

FREE

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Santa Monica Daily Press

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Riding through the soup



Ocean fog clouded the shores of Santa Monica throughout most of Monday. Carolyn Sackariason/Daily Press

City, college win lawsuit levied by neighborhood group

Judge rules that traffic analysis is accurate

BY ANDREW H. FIXMER
Daily Press Staff Writer

The city acted correctly in approving a new Santa Monica College parking structure, a judge ruled recently.

The decision ends an 18-month old lawsuit brought by the Pico Neighborhood Association that asked the court to prevent the college from using the new 438-space parking structure until a new traffic impact study could be done.

Pico neighborhood activists charged in their lawsuit that city and college officials supplied "fraudulent" and "misleading" information to the city council about the extent to which the new parking structure would increase traffic at the intersection of 17th Street and Pico Boulevard. The council approved the project in 2000.

However, Santa Monica Superior

Court Judge Terry B. Friedman wrote in a Feb. 21 decision that the PNA's claims were unfounded and without merit.

"There is no support whatsoever ... for these rather extreme, rhetorical charges," Friedman said. "On the contrary, the court finds that, taken as a whole, the city's approval ... was procedurally sound and lawful."

Friedman said the suit was more about Pico residents protecting their neighborhood from the increased traffic the new parking structure is likely to generate.

"The court well understands concerns about possible negative effects of this project on the Pico neighborhood expressed by resident members of the PNA," he said, adding that he "carefully considered" those concerns.

PNA representatives were not available for comment.

The PNA's attorney, Lee Grant, argued in court documents that the city said an increase of only 750 vehicles would result from the deck,

See LAWSUIT, page 3

Despite resident concerns, development approval likely

BY ANDREW H. FIXMER
Daily Press Staff Writer

A massive Main Street development likely will be approved tonight, despite several expected pleas to the contrary from local residents who believe the planning process for the project was flawed.

"How can the city council rule on a project that had been originally denied by the planning commission, but drastically changed along the way" asked Stephanie Barbenall, a resident expected to speak out against the development. "This is a completely different project than what was originally before the planning commission."

The Santa Monica Planning Commission denied the project Dec. 5. It said the development, which is about 170,000 square feet, would overwhelm the neighborhood and aesthetically ruin Main Street. They said the size of the building would be out of character with the residential neighborhood.

After the denial, developer Howard Jacobs made changes to his 133-unit housing and retail development proposed for the former Pioneer Boulangerie Bakery site and spent the interim weeks explaining them to council members in private meetings.

The buildings' shape was reconfigured and

the placement of some elements moved, he said. The modifications, some of which had not been seen by city officials, were based on concerns raised by the planning commission.

"This is a completely different project than what was originally before the planning commission."

— STEPHANIE BARBENALL
Resident

After Jacobs formally presented the changes Feb. 12, the Santa Monica City Council conditionally approved the development.

At that time, city staff suggested that because the project is inconsistent with the city's goal of keeping commercial development compatible with residential neighborhoods, council should not approve the project.

However, the staff apparently have changed their tune. A recommendation this week states that the council should move forward with

See DEVELOPMENT, page 3

Sales of existing homes increase by 16 percent

BY SIMON AVERY
AP Business Writer

LOS ANGELES — The number of previously owned homes sold in California soared 16.2 percent in January, lifting prices in the process by a robust 17.1 percent year over year.

Tight supply and pent-up demand drove the median price of an existing, single-family detached home up to \$285,860 during January 2002, from \$244,110 a year earlier, the California Association of Realtors reported Monday.

"We are seeing a surge well beyond everyone's expectations," CAR president Robert Bailey said.

"This is like a spring or summer market."

Fred Furlong, an economist with the Federal Reserve Bank of San Francisco, said the primary driver of the housing market continues to be low interest rates.

Thirty-year fixed mortgage interest rates averaged 7 percent last month, down slightly from 7.03 percent in January 2001, according to the Federal Home Loan Mortgage Corp.

Adjustable mortgage interest rates decreased to a greater degree, averaging 5.16 percent in January compared with 6.70 percent a year earlier.

See HOMES, page 3

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ARIES (March 21-April 19)
★★★★★ Mobilize your high energy and overcome a snafu. Your creative and dynamic approach helps someone get past a negative attitude. Just don't you catch it! Stay optimistic when dealing with family- and work-related matters. You've got what it takes. Tonight: Get physical.

TAURUS (April 20-May 20)
★★★★ Your instincts guide you through a problem. Trust yourself more. Negativity or uptightness around money won't help you make money! Relax and focus. Use your strong interpersonal style, and you make waves. Tonight: Let fun happen.

GEMINI (May 21-June 20)
★★★★ Speak your mind but don't allow a difference of opinion to develop into an argument, especially around finances. You might not feel up to snuff as of late. Pull back and assess your situation. Schedule a checkup if you are dragging. Tonight: Happy to be home.

CANCER (June 21-July 22)
★★★★ Deal with finances and a partner, protecting your own interests. No one else will! Don't allow negativity to permeate your thinking. You could, as a result, misjudge a situation or person. Put your best foot forward. Tonight: Join a friend for dinner.

LEO (July 23-Aug. 22)
★★★★ Think about what you need to do in order to resolve a problem involving a key person in your life. Understanding, as well as patience, might be paramount. Let this person express his or her real concerns and feelings. You don't need to take someone's comments personally. Tonight: Treat yourself.

VIRGO (Aug. 23-Sept. 22)
★★★★ Sit back at first if someone challenges you. Later, this same person makes an important gesture, creating peace. Remember, you don't need to carry the weight of a problem on your shoulders. Network later in the day. You accomplish a lot. Tonight: Keep on smiling.

LIBRA (Sept. 23-Oct. 22)
★★★★ Aim for what you want this morning. Someone could be unusually touchy, especially as you focus on your needs and not what he or she wants. Take an over-all perspective. You might want to say little and listen more this afternoon. Tonight: Just for you!

SCORPIO (Oct. 23-Nov. 21)
★★★★ Take charge when others wither away and decide that they cannot handle a problem. Your abilities could dim someone's need for you, in that he or she could be jealous. Stay on target, knowing what you want and where you're heading. Tonight: Where the crowds are.

SAGITTARIUS (Nov. 22-Dec. 21)
★★★★ Once more, a knee-jerk reaction draws the type of results you desire. Still, someone who might be in a deep funk could test your patience. Schedule special time for this person, because he or she isn't going away. Tonight: Be willing to put in extra hours.

CAPRICORN (Dec. 22-Jan. 19)
★★★★ Deal with someone now before you need to take an unusually hard or tough stand. If you have had enough, let someone know. Fast action could prevent a problem on the home front. Make calls later in the day when you've chilled out. Tonight: Rent a movie.

AQUARIUS (Jan. 20-Feb. 18)
★★★★ What starts as a fracas ends well. You say the right words at the right moment. Thank goodness! Be careful with risk-taking and your finances. A child could push very hard to have something his or her way. Talk to your partner before making any decisions. Tonight: A cozy night.

