

# Ventriloquist wins \$17.8 million award in Metromedia suit

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Staff reporter

LOS ANGELES—Metromedia Inc. must pay ventriloquist Paul Winchell \$17.8 million for erasing tapes of his children's show "Winchell Mahoney Time," according to a Los Angeles Superior Court jury.

The jury awarded Mr. Winchell \$3.8 million in compensatory damages for the loss of the shows and \$14 million in punitive damages from Metromedia.

Metromedia destroyed 288 half-hours of the locally produced, late-1960s TV series "Winchell Mahoney Time" in 1972. Only 17 water-damaged episodes remain of the show, which featured Mr. Winchell and his dummies, Jerry Mahoney and Knucklehead Smiff.

The destruction of the shows, and the subsequent legal action by Mr. Winchell, all spring from Chris-Craft Industries' interest in syndicating the show in 1968, says Lawrence P. Grassini, Mr. Winchell's attorney.

Metromedia owned the shows, says Mr. Grassini, but Paul Winchell had "a 50 percent interest in the syndication" and owned the characters.

When Metromedia rejected doing business with Chris-Craft, Mr. Winchell tried to buy the shows outright for \$100,000.

"They came back with a threat," says

Mr. Grassini.

"Either he signed an agreement giving them all the syndication rights or they would erase the shows," Mr. Grassini said.

Mr. Winchell thought it was just a negotiating ploy—but Metromedia did erase the tapes.

Metromedia told the court, Mr. Grassini says, that it was common industry practice to erase shows without value.

However, Mr. Grassini charged it was simply a vindictive action, a strong-arm tactic aimed at getting Mr. Winchell "to knuckle under."

After being erased, the tapes were thrown out.

Metromedia succeeded in having the lawsuit dismissed in 1981. That action was reversed by an appellate court, "which said the case cried out for determination by a jury," says Mr. Grassini.

Dean Stern, Metromedia's lawyer, would only say, "We don't believe the present judgment represents a correct result, and we will take all action available to get the correct result."

"They have a vindictive attitude and will not stop until the court says they have gone far enough," Mr. Grassini says.

"Mr. Winchell refused to knuckle under to them and they aren't used to that."#



Ventriloquist Paul Winchell and his dummies Jerry Mahoney and Knucklehead Smiff