

## News & Insights

### **Hall Estill Attorney John Hickey successfully represents Garth Brooks - Jury awards \$1 million in lawsuit against Integris**

Garth Brooks Thanks Attorney John Hickey

TULSA WORLD

RHETT MORGAN World Staff Writer Jan 24, 2012

CLAREMORE – A jury has awarded Garth Brooks \$1 million in damages in his lawsuit against Integris Rural Health Inc.

The jury awarded \$500,000 in actual damages, saying Integris breached a contract when it accepted a donation from the country music superstar in that amount. It also awarded \$500,000 in punitive damages.

Juror Beverly Lacy of Inola said later that the panel “wanted to show them (hospital officials) not to do that any more to other people who couldn’t take them to court if they needed to.”

The jurors had also recommended an additional award of \$150,000 on a fraud claim, but District Judge Dynda Post reduced the total amount in the first part of the trial to \$500,000, saying it was limited by law.

The second stage of the trial, in which punitive damages were determined, took little time Tuesday evening. The punitive damages were limited by law to no more than \$500,000, and jurors took only 15 minutes in reaching a decision to award that full amount.

No witnesses were presented in the second stage of the trial, and the jury went out to deliberate about 7:40 p.m. and returned just before 8 p.m.

Brooks, 49, sued Integris in 2009, alleging that it backed off a promise to name a new women's health center at a Yukon hospital after his mother, Colleen Brooks, in exchange for his \$500,000 donation. Colleen Brooks died of complications from cancer in 1999.

Brooks was not immediately available for comment.

Hardy Watkins, vice president of marketing and communications for Integris Health, said in a statement: “Obviously we are disappointed, particularly with the jury’s decision to award dollars above and beyond the donation. Several times since this case was filed, we did attempt to return the donation to Mr. Brooks. I will say we are glad to see this case come to resolution.”

A crowd of about 30 people were gathered outside the courtroom following the verdict, some with Brooks' songs playing from their vehicles in the parking lot outside the Rogers County Courthouse.

Without the jury present, attorneys discussed the language in jury instructions and verdict forms on Tuesday morning.

Testimony had wrapped up Monday, and jurors began deliberating about 2:45 p.m. Tuesday. They returned with their verdicts in about three hours.

In his closing statement, Brooks' attorney, John Hickey, said Integris used Brooks' mother as a hook "to get him to come to the table. What they did was despicable. It was ugly ... as low as you can get."

But defense attorney Terry Thomas said no documents were presented at the trial that outlined the allegations presented in Brooks' lawsuit.

"At most it was a misunderstanding between the two (Brooks and Integris CEO James Moore). That's unfortunate. But it does not fulfill the burden of proof," Thomas said.

The Tulsa-born Garth Brooks, who grew up in Yukon, testified Friday that he had a phone conversation in early summer 2005 with James Moore, president and CEO of Integris Canadian Valley Regional Hospital in Yukon. In that conversation, Brooks said he made an agreement with Moore regarding women's center naming rights associated with his half-million-dollar gift.

Moore told jurors that although no such deal was ever made, he did promise to do something on behalf of Colleen Brooks. No new women's center has been built, and Integris has not spent the donation, Moore has testified.

Evidence from documents and emails in the years following the donation indicated that Brooks wanted to come to an "understanding" before the money was spent.

## Attorneys

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- John M. Hickey