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Martina Gets Served

Written by Zac Anderson
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PALIMONY? Court action against tennis celebrity covers new legal ground.

Tennis legend Martina Navratilova, right, and Toni Layton had a close relationship from 2000 to 2008. In Sarasota circuit court, Layton is now seeking half the assets acquired during their time together, saying she acted as a business partner with Navratilova.

SARASOTA COUNTY - Same-sex couples cannot marry in Florida, but they could face some of the financial complications associated with divorce if a lawsuit against tennis legend Martina Navratilova succeeds.

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Navratilova's former partner, Toni Layton, is seeking half of the money and assets gained during the couple's relationship from 2000 to 2008. But because Florida law recognizes few legal benefits or obligations between same-sex couples, Layton's lawyer, Raymond Rafool, is making the novel argument in Sarasota County circuit court that the relationship was a "partnership" similar to a business venture.

The pair shared homes in Colorado, a \$1.3 million beach cottage on Manasota Key, property on Casey Key, an animal sanctuary in eastern Sarasota County, fancy cars, expensive jewelry and collectible "frog art."

Layton was left with little after the split, Rafool said.

Experts say the lawsuit could set a precedent for same-sex couples.

"The case could have very broad implications," said Bruce Carolan, a visiting professor with the Stetson University College of Law and an expert in business partnership law.

Rafool said Florida's "archaic laws" regarding same-sex couples forced him to be creative.

"In the law, that's what you have to do in Florida in order to receive fair compensation," said Rafool, a Coral Gables attorney who has represented high-profile divorce clients, including Linda Bollea, former wife of professional wrestler Terry "Hulk Hogan" Bollea.

Navratilova is not commenting on the case. She sold her residence on Casey Key last year and no longer lives in Sarasota County, according to her publicist.

"We're taking the position this is a private matter and we're not going to be making any statements," said Navratilova's lawyer, Barry Greenberg.

But according to legal documents filed by Greenberg, the case is a "thinly disguised action for palimony" and baseless because "neither gay marriage nor a cause of action for palimony is recognized by the State of Florida."

Palimony claims apply some of the same principals as alimony to unmarried relationships, but Florida's constitutional amendment last year banning gay marriage also said that "no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized."

Read broadly, that could undermine legal claims for palimony, said University of Florida law professor and family law expert Nancy Dowd.

Same-sex legal claims are especially vulnerable because "Florida has been pretty antagonistic to recognizing rights for same-sex couples," Dowd said.

"If there is a business relationship, it wouldn't matter the sexual orientation of the partners," Dowd added.

Navratilova was sued for palimony in 1991 when her relationship with former Miss Texas Judy Nelson ended. That case was settled out of court.

The tennis star is now reported to be dating a Russian model and former Miss Soviet Union.

Carolan has never seen partnership law applied to a romantic relationship but said the language of the law is open to interpretation.

"There would be nothing that would rule out the possibility that these categories would overlap -- that one could be in a familial and loving relationship and also in a business relationship," Carolan said. "The question to me is 'What is the business? And was it being operated for profit?'"

Layton said in court filings that she helped Navratilova with her tennis, logistics, career and celebrity-related sponsorships.

But is an athlete a business?

"That's the \$64,000 question," Carolan said, noting that he mentioned the case to his students and "they're all over the map" on the business question.

According to Rafool, Layton met Navratilova through a mutual friend at a tennis event.

Layton also claimed part ownership of more than a dozen vehicles, guns, African pictures, an Apple computer, pets, electronics, a Vince Salvati painting, Wyland animal sculptures, a porcelain cookie bowl, an iron turtle wall hanging and a variety of other property worth more than \$1.5 million combined.

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