

Medical miracles start with research



Lawsuit hinges on name, trademark of competition

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Department is funding Huskers Authentic and will cause unfair competition for businesses.

"What market will (UNL) get into next? At what point do you stop government from competing in private industry?" White asked.

But several UNL officials said those arguments are invalid because the Athletic Department is independent of the university and Huskers Authentic will offer products in a different price range than those in stores such as Nebraska Spirit.

Business groups such as the Nebraska Retail Federation and Lincoln Independent Business Association are also opposed to Huskers Authentic.

Charlie Claus, executive vice president of LIBA, sent a letter in June to Chancellor James Moeser expressing his concerns about Huskers Authentic and its effect on private industry.

In a return letter, Moeser said the Athletic Department was independent of the university.

"... the Athletic Department, which will operate this facility, receives no state funding, tuition or student fees. Indeed, the University of Nebraska receives over \$1 million per year from that department," Moeser wrote.

But White said the Athletic Department would not exist without the university, so he thinks of that department as part of the university.

White has also sent letters to Moeser, as well as Gov. Ben Nelson, U.S. and state senators, the Lincoln Chamber of Commerce and other business groups.

"They're treating UNL like a private school. A public school is completely different; their goal is to aid and to support, and business is not a goal of university," White said.

Huskers Authentic will be selling Husker sportswear similar to, but not the same as, merchandise sold in other Lincoln businesses.

Gary Fouraker, associate athletic director for business affairs at UNL, said he had no knowledge about a lawsuit concerning Huskers Authentic.

Fouraker also said Huskers Authentic will not really compete with stores like Nebraska Spirit and the Big Red Shop because the new store will sell the "high-end types of things."

"Basically we will be selling stuff that's in the equipment room - stuff coaches and players wear on the sidelines and during games," Fouraker said.

Everything from socks to caps to sunglasses sported by Husker players will be sold at Huskers Authentic, Fouraker said.

But White disagrees. He said though the store will not sell the exact same merchandise, it will be similar enough.

"A Husker T-shirt is a Husker T-shirt, mesh shorts are mesh shorts, so essentially we are selling the same product," said White, who has owned Nebraska Spirit for 13 years.

The closest thing to items sold at stores like Nebraska Spirit, Fouraker said, will be merchandise commemorating national championships, but they will be different styles and designs.

Fouraker said he did not know why Huskers Authentic was being singled out either.

"Other areas on campus that would be argued as competition, such as the University Bookstore and the Nebraska Union, do not have opposition," Fouraker said.

Besides the lawsuit, White has been working with state Sen. DiAnna

Schimek about a possible resolution. "Right now it's in the hands of the (Legislature) and the citizens of Nebraska," White said.

Fouraker said Huskers Authentic will have limits, which are detailed in a "letter of agreement" the Athletic Department has issued to a local business about what the store can sell.

Loraine Livingston, manager of Big Red Shop at 701 N. 10th St., said her son and the store's owner, Cliff Livingston, is the one who entered into the agreement with the university.

In a letter he sent to the Board of Regents in March, Livingston wrote that his concerns about the opening of Huskers Authentic had been satisfied and he did not oppose the construction of the shop.

Some terms of the agreement are that the Athletic Department will run the store, the merchandise will be authentic Husker goods and the university will not sublease the store, Fouraker said.

The university probably could have opened the store without an agreement with the Big Red Shop, Fouraker said, but the Athletic Department did not want an "antagonistic" relationship between the Big Red Shop and the university.

But as long as the university keeps its word, Livingston said, there should not be any problems.

The decision to open Huskers Authentic was based on a number of factors, Fouraker said.

"I've seen other stadium shops in Iowa and Florida and basically they were the regular souvenir shops. We are looking for a unique look and for a different revenue stream," Fouraker said.

The Athletic Department also gets many requests from people who want merchandise that the players and coaches are wearing, Fouraker said.

The NU Board of Regents approved the store 4-3 in February. The building and equipment for Huskers Authentic will cost \$587,000 and is being paid for out of the athletic operating budget. Fouraker said no tax dollars would be used to pay for it.

Even though the Athletic Department pays for a project that could potentially cut into some of his business, White said that it is not his goal to hurt the Athletic Department.

"Not any of the business groups are against the university and the Athletic Department because our success as a retailer of collegiate products is directly related to their success," White said.

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