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Update—Who Does the Green Jacket Belong to?:

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(Editor's note: the article below was originally published on April 5, 2013 in Vol. 10, Iss. 6 of Sports Litigation Alert. An update, as of November 26, 2013, has been incorporated toward the end)



As I join the golfing universe in anxiously awaiting the beginning of the 2013 Masters Tournament on April 11th, my thoughts (fantasies, actually) frequently drift to sliding on the iconic “Green Jacket” that is awarded to the winner of each year’s event.

However, as a 20 handicap, my only chance to ever don the most-recognizable “trophy” in golfdom would be to buy one

at auction (forgetting, for purposes here, a likely price tag of \$75,000+). It will now be up to a Texas court to determine if I must also give up this last glimmer of hope.

On February 18, 2013, Augusta National, Inc. (“ANI”), the owner and operator of the world-famous Augusta National Golf Club in Augusta, Georgia, filed a petition and application for writ of sequestration, temporary restraining order, temporary injunction and other equitable relief in the District Court in Dallas County, Texas seeking to stop a February 23, 2013 auction of the green jacket worn by 1959 Masters Tournament Champion Art Wall, Jr. (the “Wall Jacket”) by Dallas-based Heritage Auctions. ANI stated that they became aware of the theft of the Wall Jacket in April 2012, but were unable to stop an auction of the item by Tampa-based Green Jacket Auctions (who thereafter refused to identify the purchaser).^[5] ANI’s claim to ownership of “the most coveted award in all the golfing world”^[6] was based on ANI’s rule that the green jacket presented to the annual Masters champion may not be removed from ANI’s grounds except during the first year following its presentation. Thereafter, all jackets must be stored on ANI’s premises for use only on the grounds and during the annual Masters tournament. Thus, according to ANI, a champion’s green jacket is owned by ANI with a champion having possessory rights when on the premises of ANI.^[7]

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On February 18, 2013, the Court granted ANI's petition and ordered a writ of sequestration commanding "the Sheriff or any Constable within the State of Texas to take into his possession the green jacket commemorating the 1959 Masters Championship of Art Wall, Jr.,...and to keep the same subject to further orders of the Court, unless same is replevied."^[8] The Court also issued a temporary restraining order enjoining Heritage Auctions from conveying, selling, transferring or otherwise losing possession of the Wall Jacket, as well as setting a hearing date on ANI's application for temporary injunction on March 4, 2013.

On February 27, 2013, we learned the identity of the current "owner" of the Wall Jacket when Stephen T. Pyles filed a Petition in Intervention with the Court claiming to be the lawful and rightful owner of the jacket. In support of his claim of ownership, Pyles alleged that there are many green jackets, both of tournament winners and members, that have not only left ANI's premises, but also been sold at auction with no action taken by ANI. Pyles further alleged that ANI had failed to produce any documentation supporting its contention that it is the owner of the Wall Jacket (namely, the "rules" about green jackets leaving ANI's premises); failed to produce any documentation that the Wall Jacket was ever stolen; and failed to return phone calls from the auction house, Wall's family and Wall's attorney prior to the sale of the Wall Jacket in April 2012.

On March 4, 2013, the Court ordered Heritage Auctions to retain possession of the Wall Jacket until its ownership can be sorted out at trial.

Update as of November 26, 2013^[9]

At the conclusion of the March 4, 2013 hearing, the Court was of the opinion that the temporary injunction issued in this matter should be granted and directed ANI's counsel to prepare an order for the Court's review that would convert the temporary injunction into a permanent injunction. However, the conversion order was not issued at the request of counsel- who preferred instead to explore final resolution to the case through discussions and exchanges that were unavailable prior to the initiation of the case.

On October 22, 2013, the Court entered an Agreed Final Judgment whereby ANI and Stephen T. Pyles agreed, in part, as follows:

- Heritage Auctions was a consignee of the Wall Jacket and obtained no rights in and to the Green Jacket greater than those of Pyles;
- The rights to possession and ownership of the Wall Jacket are in ANI;
- The rights of Pyles in and to the Wall Jacket are inferior to those of ANI;
- Heritage Auctions', as consignee of Pyles alleged ownership rights, can have no greater rights than Pyles. Thus, Heritage Auctions' claims are, necessarily, inferior to those of ANI;

- The Wall Jacket is to be returned to ANI as its rightful owner.

As a result of the foregoing, and the entry of an Order of Nonsuit of Defendant Heritage Auctions entered by the Court on November 19th, Heritage Auctions was dismissed from the case with far less fanfare than might be seen in connection with, say, a two-stroke second-round penalty imposed on Tiger Woods for an improper drop at the 15th hole at ANI's illustrious Masters tournament.

Footnotes

[5] ANI subsequently conducted an internal investigation and determined that the Wall Jacket was one of four stolen by three ANI employees. The other three jackets were subsequently recovered by ANI—from Green Jacket Auctions.

[6] Plaintiff's Original Petition and Application for Writ of Sequestration, Temporary Restraining Order, Temporary Injunction and Other Equitable Relief, ¶13.

[7] A similar rule applies to all members of Augusta National, except that a member may never remove his/her green jacket from ANI's premises.

[8] It is interesting to note that the "Officers Return Sequestration" filed with the Court on March 5, 2013 stated that Heritage Auctions failed or refused to turn over the Wall Jacket to law enforcement on February 19th, stating that the item had already been shipped to New York on February 15, 2013 for the anticipated February 23rd auction.

[9] Research assistance on this article provided by Caitlin Brady, Washington University School of Law