

# BALL OF CONFUSION

TUG OF WAR FOR BONDS' 73RD HOME RUN RAGES ON: PAGE 156

# DAILY NEWS SPORTS



**DIAMONDBACKS  
EXTEND PHILS'  
SKID TO 4**

# SLAKEBITTEN

**PAGE 158**



# Collecting dust

## While Barry Bonds keeps hitting them out, his 73rd homer awaits its day in court

By **MARK KRAM**  
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**W**HEN ALEX Popov finally squirmed free from the pile that October day at San Francisco's Pacific Bell Park, he looked like he had been worked over by a piece of farm machinery. Blood dripped from the bridge of his nose. He had a big bump on his forehead and smaller abrasions on his elbows and knees. Surrounding him was a noisy crowd of equally disheveled fans, their eyes eager with anticipation as Popov searched his pockets for the ball. Only a few moments before, it had soared off the bat of Giants slugger Barry Bonds, the 73rd and final home run of his record-breaking season, and had fallen cleanly into the outstretched glove of Popov, who was then drawn under by a wave of charging flesh. Suddenly — and he is still not sure what happened — the prized item was no longer in his grasp.

"Where is it?" someone shouted.

Quickly, Popov swept the ground with his eyes and said, "I caught it, but somebody took it from me."

Seconds passed, then someone asked urgently, "Is that the ball?"

Standing within a few feet of Popov was Patrick Hayashi, his glove in one hand and a round white object in his other. With a self-congratulatory grin on his face, Hayashi displayed the ball for a television cameraman who had been assigned to that location. Immediately, security people showed up and ushered Hayashi away as a group of fans assembled around Popov, who slowly tried to bend his eyeglasses back into shape. The fans told him that they had seen what happened: that he had possession of the ball and that he had been stripped of it. They urged him to report it to the authorities. As security personnel converged on the scene, which again appeared to be on the verge of becoming unruly, the fans began to chant: "DO THE RIGHT THING! DO THE RIGHT THING!"

Exactly how Hayashi ended

up with No. 73 is a source of ongoing debate in the Bay area, where Popov has filed an extraordinary lawsuit in order to reclaim possession of it. Although Hayashi would not agree to an interview with the *Daily News*, he has said

**"I realized 20 or 30 seconds into it that things were getting ugly. All these people were on top of me and suddenly it dawned on me that they were attacking me for the ball."**

ALEX POPOV

publicly that *he* caught the ball, only to amend that later to say that he picked it up off the ground. Hayashi does detail his side on his Web site (See Page 155).

Film from the cameraman on the scene clearly shows two indisputable facts: that Popov indeed caught the ball and that Hayashi was involved in the pile that ensued. Witnesses who have come forward on behalf of Popov claim that Popov did not bobble the ball, and that Hayashi crawled toward him and even bit the leg of a child who obstructed his path, which Hayashi denies. Court proceedings are scheduled for Oct. 7, the 1-year anniversary of the home run.

And Popov said he has no plans to settle for a 50-50 out-of-court compromise.

"Giving up your property by splitting is like rewarding someone that mugged you," said Popov, who owns a health food restaurant. "And you would be condoning behavior that says, 'You don't have to catch the ball, just attack the guy who does.'"

To understand why this has ended up in the hands of attorneys, you have to begin on a January evening in New York in 1999. Up for auction in a room at Madison Square Garden was the 70th home-run ball slammed the previous summer by St. Louis slugger Mark McGwire, who had eclipsed

the record of 61 home runs in a single season held for 37 years by Roger Maris. Quickly, the asking price topped \$1 million, then \$2 million as it came down to two very driven bidders. The item eventually sold for \$3.005 million to Spawn comic-book creator and self-described "sports geek" Todd McFarlane, who appeared to have had a solid investment until Barry Bonds came along just a few years later and stroked No. 73.

The Sunday it happened began as an idyllic California day: Bonds had just crushed Nos. 71 and 72 that Friday against the Dodgers, and an air of festivity had settled over Pac Bell on the final day of the season. Well aware of the extraordinary sum that a Bonds home-run ball could possibly bring at auction, the fans jammed into The Arcade area beyond the rightfield wall, a place where the lefthanded-hitting Bonds has slammed a large percentage of his home runs. Fans who did not have a ticket were crowded on the walkways below, while 10,000 others patrolled the blue waters of McCovey Cove in boats. Kevin Griffin, a heating and air conditioning contractor, had told his wife Candi that morning in suburban Burlingame, "Hon, you know we play the lottery. What are the odds of catching the ball if Barry hits one today? Come on, what do you say?" Griffin said later, "You just had the feeling that if they pitched to him *something* would happen."