PISCES (Feb. 19-March 20)
★★★★ You could be upset by a personal matter early on. You might not be able to handle this issue right now. Step back and concentrate on your job or another matter where you feel empowered. Later, you hear more from someone. Tonight: Go along with someone's request.



WEATHER

Today ...	Mostly Sunny	High—79°F	Low—51°F
Tomorrow ...	Partly Cloudy	High—76°F	Low—49°F
Thursday ...	Mostly Sunny	High—73°F	Low—49°F



QUOTE of the DAY

“Anyone seen on a bus after the age of thirty has been a failure in life.”

— Loelia, Duchess of Westminster

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LOCAL



Council to vote on modified development plans

DEVELOPMENT, from page 1

granting the final approval.

City planning officials said it is not unusual to take modified plans through the process of appealing a planning commission decision.

"I would say there is no textbook standard for approving projects in Santa Monica," said Suzanne Frick, director of the city's planning department. "The project was modified between the time the planning commission denied it and the council approved it. But I don't think that was unusual."

Kelly Olsen, chairman of the planning commission, said that though the council has the right to rule on the project, he feels there should be more time taken to fully

understand the changes Jacobs is proposing.

"They need to send it back to the planning staff, give the applicant the opportunity to formally update the changes, allow staff to find out if the changed plan is within code, and then hold another public hearing," he said.

Kathleen Masser, an area resident, said that none of the concerns originally raised by city staff have changed.

"I believe the only change is the likelihood that the developer will now drop his lawsuit against the city," she said.

Jacobs lawsuit argues that the city has dragged its feet in completing the environmental impact review on the project, a delay that has cost him millions of dollars because it is delaying him his right to get a return on his investment. Jacobs pays \$82,000 a month in mortgage

payments and maintenance.

Laurel Renau, another resident and a former traffic engineer, said she believes a traffic study commissioned by Jacobs for the project was flawed.

"I was really surprised the council approved (the project) over the objections of the planning commission," Renau said.

The council will formally vote tonight on the project, which includes three- and four-story buildings on the west and east side of Main Street just south of Pico Boulevard.



CrimeWatch

Internet tryst leads to assault

By Daily Press staff

A Los Angeles man was arrested for sexual assault after an Internet relationship turned sour, Santa Monica police said Monday.

Jonathon Jose Rizo, 21, was arrested Feb. 20, three days after his victim first went to police, said Lt. Frank Fabrega.

Rizo and the victim, who was not identified, first met and interacted over the Internet, Fabrega said. Later, during a telephone conversation Rizo threatened to disseminate personal information about the victim over the Internet.

When the victim met Rizo at an undisclosed location, he pressured her into having sex with him in exchange for not disclosing the personal information, Fabrega said.

Rizo was being held at the Santa Monica Jail on \$50,000 bail.

In other police news:

■ A man wearing only a T-shirt exposed himself to two females Saturday evening and began to mastur-

bate, police said.

The victims told police they were walking along the 200 block of Adelaide Drive from Ocean Avenue when they saw the suspect hiding in nearby bushes.

As the victims passed the man, he emerged from the bushes wearing only a "clean, white T-shirt" masturbated in front of them, then fled on foot along Adelaide.

The suspect was described as an African-American in his late 20s, 5 feet 11 inches tall, thin, with a dark complexion.

■ An Inglewood man was arrested for discharging a firearm Sunday morning after police found him standing in front of a Santa Monica apartment holding a gun.

Willie Dee Jamison, 45, apparently fired several shots inside an apartment on the 1900 block of 20th Street, then ran outside into an alley, police said. The motive for the shooting was unclear.

Jamison was treated at a local hospital after he sustained a minor injury to his finger, then booked into the Santa Monica Jail for discharging a firearm in a grossly negligent manner. Bail was set at \$25,000.



File photo

The parking structure on 17th Street and Pico Blvd., may be finished by next month.

Judge disagrees with PNA claims

LAWSUIT, from page 1

even though a more recent analysis conducted by the city concluded the parking structure would add almost 4,200 cars to the neighborhood's side streets.

However, the judge disagreed, saying the all the data gathered indicates the vast majority of students will enter from the Santa Monica Freeway, which is south of the college, and will not drive through the Pico neighborhood, which is to the north.

The new \$5.2 million parking structure replaces a similar one ruined in the 1994 Northridge earthquake. Instead of rebuilding the old structure, the college decided to put it in

a different location and slightly increase the number of parking spots.

Because of those changes a new environmental impact report had to be completed to study how the changes would affect the surrounding areas.

The study was completed in 1999 by city staff and their consultants and approved by the planning commission and the city council in 2000.

Pico activists never asked the court to force the community college to cease construction of the structure, which is running ahead of schedule and could be ready to open as soon as next month.

Home prices soar across the state

HOMES, from page 1

"The decline in interest rates has offset any decline in household income," Furlong said. "If rates stay low, we will continue to see ongoing support for residential real estate."

The housing market has also benefited from consumers shaking off the psychological effects of the terrorists attacks.

"September 11th created a good deal of uncertainty which caused people to postpone decisions. Some of the overall uncertainty has dissipated," Furlong said.

In addition to growing consumer confidence, the housing market is benefiting from people moving their long-term investments out of the stock market, Bailey said.

"People continue to look at homes as the safest investment," he said.

Median home prices increased in most parts of the state. Of 307 California cities and communities, 240 had rising prices from a year ago, CAR reported.

Two of the few exceptions were the San Francisco Bay area and the Santa Barbara south coast. But buy-

ing and selling activity was up dramatically in those regions, signaling that a price rebound may be coming, Bailey said.

Another sign of real estate market strength is that it would take just three months to deplete the supply of existing homes for sale on the market at the rate shoppers were buying in January. That compares with 4.2

months in January 2001, CAR said.

The buoyancy of California's market exceeded the upward national trend last month.

The National Association of Realtors reported Monday that the median sales prices of existing homes climbed 10.2 percent in January, to \$151,100 from the same month a year ago.

California housing median prices

By The Associated Press

Here are the 10 cities and communities with the highest median home prices in California during Jan. 2002.

- San Marino, \$950,000.
- Manhattan Beach, \$787,500.
- Pacific Palisades, \$754,250.
- Malibu, \$730,000.
- Beverly Hills, \$725,000.
- La Jolla, \$720,000.
- Half Moon Bay, \$700,000.
- Laguna Beach, \$670,000.
- Millbrae, \$660,000.
- Del Mar, \$660,000.

Source: California Association of Realtors

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LOCAL

LETTERS

Humorless mall

Editor:

A further look at 86, I look back to the 1980s when the public was invited to render sketches to upgrade the Third Street Promenade. I suggested twin lamps to add better lighting. That was adopted.

As a lifelong artist, I ever am aware of my surroundings. I now suggest that a different kind of light is desirable to lighten up the heaviness of that scene. It has gone humorless, alas! It needs a contrast to the hum-drum scene of everyday life. People seek out this area to find enjoyment. Let that be, first, in consideration.

Joseph Krengel
Santa Monica

Be careful of historic district proposal

Editor:

On Monday, March 11, the Santa Monica City Landmarks Commission will meet to continue a discussion that could lead to the designation of several "Historic Districts" in the area north of Montana.

