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Set Damages That Hurt Simpson, Lawyers for Families Urge Jury



Jim Wilson/The New York Times

Fred Goldman, right, leaving the courthouse in Santa Monica, Calif., for a lunch break with Mark Roesler, a marketing agent who testified that O.J. Simpson had the potential to earn \$2 million to \$3 million a year.

Set Damages That Hurt Simpson, Jury Is Urged

By B. DRUMMOND AYRES Jr.

SANTA MONICA, Calif., Feb. 6 — After having won an unusually large judgment of \$8.5 million in compensatory damages against O. J. Simpson on Tuesday, the family of Ronald L. Goldman, joined by the family of Nicole Brown Simpson, demanded today that the jury hearing their wrongful-death civil lawsuit make an example of Mr. Simpson by ordering that he also pay heavy punitive damages.

Lawyers for the families asked for no specific punitive amount, but they insisted that the award should cause Mr. Simpson great financial pain and should take into account not only his current worth but also anything he might earn in the future.

They contended that the former football star and entertainment celebrity had a potential earning power over the rest of his life worth about \$25 million, with most of the potential lying in what they said was his future ability to market his name and fame and even his notoriety.

"You can insure that no man, especially a man of fame and fortune, will ever again act with such reckless disregard for human life," John Kelly, a member of the families' legal team, told the jury in his arguments before the testimony from experts.

Mr. Simpson's lawyers countered that their client, who did not attend today's court session, was not only not a wealthy man but was instead more than \$850,000 in debt. They attributed his financial situation to legal expenses and a loss of earning power over the last two years and said that Tuesday's unanimous verdict would only add to his troubles if allowed to stand on appeal.

A man held liable for two deaths, they contended, would never be able to earn \$25 million. In fact, they went on, should Tuesday's award be upheld by a higher court, Mr. Simpson would not only never make a real living again but instead would end up close to \$10 million in debt.

"Punitive damages are to punish but they are not to destroy," Robert C. Baker, the lead defense lawyer, told the jury. "He owes lawyers,

mortgage payments, has no equity in his home, no savings, a pension plan he can't access. All of his ability to earn a living is gone. So we ask you to award zero punitive damages."

To reach a figure on a punitive award, the jury must first consider the seriousness of the crime, then look at the defendant's worth and come up with a payment that reflects the seriousness and the worth.

Before Mr. Simpson's former wife and her friend were found slashed to death outside her condominium on June 12, 1994, Mr. Simpson's annual earnings often exceeded \$1 million and his net worth was estimated at

Lawyers dispute the defendant's future earning power.

more than \$10 million. He was a television sports commentator, did advertisements for the Hertz rental car company, made numerous celebrity appearances and speeches and worked as an actor.

He owned luxurious homes and apartments on both coasts, had a stable of expensive imported cars, belonged to exclusive clubs, traveled widely and entertained lavishly. Since his legal troubles began, he has sold off many of his possessions. But how much is he still worth? And will anyone ever collect anything close to \$8.5 million, let alone any punitive damages?

As the plaintiffs' lawyers figured Mr. Simpson's worth today, it came to \$15,703,529.

"Make him pay," Daniel Petrocelli, who heads the families' legal team, urged the jury. "You don't have the power to take away his life or liberty."

But as the defense team calculated Mr. Simpson finances, he was already \$856,157 in debt.

"He has negative net worth," Mr.

Baker told the jury. "Don't destroy. Don't pile on."

The disagreement over Mr. Simpson's wealth, or lack of it, was so wide throughout the day's court session, in which chart after complicated financial chart was shown the jury, that at one point the plaintiffs' lawyers were placing a value of \$250,000 on a piece of property while defense lawyers were listing its worth as \$1.

One of the charts produced by the plaintiffs team showed that Mr. Simpson had made \$2.8 million "by virtue of the murders." The chart indicated that he had been paid almost \$1 million for writing a book and \$75,000 for interviews, and had sold \$300,000 worth of videotapes, \$430,000 worth of photographs and \$1 million worth of autographs and sports souvenirs.

Mark Roseler, a marketing agent for celebrities and sports figures, testified for the plaintiffs that the value of a Simpson autograph had more than doubled, to about \$60, since the killings. Mr. Simpson's future earnings, despite his legal problems, could be considerable, Mr. Roseler said.

"My conclusion," he told the jury, "is that Mr. Simpson has earnings values that could vary from year to year but that in general it would be in the \$2 million to \$3 million range."

Mr. Baker, rebuffed on Wednesday when he asked the court to instruct the jury to ignore Mr. Simpson's future earning potential, took a different line of attack on that issue.

"It's all speculative," he argued, ridicule in his voice. "He may never see five cents of that money. That is not an asset that a bank would make a loan on."

Because of the technical manner in which the Brown and Goldman families filed suit, only Mr. Goldman's father and mother will share the compensatory damages award, should it stand. If punitive damages are awarded and upheld on appeal, both families will share them, with the Browns' portion ultimately being turned over to the Simpson children, Sydney, 11, and Justin, 8.