



PHOTOGRAPH: Tim Moog

On the Ball **Biron Germann**, a veterinary school student, passes the ball before getting tackled by **Carson Hickson**, a senior exercise technology major. They are practicing for this weekend's qualifying game in Dallas.

Baylor sues hospital consultant over fee demands

DALLAS (AP) — Baylor University has sued hospital consultant Josh Nemzoff, claiming it does not owe \$4.2 million in fees he is demanding for his advice on the possible sale of Baylor Health Care System.

The Baptist-affiliated university in Waco paid Nemzoff a \$100,000 retainer fee in late 1996 after he agreed to advise the university on the possible sale or consolidation of the hospital system.

Nemzoff says his contract called for him to be paid a percentage of the proceeds from any sale, merger or joint venture. He claims he brought the university board of regents an offer from Tenet Healthcare Corp. to buy the hospital system for \$1.2 billion. Although the regents decided not to

sell, the Nashville, Tenn.-based consultant believes he is still owed the money.

"I think it is very sad that a Christian university would behave in a manner like this," Nemzoff is quoted as saying in Tuesday editions of The Dallas Morning News. "I was simply sending them a bill and saying, 'This is what you owe me according to our agreement.'"

Baylor's lawsuit, filed in federal district court in Waco, states that although Tenet, a for-profit hospital system based in Santa Barbara, Calif., was interested in buying Dallas-based Baylor Health Care System, "an expression of interest is not an offer." Tenet has repeatedly refused to comment on its interest in Baylor.

The lawsuit states that Tenet's interest became

irrelevant because soon after its offer, Baylor Health Care System changed its structure by relinquishing control of five of its hospitals. It persuaded the hospitals to change their articles of incorporation, effectively putting control of the hospitals into another company.

The Baylor hospital system, whose flagship Baylor University Medical Center in east Dallas has been affiliated with the university for 75 years, recently agreed to sever most of its ties with the school.

Nemzoff said his contract said, "No matter what we do, we are going to get paid." He said an amendment to the original contract stated he would be paid a percentage of any offers that were made.

INS offices plagued by processing delays

Citizenship application waiting periods range from five weeks to two years

WASHINGTON (AP) — Swamped by a huge surge in citizenship applications, Immigration and Naturalization Service offices around the nation are posting sharply different results in the time taken to complete naturalizations and other cases.

In a new report to Congress, the General Accounting Office notes that the processing of legal permanent resident applications ranged from a low of five weeks to a high of two years. For citizenship processing, the time varied from 16 weeks to more than 22 months.

Congressional auditors said the differences in processing times at the 33 INS field offices suggest "opportunities may exist to improve the production rates of some of the units."

INS officials didn't dispute that conclusion. But in an official response to the GAO study, INS Commissioner Doris Meissner said "the data in the report are suggestive and not conclusive."

That's in part because there has been no consistency in data gathering among field offices — with some considering a naturalization application complete when the applicant's in-person interview has been conducted, others only when the citizenship oath has been taken, weeks or months later.

"We recognize there is a need to improve how we gather and report that data so we can make better management decisions about what needs to be done," INS spokesman Greg Gagne said Tuesday.

Gagne said delays may reflect the burdens imposed on some of the busiest offices.

But, said GAO: "We did not find a relationship between production rates

and the mix of applications received or the volume of completed applications.

In Texas, the Houston office had the longest processing time — 799 days for legal permanent resident applications, while El Paso had the third worst rate, with 669 days.

For citizenship applications, Houston recorded a 611-day average, second only to Phoenix' 678 days. Dallas also had processing times beyond the 373-day INS average, with 455 days; while Harlingen, El Paso and San Antonio posted better-than-average times.

Under fire for persistent problems in its citizenship program, INS has been struggling to cope with an explosion in naturalization applications prompted by immigration and welfare law changes. A record 1.8 million applications are expected this year — up from 300,000 just five years ago.

In fiscal 1996, INS received nearly 5 million applications for naturalization, lawful permanent residency, employment authorization, replacement of alien registration card and immigrant visa for alien relative.

The agency completed nearly 5 million applications and ended the year with a backlog of some 1.7 million applications, GAO said.

The goal of processing citizenship applications within six months has been abandoned under the strain of coping with the huge caseload.