Residents of our neighborhood should be aware of this very real threat. Under city statute, any home within a historic district falls under the explicit and complete control of the Landmarks Commission. This is as true for a home built yesterday as it is for a home built in 1929! Without the express written consent of the Landmarks Commission, in the form of "Certificate of Appropriateness," homeowners are prohibited from making ANY alterations to their house, either inside or out (at the Commission's Feb. 11 meeting, a resident of the Third Street historic district was before the panel because they did not approve of the color she had painted her shingles, and they were forcing her to have the paint removed. Not

painted over; removed). This basically represents a partial taking of our homes, by the city, without our consent or any compensation.

The members of the Landmarks Commission have been extremely disingenuous throughout this whole process. They have continually gone on the record stating that the statute only covers the façade of homes in the district, although this is clearly not the case. Like I said above, the statute covers ANY alterations, no exception. The consequences of such restrictions on private homes would not only be intrusive and frustrating, they could have a devastating effect on property values.

Although many members of the community (over 100 at their December meeting) have spoken out against the districts, they continue to move forward with them. They have designated three houses on 18th street as structures of merit, prohibiting their demolition until the historic district can be rammed through their committee (one of these is my house). They have treated the citizens in a callous and rude manner, adopting the attitude that we are only opposed to historic districts because we are ignorant of what is good for us (and of course, they know what is good for us). They have even gone so far as to continue the issue to a later meeting to prevent the citizens from speaking out.

Have no doubt — the Landmarks Commission WILL impose these districts if the people do not stand up against them. I urge all residents of north of Montana to write to the City Council and the Mayor stating your opposition, and to attend the Landmarks Commission meeting on March 11, at 7 p.m., in the City Council chambers to make your voice heard.

Gregory Poirier
Santa Monica

Community Briefs

Gorbachev to speak

By Daily Press staff

Mikhail S. Gorbachev will be in the area next month to speak on global warming. As part of Global Green USA, an affiliate of the Green Cross International, Gorbachev will give the keynote address during the fifth annual sustainability symposium on March 15 at the Marina Beach Marriott in Marina Del Rey.

Topics of discussion with co-hosts and panelists will range from what President Bush's Kyoto alternative proposal means to what the role news media and entertainment industry should be on the heavily debated issue.

The panelists selected are Marshall Herskovitz, producer of the television program, "Once and Again"; Jonathan Lash, president of World Resource Institute; Robert Lempert, Ph.D., senior scientist of Rand; Ross Gelspan, author and journalist; and John Bradford, general manager of Bentley Mills/Interface.

The city of Santa Monica is a sponsor of the event.

General admission is \$25 and \$5 for students. Reservations, which must be made by March 12, can be made at ggusa@globalgreen.org or by calling (310) 394-7700, ext. 111.

Monkeeing around this weekend?

By Daily Press staff

Former Monkee Peter Tork will be on hand this Saturday to perform at a therapeutic prom for the Westside Special Olympics.

The Santa Monica Civic Auditorium will be transformed into a ballroom as the special olympics and the city host the First Annual Westside Therapeutic Prom from 1-4 p.m. All persons with disabilities and their friends are invited to be a part of the dance. Many Special Olympics chapters from across Southern California will participate.

Tork and the Shoe Suede Blues Band will entertain guests with classic dance tunes. Prizes and refreshments are part of the afternoon's festivities. Admission is free, as well as parking at the civic auditorium, which is located at 1855 Main Street

For more information, call Westside Special Olympics at (310) 458-8300.

NATIONAL



Police accused of excessive force at La Jolla party

By The Associated Press

SAN DIEGO — Police slapped handcuffs on a 60-year-old socialite and doused her well-heeled guests with pepper spray when a melee erupted at party in the city's posh La Jolla neighborhood, witnesses said.

Police were investigating complaints that officers used excessive force against the hostess, Mary Beth Jernigan. Witnesses said an officer twisted Jernigan's arm behind her back, dragged her about 12 feet and threw her face-first onto a cement-tile driveway.

"It was the worst thing I've ever seen in my 35 years in San Diego," guest Jon Roseman said.

A crowd formed around an officer as he held down the 110-pound hostess with a knee in her back.

One guest jumped on the officer's back. A second officer began spraying the crowd with pepper spray and called for backup.

"Everybody was getting hysterical," Jernigan's son, Nathan, told The San

Diego Union-Tribune.

Mary Beth Jernigan was hosting the party at her home Saturday night for her son's 30th birthday. She was led away with blood on her chin and cuts on her shoulder, her son said.

She was treated for her injuries at a local hospital and jailed on charges of obstructing police and being drunk in public. She was released on \$5,000 bail Sunday.

Police were initially dispatched to Mary Beth Jernigan's home in downtown La Jolla about 10:30 p.m. Saturday on a noise complaint.

Nathan Jernigan said most partygoers had been drinking, some heavily, but added that his mother had only a few drinks.

Officers handed Mary Beth Jernigan a ticket book and asked her to sign a warning. She refused, but held on to the ticket book.

"At that point there was a tug-of-war over the ticket book," Nathan Jernigan said. "He said 'Fine, we'll just arrest you right now.'"

Juror goes to jail for taking holiday during deliberations

By The Associated Press

CINCINNATI — A juror in a murder case was sent to jail for seven days Monday for going on vacation to Mexico in the middle of deliberations.

Christine Fiorini, 33, failed to show up after the long Presidents Day weekend, and a warrant was issued for her arrest. Deliberations were put on hold for a week while court officials tried to track her down.

Fiorini surfaced on Monday and was taken before the judge presiding over the trial.

