make this person relax and smile. Tonight: Be discreet.

VIRGO (Aug. 23-Sept. 22)
★★★★ A parent or boss could be severe in his or her demeanor. A little effort from you could make a big difference. Do just one thing for this person before you follow your Saturday plans to join friends or any other pleasurable activity. Tonight: Keep on smiling.

LIBRA (Sept. 23-Oct. 22)
★★★★ Others look to you, as if you cannot tell by the number of calls and requests. Your impulsive ways lead you in the right direction. Understand what someone wants from you. Nurture someone without great expectations. Tonight: Easy does it.

SCORPIO (Oct. 23-Nov. 21)
★★★★ You need to touch base with someone before you make plans to split for the day. Though this person might not want to join you, consider this a courtesy call. Understand what this person desires from you. Meanwhile, split as fast as possible. Tonight: Try a new music spot.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★ Your family expresses how important your presence is. Hang out with family, but make special time for a loved one. You really do not need to answer to anyone except your sweetie. Tonight: Heat up the airwaves.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ Expect to spread yourself thin as you do the rounds, not forgetting someone at a distance. Your feelings intensify, making anything possible. Allow emotions to play a greater role in your life. Make the impossible possible through positive thinking. Tonight: Do what someone wants.

AQUARIUS (Jan. 20-Feb. 18)
★★★ You have a project on the back burner that might need attention. You will feel much better about an expenditure in the upcoming days. Stop and do something very special for a child or loved one. Use your efforts to make someone happy. Tonight: Easy does it. You don't have to have grandiose plans.

PISCES (Feb. 19-March 20)
★★★★ Remain upbeat and positive when dealing with someone. You work a problem out by expressing your feelings. Share a good intellectual idea with a loved one or roommate. Understand that someone might be coming from a different direction. Tonight: Spice up a relationship.

WEATHER

Today ...	AM Clouds/PM Sun	High—74°F	Low—51°F
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Monday ...	Mostly Sunny	High—76°F	Low—53°F

QUOTE of the DAY

“Cats are smarter than dogs. You can't get eight cats to pull a sled through snow.”

— Jeff Valdez

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LOCAL



Insurance company continues to deny claims

CLAIM, from page 1

But Shaffer still had to get CalFarm to pay for the doctored-ordered tests to determine his wife's illness. Multiple blood tests and ultrasounds were needed. The first ultrasound was inconclusive, the second one determined Zoreh had a ruptured cyst in her uterus.

CalFarm still claimed the treatments were medically unnecessary. When the company didn't pay, the hospital sent the bill directly to the Shaffers. When the Shaffers couldn't pay, the hospital's collection agency went after the couple.

"They don't care," Bruce Shaffer said. "They keep billing you until you're in collections and your credit rating is completely ruined."

Shaffer couldn't understand how the

insurance company could deny legitimate claims until he read CalFarm's fine print. CalFarm's insurance policy states all medical claims in California under \$5,000 are automatically denied and can only be settled in small claims court.

"Any dispute regarding a claim for damages within the jurisdictional limits of the California Small Claims Court will be resolved in such court," reads Section F of the general provisions of the CalFarm policy. It also states that any bill more than \$5,000 is automatically sent into binding legal arbitration.

But to win, the Shaffers had to name the insurance company in a lawsuit. However, Shaffer learned from his brother, an attorney, that many companies are subsidiaries of larger umbrella companies which are part of even larger corporations.

"If you don't name the right company, your lawsuit is worthless," he said. "If I didn't put down the proper legal name, everything would be worthless. If I tried to collect on a judgment under CalFarm, it would have gone nowhere."

After spending an entire day being bounced from one state agency to the next, Shaffer learned CalFarm was purchased by Columbus, Ohio-based Nationwide Insurance in April of 1999. Nationwide Insurance is part of Nationwide Health Plans, which is owned by Nationwide Life Insurance Company.

Shaffer couldn't figure out who owned who, so he sued them all.

None of the insurance companies showed up in court.

Because each bill has to be contested, the Shaffers will have to go back to small

claims court next month in an attempt to collect another \$3,000 for a hospital visit that was denied when Zoreh had further complications last December.

"Even though it took more time than it was probably worth, I wasn't going to let them steam-roll me," said Bruce Shaffer. "This is why I pay for health insurance, so if we ever need it, it would be there."

The Shaffers would leave CalFarm for another health insurance company, but they have been denied everywhere else.

"Once you are with a health insurance plan and you have health problems, you may think you can switch out but you can't," Bruce Shaffer said. "Once you have health problems other companies won't take you, so you're stuck with the one that keeps denying your bills."

Hotel bookings will help city's budget shortfall

HOTELS, from page 1

checked in. The program, designed to boost occupancy during the off season, ended this past week.

To date, 291 room nights have

been booked with an average daily rate of \$111.

Jim Pedone, director of sales and marketing at the Fairmont Miramar Hotel, said the hotel

booked an additional 40 guestrooms during the campaign.

Ten city partners joined in the marketing budget of more than \$162,000 that included a blast of media buys in local newspapers, television, as well as vehicle magnetic signs, street and light-pole banners and bus panels. The campaign message also was seen on the Internet, as well as on 10,000 Santa Monica shopping bags distributed throughout downtown.