Adding to the delays are new safeguards INS has instituted to ensure there is no repeat of last year's lax procedures that allowed 180,000 foreigners to become Americans without complete criminal background checks. Some 16,400 of the new citizens had at least one felony arrest.

“... opportunities may exist to improve the production rates of some of the units.”

Congressional auditors

Courts bombarded with asbestos cases

HOUSTON (AP) — Out-of-state plaintiffs suing asbestos companies flooded Houston courts with cases a day before Gov. George W. Bush signed a new law that would have blocked them.

Lawyers representing the nearly 3,000 plaintiffs filed the cases last Wednesday, a day before Bush signed into law a bill discouraging lawsuits by non-Texans. Supporters had argued that Texas courts have been swamped by outsiders "shopping" for venues and high-dollar verdicts.

State judges in Harris County now are ordering attorneys to separate the plaintiffs in two of the largest lawsuits against 60 makers or distributors of asbestos-related products. Many of the plaintiffs live in Southeastern states, primarily Alabama.

"We anticipated some additional filings were likely since we knew the change was effective with the signing of the bill by the governor," said Wes McCoy, assistant chief deputy clerk for Harris County.

"We just had no way of knowing whether it would be 20 or 200 or 2,000 new cases. It has burdened our entire operation by having to field it with the normal work flow."

Brent W. Coon, the Beaumont attorney who filed the suit for 2,512 of the plaintiffs, acknowledged they wanted to beat the deadline for what he called a "horrible law in several respects."

Coon said Alabama has blocked most asbestos

lawsuits from being heard there, leaving Texas as the last opportunity to fairly compensate for the wrongful deaths and severe injuries from the cancer-causing substance.

"The tort reformers are misrepresenting the true facts about this," Coon said. "Most of the defendants are based in Texas. They produced the asbestos in Texas, and the cases should legitimately be heard in Texas."

The new law bars future cases being filed by non-Texans and gives judges greater authority to dismiss other cases filed this year. Those filed before 1997 and after Aug. 1, 1995, will remain, but are subject to punitive-damage limits that apply to many other civil lawsuits.

Last-minute case filings frustrated the swamped staff of District Clerk Charles Bacarisse.

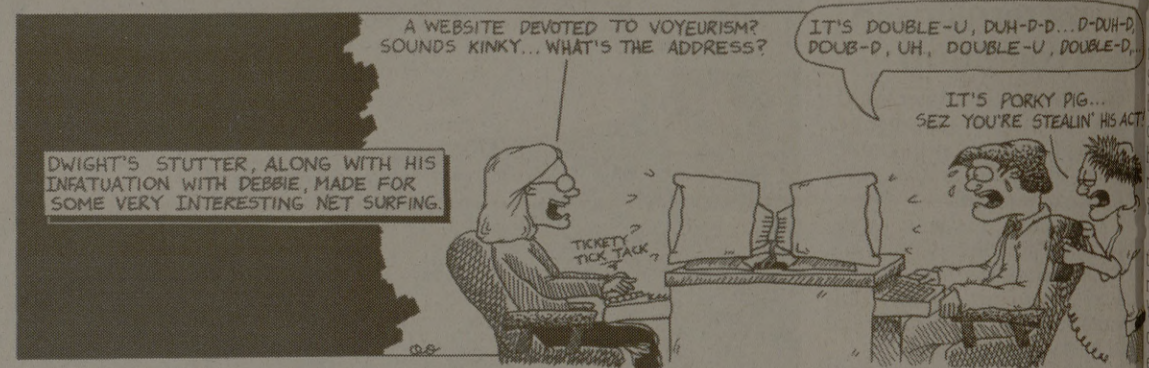
Court officials said an order is being prepared to separate individual plaintiffs from the two cases claiming to represent almost 3,000 plaintiffs.

The judicial order will help Bacarisse in raising the revenues to deal with processing the cases.

With the filing fee of \$150 for each suit, the two cases were accepted for \$300 in fees. By separating them into individual cases, the fees for filing will total about \$436,000.

Coon said his firm, Provost & Umphrey, does not oppose the separation of plaintiffs. He said the consolidated filing was only to minimize paperwork for the clerks and court system.

Sketch



By Quatro

WEATHER OUTLOOK

FRIDAY	SATURDAY	SUNDAY
Thunderstorms High: 91° Low: 67°	Partly cloudy High: 92° Low: 69°	Partly cloudy High: 90° Low: 66°

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