Popov had come to Pac Bell with his younger brother Michael; they had purchased the tickets a few weeks be-

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## CLOSEUP OF THE SCRAMBLE

Barry Bonds watches his 73rd home run take flight.



Alex Popov's arm and glove rise above the group to catch the home run.



Spectators in The Arcade area of Pac Bell begin to circle the ball.



The white streak in Patrick Hayashi's hair is evident amid the pile of bodies.



Patrick Hayashi holds the baseball while the camera also catches Alex Popov rising to his knees.



Patrick Hayashi holds up the ball for the camera before being escorted from the scene.



For the Daily News

**BONDS**

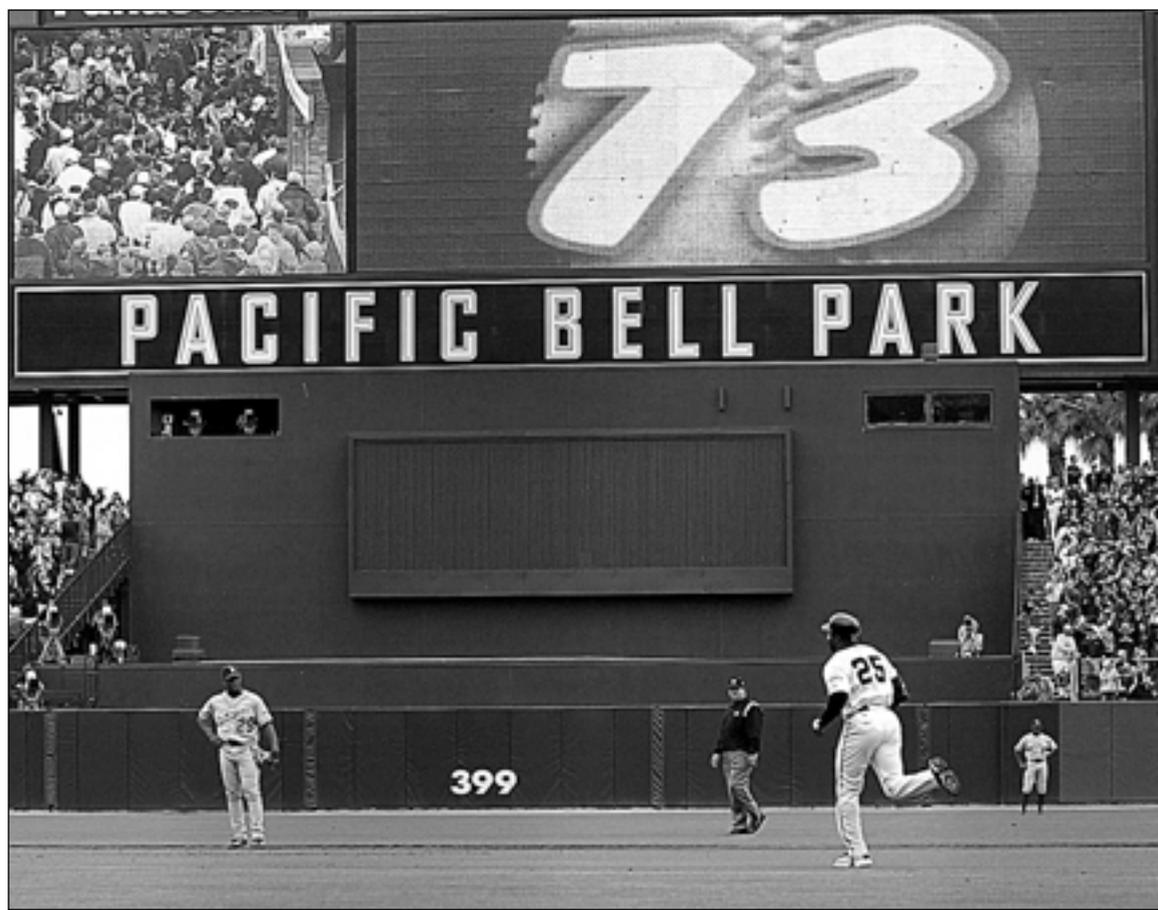
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fore. Like everyone else surrounding them, they wore baseball gloves and tried to position themselves in an opportune place. Standing near them were the Griffins, who had come out to The Arcade from their seats along the third-base line; Doug Yarris, who had come to the game with his 13-year-old son Travis; and Kathryn Sorensen, who told everyone she worked with at Xerox that she was going to catch the ball. In that Bonds had chosen to sit the previous day — he did pinch hit — no one was certain if he would play until the batting order was announced.