To drive the campaign, the

Santa Monica Visitor's Bureau contributed \$88,000 and generated \$8,000 in in-kind services.

"This is the first time we've seen such a cohesive citywide effort with tangible results," said Debbie Lee, communications manager at the bureau. She added that 56 businesses offered discounts, package deals and gift with purchase at merchant and retail outlets throughout Santa Monica.

City officials were hoping the campaign would help soften the

blow to the city budget. It's facing a shortfall estimated at between \$8-\$17 million in lost sales tax revenue projections.

"The campaign brought our residential and business communities together in an unprecedented way, to help the city through what could have been a very tough time," said City Manager Susan McCarthy. "Being a full partner in Shop Santa Monica was a top priority for the City Council and staff."



Carolyn Sackariason/Daily Press

Robert Salcido places planks Friday at the construction site of the new municipal facility behind City Hall.

Parents of 4-year-old boy who drowned sues Tommy Lee

By The Associated Press

LOS ANGELES — The parents of a 4-year-old boy who drowned in a swimming pool at the home owned by rocker Tommy Lee has sued the musician for wrongful death and negligence.

Daniel Karven-Veres, son of actress Ursula Karven and television producer James Veres, died last June after he was pulled from the swimming pool of Lee's home in Malibu. The child was attending a birthday party for the son of the former Motley Crue drummer.

The lawsuit filed Feb. 15 in Superior Court claims that there was "no adult, hired professional, lifeguard, or otherwise, was designated to

ensure the safety of the young children swimming in the pool, and to be responsible in the event life-saving procedures were necessary." Authorities ruled the drowning was an accident.

"The real issue for this family is justice," said Michael Levine, a spokesman for the victim's family. "I don't believe that any human being can understand the capacity of what a wrongful death can do to a parent. It's very chilling and disturbing."

Lee could not be reached for comment Thursday.

The boy's family seeks unspecified general and special damages, as well as attorney fees.

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STATE

Firefighters knock down blaze in Hollywood Hills

By The Associated Press

LOS ANGELES — A blaze that charred five acres of brush in the Hollywood Hills was knocked down by firefighters early Friday. There were no reports of any injuries or damage.

The blaze began shortly after 11:45 p.m. Thursday, in rugged terrain near the Wattles Garden Park, just north of Hollywood Boulevard, said city fire spokesman Brian Humphrey.

About 50 firefighters battled the blaze and were aided by four water-dropping helicopters. The fire was put out shortly after 1 a.m.

The cause of the fire is under investigation.

Term-limits effort gets money from PG&E parent company

BY STEFANIE FRITH

Associated Press Writer

SACRAMENTO — PG&E Corp., the parent company of bankrupt utility giant Pacific Gas and Electric Company, has donated \$15,000 to the campaign to extend California's term limits, state campaign finance records show.

Proposition 45 has received more than \$9 million in contributions by a myriad of special interests, including more than \$3 million from the California Democratic Party, according to reports filed with the secretary of state's office.

The PG&E contribution puts the company on the same side as California Democrats while many Democratic politicians have shunned utility company contributions.

PG&E's contribution is another sign of the influence of special interests trying to dismantle the state's term-limits law, said Lew Uhler, president of the National Tax Limitation Committee and a Proposition 45 foe.

Karin Caves, the spokeswoman for the Yes on 45 campaign, said she couldn't

comment on the PG&E donation but said it was made public. The No on 45 campaign, she said, is hiding their contributors.

The No on 45 campaign has reported more than \$100,000 in contributions, mostly from the Americans for Limited Terms, according to reports filed with the secretary of state's office.

Renee Parnell, a spokeswoman for the PG&E Corp., said that any contributions the corporation makes comes out of the shareholders fund and not out of rates paid by customers.

"We believe voters have the right to vote for the person they feel best represents them," Parnell said. "(The proposition) gives them the right to petition for a one-time extension and in turn extends the opportunity for choice."

Recent polls show the proposition failing to gain the support of a majority of California voters, who passed a term-limits initiative in 1990 to create the current law.

Proposition 45 wouldn't repeal term limits but let voters in individual legislative districts sign petitions to extend by one term the limits on their member of the state Assembly or Senate.

Artist and novelist Stephen Longstreet dies at age 94

By The Associated Press

LOS ANGELES — Screenwriter and author Stephen Longstreet, who penned more than 100 fiction and nonfiction books, has died. He was 94.

Longstreet died Wednesday of pneumonia and congestive heart failure at Century City Hospital, the Los Angeles Times reported.

An artist by training, Longstreet's best-known work was chronicling the colorful world of jazz during the 20th century. He switched to writing during the Depression-era to make a living.

He wrote detective novels in the mid-1930s under a variety of pen names before writing fiction under his own name, including "The Pedlocks" and "The Flesh Peddlers."

Longstreet was hired by Warner Bros.

in the 1940s and wrote "The Jolson Story" and "Stallion Road," starring Ronald Reagan.

Longstreet kept busy, also writing radio scripts, serving as a film critic for the Saturday Review and getting his book reviews syndicated.

He later wrote "The Helen Morgan Story," and as a television writer in the '50s and '60s he wrote for "Playhouse 90."

