

Raw Deal

**By Reg P. Wydeven
February 6, 2013**

In the fall of 1998, some buddies and I attended the World Wrestling Federation's 'Raw is War' event at Milwaukee's Bradley Center. The event took place the day after the 'Judgment Day' pay-per-view event where chairman Vince McMahon fired the WWF's biggest star, "Stone Cold" Steve Austin.

To celebrate, every single wrestler currently under contract with the WWF and several retired stars made their way to the ring as balloons and confetti fell. McMahon gave a speech and toasted the firing of Austin.

After the party, we got to see wrestling legends the Road Warriors and my favorite grappler, Mankind, in action. Superstar Dwayne "The Rock" Johnson wrestled, followed by the brothers Kane and the Undertaker in a 'casket match.' The night ended with recently ousted Steve Austin showing up to kidnap Vince McMahon, causing the chairman to wet his pants.

My buddies and I just kept looking at one another in shock, for we couldn't believe that we got to see literally every wrestler in the WWF, along with some incredible matches between huge stars. The show we saw was worth ten times what we paid for the tickets.

But not every spectator is as lucky as we were.

Last fall, the NBA's San Antonio Spurs had a brutal six-game road trip. To rest his aging veterans, coach Gregg Popovich sent star players Tim Duncan, Manu Ginobili, Tony Parker, and Danny Green home early, so they missed the trip's finale against the Miami Heat.

In response to the benching, Commissioner David Stern fined the Spurs \$250,000 for violating a league policy against resting players in a manner "contrary to the best interests of the NBA." He apologized to NBA fans before the game, claiming "the Spurs did a disservice to the league and our fans."

Apparently Commission Stern was not the only one upset by the missing stars. Miami attorney Larry McGuinness filed a class action lawsuit against the Spurs in a Miami-Dade County court. In the suit, McGuinness alleges by "intentionally and surreptitiously" benching his star players, Popovich violated Florida's deceptive and unfair trade practices laws. He is seeking economic damages from the team because he paid a premium price for the ticket on the resale market.

Legal experts question the likelihood of the lawsuit succeeding. First, a ticket to a sporting event is a revocable license that provides the holder with the right to attend the event. Therefore, it's unlikely McGuinness could be damaged by a game that his right to attend could be revoked. In addition, while his suit is against the Spurs, the Heat issued the license.

McGuinness, however, didn't buy his ticket from the Heat; he got it on the secondary market. So he wasn't damaged by the Heat or the NBA, because they didn't charge the premium. Finally, the Heat won 105-100. Had the Spurs stars played, wouldn't McGuinness have been more damaged if his home team lost?

If McGuinness wins, I may consider suing Disney to get back the money I paid for my ticket to 'John Carter,' last year's box office flop.

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. ©2013 McCarty Law LLP. All rights reserved.