

EX-AUTOMAKER HAS TOUGH ROAD IF HE TRIES TO SUE GOVERNMENT

Detroit Free Press (MI) - Sunday, December 21, 1986

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If former automaker **John Z. DeLorean** files a civil suit against the U.S. government -- as he has suggested since being acquitted of embezzlement charges last week -- he should look forward to a bumpy ride, according to lawyers and legal scholars.

"I think he'd have a real tough time," said University of Michigan law professor William Pierce.

On Wednesday, a jury in U.S. District Court in Detroit found **DeLorean** not guilty on charges that he embezzled \$8.5 million from his now-defunct sports car company.

In various interviews since the acquittal, **DeLorean** and his chief defense attorney, Howard Weitzman, have said one purpose of a suit would be to recover damages for **DeLorean**'s loss of his company, other economic losses and a complete disruption of his family and personal life over the past four years, which they claim were caused by the government.

"It (suing) may be the best way to get them from harassing me -- to harass them for awhile," **DeLorean** said during one interview.

TWO AREAS are being considered, **DeLorean** and Weitzman said.

The first possibility is a suit against the government charging malicious prosecution against **DeLorean** -- both for the Detroit case and one two years ago in Los Angeles in which the former General Motors Corp. vice-president was acquitted on federal drug trafficking charges.

A second idea being considered, they said, is a suit saying the government violated **DeLorean**'s civil rights.

But Pierce said he believes malicious prosecution would be difficult to prove.

"It is not easy to show any facts in either of those cases for malicious prosecution, because in each instance, there were reasonable cause findings made by judges and grand juries before indictments were issued," Pierce said.

The odds of winning such a suit are "next to nil," said Peter Kelley, a former assistant U.S. attorney who now heads his own law firm in Ann Arbor and practices almost exclusively in federal courts.

"I'm not saying it's impossible, but the chances are very, very slim," he said. "The first hurdle they'd have to get over is the absolute immunity of (federal) judges and prosecutors. You cannot sue them for anything they do. What you have left is the FBI agents (who investigated the cases) and you'd have to prove they acted outside the scope of their authority . . . and with an intent to harm **Mr. DeLorean** . And even that's no guarantee. There are cases where it was proven that DEA agents falsified documents and the cases still weren't successful for the plaintiffs."

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Edition: STATE EDITION

Section: NWS

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Index Terms: JOHN DELOREAN; LAWSUIT

Record Number: 8602280991

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