Many of his books embraced jazz, including his 100th novel, "Jazz From A to Z: A Graphic Dictionary," published in 1989.

Born in New York, he grew up in New Brunswick, N.J., where he was introduced to jazz by future legend Paul Robeson.

He traveled to Paris in the late 1920s where he met such artists as Picasso and Matisse. He also met and drew James Joyce and Gertrude Stein.



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Record industry must prove copyright ownership in suit

BY RON HARRIS

Associated Press Writer

SAN FRANCISCO — The record industry, still mired in a legal dispute with Napster, will have to produce scores of documents to prove copyright ownership of popular musical works it's seeking to protect, a federal judge ruled in an order made public Friday.

U.S. District Judge Marilyn Hall Patel appointed an expert to review documents the record labels must turn over to show they own the rights to more than 200 "works for hire" — music commissioned by labels and performed by artists under contract.

The labels are seeking damages from

Napster for allowing those songs to be trafficked over its once popular file-sharing network.

The judge also opened the door to legal discovery on Napster's claims that the labels misused their copyrights to dominate the growing online music distribution industry.

Napster hailed Patel's order as a significant victory for a company that been offline since July but once boasted some 40 million users at its peak.

"We are pleased that the court granted Napster's request to examine two critical issues: the record companies' ownership of artists' copyrights and anticompetitive behavior that amounts to misuse of their

copyrights," Napster general counsel Jonathan Schwartz said in a statement.

Cary Sherman, general counsel for the Recording Industry Association of America, rebutted Napster's contention that labels misused their copyright.

"Napster's allegations of misuse are without merit, as the discovery ordered by the Court will confirm. We look forward to providing the court with evidence to refute Napster's claims," Sherman said in a statement.

The recording industry has filed for summary judgment, seeking to bypass a trial and advance directly to a damages phase where Napster faces penalties up to \$150,000 per infringement. Hundreds of

thousands of MP3 music files were traded daily when Napster was running.

Napster argued that the court must first determine if the music industry actually owns the rights to the works allegedly infringed.

Napster admits the record labels that sued the Redwood City-based company in 1999 control 85 percent of all music sales. Patel agreed the labels have likely secured ownership of the songs at issue.

"However, the court is equally reticent to allow plaintiffs, merely because of the quantity of music they control, to railroad Napster into potentially billions of dollars in statutory damages without adequately proving ownership," Patel said.

California unemployment rate creeps up in January

BY SIMON AVERY

AP Business Writer

LOS ANGELES — Even as California's economy produced 30,200 additional jobs, the state unemployment rate crept to 6.2 percent in January, up from a revised 6.1 percent in December, state officials said Friday.

"The job generation was impressive, given we're still feeling the effects of September 11th," said Michael Bernick, director of the Economic Development Department.

But the growth, driven by the trade and services sectors, wasn't enough to offset the number of people looking for work in January.

With the number of unemployed Californians hitting 1,083,000 in January — 276,000 more than a year earlier — many job seekers said they are finding it hard to remain upbeat.

"Sometimes I'm hopeful. Sometimes I feel cynical. I try not to get discouraged," said Charles Gallin, who is trying to find work in San Francisco in an accounts payable department.

The 34-year-old has been sending out resumes since he was laid off by CMP Media, a publishing and advertising firm, in November and has registered on four Internet job sites. So far, he has only had

three responses telling him his application is being considered.

Gallin is relying on unemployment insurance and some temporary jobs to pay his bills. But he hasn't had a call in three weeks from any of the six temp agencies with which he's registered.

"This is the slowest it's been for me," he said.

The San Francisco Bay area job market remained particularly weak in January, suffering from the technology bust and ongoing weakness in the hospitality industry. In San Francisco County the unemployment rate hit 7 percent, compared with 3.8 percent in Orange County.

Some San Francisco Bay area residents are considering a move south to find work.

Jacqueline Breedlove, who lost her job at an AIDS recovery center on Jan. 11, said she sees about twice as many job listings in Los Angeles and is considering leaving Oakland.

She's sent out several hundred resumes, but despite a master's degree and 20 years experience as a social worker, the mother of two has only managed to schedule one interview.

Breedlove said her savings are gone, and she has had to borrow from her mother and friends.

"It looks pretty bleak to me at this

point. I'm getting very emotional and sometimes want to cry but must contain myself," she said.

Economists warn that the employment picture is normally slow to improve coming out of a recession because companies wait for business to improve before adding new jobs.

Some organizations that help people

find work said their caseloads have been rising steadily, even as the economy sends out signals of recovery.

"Things have gotten worse," said Katherine Field, a coordinator at the EastBay Works Oakland Career Center. "Our career counselors are hearing that people can't even get temp jobs at \$8 to \$10 an hour."

Nike Inc. buys surf wear co.

By The Associated Press

LOS ANGELES — Nike Inc. has purchased surfwear manufacturer Hurley International for an undisclosed amount of money, it was reported Friday.

The terms of the sale were not revealed, the Los Angeles Times reported. Bob Hurley, who jumped into the industry by opening a surfboard shop in Costa Mesa 20 years ago, said he decided to sell his company to help him build the brand and expand internationally.

"We thought it best to partner up with a global brand to get the Hurley message out there," he said.

