

# WPRA in Court for Preliminary Injunction Hearing

**T**he WPRA made its first appearance in Colorado State court April 24-26, 2007 in a three day hearing to decide on its motion for preliminary injunction against the Professional Rodeo Cowboys Association and its subsidiary, Professional Women's Barrel Racing.

The WPRA's claims in its lawsuit are for misappropriation of the WPRA's business value and for interference with existing and potential contracts. All claims arise from the PRCA's actions since deciding to form its own barrel racing entity, the PWBR. The motion for preliminary injunction was to stop the ongoing activities related to the PWBR.

Through discovery for the hearing, the WPRA found that the formation of the PWBR, although only officially known since the August 16, 2006 PRCA Board of Directors meeting, in fact the concept was being developed nearly a year prior to that meeting.

The WPRA and PRCA first entered into negotiations following the PRCA Board's August 2005 enactment of a \$200 competition fee to be levied upon all WPRA members competing in the WPRA barrels at PRCA sanctioned rodeos.

During this time, then PRCA Commissioner Troy Ellerman sold the television, marketing, and other rights to the Pro Tour rodeos to third party Grit Rock, LLC who formed ProRodeo Tours, LLC. The contract, signed October 14, 2005 including the rights to the barrel racing, specifically the WPRA barrel race as it was the only barrel racing in pro rodeo at that time. Then PRCA Board Chairman Tom Feller admitted at the

hearing that the WPRA had no knowledge of this sale of its rights and also that the WPRA "probably" should have been consulted before the contract was put in place. The PRCA Board did not see or review this contract before its approval, though several Board members requested such review.

Approximately one week following the signing of the PRT contract, Chairman Feller wrote a letter to Las Vegas Events, the promotional body behind the Wrangler National Finals Rodeo, regarding the negotiations over the extension of the contract for the WNFR. In that letter, Mr. Feller requested that LVE change the language of the contract to read "PRCA affiliated barrel racing," replacing language that specifically called for WPRA barrel racing, effectively writing the WPRA out of the WNFR contract. This letter was sent without the knowledge of the WPRA and while negotiations between the WPRA and PRCA were still underway.

Shortly thereafter, a one year agreement was reached for the 2006 season. Through this agreement, WPRA members paid an additional \$2 per entry to Procom, a net of almost \$60,000 for the season paid to the PRCA. In exchange, the PRCA agreed to a number of provisions, many of which were not enforced. First, a joint press release between the two associations was to be released to give members of both associations the facts regarding the benefits of the relationship to both. After agreeing that his media department would draft the release and send to WPRA President Davis for approval, Commissioner Ellerman instead issued a "Q & A" in which he claimed WPRA members had been receiving a

"free ride."

In addition, the PRCA promised they would conduct a financial analysis to determine just exactly what they were paying on behalf of WPRA members as well as what the WPRA was bringing to the table. This analysis was promised within the first quarter of 2006 so that negotiations for a long term deal could begin. Of course, the WPRA had no notion that such long term deal was not what the leadership of the PRCA was looking to create.

In fact the May 2006 PRCA Board meeting minutes contain discussion of bringing the barrel race "in house." Commissioner Ellerman told his Board that likely two thirds of WPRA members would be against the move. So the PRCA Board voted to propose an additional \$10 per entry be levied at Procom on WPRA members (they were paying \$15 at the time and were required by the PRCA to use their entry system), with an additional \$1 per year being added so that in ten years WPRA members would be paying \$34 per entry, just to Procom. With the added circuit, judges, and timer fees, WPRA members would have been paying \$41 per rodeo in addition to their entry fees.

This proposal was sent to the WPRA and a meeting between Feller, Ellerman, and President Davis soon followed. Also present at the meeting, at the request of Mrs. Davis, was then PRCA treasurer, current PRCA Board Chairman Keith Martin.

Shortly following this meeting, Feller secretly circulated a memo to PRCA Board members proposing a resolution

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which said that the additional charges were a “take it or leave it” offer. Part A of the resolution contained the proposed charges along with a caveat that should the WPRA refuse to implement this offer then Part B would kick in, that the PRCA was taking the barrel race in house. Not only was this not made aware to the WPRA but in the meeting, both Feller and Ellerman assured President Davis that they did NOT want to take the barrels in house.