But would they pitch to him?

A runner was on first when Bonds stepped to the plate in the first inning against Dennis Springer, the Dodgers righthander. When Bonds swatted an early pitch in the count foul, the fans in The Arcade suddenly came alive. Griffin turned to his wife and said excitedly, "THEY ARE PITCHING TO HIM." Popov positioned himself close to where Bonds had slammed his 500th home-run ball. With his headphones on and the broadcast from KNBR blaring into his ear, Popov glanced at the fans surrounding him. He could see that he had a "5- or 6-inch" height advantage on them, but wondered, "Do I have enough room?" But when the runner on first was thrown out stealing, the base was now open and the count stood at 3-2. Popov visibly sagged. "Oh great!" he said with a sigh. "Now they'll just walk him." And it was just then that Bonds whipped his bat around again and the Giants announcer exclaimed, "AND BONDS HITS A LONG FLY BALL..."

Suddenly, The Arcade became oddly quiet. "Like someone had turned the volume way down," said Yarris, who added, "The ball seemed to hang in the air forever." Griffin spotted it off the bat,



**Barry Bonds circles the bases as the scoreboard records his historic feat while showing the scrum that was well under way beyond the outfield fence.**

HARRY HOW/Allsport

saw it coming toward him and said, "Oh, bleep." He judged that it would land some 20 feet to his left and began charging in that direction. Sorensen said she "could not believe her eyes" as the ball began descending toward her and added, "The whole thing just seemed so surreal." Standing beside her was Popov, who also spotted it off the bat and remembered that at its highest arch the ball "just seemed to sit there in the sky." On his headphones, Popov heard the announcer say, "[SHAWN] GREEN GOING BACK..." and suddenly, the ball dived earthward. Popov said "it just became bigger and bigger and bigger."

Popov held up his glove.

So did Sorensen.

And Yarris.

Griffin jumped up in front of

Popov, but the ball sailed over the webbing of his glove by 3 feet.

Popov opened his glove. The ball fell into it with a pop. And he shouted, "I GOT IT!"

"When you look at the videotape of it, you see that the ball was in the air for 5.7 seconds," Popov said. "The first second or two, you realize the ball was hit, then it dawns on you that it is coming in your direction. And you have no time to react. If the ball had landed 10 or 15 feet on either side of me, I would not have had a play on it. But it was hit right at me, and it just so happened I was taller than everyone else around me by a few inches."

Yarris echoed that. "All he had to do was hold his glove up, open it and then close it. He did not have to move a step."

Suddenly, the volume was

turned way up. Things became chaotic. Within a second or two of catching the ball and bringing it down to his chest, Popov was blindsided by what he characterized as a "big moving force." Violently, he was thrown to the concrete and landed on his face and hip. Bodies fell on top of him, and other bodies fell on top of those. Yarris, who also was swept into the pileup and came away with a "half a dozen bruises," said that at that one point "no less than six and as many as 15 individuals" were on top of Popov. On the videotape shot by the local news station, Popov can be heard shouting: "Get up! Get up! Get up! Get up! Help! Help!" Popov said he still had the ball at that point. Pinned to the ground and unable to breathe, he then propped himself up with one arm. And it was

at that point that he said the ball was removed from his glove. He said he did not see who took it.

"I realized 20 or 30 seconds into it that things were getting ugly," said Popov. "All these people were on top of me and suddenly it dawned on me that they were attacking me for the ball."

Did he ever bobble it any point?

Popov said no.

Others corroborated that.

"Had the ball popped loose, I would have gone for it like anyone else," said Yarris. "Down inside the pile I had a clear view of Popov and he had the ball in his glove beneath his body. This was not a case of there being a loose ball that people were scurrying around for."

Griffin added, "All I know is that I saw him catch it and that he did not bobble it. He had possession of it for, what? Five seconds? Ten? Could have been even longer because no one can be sure where it was stolen from his glove. He had possession of it from his glove to his chest to the ground."