Hurley, 46, said he will remain as president of his business, which employs about 150 people and generated about

\$70 million in revenue last year. He turned his company into one of the largest names in the casual youth apparel industry as snowboarding, surfing and skating gained in popularity among kids. Hurley founded the company in 1998 after splitting off from Billabong USA.

The acquisition will allow Nike to diversify into other arenas, said Tom Clarke, president of the athletic shoe company's new business ventures. The company has had difficulty breaking into the surf and skate brands because many retailers are loyal to smaller manufacturers.

Hurley said he isn't worried about what people think about the acquisition.

"We think teen-age kids are super smart," he said. "They're going to decide if we're a relevant brand or not."

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Notice is hereby given that the City of Santa Monica has developed the Amendment to the HUD Consolidated Plan. The One-Year Action Plan, which is a component of the Consolidated Plan, is submitted annually to the U.S. Department of Housing and Urban Development (HUD). It delineates the City's specific projects and activities for one-year use of Community Development Block Grant (CDBG) and HOME funds in order to meet the City's overall housing and community development needs as specified in the Consolidated Plan (FY 2000-05) adopted by City Council and submitted to HUD in June 2000. The City is seeking community comments on the Amendment.

Copies of the Amendment to the HUD Consolidated Plan are now available to the public for a 30-day community review period ending March 26, 2002. To obtain a copy of the Amendment, please contact the Human Services Division, 1685 Main Street, Room 212, Santa Monica, CA 90401, telephone (310) 458-8701, TDD (310) 458-8696. Please send your written comments to the above address by March 21, 2002.



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NATIONAL

Check-out fight at '10 items or less' line

By The Associated Press

LOWELL, Mass. — A shopper accused of beating another customer for bringing too many items into an express checkout line surrendered Friday, but her lawyer said she was only defending herself.

The lawyer said the other customer swore at Karen Morgan, then spit in her face and lunged at her outside the Market Basket grocery store. Police say Morgan, 38, was the aggressor.

The Feb. 10 dispute began when the 51-year-old woman, who was not identified by police, brought 13 items into a 12-items-or-fewer checkout lane.

The woman said Morgan got in line behind her, complained she didn't know how to count, then swore at her. She said

that as she walked home with the groceries, Morgan drove up and the two exchanged words.

"Then she got out of the car and commenced a whooping on me," the woman told The Sun of Lowell.

Police say Morgan pulled the victim's hair and hit her hard enough to knock her to the ground, then kicked her in the head. The woman took down the car's license-plate number, and it was traced to Morgan's address.

Morgan's attorney, David LiBassi, said Morgan never kicked the woman or initiated any assault.

Morgan was charged with assault and battery with a dangerous weapon — her shod foot. She faces up to 10 years in prison.

Death row inmate's last wish is for artificial leg

BY MICHAEL GRACZYK

Associated Press Writer

LIVINGSTON, TX. — Convicted killer Rodolfo Hernandez wants two legs by the time he makes that final, 50-foot journey to the death chamber next month. But he says the prison system is stalling on his request for an artificial limb.

Hernandez, whose left leg was amputated 4 inches below the knee last July because of complications from diabetes, says the state does not want to spend the money because he is set to be executed.

Prison officials, though, say a persistent, antibiotic-resistant staph infection is preventing Hernandez from being fitted with a prosthesis. They say the cost is not an issue, and neither is his impending execution.

"Just because he has an execution date doesn't mean we would deny him medical treatment," says Michelle Lyons, spokeswoman for the Texas Department of Criminal Justice. "It all depends on when his infection clears."

Hernandez, 52, is set for lethal injection March 21 for his part in robbing and shooting five illegal Mexican immigrants

who had crossed into Texas in a boxcar in 1985. One of the five was killed. Hernandez contends he is innocent.

Of the 454 men and women on death row in Texas, Hernandez is the only amputee.

Hernandez will not exactly say whether he wants to walk the final 50 feet from a holding cell to his death. But he says: "I came in here with two legs. I'd like to go out of here with two."

The prison system provides artificial limbs to inmates who need one to safely perform "major functional activities," and walking qualifies as such an activity, Lyons says. Prison policy also says preparations for a prosthesis will go forward even if the inmate "will not be in the system for a sufficient period of time" to receive the device.

Of the state prison system's 143,500 inmates, 137 are receiving treatment through a prosthetic clinic. An artificial limb after an above-the-knee amputation averages \$15,000; for a below-the-knee amputation, like Hernandez's, the cost is less, but officials were unable to say how much.

Divorcing couple ordered to be cuffed and jailed together

By The Associated Press

MUSKEGON, Mich. — A judge ordered an estranged couple handcuffed together and jailed during a divorce hearing.

When Sabrena and Kirk Smith's stories contradicted each other during a hearing Jan. 25, Muskegon County Judge Gregory Pittman ordered them cuffed together and shackled to a holding cell bench "until somebody decides that they're going to not lie to the court."

After the couple's lawyers conferred with the judge, Sabrena Smith dropped a complaint that her husband had violated a protection order. They were released about a half-hour later.

Sabrena Smith later said the complaint was true and she withdrew it to stay out of jail.

"I didn't see any other way to get her out of there," said Jenny McNeill, her attorney.

Pittman said he wanted the truth and was certain neither spouse posed a threat to the other or he would not have made the order.

