

Judge dismisses architect's suit against Henderson; appeal set

By Shaun McKinnon
Review-Journal

A federal judge has dismissed a \$15 million lawsuit that accused the city of Henderson and the library district of trying to ruin the business of a local architect.

But Dennis Rusk, hired in 1985 to design the new Henderson civic center and then fired two years later in a dispute with city and library officials, said he will pursue his action further.

"The substance of the claim is as valid as it ever has been," he said Wednesday. "We will do something. We've got too much invested not to go on."

In a five-page order issued Tuesday, U.S. District Judge Lloyd George ruled that Rusk had failed to prove that he had been denied due process under the 14th Amendment. Based on those findings, George said he would not consider the remainder of the suit, but

would allow Rusk 30 days to amend his complaint for a possible appeal.

Rusk filed suit in November 1988, charging the city and library district with libel, breach of contract, interfering with contractual relations and violation of his civil rights. He said Wednesday that George's decision was based on the form of the lawsuit and not on its merit, leaving an open door to restate the complaints.

George ruled that Rusk did not properly allege that he had claim to the contracts with the city and library district, or that there were terms that restricted termination of the contracts.

"The court in its order said that because those two allegations were missing, we did not allege a sufficient 14th Amendment . . . claim," Rusk said in a prepared statement.

If those allegations can be included in an amended complaint,

he said, he will return to federal court.

In addition, Rusk said he could drop the civil rights charges and file the suit in Eighth District Court. The suit originally came under the jurisdiction of the federal court because of the civil rights allegations.

Rusk was hired to design a proposed combination City Hall and library, but in 1986, the library board severed their contract with him and decided to proceed on a separate building.

Several months later, Rusk was fired from the City Hall project as well amid claims that his liability insurance had run out.

Rusk said city officials falsely accused him of fraud and deceit in a conspiracy to destroy his business. At the time he filed the suit, he claimed the city still owed him more than \$300,000 for work on the designs.