"You'll have to sit there for seven days with all of the other knuckleheads up

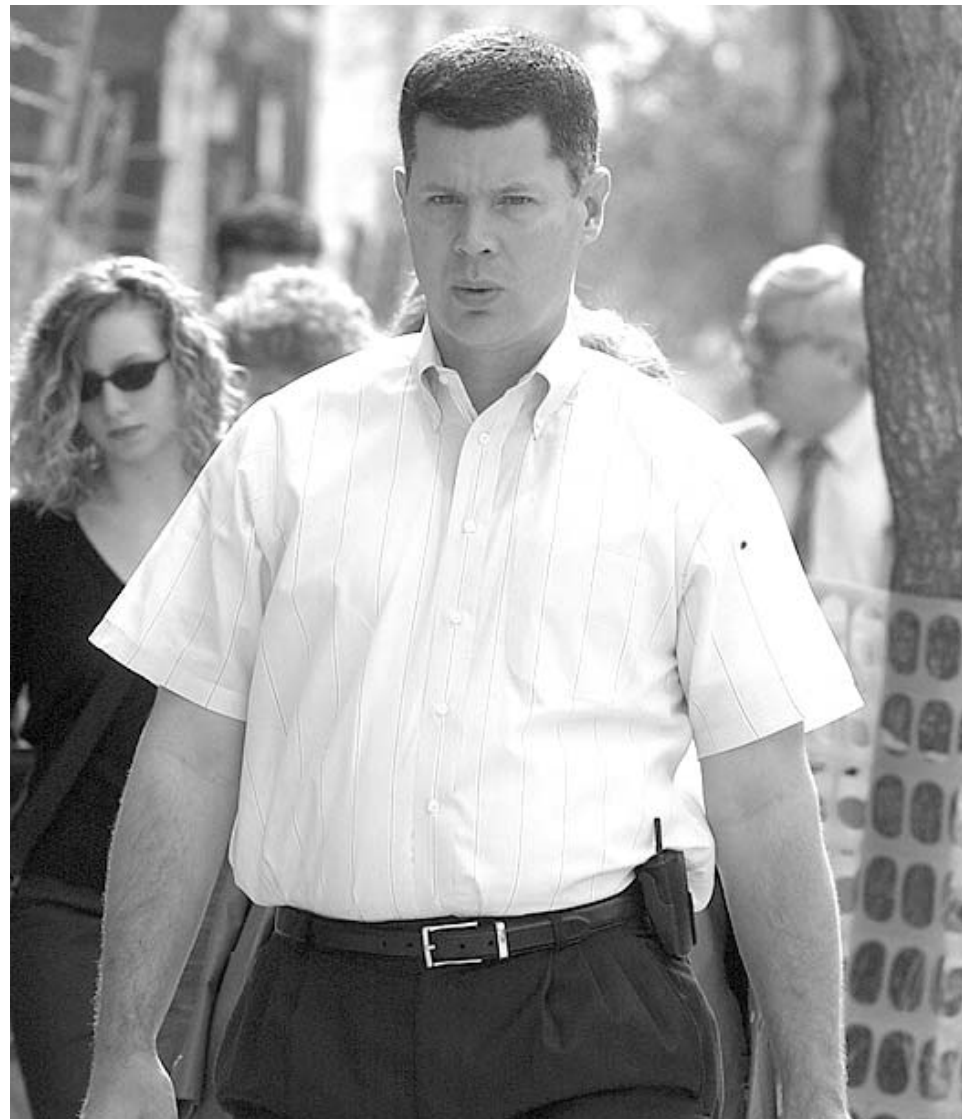
there, see what it's like. It's not a great place," Judge Robert Ruehlman told her.

Fiorini told the judge she thought he would be able to use the jury's alternate. Ruehlman had dismissed the alternate before deliberations began and after asking jurors if there was any reason they could not complete the case. Fiorini said nothing of her vacation plans at that time.

On trial was a woman accused of luring a man to a motel parking lot, where he was robbed and shot to death in September.

Deliberations resumed Monday without Fiorini after the defense agreed to continue with 11 rather than 12 jurors.

A father in mourning



Pat Sullivan/Associated Press

Russell Yates walks to the Harris County courthouse in Houston on Monday for the second week of the murder trial of his wife Andrea Yates. Andrea is charged with two counts of capital murder for the June 20, 2001 drownings of three of their five children. She has pleaded innocent by reason of insanity.

CMA supports raising smoking age from 18 to 21

BY PAUL CHAVEZ

Associated Press Writer

LOS ANGELES — Members of the California Medical Association have voted to support raising the state's smoking age from 18 to 21.

The association, which represents 35,000 state physicians, voted to adopt the policy Sunday during its annual session in Anaheim that drew more than 400 delegates.

"I am very pleased that the CMA, in its wisdom, decided to support this policy," said Dr. Leonard Klay, an obstetrician-gynecologist from Santa Rosa, who introduced the measure.

"This is great news for the health of all Californians," he added. "We know that people who start smoking at a young age, especially, become addicted to deadly nicotine. My hope is that a higher age would help prevent some of these horrible smoking deaths people suffer."

The resolution was passed on a voice vote along with a dozen other resolutions with no dissent, Peter Warren, a spokesman for the CMA said Monday.

The resolution directs the association's lobbyists to support any legislation that would raise the legal age to buy, possess or receive tobacco products and paraphernalia.

No such legislation is pending in the state.

If a state lawmaker should propose such a law, the CMA has six full-time lobbyists that could be devoted to build coalitions in support of it, Warren said.

"This is probably something whose time has come, at least here, and it will come elsewhere," Warren said. "Of course, it requires some legislation and then we will support it."

The CMA for at least the last 20 years has been advocating anti-tobacco and anti-smoking measures. The organization, for example, supported the Smoke-free Workplace Act of 1994 that banned smoking in restaurants and most all other workplaces. The smoking ban was eventually extended to bars in January 1998.

All 50 states set a minimum age of at least 18 to buy tobacco products following a 1992 directive from Congress. In three other states, Alabama, Alaska and Utah, the legal age is 19.

The group's House of Delegates also voted to support increased fines and enforcement efforts to prevent minors from being exposed to tobacco products.

The American Lung Association does not support raising the legal smoking age, instead saying efforts would be better spent enforcing current laws.

The Lung Association estimates about 90 percent of all smokers pick up the habit before the age of 21. More than 430,000 Americans die each year from smoking-related diseases.

Free bird



Mark Humphrey/Associated Press

A young bald eagle glides over a field near Reelfoot Lake in Tiptonville, Tenn. The area offers one of the few places in the country for observing bald eagles in the wild.



ENTERTAINMENT

Frasier co-creator who died in attacks to be honored

By The Associated Press

LOS ANGELES — The Writers Guild of America will posthumously honor “Frasier” co-creator David Angell, who died in a hijacked plane during the Sept. 11 terrorist attacks.

During its annual awards dinner on Saturday, Angell will be awarded the Valentine Davies Award, which recognizes those who have “brought dignity and honor to the profession of writing.” The award is named for the writer of “Miracle on 34th Street.”

Angell and his wife, Lynn, were among the passengers aboard American Airlines Flight 11 from Boston, which terrorists crashed into the World Trade Center.

The 54-year-old wrote for “Frasier” and “Cheers,” winning eight Emmy Awards for writing and producing for both series.

His former partners, Peter Casey and David Lee, will accept the honor. Angell created “Frasier” and “Wings” with both of them.

The Writers Guild event will be highlighted by the group’s honors for the year’s best work in movies and television.

LIVERPOOL, England — The Beatles’ hometown on Monday marked

the birthday of George Harrison, the band’s quiet and spiritual guitarist who died of cancer in November.

Paul McCartney dedicated an a cappella rendition of “Yesterday” to Harrison during a tribute concert at Liverpool’s Empire theater on Sunday night.

Before the show, McCartney remembered the bandmate he met as a teen-ager riding the bus to school.

“We go way back,” McCartney said. “We both used to live in Speke and he used to get on the bus one stop after me. We used to have a half an hour on the bus to talk about guitars and music and stuff like that.”

“He was a lovely bloke. He gave a lot to the world — his music and his spirituality. He was always a very strong man. I think he would be delighted with this,” he added.

Money raised by the concert, which 2,300 Beatles fans attended, will go to cancer charities.

The concert — which included a performance by The Beatles’ contemporaries, Gerry and the Pacemakers, and other Liverpool musicians — took place on the day Harrison celebrated as his birthday, though official records list it as Feb. 25.

The youngest of the Fab Four, Harrison died Nov. 29 at age 58.