"In hindsight I probably wouldn't do it again, but in no way would I ever put a person who has been assaulted in that situation," Pittman said.

Sabrena Smith said she and her husband exchanged words while cuffed together but she did not feel endangered, "just angry." She said she planned to file a grievance against Pittman and get a new judge.

Kirk Smith's lawyer, Harold Closz III, said the judge's handcuffing order was "unusual" but not necessarily inappropriate.

INTERNATIONAL



Suspect of bin Laden's European arm convicted

BY NICOLE WINFIELD

Associated Press Writer

MILAN, Italy — An Italian court convicted the suspected head of Osama bin Laden's European arm, handing down the first guilty verdict in Europe tied to the al-Qaida network since the Sept. 11 attacks.

But the judge on Friday gave him a reduced, five-year sentence on charges not directly related to terrorism, under a relatively lenient Italian law in place before Sept. 11.

Essid Sami Ben Khemais, a Tunisian known as "the Saber," was convicted on charges he intended to obtain and transport arms, explosives and chemicals. He was acquitted of actually possessing the weapons.

Three other Tunisians who were tried with him — Belgacem Mohamed Ben Aouadi, Bouchoucha Mokhtar and Charaabi Tarek — were convicted on similar charges and also acquitted of the aggravated weapons charge. They were sentenced to prison terms as long as five years in prison.

Judge Giovanna Verga sentenced the four after presiding over a two-day trial earlier this month.

The four were arrested between April and October last year as part of a joint Italian-German investigation into the al-Qaida network in Europe. In Italy alone, about two dozen people, many based in Milan, have been arrested.

The four were not accused of direct involvement in the Sept. 11 attacks on the United States. Investigators, however, say they fabricated false documents that allowed al-Qaida recruits to travel in Europe and elsewhere.

They were charged with supplying false documents, breaking immigration laws and criminal association with the intent to obtain and transport arms, explosives and chemicals.

No weapons or chemicals were found, but authorities say wiretaps of phone conversations indicated they may have been trying to get hold of cyanide, the deadly poison.

Since Sept. 11, "it's the first verdict in Europe that recognized the existence on European territory of a cell that had strong links with a base in Afghanistan," said Prosecutor Stefano Dambruoso.

Gianluca Maris, a lawyer for the Tunisians, said he was satisfied they received a fair trial "despite this difficult climate" following the Sept. 11 attacks. The defense planned to appeal.

Maris said the fact that his clients were acquitted of having actually possessed weapons and chemicals showed that "it was not a conviction for terrorism."

Ben Khemais and the three other Tunisians requested and received a fast-track trial. The procedure allows for a limited amount of evidence to be introduced in a closed-door hearing and a reduced

sentence if the defendant is convicted.

Before the attacks, Italian law didn't address terrorist charges for people operating in Italy but being part of a terrorist organization outside of Italy. Prosecutors say the Milan group is essentially that.

As a result, the defendants couldn't be charged with terrorism, and instead were accused of being part of a criminal organization and other lesser charges that carried a maximum nine-year sentence. Under the reduced-sentence guidelines, that maximum was reduced to six.

After Sept. 11, parliament changed the law to allow for people in Italy to be accused of being international terrorists.

The judge didn't say why she sentenced Ben Khemais to five years when Dambruoso had asked for six; her written explanations will be released later.

Police believe Ben Khemais was sent

from Afghanistan to supervise bin Laden's terrorist operations in Europe.

When the case opened earlier this month, a lawyer quoted Ben Khemais as telling the closed court: "I am a practicing Muslim, not a terrorist."

Ben Khemais is also suspected of having supervised a planned attack on the U.S. Embassy in Rome last January, Italian investigators have said, although he is not charged specifically in that case. Spanish authorities, meanwhile, are trying to determine whether Ben Khemais met with Sept. 11 ringleader Mohamed Atta in Spain last year.

Friday's case was the first related to al-Qaida to conclude in Europe since the Sept. 11 attacks. Another trial of four Tunisians opened Monday in Milan, but that case is expected to last several months.

Muslim pilgrims stone the devil in hajj ritual

BY HAMZA HENDAWI

Associated Press Writer

MINA, Saudi Arabia

— Their faith reinforced by a day of prayers and meditation, Muslim pilgrims began the ritual of stoning the devil, rejecting his temptations Friday with cries of "Allahu Akbar," or "God is Great."

In perhaps the most animated part of the annual Muslim pilgrimage, the pilgrims marched — some with the resolve of soldiers going into battle — to a 50-foot pillar of stones with tiny bags of pebbles in their hands.

Once there, the estimated 2 million pilgrims one at a time took seven of the pebbles they had collected hours earlier and pelted the stone structure, which they approached in waves of thousands.

The ritual of stoning of the devil, which symbolizes the rejection of Satan's temptations, will be repeated over the next two days, with two other similar structures also pelted with the same number of pebbles.

On a second consecutive day of temperatures above 95 degrees, Friday's ritual was held under tight security with hundreds of policemen and many more

believed to be operating undercover patrolling the proceedings on foot and police helicopters hovering above.

Scores of rescue and medical teams were deployed at the site. Medical workers stationed near the pillar occasionally emerged carrying stretchers with pilgrims who had fainted from the heat or fatigue.