So where was Hayashi during this donnybrook? Were it not for the fact that he had a very distinctive patch of gray in his hair, he surely would have blended into the crowd that swarmed over Popov. The videotape clearly shows him crawling through the bodies in the pile toward Popov. Sorensen swore in a court declaration that she saw Hayashi, in an effort to "reach the baseball," bite the leg of a child in the pile. She said she heard the child say, "Ouch!" then back out of the way as "Hayashi continued digging and then stopped." Yarris swore in a court declaration that he saw "Hayashi on his hands and knees very near Popov." He also heard a child "yell out in pain," then saw Hayashi reach toward Popov and emerge with "something in his hand." Both said that they remember Hayashi because of the gray patch in his hair.

No one appeared to know where the ball was as a few helpful

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**GOING, GOING, GOING UP**

- A near-mint condition Honus Wagner baseball card sells at auction for \$451,000 to hockey great Wayne Gretzky and then-Los Angeles Kings owner Bruce McNall.
- Actor Charlie Sheen pays \$93,000 for the ball the New York Mets' Mookie Wilson hit through Red Sox first baseman Bill Buckner's legs during the sixth game of the 1986 World Series.
- A central Maryland businessman pays \$41,736 after a nationwide telephone auction for the home-run ball that Cal Ripken hit the night he tied Lou Gehrig's consecutive-game streak. Michael Stirn, a 32-year-old carpenter, had caught the homer. "It's just a ball to me," he said.
- Michael Lasky agrees to pay Dan Jones a sum of \$500,000 (\$280,000 in an annuity for 20 years) for Eddie Murray's 500th home run. Jones caught the ball while on an excursion with family and friends. Lasky is the founder of the Psychic Friends Network.
- A woman who won custody of the Honus Wagner baseball card as part of a national contest held by Wal-Mart sells it for \$640,500. Renowned collector Michael Gidwitz is the new owner.
- The ball that Babe Ruth hit for Yankee Stadium's first home run sells for \$126,500.
- Irwin Sternberg, president of Stonehenge Ltd., manufacturers of neckwear, pays \$60,000 for a ball signed by Babe Ruth and Roger Maris.

1991

1992

1995

1996

1998

1999

**BONDS**  
*Continued from Preceding Page*

fans untangled the pile. Someone picked up a loose ball that had found its way into the pile, but Popov shouted frantically, "THAT IS NOT THE BALL!" Seconds later Hayashi slipped in from the back of the crowd with a sheepish grin on his face. He looked squarely into the camera, then held up the prized ball for everyone to see, and said, "Is this the ball?" Quickly, security surrounded Hayashi as Griffin stepped forward and shouted at the top of his lungs, "This is not the guy who caught the ball!" He looked at Hayashi and said, "You did not catch that ball!" Yarris also stepped forward and began arguing with a perplexed Giants official, who stammered that "possession is nine-tenths of the law." Security then took Hayashi away to the front office, where the ball was certified by infrared markings that had been placed on every ball used during the home-run quest.

Sorensen approached Popov back on The Arcade and told him, "You should do something about this." She then handed him a piece of paper with her telephone number on it and said, "Call me if you ever need a witness."

What began as an altogether lovely day at Pac Bell Park suddenly devolved into a soccer riot with one swing of a baseball bat. Griffin said that it was "disgusting" what happened on the The Arcade that day because it clearly revealed "how far people have fallen morally." Sorensen added that it is "just another example of how people are capable of anything." Yarris was just glad that his son was somewhere else, and feared what would have happened if a young or elderly person had caught the ball.

"They could have been badly injured," he said. "Because those people that day just behaved like



ERIC RISBERG/Associated Press



HARRY HOW/Allsport



For the Daily News

**The dispute in a nutshell (clockwise from above): Patrick Hayashi and the baseball; Barry Bonds and his son Nikolai; and Alex Popov in court.**

animals."

And why?

Yarris said it became down to one word: greed.

He explained, "When there is money involved — and this case, big money — people just forget how they are supposed to act."

Popov did not immediately call Sorensen. He called Hayashi, and left a message on his answering machine that said, "Hey, we need to talk this over." But Popov did

not hear back from him. Instead, he learned that Hayashi had hired an agent and planned to auction the ball off. It was at that point that Popov filed a lawsuit against Hayashi, and then the sides began sparring. The two appeared together with their attorneys on "The Early Show" on CBS and were interviewed by Bryant Gumbel in December.

