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Tiger Woods Scores Legal Victory In Battle With Ex-Girlfriend Erica Herman

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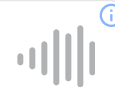
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Erica Herman and Tiger Woods at the 2022 US Open tennis tournament, only a couple months before she ... [+] GETTY IMAGES

In a December 2019 social media post on the official Presidents Cup Instagram account, Tiger Woods is seated next to Erica

Herman at the front of the U.S. team bus, his white baseball cap turned backwards and surrounded by his victorious Presidents Cup teammates. The entire group is on video singing Queen’s “We Are the Champions” rock anthem, and Woods and Herman can be seen smiling and drinking from plastic cups.

Three and a half years removed from that celebration, however, Woods is embroiled in a legal war with Herman after she filed two civil complaints in Florida state court — one against the 15-time golf major champion and one against a trust in which Woods, 47, and his two children are the beneficiaries.

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Herman is seeking \$30 million in damages in the suit she filed against Jupiter Island Irrevocable Trust last fall. Herman alleges she was kicked out of the Florida mansion owned by Woods’ trust even though she claims she still had “approximately” five years remaining to live at the Hobe Sound residence.

In the civil complaint filed against Woods earlier this year, Herman alleges that a non-disclosure agreement (NDA) that she signed with Woods in 2017 is “invalid and unenforceable.” Herman also leveled sexual harassment claims against Woods in the lawsuit.

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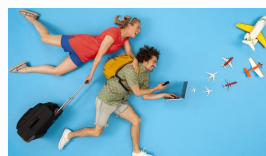
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But a Florida Circuit Court judge in the 19th Judicial Circuit of Martin County (Fla.) ruled in favor of Woods on May 17, and stated in the signed order that both parties must resolve any claims or disputes in confidential arbitration. It is a significant victory for Woods, although Herman can appeal the ruling.

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“Importantly, Herman has not **“denied”** that her signature is on the NDA. Herman additionally has not **“denied”** that the clear terms of the NDA require the resolution of her disputes, claims or controversies with Woods via binding, confidential arbitration,” Judge Elizabeth Metzger wrote in her decision. “Additionally, the Declarations filed by the Defendant **unequivocally** state that Herman: (1) actively participated in negotiations for the NDA; (2) signed the NDA; and (3) delivered the NDA to the Defendant’s representatives.”

Benjamin Hodas, Herman’s attorney, did not respond to a request for comment. Woods’ lead attorney in these two civil matters, John B.T. Murray, Jr., did not return an email request for comment.

“The presumption should be that the NDA is going to be enforceable, as a general matter. Very few people are going to litigate an NDA like (Herman’s). For the person trying to get out of the NDA, there would need to be something valuable at stake besides disclosure, such as a substantial economic interest,” said Los Angeles attorney Chris Manderson, the chair of the Business,

Coporate and Tax Department at Ervin Cohen & Jessup. “Very few Jane Does and John Does are going to spend the money to litigate something like this. Trying to get out of an NDA in litigation is a high-stakes, expensive game. If you don’t want to disclose the confidential information for some other reason, what do you care if you’re subject to an NDA?”

Manderson, who is not connected to the Woods/Herman legal matter, said he “rarely” advises clients not to enter into an NDA, “unless it creates restrictions beyond disclosure.”

Prior to Metzger’s ruling, Herman filed a motion in opposition of Woods’ motion to compel arbitration.



Tiger Woods and Erica Herman at the Presidents Cup in 2017. GETTY IMAGES

“Tiger Woods, the internationally renowned athlete and one of the most powerful figures in global sports, decided to pursue a sexual relationship with his employee, then – according to him – forced her to sign an NDA about it or else be fired from her job,” reads Herman’s motion. “And, when he became disgruntled with their

sexual relationship, he tricked her into leaving her home, locked her out, took her cash, pets, and personal possessions, and tried to strong-arm her into signing a different NDA.”

Forbes estimates Woods’ net worth to be \$1.1 billion.

Herman said in the motion that she was hired by Woods in 2014 to help with the “development and launch” of his Jupiter, Fla. restaurant. According to the filing, Herman was the restaurant’s director of operations after it opened. Herman claims in the motion that a romantic relationship between her and Woods started in 2015 — which differs from the timeframe that Woods has claimed in court documents — and that by the end of 2016 she moved in with Woods.

She also said in the motion that her work at the restaurant ended in 2020 after she claims she “succumbed” to pressure Woods was putting on her in order to “devote herself full-time to their relationship and caring for him and his children.” Then, in October 2022, there was a “dispute” between Woods and Herman “about whether she would be permitted to continue living in the house and whether their relationship would continue,” the motion states.

Herman claims Woods “did not take the dispute to arbitration,” and instead the five-time Masters champ used a California attorney “who promotes himself as “Ray Donovan with a pen” to unceremoniously eject Ms. Herman from the house through trickery and break up with her for him.”

Herman says a federal law, Ending Forced Arbitration Of Sexual Assault And Sexual Harassment Act of 2021, supports her argument that her claims should not be resolved in arbitration and that the NDA is invalidated.

One of her claims of sexual harassment by Woods stems from her argument that Woods was Herman's boss while she worked at the golfer's Jupiter restaurant.

"On Mr. Woods's own portrayal of events, he imposed an NDA on her as a condition to keep her job when she began having a sexual relationship with him," reads the motion. "A boss imposing different work conditions on his employee because of their sexual relationship is sexual harassment."

But Judge Metzger said in her decision that Herman had failed to provide "factual specificity" on any of the sexual harassment or sexual assault allegations, and that any claims will be resolved behind closed doors instead of a public courtroom.

"(Herman) can appeal the judge's decision. The judge's order points out that Herman alludes to sexual harassment in her pleadings but does not make an express claim for such alleged misconduct," said Miami-based attorney Benjamin Brodsky of the firm Brodsky Fotiu-Wojtowicz. Brodsky is also not attached to the Woods/Herman matter. "Provided the claims are viable and have not been released, she may bring those in the arbitration. If she does so, those claims will be addressed confidentially, and the public may never know the extent of those claims.

"Often, an arbitration proceeding and award, if one is reached, remain completely confidential and the public will not know about them unless one party resorts to the courts for enforcement or other relief," added Brodsky.

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