Some pilgrims, in defiance of religious edicts and warnings by Saudi authorities, got so carried away with Friday's ritual that they shouted obscenities at the pillar, blaming the devil's influence for their personal woes.

A few angry ones vented their frustration in a different way, hurling flip-flops or shoes at the pillar, an act that's supposedly meant to reflect the contempt in which they hold the devil.

"I had nothing to say to the devil except 'Allahu Akbar,'" said Ismail al-Sayed, 35. "He's never bothered me," said the Egyptian construction worker as he shaved the head of his 2-month-old son, Mohammed.

Pilgrims, both male and female, are required to cut off a lock of their hair after the stoning of the devil ritual, but many males prefer to

shave their heads.

By early evening, the entire area — including a 245-step staircase leading down to the stone structures and lined by beggars and hawkers — was littered with hair, empty water bottles and cans and rotting food.



Pat Roque/Associated Press

A truckload of U.S. Special Forces personnel prepare to move to an advance command post of the Philippine Marines in the mountain area of Maluso town on Friday in Basilan island in southern Philippines to train their Filipino counterparts on counter terrorism.

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NATIONAL STATE

Judge defers decision on bail for crematory operator

BY PATRICIA M. LAHAY

Associated Press Writer

NOBLE, Ga. — A judge declined to set bail Friday for the operator of a north Georgia crematory where nearly 300 decaying bodies have been discovered.

Magistrate Judge Jerry Day said he would decide in the next few days whether Ray Brent Marsh should be eligible for bail.

Prosecutors argued Marsh should not be released because of the outrage in the community. Walker County Sheriff Steve Wilson said death threats had been called in against Marsh.

Marsh's attorney, Ken Poston, said his client was not a flight risk and had lived in the community all his life. He said concern for Marsh's safety was no reason to deny him freedom.

Poston said Marsh had no intention of leaving town, or going back to his family's crematory, if he is released on bail.

"He's not going anywhere near his home," Poston said.

Marsh, wearing a bulletproof vest, sat quietly during the hearing, occasionally consulting with his attorney. His sister and wife attended but did not speak to

reporters. Neither Marsh nor his family members have made any public comment.

Marsh, 28, is charged with 16 counts of theft by deception for allegedly taking payment for cremations he never performed. Wilson told the judge 289 bodies have been found on the Tri-State grounds. At least 54 have been identified.

The sheriff also declined to speak with reporters following the hearing, citing a gag order imposed Thursday by a judge. The Atlanta Journal-Constitution, WSB-TV and WSB Radio in Atlanta filed a motion Friday challenging the gag order.

Marsh had officers all around him, and a crowd gathered at the courthouse for Friday's hearing.

Leatha Shropshire, whose mother's body was recovered at the crematory, wore a T-shirt with her mother's face on it and the inscription "Victim of Marsh's Crematory."

As Marsh was led away, she yelled: "Brent, look at what you've done! Look at what you've done!"

The operation to recover human remains from pits, sheds, metal vaults and even a shallow lake near the crematory continued Friday and could take at least eight months, officials said.



Ric Feld/Associated Press

An investigator passes out face masks as workers prepare for another day of the grim work of searching for more bodies dumped or buried on the property at the Tri-State Crematory outside of Noble, Ga., on Friday. The owner of the crematory, Ray Brent Marsh, is scheduled for a court appearance Friday in nearby Lafayette, Ga.

Magnitude 5.4 earthquake shakes California border

By The Associated Press

CALEXICO, Calif. — An earthquake centered in the desert south of the Mexican border shook the San Diego area Friday, knocking items off store shelves but apparently causing no injuries or serious damage.

The quake, with a magnitude estimated at 5.4, struck at 11:32 a.m. and was considered moderate, said Nick Sheckel, a seismic analyst at the California Institute of Technology in Pasadena.

It was centered 28 miles south of the border city of Calexico, in Mexico's Baja California, and was followed throughout the day by numerous aftershocks, including 13 between magnitudes 3.0 and 3.9.

"It shook pretty bad at first. It made a lot of noise," said Jessie Nunez, an office assistant with the Calexico Fire Department.

At the town's Super Shopping Apple Market, about 60 customers stood motionless during the quake, said Joe Moreno, a manager.

Paper towels, cereal boxes and pancake syrup bottles were knocked to the floor, and signs and mirrors hanging from the ceiling swayed back and forth, Moreno said.

"It was like boom. Then it started shaking, shaking, shaking," said Frank Flores, another manager. "It was rocking side to side. Some people got dizzy."

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SPORTS



Judge-bashing ensues as U.S. hockey team chases medals

BY LARRY MCSHANE
Associated Press Writer

SALT LAKE CITY — This time, the Russians knew just who to blame for an Olympic failure: The U.S. hockey team.

The Americans, 22 years to the day after the infamous "Miracle on Ice" victory in Lake Placid, nipped the Russians 3-2 to reach the gold medal game for the first time since 1980. Among those cheering the U.S. team on: 1980 captain Mike Eruzione.



"As a hockey player, you couldn't pray to be in a better position than this."