The misconduct of the PRCA alleged in the WPRA’s lawsuit began following the PRCA Board meeting of August 16, 2006 where the decision was made to form PWBR. As Director Jimmy Adams said of the WPRA in that meeting, “let’s cut their heads off.”

The misappropriation claims center on a number of key actions which prove that the PRCA did not start a new competitor in the women’s barrel racing market, as they claim, but rather moved decisively to steal the business value of the WPRA which was created over sixty years of labor, skill, and money.

First, the PRCA used proprietary information of the WPRA to send enlistment letters along with membership applications to all WPRA members. Because the WPRA was required to use Procom, WPRA members’ names, addresses, card or permit status, and phone numbers were input into the Procom system. This was necessary to ensure that members could enter rodeos as part of the relationship between the two associations. PRCA officials testified that they knew this information was not to be released to third parties and that they knew of the WPRA’s rule regarding confidentiality of its membership list. Aside from these facts, the WPRA sent two cease and desist letters to the PRCA when it learned they planned to send letters using the confidential information.

PRCA Head of Rodeo Administration Aaron Enget testified that they received these letters but ignored them.

Second, the PRCA used WPRA card or permit status to justify PWBR status. While claiming this was a new organization, the PRCA relied on past winnings of potential members, rather than everyone being forced to start from ground zero. A card in itself means something because the WPRA built the rules and status of being a card holder. Not only were cards granted to WPRA card holders, and only WPRA card holders, but WPRA money won on a permit was allowed to carry over to the PWBR permit and gold cards or life memberships were given to PWBR members who had the same status with the WPRA. How does one achieve gold card status, the result of diligent dues paying membership over a number of years, in a brand new organization?

Third, PRCA and PWBR officials admitted that they used only the PRCA and WPRA rulebooks to write the PWBR rulebook. Enget said in his deposition that the PWBR rulebook could not have been created without the WPRA rulebook. In fact, the competition rules for the PWBR very closely mirror the WPRA’s. At the hearing, current Board member Jolee Lautaret as well as past directors, testifying on behalf of the PWBR, Jimmie Monroe, Patti Roberts, andCarolynn Vietor, all testified to the fact that the WPRA rules had been created through the WPRA’s sixty year history, through a process of trial and error and constant revamping by the Boards. By contract, Monroe testified that the PWBR rulebook was created in about twenty hours. In fact, not only was the copy written WPRA rulebook used exclusively to create the PWBR’s but it is still being used as an April copy of the ProRodeo Sports News contains a “rule revision” to PWBR rules which make their rules even more closely

copy WPRA rules.

Next, PWBR used the WPRA standings and rankings to place competitors in limited entry rodeos. Again, rather than creating something new, the PWBR simply took from the WPRA. Standings are the result of WPRA’s labor and time, paying auditors to verify and office staff to compile.

Former Chairman Feller also testified that the Justin Best Footing Awards, which were created collaboratively between the WPRA and Justin Boots many years ago and which the WPRA has born the responsibility for determining winners and publicizing, will be given by the PWBR this season. Again, the PWBR did not start at ground zero but simply took what the WPRA had built.

Similarly, the WPRA President has sat on the Board of the Justin Cowboy Crisis Fund since its inception. Last fall however, President Davis was removed and PWBR Chairwoman Munroe put in her place.

The net result of all these actions were that the PWBR did not start from the ground floor to build a better association for the barrel racers. The PRCA stole the goodwill and efforts of the WPRA to build women’s barrel racing over the years and transferred it to the PWBR for its own agenda, namely control.

Besides covering for the wrongful sale of WPRA rights in the PRT contract, the PRCA had to guarantee a championship quality event to Las Vegas Events according to the terms of the WNFR contract. As the WPRA was the highest standard in women’s barrel racing, the PRCA had to take from the WPRA rather than building its own barrel race or face a possible breach of contract with LVE.

The second portion of the WPRA’s

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claims center on the past and on going interference with WPRA's existing and potential contracts. These contracts are the approvals with the rodeo committees to hold a WPRA barrel race. A large number of rodeo committees have broken their contracts with the WPRA for a number of reasons. The testimony at the hearing bore out the fact that soon after the formation of PWBR, Commissioner Ellerman gave his staff the job of coming up with "restrictions" to put on rodeo committees to keep them from choosing the WPRA for the sanctioning body of the barrel race.

