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## Energy firm rejects offer of takeover

HOUSTON (AP) — Wagner & Brown's unsolicited offer to buy Panhandle Eastern Corp. for \$50 a share, or \$2.25 billion, was rejected as inadequate by Panhandle's board of directors Wednesday.

The bid by Wagner & Brown, an energy concern based in Midland, Texas, and controlled by Cyril Wagner Jr. and Jack E. Brown, was disclosed by Panhandle on June 30.

A spokesman for Wagner & Brown, Grant Billingsley, said the company had no comment in response to the action.

Wagner & Brown's offer called for each of Panhandle's 44.9 million common shares outstanding to be exchanged for \$30 cash plus preferred stock with a current market value of \$20.

After the directors' vote was announced, Panhandle's common stock rose \$1.25 a share to \$48.50 in New York Stock Exchange composite trading. The stock was among the Big Board's most-active issues.

Panhandle Eastern, a diversified energy concern, is considered a relatively attractive target because of its Anadarko Petroleum Corp. subsidiary, which holds a major stake in the rich Hugoton natural-gas field centered in southwestern Kansas.

Adding to Anadarko's allure was a decision by Kansas officials earlier this year to allow new drilling in the Hugoton field over the next four years, which is seen bolstering the potential market value of older reserves there.

Besides its gas reserves, Panhandle operates a 17,500-mile gas-transmission system that serves Texas, Louisiana and much of the Midwest.

The Panhandle proposal is latest attempt by Wagner & Brown, a leading independent oil and gas producer, to purchase a major gas-transmission company.

Should Wagner & Brown decide to continue pursuing a hostile bid for Panhandle, it would face several defensive measures the company has adopted since 1983.

Among those anti-takeover provisions is Panhandle's "poison pill" defense, which is designed to make an unwelcome takeover substantially more expensive for the bidder.

Under the plan, Panhandle's stockholders receive special rights that enable them, in the event of a hostile takeover, to buy stock in the surviving company for half price.

Panhandle also has a provision requiring any takeover to be approved by at least 80 percent of its common shares.

## Waldo

by Kevin Thomas

## Harsh Reality

by Gish

## SHOE

by Jeff MacNelly

## Funky Winkerbean

by Tom Batiuk

## Malpractice

Court overturns ruling declaring award limits unconstitutional

AUSTIN (AP) — The Texas Supreme Court overruled Wednesday a lower court that had decided the statutory limit on malpractice damage awards was unconstitutional.

The high court did not say the limit is constitutional, but it ruled that the Beaumont Court of Appeals should not have addressed the constitutional question in the case.

The lawsuit was filed by survivors of Kenneth Baber, a 340-pound Beaumont man who died Aug. 25, 1979, three days after undergoing weight-reduction surgery.

Surgical staples were placed in Baber's stomach in an attempt to

reduce his appetite. A pathologist testified that Baber died of cardiovascular problems and peritonitis that developed after the surgery.

The complications started at a hole in Baber's stomach near where a staple was placed, according to the pathologist.

A trial court awarded Baber's survivors \$1.32 million in damages from the Baptist Hospital of Southeast Texas at Beaumont and Dr. George L. Campbell. The hospital appealed, contending that state law limited medical malpractice awards to \$500,000.

The Beaumont Court of Appeals upheld the decision and said the

damage award limit was unconstitutional. In Wednesday's opinion, the Supreme Court said there was no constitutional issue in the case because the award did not exceed the statutory limit.

The Supreme Court said the law allows the limit to be adjusted, based on the consumer price index. When the Baber case was tried, the adjusted limit was \$804,419.

Because neither defendant in the case was ordered to pay more than that amount, the limit was not exceeded, the high court said.

Bill Willis, executive assistant for the Supreme Court, said the ruling overrides the Beaumont appeals

court finding that the limit is unconstitutional.

"They are saying the court of appeals need not have ruled on it," Willis said.

