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# Erica Herman Dismisses \$30 Million Civil Suit Against Tiger Woods' Trust, But Leaves Door Open To Refile


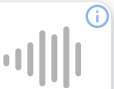
**Christian Red** Contributor 

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Jul 21, 2023, 02:11pm EDT

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Erica Herman and Tiger Woods at the USTA Billie Jean King National Tennis Center on August 31, 2022. GETTY IMAGES

The motion is less than 50 words in length, but its contents underscore a significant legal hurdle cleared by 15-time golf major champion Tiger Woods.

At least, for now.

“The Plaintiff, ERICA HERMAN, by and through her undersigned counsel, hereby dismisses *without prejudice* her Complaint, filed on October 26, 2022, pending resolution of the appeal in *Herman v. Woods*... and determination of whether her claims are subject to compelled arbitration,” reads the motion filed by Erica Herman in the 19th Judicial Circuit of Martin County, Florida.

Herman, Woods' ex-girlfriend, who has been embroiled in a legal battle with the golfer in two civil matters she initiated, dismissed one of those lawsuits June 29. The civil complaint was filed last fall against a trust in Woods' name, and Herman sought \$30 million in damages, alleging she was kicked out of the Hobe Sound, Florida mansion owned by Woods' trust, even though Herman claimed she still had approximately five years remaining to live there.

Herman also sued Woods, 47, earlier this year, and alleges in that complaint that a non-disclosure agreement (NDA) that she and Woods signed Aug. 9, 2017 is “invalid and unenforceable,” according to court documents. In May, Florida Circuit Court Judge Elizabeth Metzger signed an order that stated all disputes between Woods and Herman must be resolved in confidential arbitration and not in a public courtroom.

Herman appealed the ruling.

But although Herman dismissed the civil complaint against Jupiter Island Irrevocable Homestead Trust — in which Woods and his two children are the beneficiaries — she did so without prejudice, and

“pending resolution of the appeal in *Herman v. Woods...* and determination of whether her claims are subject to compelled arbitration.”

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By dismissing the complaint without prejudice, Herman could refile her claims at a later date.

"If she gets a favorable ruling on appeal, and her claims aren't subject to compelled arbitration, I suspect she would refile in court," said Chris Manderson, a partner at Ervin Cohen & Jessup and a co-chair of the firm's Business, Corporate and Tax Department. "If she loses the appeal, and is compelled to arbitration, then it wouldn't make much sense to refile.

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“Appeals are hard to win. An appellate court will generally not retry the case, but rather, it will determine if the judge appropriately applied the law,” added Manderson, who is not connected to the Woods/Herman cases. “The appellate court is likely to look to

whether there was competent substantial evidence in the record to support the judge's decision, or whether the court abused its discretion. Lower court decisions are generally afforded substantial discretion unless there was glaring error or a grossly inadequate factual basis.”

Benjamin Hodas, Herman’s attorney, and John B.T. Murray Jr., Woods’ lead attorney in these two matters, both did not return messages. Woods’ attorneys have referred to Herman in court papers as a “jilted ex-girlfriend who wants to publicly litigate specious claims in court.”

In addition to her argument that the NDA is unenforceable, Herman leveled sexual assault allegations against Woods in the civil complaint against him, and she references several federal statutes, including the Speak Out Act of 2022, in support of her argument the NDA is invalid.

“Herman has had the opportunity (to) provide factual specificity for any claim relating to sexual assault or sexual harassment, however, she has not done so,” wrote Judge Metzger in her ruling on the NDA matter.

If Herman loses her appeal and ultimately does not refile, she does not give up her claims for damages in arbitration. But the public won’t know what — if any — damages are awarded, nor how much they would entail.

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

“One benefit of confidential arbitration for celebrities is the settlement value of claims decreases because they don’t have to air out potentially embarrassing allegations in the public arena,” said

Manderson. “In other words, dramatic soap opera allegations have a higher value to plaintiffs in a public proceeding.

“Non-Disclosure Agreements and mandatory confidential arbitration provisions do not only benefit celebrities, but many businesses require such contractual protections for the same reason,” said Manderson. “Arbitration is generally more efficient, faster, and sometimes cheaper. But perhaps the biggest value is that arbitration is confidential, and you keep incendiary allegations out of the public eye.”

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**Christian Red**

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