NORWALK, Conn. — William Shatner will resume his role as a spokesman for Priceline.com, but won’t be singing in the next generation of ads for the name-your-own-price Internet company.

The former “Star Trek” star will team up with what Priceline.com calls its super computer, which finds airline tickets, hotel rooms and other travel products at discounts.

Earlier this year, the 70-year-old actor renewed his contract to appear in Priceline.com radio and television advertisements.

“Given the futuristic side of William Shatner, the new campaign is a natural and lends itself to both radio and TV treatments,” said Brett Keller, Priceline.com’s chief marketing officer.

Norwalk-based Priceline.com gained popularity in the late ’90s from Shatner’s quirky commercials. The original ads featured him singing offbeat renditions of popular songs, including “Freebird” and “Age of Aquarius,” while extolling the company’s virtues.

The company has said Shatner’s commercials helped make it one of the most recognized brands in the travel industry.

SYDNEY, Australia — Limp Bizkit lead singer Fred Durst has offered to tes-

tify through a video link at the inquest into a young fan’s death at a concert, but said he’s too busy to attend in person, a coroner was told Monday.

Glebe Coroner’s Court is examining the death of 15-year-old Jessica Michalik, who suffered a heart attack during a crowd crush at the January 2001 Big Day Out concert in Sydney. She died five days later.

A band spokesman told the court that a number of managers from Limp Bizkit’s touring group had made written statements and could testify in person, but Durst was too busy to travel to Sydney.

Coroner Jacqueline Milledge welcomed his offer. Last year, she repeatedly asked Durst to testify about what he saw during the rescue of Michalik and others involved in the crush, which happened during Limp Bizkit’s performance.

Counsel for the promoter of the event, Mark Dean, said video evidence was not good enough because witnesses were not bound by perjury laws.

He said statements from the band’s witnesses contained “scandalous” claims including criticism of security staff which were disputed.

Milledge is expected to decide Tuesday whether to accept written statements or allow Durst to testify from the United States.

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BUSINESS



Resistance mounts against Global Crossing's rescue plan

By The Associated Press

NEW YORK — Global Crossing Ltd.'s plans to emerge from bankruptcy after a \$750 million cash injection from two Asian firms is encountering growing resistance from the company's creditors, published reports said Monday.

Competing interests among bank lenders and other creditors could eventually lead to a liquidation of Global Crossing assets, the New York Times reported, quoting unidentified bankruptcy experts familiar with the proceedings.

The former high-flying fiber optic network firm listed \$22 billion in assets and \$12 billion in debt when it filed for bankruptcy protection on Jan. 28, making it the fourth largest filing in U.S. history.

The company owes \$2.5 billion to banks, which are in the unusual position

of having to line up with other creditors because the banks opted for stock instead of secured assets as collateral for loans, the Times said.

Creditors and bondholders are represented during proceedings by a 12-member committee bound by confidentiality agreements.

Global Crossing is based in Bermuda and has executive offices in Beverly Hills, Calif. Its rescue plan involves Hutchison Whampoa of Hong Kong and Singapore Technologies investing a combined \$750 million for 79 percent of the company.

Analysts estimate that creditors would receive no more than 4 cents on the dollar under the restructuring proposal.

The jewel in the deal is Global Crossing's 59 percent stake in Asia

Global Crossing, which operates unrivaled fiber optic links between Japan, Taiwan, South Korea, Singapore, Malaysia, the Philippines and potentially China.

The creditors are looking at undoing insider stock sales and multi-million-dollar company loans to senior executives and claiming the proceeds themselves, the Wall Street Journal reported

Dan Coulter, a spokesman for Global Crossing, said the company still believes it can emerge from bankruptcy.

But creditors are determined to extract whatever portion of their original investment they can. The Wall Street Journal

reported that creditors are reviewing stock deals and other extraordinary financial transactions with the hope of reversing some of them and claiming the assets involved.

The creditors are looking at undoing insider stock sales and multimillion-dollar company loans to senior executives and claiming the proceeds themselves, the Journal reported, citing unidentified people familiar with the situation.

Global Crossing's chairman, Gary Winnick, sold nearly \$735 million in stock since he founded the firm in 1997. Senior executives cashed in \$1.3 billion in stock in the three years before the company filed for bankruptcy.

Some of the largest creditors include Alcatel SA, Lucent Technologies Inc. and Verizon Communications Inc. J.P. Morgan Chase heads a group of about 20 bank lenders.

Under Global Crossing's proposed rescue plan, shareholders would receive nothing.

On Friday, a group of shareholders led by K.A.B. Group LLC proposed its own rescue plan, involving a \$5.5 billion warrant issue over the next three years.

Lawsuit claims AOL charged customers for unwanted goods

BY DAVID KRAVETS

Associated Press Writer

SAN FRANCISCO — America Online Inc. was accused of charging thousands of its customers for merchandise they did not buy, according to a federal lawsuit made available Monday.

The suit alleges that the AOL Time Warner Inc. subsidiary "unlawfully charged and collected money for this unordered merchandise and shipping and handling charges from subscriber's credit card, debit card and checking accounts."

The suit, filed in U.S. District Court here late Friday, accuses the nation's largest online subscriber company of shipping products — including books, stereos and bed-sheets — advertised on its service even when sub-

scribers clicked the "no thanks" button on their computer screens.

Barry R. Himmelman, one of several lawyers suing the Internet provider, said the company should change its "You Got Mail" slogan to "You got a package." He said his law firm has received dozens of consumer complaints against the company.

The suit seeks nationwide class-action status. No court date has been set.

The suits names three plaintiffs but claims the company misbilled "thousands of Internet service subscribers."

An AOL spokesman dismissed the suit.

"These allegations are without merit and we intend to vigorously contest this lawsuit in court," said Nicholas Graham, spokesman for the Dulles,

Va.-based company.

Subscriber Dawn Brisky of Fresno said she was charged \$74 in December for bed sheets she did not purchase.

"It just came to my house," Brisky said.

The suit also alleges that an Oakland woman was charged \$10 for a desk planner and \$171 for a stereo she never bought. A Rialto man was charged \$60 for some books and charged \$90 for a "Cyber Sonic Tooth Care System" he did not purchase, according to the suit.

The suit seeks unspecified damages, the return of unauthorized payments, and to let consumers keep the unauthorized merchandise at America Online's expense.

The case is Buckley v. America Online Inc., C02-0918.

Montana accuses drug companies of inflating prices, cheating residents

BY BOB ANEZ

Associated Press Writer

HELENA, Mont. — Montana's attorney general sued 18 major drug companies Monday, accusing them of an illegal scheme that inflated prices and cost the state and consumers tens of millions of dollars.

By misstating the wholesale prices of their drugs, the companies guaranteed windfalls for large buying groups that purchase drugs for hospitals and clinics, and that increased companies' drug sales, Attorney General Mike McGrath alleged in 44-page complaint filed in state District Court here.

"Montana taxpayers have been cheated out of millions of dollars," he said.

The scheme hurt taxpayers because they finance the Medicaid and Medicare programs that were forced to pay the exaggerated drug prices for patients covered by the government health care programs, McGrath said.