Gumbel asked, "Mr. Hayashi, it looks for all the world on the videotape like Mr. Popov caught the ball. How did you come to get it?"

"I was at the bottom of the pile, just like everybody else," said Hayashi. "And the ball was there . . . I put it right into my glove. So, his claims that I stole it

**"I was at the bottom of the pile, just like everybody else. And the ball was there . . . I put it right into my glove. So, his claims that I stole it or took it is invalid . . ."**

PATRICK HAYASHI

or took it is invalid, and he continues to say this in the press and in the public, and they perceive I am taking the ball from him."

Experts have lined up on both sides of this curious case. Former big-league umpire Richie Garcia has stated on behalf of Hayashi that he did not believe that Popov had "complete control of the ball." To which Popov and his attorney Martin F. Triano replied: Since when do umpires have any authority in the stands? Popov has lined up Paul Finkelman, a professor at the University of Tulsa College of Law who has penned a law review article called, "Fugitive Baseballs and Abandoned Property — Who Owns the Home Run Ball." Finkelman said that Popov would have held on to the ball if he had not been jumped on, and that it is rightfully his. Popov also says he knows 20 spectators who are prepared to support his version of events.

No one can be exactly certain what the ball will bring at auction when it is sold. Some say that is worth decidedly less than the \$3 million McGwire ball. And some wonder what will happen if Bonds or someone else comes along and sets the record again? A San Francisco judge who issued an injunction barring Hayashi from selling the ball also ordered that Popov ante up a \$100,000 bond in the event that it happens. He also ordered that the ball be placed in a safety-deposit box, and that it is where it is today: under lock and key and very far from human hands. ★

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Patrick Hayashi wouldn't comment for the Daily News, choosing instead to direct readers to his Web site, where he defends himself against the allegations made against him. The site can be found at [patrickhayashi.netfirms.com](http://patrickhayashi.netfirms.com). Here are several excerpts:

" . . . Some have wondered why I didn't come forward sooner to give my version of what happened that day. Well, when my life was turned upside down that day at the ballpark and then the next day being told that another fan was going to sue me . . . I was simply shocked . . ."

" . . . I was in the upper arcade of the stadium when he hit the ball and it came flying in my direction. Like the dozens of other fans around me, I raised my glove. Next thing I knew, the crowd of fans around me started to fall on top of me as I went down.

"While laying at the bottom of this pile of people, I looked and saw the ball, which was in no one's possession, and placed it in my glove with my right hand holding onto it. I then tried to stand up, which took awhile since there were a lot of people . . ."

" . . . I did not steal the ball or take it away from another fan.

"And I did not bite anybody.

"I was simply a fan in the crowd who was in the right place at the right time . . ."

*(Issued Oct. 29, 2001)*

" . . . I am still shocked that I am being sued over a ball that both Major League Baseball and the San Francisco Giants gave to me — a fan lucky enough to be part of baseball history. What makes this legal nightmare worse are the attacks by Mr. Popov on my reputation, accusations that we've shown to be false . . ."

*(Issued Nov. 27, 2001)*

**GOING, GOING, GOING UP, CONTINUED**

- Todd McFarlane, an artist-turned-entrepreneur who created the comic-book antihero Spawn, pays \$3 million for the baseball that Mark McGwire hit for his 70th home run. His private collection also includes McGwire's 66th, 67th, 68th, 69th and first balls, as well as Sammy Sosa's 33rd and 66th balls.
- Sammy Sosa's final home run of the 1999 season, his 66th, sells for \$172,500.
- A baseball autographed by the 1919 Chicago "Black Sox" sells for \$81,449 during an eBay online auction. It includes a Joe Jackson signature — a virtually impossible signature to find because Jackson was illiterate and could barely write his name.
- That card depicting Honus Wagner sells again, this time in an eBay online auction, fetches a winning bid of \$1.2 million.
- Collector Rob Mitchell, of Pottstown, Pa., pays \$577,610 for Black Betsy, Shoeless Joe Jackson's favorite baseball bat.
- The ball Barry Bonds hit for his major league-record-tying 70th home run last season sells for "just" \$60,375, well off preauction estimates that it would go for \$100,000 or more.

**1999**

**2000**

**2001**

**2002**