A Texas Medical Association attorney said the ruling was proper. Holly Alt, TMA's assistant general counsel, said the association would intervene to defend the constitutionality of the limit if it is challenged in future cases.

"I don't think there is a constitutional question," Alt said. "It is perfectly constitutional as it is."

## Texas court rules physical injury unnecessary for 'mental anguish'

AUSTIN (AP) — The Texas Supreme Court ruled Wednesday it is no longer necessary in wrongful death cases to prove physical injury to recover damages for mental anguish.

Justice Robert Campbell's majority opinion said, "A physical manifestation of mental anguish is evidence of the extent or nature of the mental anguish suffered, but it is no longer the only proof of mental anguish."

The court's 6-3 ruling came in a case brought by Fred Moore and Martha Theaker in El Paso County against Douglas Lillebo for the wrongful death of their adult son, Paul Moore.

Lillebo allegedly fell asleep while driving his car, and an accident occurred. Paul, a passenger in the car, was killed.

Moore and Theaker, who were divorced, each asked the jury to determine damages, if any, for loss of

companionship and society, and mental anguish resulting from Paul's death.

The trial judge refused to submit the issues. The 8th Court of Appeals at El Paso held that there was no evidence that Paul's death caused mental anguish.

Therefore, the appeals court held it was not wrong to refuse to submit the issues to the jury.

## Food donated at Farm Aid II distributed

AUSTIN (AP) — Food collected at the Farm Aid II concert has reached the tables of some needy farm families as distribution of 3,000 pounds of canned and packaged goods began this week.

Much of the food was donated by music fans who attended Willie Nelson's benefit concert held Friday at Austin's Manor Downs.

"Canned goods are the most popular items, but there are not enough to go around," said Jay Sablatara, community relations coordinator for the Austin food bank. "We would like everybody to get a little bit of something nutritious."

Pedro Grimaldo, executive director of the Southside Community Service in San Marcos, drove to the food bank Tuesday to pick up his allocation.

Grimaldo said a few of the agency's farm-related clients own small farms and the rest are laborers. Those who operate their own farms work for larger farmers or seek jobs in the city, but those jobs are fading fast.

Tumbling market prices and higher production costs for crops and livestock have created a lot of candidates for Farm Aid relief, Grimaldo said.

## Man sued for taking funds under tax lien

EL PASO (AP) — An attorney withdrew \$4.2 million from two banks despite tax liens on the money, which has been linked to a Mexican drug lord suspected of killing a U.S. agent, a federal suit alleges.

The civil suit — filed in federal court against attorney Merwin Grant and the law firm of Beus, Gilbert, Wake & Morrill of Phoenix, Ariz. — alleges Grant took more than \$2 million from El Paso National Bank and more than \$2.2 million from First City National Bank of El Paso.

Michael E. Greene, an attorney in the Justice Department's tax division in Dallas, filed the suit Friday, alleging Grant knew there were tax liens on the money when he withdrew it in early July 1984.

The money applied to \$28 million in taxes for 1984 owed by Marquedo Alfaro Margarino, 54, a Mexican businessman. Grant represented Alfaro last year in a dispute over \$6.5 million in certificates of deposit at First City National Bank.

A receptionist at the law firm in Phoenix said Wednesday that Grant was not in his office, the firm's senior partner was in Utah and the firm's administrator was unavailable.

Alfaro, whose name was on the certificates of deposit as co-owner, had said the money belonged to 13

Mexican citizens for whom he was making investments.

On Dec. 18, U.S. District Judge Harry Hudspeth ruled that the \$6.5 million belonged to the Internal Revenue Service.

Federal investigators said the disputed money is believed to be connected to a money-laundering ring operated by Miguel Angel Felix Gallardo of Guadalajara, alleged to be one of the most powerful drug lords in Mexico.

Gallardo also is wanted in connection with the kidnapping of Drug Enforcement Administration agent Enrique Camarena Salazar.