Consumers also lost money because their co-payments for prescription drugs were higher than they should have been, he added. In some cases, even 20 percent co-payments exceeded the true cost of medicines, McGrath said.

Companies named in the suit could not immediately be reached Monday, or did not return phone calls seeking comment.

The lawsuit names Abbott Laboratories Inc., American Home Products Corp., Amgen Inc., AstraZeneca, Aventis Pharma, Baxter Pharmaceutical Products Inc., Bristol-Myers Squibb Co., Chiron, Dey Inc., Eli Lilly and Co., GlaxoSmithKline Corp., Hoechst Marion Roussel Inc., Immunex Corp., Pharmacia Corp., Pharmacia and Upjohn Co., Schering-Plough Corp., SmithKline Beecham Corp., and Warrick Pharmaceuticals Corp.

The suit charges that the drug makers violated Montana's unfair trade practices and consumer protection laws, and engaged in deceptive trade practices, Medicaid fraud and racketeering.

"Montana taxpayers have been cheated out of millions of dollars."

— MIKE McGRATH
Attorney general

Small businesses hit the road, aimed at Silicon Valley workers

By The Associated Press

SAN JOSE, Calif — People too busy to make it out of the office to visit the dentist can now have the dentist come to them.

Major employers that encourage outside businesses — from dentists to chiropractors to barbers — to make office calls are becoming increasingly popular in Silicon Valley.

Companies like the idea because it means increased worker productivity and is a selling point for time-crunched employees. The service providers like the captive market of reliable customers.

On-Site Dental, which now visits 37 Silicon Valley companies, says it has grown so much in six years that it plans to expand throughout California and the

country. A recent survey found that a quarter of 402 high-tech companies offer dry-cleaning services. And Brakes of America, which started last year with no customer base, now offers oil changes, tuneups and brake repair at 50 Silicon Valley firms.

"The easier we can make it to accommodate our employees' personal activities, the better they are able to devote themselves to work," Tom Coffey, human resources vice president for semiconductor equipment supplier KLA-Tencor, told the San Jose Mercury News.

Steve Pipe, who works in marketing at Sun Microsystems Inc. in Menlo Park, said being able to get his car cleaned while at work makes his day less stressful.

"This frees me up to do some fun things," he said.

Montana's suit mirrors one filed by the state of Nevada on Jan. 17 and a suit filed in December by a coalition of 15 consumer groups against 28 pharmaceutical companies.

The lawsuits are partly based on findings from an investigation of drug makers by the U.S. Justice Department, U.S. Department of Health and Human Services and Congress.

The complaints focus on what the industry calls the average wholesale price, or AWP. That price, set by the drug companies without any verification, determines how much drug suppliers are reimbursed by Medicare and Medicaid.

The suit asks for unspecified restitution for losses to Montanans and the state, and for damages to punish the drug makers for their actions. It seeks fines of \$2,000 for every false claim made by the manufacturers and for a court order requiring that future AWP's accurately reflect the wholesale prices paid by physicians and pharmacies.

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NATIONAL

Washington has plenty of quirks and curiosities

BY LAWRENCE L. KNUTSON
Associated Press Writer

WASHINGTON — A capital that legislates, regulates, commemorates and memorializes eventually finds itself with a collection of quirks and curiosities.

Peppering the white-marble gravity of the monumental city, the oddities include the story of the Civil War general who ordered his amputated leg preserved for posterity at the Army medical museum. Or the more recent tale of the beavers who paddled up the Potomac and made their presence known by gnawing the city's famous cherry trees.

Or the monumental water fountain dedicated to "Temperance" that stood for decades in front of a bustling Pennsylvania Avenue liquor store.

Here is a far-from-complete listing of some of Washington's less-familiar sights and stories:

—Gen. Douglas MacArthur, the imperious World War II commander who earned the Medal of Honor in World War I, left a legacy of ornamental flowerpots during an early tour of duty in the capital. For a few months in 1916 the young MacArthur was superintendent of the State, War and Navy Building next to the White House. He held the job just long enough to install rows of stone planters lining the steps.

—The cornerstone of the U.S. Capitol was laid by George Washington on Sept. 17, 1793, as cannon fired a 15-gun salute. That is about the last time anyone remembers seeing it. Decades of efforts to locate it have produced only frustration and a large stone said to be in about the right location. One vital piece of evidence remains missing — the engraved silver plate with which the cornerstone was marked.

Families give blood samples to identify more corpses

BY ERIN MCCLAM
Associated Press Writer

NOBLE, Ga. — Distraught families lined up to give blood samples Monday in the hope their DNA might help investigators identify more of the scores of corpses scattered around a Georgia crematory.

Some people brought what they once believed were the ashes of relatives whose bodies had been sent to Tri-State Crematory. Elaine Bray angrily rattled a mugful of pebbles that she said were passed off as the remains of her brother.

"All I wanted to do is give him a proper death," said Bray, of Chattanooga, Tenn. "This is what I got."

Bray was among dozens of people who lined up to give blood samples at a civic center down the road from Tri-State, where teams resumed a full-scale search for more bodies. Investigators said there was no end in sight to the grim discoveries.

The body count stood at 306, and only 65 of the corpses have been positively identified. Authorities said 39 sets of

—Henry Cogswell was a wealthy dentist from San Francisco. In the 1880s he endowed busy Pennsylvania Avenue with an open-sided temple topped by life-sized crane, the sort of bird that stands in running water on one long leg to wait patiently for passing fish. The temple housed a fountain from which sculpted dolphins dispensed water to the thirsty. To make the point the word "Temperance" was carved in capital letters on top.

The late NBC correspondent Bryson Rash, writing in "Footnote Washington," a 1981 book of capital lore, reported that "these unusual and awkward structures spurred the movement across the country for city fine arts commissions to screen such gifts." Cogswell's temperance monument survives, still engraved with his name. But the liquor store that long served as a backdrop closed with the redevelopment of Pennsylvania Avenue.

—The furor began before the statue was unveiled. The sculptor had portrayed Gen. Winfield Scott, a hero of the war with Mexico, astride a mild-mannered mare instead of a macho stallion. Fervent protests were made. So were certain adjustments. The bronze general now graces Scott Circle aboard a male horse.

—There may be nothing like it in the world, a collection of 43 portrait busts celebrating the importance of ranking second, not first. This assembly of former vice presidents from John Adams to Dan Quayle fill Senate niches, line hallways and inhabit odd corners. The collection is justified by the constitutional provision making the vice president the president of the Senate. The most recent addition is the bust of Spiro Agnew, Richard M. Nixon's first vice president, who resigned under a cloud in 1973. Still to come: a marble bust of former Vice President Al Gore and the current No. 2, Dick Cheney.

remains had been returned to families or funeral homes.

Eddie Young drove from Crystal River, Fla., because he feared the body of his mother, who died in November, was left to decompose on the grounds. He said he hoped a DNA match would bring him peace.

"I know her soul went to heaven, but to think that my mother might be out there — it's so hard to accept," he said. "We had our closure through the funeral, and now it's like it's reopened."

Thousands of families have filled out forms or called with information since the first corpses were found Feb. 15.