These restrictions, such as those placed on being able to advertise your event as a "PRCA rodeo" and indemnification letters, were placed only upon those choosing the WPRA and not for any other non-PRCA sanctioned events. Thus, Cheyenne Frontier Days can still call itself a PRCA rodeo even though the committee also hosts a PBR bull riding and there is no need for an indemnification letter despite that this committee holds a wild horse race, an event much more likely to result in injuries than a WPRA barrel race. These restrictions are also not enforced on committees choosing to have an open barrel race.

Several committees testified at the hearing or through deposition, including to feeling harassed, being confused by the new restrictions, to the fact that the restrictions just made it too difficult and/or costly to stay with the WPRA, and for one committee, Hamel, MN that their PRCA approval was pulled when they balked at signing the indemnification letter. W.R. Watt of the Fort Worth committee stated in deposition that the guidelines set by the PRCA trapped them so that there was no way to efficiently run a WPRA barrel race.

Obviously, the PRCA pointed to its joint policy statement of October 2006

but as committees continue to cite the restrictions laid out prior to this policy statement as reason to drop the WPRA or go with the PWBR to the present day, proves that the perception initially laid out by the PRCA still matters most—the fireworks have disappeared but the smoke still exists to prove they went off.

For its part, the PWBR/PRCA lawyers argued that the PRCA was responsible for the success of the WPRA, an argument that Vietor, Munroe, and Roberts all concurred with in their testimony, and that the PRCA brought committees to the WPRA despite written history and the memories of current members that individual WPRA members and leaders went to committees throughout the WPRA's history to solicit them to host a WPRA event. Former President Vietor, whose letter to the PRCA dated August 8, one week prior to the PRCA's decision to form PWBR, cited her excitement at the new venture and offered any help she could give, testified that the WPRA has taken the barrel race "as high as it could go" and that being absorbed into the PRCA was inevitable though she hoped it wouldn't happen "on her watch."

Through discovery it was found that former Montana Director Marilyn Perry had passed confidential WPRA Board information on to Vietor, who then sent the information on to PRCA officials. Perry resigned her position with the WPRA in January and subsequently took the same circuit director position within the PWBR.

Discovery for this case is still incomplete, as PWBR Board meeting minutes have not been turned over nor have tapes of certain meetings. The August 16, 2006 PRCA Board meeting was taped but somehow the sixteen minutes during which time the Board discussed and voted to form PWBR were "accidentally" erased. In addition, despite several weeks of effort, the WPRA was not able to find

Ellerman to serve him for the purposes of taking a deposition; it is clear that he was hiding from the WPRA, though still in contact with PRCA members involved in this trial, such as Feller who wrote a letter on Ellerman's behalf to the judge in his upcoming Balco sentencing hearing.

As this matter proceeds to trial, the WPRA will continue to seek this remaining evidence through discovery.

Following the presentation of the arguments, the court took a week to consider the WPRA's request for injunctive relief. Without citing significant reasons, the court denied the WPRA's Preliminary Injunction Motion in a very short brief in which the WPRA was referred to as the Professional Women's Cowboy Association. Unfortunately, the standard for granting a preliminary injunction is significantly higher than what is needed for a favorable verdict at trial.

The WPRA believed, and continues to believe, that the actions of the PRCA are in violation of the law, and that the WPRA is right. The Court's ruling on the pretrial injunction motion has no bearing on the outcome of this dispute at trial. In fact, the WPRA feels that a jury will clearly see the wrong done to the oldest women's sports organization in the country at the hands of PRCA leadership, headed by a man who is now going to prison.

For nearly 60 years, the WPRA has stood up for its members to demand equal treatment and better conditions, all while working to preserve the honor and integrity of the term "cowgirl." While we were disappointed with the results of this ruling, our commitment to you, the membership, remains as strong as ever. Thank you for the many calls of support and know that we will continue this fight to preserve your living heritage, your sacred birthright: the WPRA, the past, present, and future of women in rodeo.