— MIKE RICHTER
U.S. hockey team goalie

The nail-biting U.S. victory followed threats by the Russians to sit out the game over alleged bias against its athletes in a variety of Olympic events: figure skating, freestyle aericals and hockey. The Russians backed off those threats Friday.

But this game wasn't decided by Olympic officials; the Americans took matters into their own hands. A first period goal by Bill Guerin gave the United States a 1-0 lead they never surrendered, although the Russians closed to 3-2 with a pair of goals in the first 2:21 of the third period.

Phil Housley scored what turned out to be the winning goal.

"As a hockey player, you couldn't pray to be in a better position than this," winning goalie Mike Richter said after the victory.

The Americans will play Sunday against Canada in an all-North America gold medal game. The winner will still have two less golds than Croatian skier Janica Kostelic, who captured her third Salt Lake City gold with a dominating performance in the women's giant slalom.

Canada had a much easier time than the Americans in its semifinal.

Playing one day after its women took the gold medal in a victory over the United States, Canada blasted outmanned Belarus 7-1.

Belarus, with just one NHL player, was helpless against the Canadian offensive onslaught, which included goals from NHL stars Steve Yzerman, Eric Lindros and Paul Kariya, among others. The Canadian men — this year's team was assembled by retired superstar Wayne Gretzky — have not won the gold in their national sport since 1952.

Canada reached the Olympic final without beating any of the other top five teams: the United States, Sweden, the Czech Republic or Russia. Their only other victories were over Finland and Germany.

Russia and Belarus will play for the bronze.

Heading into the last two days of the games, Germany continued to lead all

countries with 33 medals (10 gold, 16 silver, seven bronze) — the highest single Winter Games total ever.

The Americans were second with the U.S.-best 30 medals (10-11-9), followed by Norway with 22 (11-7-4).

• WOMEN'S GIANT SLALOM:

Kostelic made history with her fourth medal — and third gold — in Salt Lake City. She now stands with immortals Jean-Claude Killy and Toni Sailer as the only Alpine skiers with three golds in a single Olympics.

"It's great, but you know, someone is going to break that record soon," said Kostelic, oblivious to the fact that Killy last accomplished the triple in 1968 — 14 years before she was born.

Kostelic, 20, was a long shot for any medals after coming off three operations on her left knee. But she dominated the competition in the giant slalom, winning by more than a second in a race often decided by hundredths of a second.

She had already won gold in the slalom and the combined, and a silver in the super giant slalom.

Sweden's Anja Paerson won the giant slalom silver, adding to the bronze she won in Wednesday's slalom. World champion Sonja Nef of Switzerland was third.

• JUDGING CONTROVERSY:

One day after threatening to leave Salt Lake City entirely, Russian officials stayed around long enough to protest the decision that gave figure skater Irina Slutskaya a silver Thursday night.

The International Skating Union took less than a day to reject the protest, which asked that Slutskaya share the gold medal with American gold medalist Sarah Hughes.

"We think the judging was biased," said Viktor Mamotov, the head of the Russian delegation. "Canadian pairs skaters were awarded their gold medals. Now that subjective judging harmed us, we want the same for Slutskaya."

The Russians threatened to leave the Olympics because of perceived bias from officials and judges in skating, cross-country skiing and hockey. That rhetoric toned down on Friday, and their presence through Sunday seemed assured.

South Korean officials, who had threatened to boycott Sunday's closing ceremony over a disqualification in short-track speedskating, also backed off their threat. Their protest will be heard by the Court for Arbitration in Sport, an independent panel.

In that case, American Apolo Anton Ohno took a gold after South Korea's Kim Dong-sung — who finished first — was disqualified for blocking.

• BOBSLED:

The last time the American men won a bobsledding medal, Dwight Eisenhower was in the White House. Todd Hays, captain of the U.S. four-man team, is halfway home in his efforts to snap the streak.

Hays and company were the leaders Friday after the first two heats in event.

The Americans have won gold in the last three events — women's bobsled and men's and women's skeleton — on the Utah Olympic Park course.



Laurent Rebours/Associated Press

Netherlands' Jochem Uytdehaage holds a Dutch national flag during a victory lap at the Salt Lake City Winter Olympics men's 10,000-meter speedskating competition in Salt Lake City on Friday. Uytdehaage won the gold medal by breaking a world record with a time of 12:58.92.

Hays leads both Switzerland-1 and Germany-2 by .09 seconds entering Saturday's final two heats.

• **SPEEDSKATING:** Another day, another record at the Utah Olympic Oval.

Jochem Uytdehaage of the Netherlands won the gold medal with a world record in the 10,000 meters, the seventh world record in nine events on the world's fastest ice. It was his second gold medal of the games.

The Dutchman became the first man ever to break the 13-minute barrier, skating 12 minutes, 58.92 in the grueling 25-lap race.

Uytdehaage upset countryman Gianni Romme, who took the silver. Norway's Lasse Saetre won the bronze.

U.S. skater Derek Parra, a double medalist at the games, finished 13th out of the 16 skaters.

• **NORDIC COMBINED:** What's better than two gold medals? Three gold medals — just ask Finland's Samppa Lajunen.

Lajunen completed a sweep of the three

Nordic combined events by finishing first in the sprint.

Lajunen led after Thursday's ski-jumping competition, and stayed in front for yet another Salt Lake City win. Germany's Ronny Ackermann finished second after the 7.5-kilometer cross-country race, with Felix Gottwald of Austria taking the bronze.