The operator of the crematory, Ray Brent Marsh, remained in jail on 16 theft-by-deception charges for allegedly accepting bodies for cremation and leaving them to rot. A judge was deciding whether he should be allowed to go free on bail.

Authorities have declined to answer questions about the investigation since Thursday, when a judge imposed a gag order at the request of Marsh's lawyer.

INTERNATIONAL



Israel shows interest in Saudi proposal for peace

BY DAN PERRY
Associated Press Writer

JERUSALEM — Israel said Monday it is exploring with interest a tentative Saudi proposal that calls for an Israeli pullout from virtually all the territories it occupied in the 1967 Middle East war in return for comprehensive peace.

Prime Minister Ariel Sharon has fiercely opposed a total pullout. But he knows Israelis are despondent over 17 months of dead-end conflict and eager for a ray of hope. The Saudi proposal offers two things Israel craves: Broad acceptance by Arab states and a negotiating partner beyond Palestinian leader Yasser Arafat.

However, any discussion of significant concessions to Palestinians could undermine Sharon's governing coalition — a patchwork of parties with widely divergent positions on the land-for-peace idea.

The Palestinians and moderate Arabs have welcomed the Saudi idea, and Secretary of State Colin Powell said Sunday it was an important step he hoped would be fleshed out in the next few weeks.

Sharon's spokesman, Raanan Gissin, told The Associated Press on Monday that Israel was "trying to find out through the United States and other sources ... if this is a real proposal."

"If indeed a reasonable offer is presented ... that will guarantee not

just that Israel gives back territory but that real, true normalization will develop — I think you can restore the confidence in peace because most of the people want peace," Gissin said.

Trying to build momentum, Israel's President Moshe Katsav said Saudi Crown Prince Abdullah — who floated the proposal in a recent interview with The New York Times — should come to Israel for talks, or alternatively receive him in Riyadh.

However, Katsav has a mainly ceremonial role, and the real power rests with Sharon. When Katsav wanted to address the Palestinian parliament recently, Sharon blocked the plan. In any case, Saudi Arabia has refused to have any contact with Israel while its dispute with the Palestinians remains unresolved.

One possibility being discussed was for the Saudis to raise the proposal at next month's Arab League summit in Lebanon, but Palestinian officials said they were assured that would not happen unless Israel ended Arafat's three-month confinement to the West Bank town of Ramallah.

Details of the Saudi proposal remained sketchy, but it was clearly very different from the limited interim settlement that Sharon has said he would pursue with the Palestinians if and when violence subsides.

Sharon has for decades been a leading patron of the West Bank and Gaza settlements where some 200,000 Israelis live. A near-total pull-

out would require many, if not most, of them to be removed.

As described by New York Times columnist Thomas Friedman, the Saudi ideas were similar to the proposal made last year by former President Clinton and former Israeli Prime Minister Ehud Barak — which was fiercely opposed by Sharon, then Israel's opposition leader.

**"I think you
can restore
the confidence
in peace
because most
of the people
want peace."**

— RAANAN GISSIN
Spokesperson for
Prime Minister Ariel Sharon

Barak proposed a Palestinian state in the Gaza Strip and more than 90 percent of the West Bank, with a foothold in East Jerusalem. Arafat held out for more land and a "right of return" for war refugees, which Israel feared could bring millions of Palestinians into its territory.

Talks broke down amid violence that has to date killed 994 people on the Palestinian side and 285 on the Israeli side.

Gissin said Israel wanted to know the current Saudi position on refugees and Jerusalem.

But Gideon Meir, a top Foreign Ministry official, said the prime concern was

whether a possible deal would include not just Palestinian but Arab League endorsement.

"The highlight is that Arab world will embrace it," Meir said. "We take it seriously... It's a tremendous opportunity for Israel — tremendous. It's interesting and important, and I hope it's more than just in a newspaper."

Some hawkish politicians were less enthusiastic.

Jerusalem Mayor Ehud Olmert, who is a member of Sharon's Likud Party, ruled out the redrawing of Jerusalem implicit in the Saudi proposal and said, while the ideas were a step forward, "we will have to wait until they agree to something more acceptable to Israel."

Also unclear is whether the Saudis were also asking for an Israeli pullout from the Golan Heights — most probably needed to bring Syria into the fold. Damascus lost the strategic plateau to Israel in 1967.

The Saudi ideas last week won endorsements in Egypt and Jordan — the only two Arab nations to have full peace with Israel. Jordanian Foreign Minister Marwan Muasher said in remarks carried by the official Petra news agency that they were "extremely positive" and could "break the stalemate in the peace process."

And in a statement to the Palestinian news agency Wafa, Arafat said the "important positions" presented by Abdullah "represent a clear support and push for the peace efforts" toward creation of a Palestinian state while giving "security for the state of Israel."

Mideast violence continues



Elizabeth Dalziel/Associated Press

Police investigators on Monday look for evidence left next to a bullet-riddled car at the scene of shooting attack that took place in Neve Yaakov, a Jewish neighborhood in a disputed part of Jerusalem. Two Palestinians shot at Israelis, wounding at least 10, including three police officers, police and witnesses said. Police shot and killed one of the gunmen. The one who was not killed escaped into a nearby Palestinian village.

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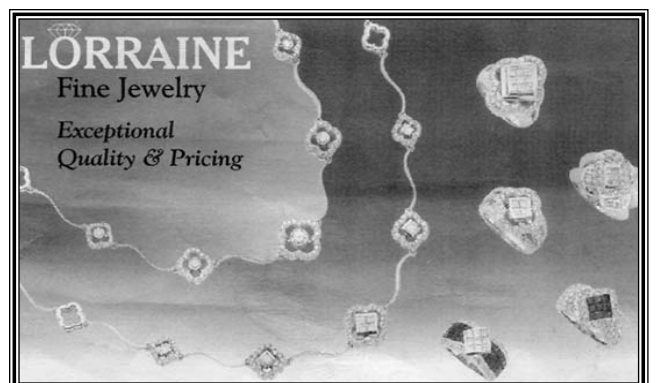
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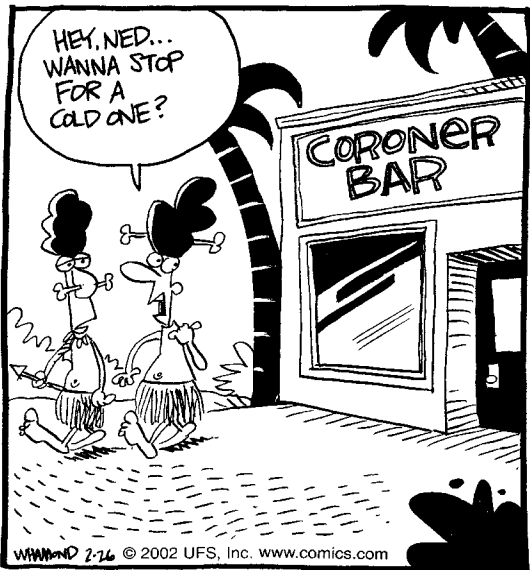
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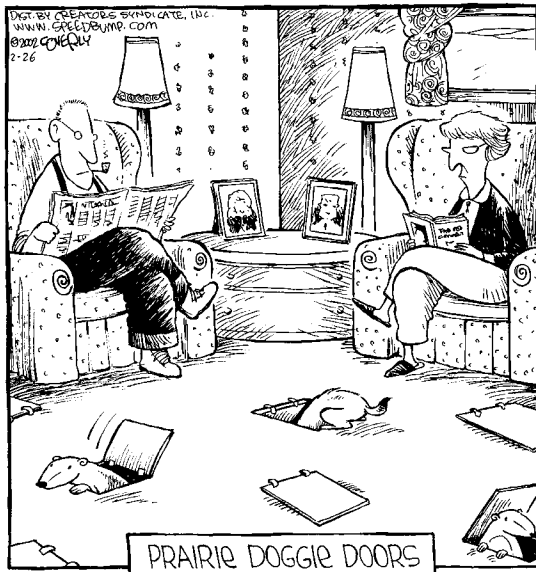
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Yesterday's answer

