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## **Bond hearing for Curlin's owners delayed by appeal**

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Three lawyers jailed while awaiting trial on charges of bilking clients of millions of dollars in a diet drug settlement will have to wait a little longer to see if they'll be freed.

A federal judge postponed a bond hearing scheduled for Tuesday for William Gallion, Shirley Cunningham Jr., and Melbourne Mills. Gallion and Cunningham are minority owners in Preakness winner Curlin.

In a 10-page order issued Monday, U.S. District Judge William Bertelsman said because the three attorneys appealed the order to put them in jail, he'll let the U.S. 6th Circuit Court of Appeals decide if it was the right call. The 6th Circuit had not issued a decision as of Monday morning.

Earlier this month, Bertelsman agreed to the lawyers' request to push their trial date back to Jan. 7, 2008, but ordered the men held until then. The trial had been set for Oct. 15.

Bertelsman later scheduled a hearing for Tuesday in an effort, he said, to find a way to release the men from jail, yet ensure they don't hide the money in question and show up for court. Bertelsman said the men have never accounted for the money and remain a flight risk.

A civil court has ruled that they owe at least \$42 million to their clients.

Gallion's lawyers filed motions on Monday seeking to have Bertelsman removed from the case. Gallion's lawyers wrote that Bertelsman improperly considered the civil case in revoking his bail and should step down from the criminal case.

The three lawyers were found in the civil case to have defrauded more than 400 clients in a \$200 million settlement involving the diet drug fen-phen. The 440 plaintiffs collected about \$74 million of the settlement.

Cunningham, 52, and Gallion, 56, bought Curlin for \$57,000 as a yearling through their Midnight Cry Stable. They sold controlling interest in the horse in February for a reported \$3.5 million to a group composed of Jess Jackson, founder of Kendall-Jackson wines; Satish Sanan's Padua Stables; and George Bolton, an investment banker.

Gallion and Cunningham retained a minority interest and were in the winner's circle after the 3-year-old won the Preakness on May 19.

Curlin was third in the Kentucky Derby and second in the Belmont Stakes.