American Todd Lodwick started 12th but finished fifth, the best showing ever by an American in the sport. Lodwick's seventh in this year's Olympic individual competition was the previous best.

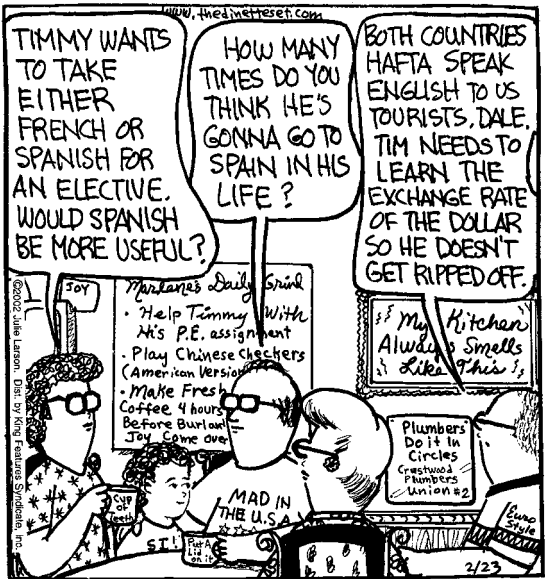
• **CURLING:** The gold medal in men's curling went to Norway with its 6-5 victory over favored Canada. With King Harald of Norway watching from the stands, Paal Trulsen's team pulled off the upset in front of a heavily pro-Canadian crowd.

Switzerland beat Sweden 7-3 for the men's curling bronze, with Swedish captain Peja Lindholm conceding after a ninth end medal-clinching toss by Swiss captain Andreas Schwaller.



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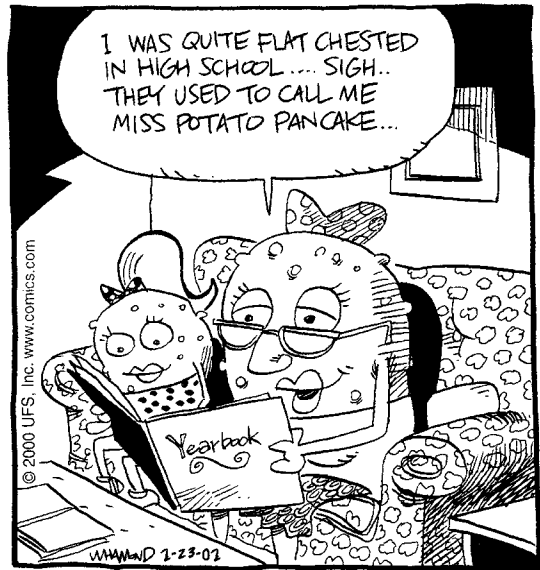
In the shallow end of the gene pool



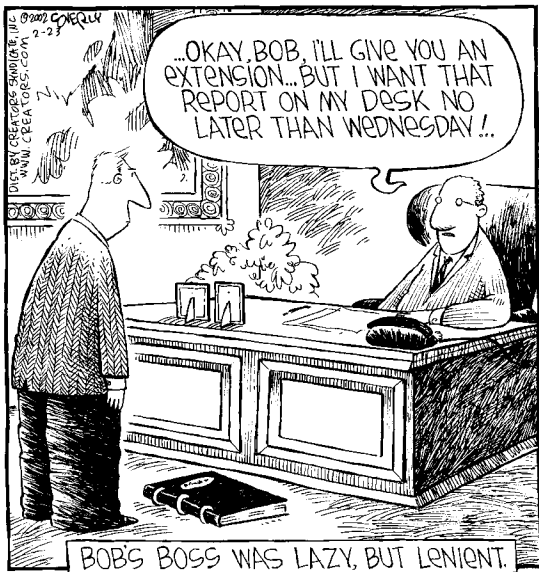
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NEWS OF THE WEIRD

by Chuck Shepard

Art in the name of anti-terrorism

• In an earnest anti-terrorism exhibition in Kayseri, Turkey, in October, the top prizes were won by (1) two bakers who made a 5-foot-high cake topped by two skyscrapers, one with a hole near the top and the other with an icing-made plane embedded in it and (2) a men's hairstylist who created a swept-up look that formed hair into twin towers.

• The French artist Cho was profiled in a December BBC News report for his street-beautification project of sticking little flags into some of the many piles of dog droppings on Paris sidewalks (an estimated 5,800 tons per year) and then painting artistic borders around them.



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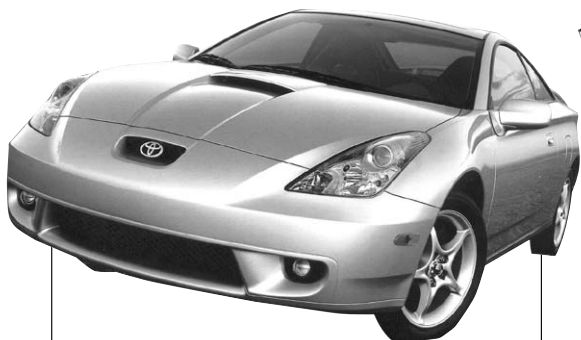
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