ACROSS

- 1 Out of the wind
- 5 TV and radio
- 10 Scientist Nikola
- 12 Signs of sorts
- 13 Is powerful
- 15 Nabokov book
- 16 Color
- 17 Tic — toe
- 18 Summer show
- 20 Butte's kin
- 21 Stylishly old-fashioned
- 22 Genesis spot
- 23 Superior
- 25 Not barefoot
- 28 Homer work
- 31 Tempt
- 32 Roadside eyesore
- 34 "— Yankee Doodle Dandy"
- 35 Distress letters
- 36 Count start
- 37 Is a major hit
- 40 Dark
- 41 Stand
- 42 Equals

DOWN

- 43 Top cards
- 1 How some stocks are sold
- 2 Commander
- 3 Get away
- 4 Wapiti
- 5 Be sulky
- 6 Flightless bird
- 7 In need of the body
- 8 If
- 9 School of art
- 11 One of the black keys
- 14 Flying aid
- 19 Piano piece
- 20 Deserve
- 24 Explorer Kane
- 25 Goof
- 26 Compassionate
- 27 Wise answer
- 29 Like some clocks
- 30 Actress Richards
- 33 Descartes and Magritte
- 35 Fast planes
- 38 Cassis drink
- 39 Pitching stat

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2-26

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NEWS OF THE WEIRD

by Chuck Shepard

If you can't trust your finance director, who can you trust?

In January, only days after outgoing Cleveland mayor Michael R. White left the city on what he said was "solid financial footing" with an \$11.8 million surplus, the incoming mayor found that White's finance director Kelly Clark had never bothered to balance the books and in fact had no idea how she came up with the \$11.8 million figure. According to the incoming team, Clark actually admitted being unaware that reconciling the books was a prerequisite to declaring a surplus.



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BACK PAGE

Too many hot dogs can cause diabetes in men

BY PAUL RECER

AP Science Writer

WASHINGTON — Eat too many hot dogs and they can bite you back. A study shows that a diet heavy in processed meats, including hot dogs and bacon, increases the risk of type 2 diabetes by about 50 percent in men, researchers say.

A group of Harvard School of Public Health researchers analyzed the dietary habits of thousands of men and found that those who frequently ate bacon, hot dogs, sausage, baloney or other processed meats were 46 percent more likely to develop type 2 diabetes than men who less of the food.

"We not proposing to ban hot dogs -- it is just a matter of moderation," said Dr. Frank B. Hu, senior author of the study appearing this week in the journal Diabetes Care.

Hu said that big increase in risk for diabetes 2 came among those who ate the processed meats five times or more per week. For some, it was every day.

"That's too much," he said.

Diabetes Care is a peer-reviewed journal published by the American Diabetes Association.

The data in the research came from the Health Professionals Follow-Up Study, a project that started in 1986 by collecting dietary information from 42,504 men, aged 40 to 75, who were healthy -- free of diabetes, heart disease or cancer.

The men in the study were followed for 12 years and the researchers compared the dietary pattern of those who developed type 2 diabetes with those who did not. Hu said the results were adjusted for the known effects of such things as smoking, obesity, fat intake and physical activity. After these adjustments, he said, it was clear that eating lots of hot dogs and other processed meats was an independent risk factor for diabetes.

"Eating processed meats five times or more per week is where we saw the major difference," said Hu.

Hu said that the risk of diabetes may be affected by other foods often consumed in meals featuring processed meats. People seldom eat hot dogs or baloney or bacon alone -- the meats usually are accompanied by high fat condiments, such as mayonnaise, and side dishes like French fries and potato chips.

Dr. Ruth Kava, director of nutrition at the American Council on Science and Health, said that dietary studies such as this have a basic weakness because they depend upon how well people remember what they eat.

"The difficulty with this type of study is that you can't be sure how accurate it is," said Kava. She also noted that seeing a relative risk increase of 46 percent is only "weakly significant biologically."

"More study needs to be done," said Kava.

Hu agreed, saying that the findings need to be confirmed by other research. But he said the work does suggest that there needs to be research to determine if there is a link between diets high in processed meats and the incidence of heart disease and cancer.

An estimated 16 million Americans are thought to have diabetes. About 90 per cent of the cases are type 2, or adult-onset disease. In type 2, there is either a shortage of insulin or the body's cells become insensitive to the hormone. This allows a build up in the blood of sugar, a condition that can damage the kidneys, heart or eyes, and reduce circulation. Untreated, type 2 diabetes can lead to blindness, kidney failure, limb amputation and death.

Diabetes contributes to the deaths of almost 200,000 Americans annually.

Olympic-sized lines greet air passengers

BY CATHERINE S. BLAKE

Associated Press Writer

SALT LAKE CITY — Tens of thousands of travelers flying home from the Winter Olympics were greeted by lines longer than two football fields and waiting times of up to seven hours Monday at Salt Lake International Airport.

Airport officials said they expected more than 74,000 passengers on Monday, their busiest day ever. Some waited outside in near-freezing weather -- only to be turned away from overbooked flights.

International passengers had particularly long waits, and some were forced to stay the night in hub cities such as Los Angeles after missing connections.

By midmorning, the line to check in for Delta Air Lines stretched out of the terminal and on to the sidewalk.

"I expected it and it's no big deal. As long as you come with an open mind, it'll be OK," said Scott Hamilton, 1984 men's figure skating gold medalist, who was near

the middle of the Delta line.

Airport employees and volunteers tried to distract irritated, bored passengers with free bottled water, gold medal-shaped chocolate candies, bands of roving singers and free books of poetry.

"As long as I make it by half-past seven tomorrow to read my children a bedtime story, I'll be happy," said Graham Richardson, 37, after waiting three and a half hours for a flight home to Britain.

The delays were necessary because nearly every passenger needed to wait in line to check baggage, said airport executive director Tim Campbell.

"I would be fine if I had warmer clothes. But I'm going home to Florida and didn't think I'd have to wait out here," said a shivering Kathy Galloway, wearing a leather jacket and the now-famous blue beret worn by the U.S. Olympic team.

The airport was almost deserted Sunday night as air-space above the region was restricted during the Winter Games' closing ceremony.

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