

By JOSEPH G. LARIOS

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CHICAGO (*jGLi*) – The lawyer of the father of Floyd Mayweather, Jr. is not taking the cue from Oscar De La Hoya and De La Hoya's assistant Richard Schaefer who came to terms with Manny Pacquiao's defamation lawsuit under a confidential "agreement (with) clear apology and retraction."

Attorney Malcolm LaVergne told this reporter in an email "absolutely not" when asked if his client, Floyd Mayweather, Sr., is considering a similar settlement taken by Messrs De La Hoya and Schaefer in Pacquiao's \$5-million defamation suit.

Mr. LaVergne said "Mr. Mayweather Sr. is looking forward to taking Mr. Pacquiao's deposition in this case."

He said, "We are certainly sympathetic to Mr. De La Hoya's recent personal struggles and his long-standing business relationship with Mr. (Bob) Arum in settling the case.

"Those would be the only reasons for settling this case ... (T)he actual substantive case is completely lacking in merit."

In a previous e-mail to this reporter, Pacquiao's lawyer, David Marroso, confirmed reports that a confidential agreement between De La Hoya and Schaefer on one hand and Pacquiao on the other was reached.

Marroso added, "We can say all parties approached the discussions in good faith and Manny is pleased with our agreement and the clear apology and retraction issued by Mr. De La Hoya and Mr. Schaefer."

He said under the agreement, Mr. De la Hoya and Mr. Schaefer would issue

a public statement making it 'crystal clear' they "never intended to claim that Manny Pacquiao has used or is using any performance enhancing drugs" and they "do not have any evidence whatsoever of such use."

Marroso added the "defamation lawsuit will proceed against all remaining defendants, including Floyd Mayweather, Jr., Floyd Mayweather, Sr., Mayweather Promotions and Roger Mayweather."

The De La Hoya-Schaefer settlement came in the heels of the dismissal last March of the motion to dismiss filed by Mayweather and company by United States District Court of Nevada Judge Larry R. Hicks in Las Vegas.

Hicks ruled that when Mayweather and company stated publicly that Pacquiao used and is using performance-enhancing drugs, including steroids, they "are motivated by ill-will, spite, malice, revenge and envy."

Hicks said, "Given Pacquiao's spotless record with drug tests over the course of his 15-year career and the absence of any evidence, suggesting his use of performance-enhancing drugs, defendants issued these statements with actual knowledge that such statements were false and in reckless disregard for their falsity. In either case, defendants issued these statements intending to harm Pacquiao."

The eight-page order found “these allegations are sufficient to aver that defendants’ acted with malice in making the alleged defamatory statements.”

Among the alleged defamatory statements made by defendants are the following:

Schaefer told a Philippine news reporter (Ronnie Nathanielsz of Manila Standard and boxing website philboxing.com) that “he ‘was sure’ that Pacquiao uses PEDS ... and had used them in the past.” And “De La Hoya compared Pacquiao’s punches to two other fighters known to have used PEDs during their fights.”

On the other hand, Mayweather Promotions’ CEO, non-party Leonard Ellerbe, and President, defendant Mayweather, Jr. statements to the press where they stated and/or inferred that Pacquiao was using PEDs

On or around October 29, 2009, Mayweather, Jr. gave an interview on Sirius Satellite Radio. During the nationally-broadcast interview, the host asked Mayweather, Jr. to explain how his physical development differed from that of Pacquiao.

Mayweather, Jr. responded, "cause we know the Philippines got the best enhancing drugs," the host observed, "[so] he's saying Pacquiao's taking enhancement drugs. ("This is a simple question. If you have nothing to hide, then, why not comply [with more blood tests]?"

Mayweather, Jr. issued a statement that he had "great doubt as to the level of fairness [he] would be facing in the ring that night. ("On or about March 4, 2010, at a press junket for his upcoming fight, Mayweather stated that 'Pacquiao's got the power pellets, yo, and the steroid juice. Pacquiao got the power pellets you know."

The order paves the way for a jury trial of the federal defamation suit demanded by the Filipino boxing icon whose "direct and proximate result of defendants' statement" has caused Pacquiao damage "far in excess of \$5-million" and "because defendants' conduct was undertaken in bad faith and with fraud, malice and oppression," Pacquiao is also "seeking punitive damages" for which "defendants are jointly and severally liable for all the conduct and damages alleged therein." # # #

Written by
Saturday, 04 June 2011 13:26 -

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