



# Last Call for the Cunningham Corvette

## The long legal saga of this 1960 Le Mans competitor comes to a close



Theodore W. Pieper ©2021, courtesy of RM Sotheby's

Briggs Cunningham's Corvette #1, sold for \$758,500 after a yearslong legal battle

**T**he #1 Briggs Cunningham Chevrolet Corvette, raced by the Cunningham team in the 1960 24 Hours of Le Mans, sold for \$758,500 at RM Sotheby's Amelia Island, Florida, auction in May. The result was a bit of a disappointment, given the pre-auction estimate of \$900,000 to \$1.3 million, but the Corvette could not have gone to a better home. If nothing else, it marks the end of one of the longest-running legal battles involving a collector car.

### Frequent flyer

This Corvette holds the record for the most "Legal Files" columns written about a single car. In a span of eight years, this is the fifth time the Corvette has been featured in these pages. First seen in the December 2013 issue, we revisited the story in January 2014, September 2015 and then in March 2019. It's been a high-stakes marathon of litigation, something the lawyers reading this can easily understand.

To refresh your memory, the tale starts when the Briggs Cunningham team took three Corvettes to Le Mans in 1960.

From the RM Sotheby's catalog: *Car #1 began the race with Cunningham behind the wheel, and together with the other two Cunningham Corvettes, they appeared competitive against the European GT-5.0 field during the race's opening hours. Around 6 p.m., however, it started raining heavily, forcing many to pit and make adjustments. It was during this time that #1 would make its first driver change. All fueled up, with new tires, and with fresh driver Bill Kimberly behind the wheel, #1 left the pits. Kimberly piloted the car swiftly through Dunlop, pushed the car to its limit down the Mulsanne Straight, and carefully took the turns at the Mulsanne Corner, Indianapolis and Arnage. Kimberly was nearing the completion of his first lap when, just after passing over the top of the hill after Arnage, the car was met by a wall of rain. As Kimberly lifted off the power, he lost control of car #1 at the Maison Blanche corner, spun, flipped twice and caught fire. Luckily for Kimberly, the car landed right-side up and he emerged from the crash unscathed. The fire melted the car's engine ignition wires, causing the car's retirement after just 32 laps.*

Car #2 car also failed to finish, but the #3 car finished first in class and 8th overall, making quite an international impression for Chevrolet and the American automobile industry in general.

### Three's company

The #2 and #3 cars had both been located and recovered years ago, becoming parts of the collections of well-known enthusiasts Bruce Meyer and Chip Miller, respectively. But the #1 car was missing until 2011, when it was located and acquired by Miller, as a favor for Kevin Mackay, who had restored #3 for him.

Legal challenges disputing who actually owned the car erupted immediately. When it was sold in 2011, Miller and Mackay had acquired it from the estate of a deceased judge. The previous chain of ownership had led to Dan Mathis, a drag racer, but had gone dark in the mid-1970s. When news of the sale became public, his son, Dan Mathis Jr., teamed up with Domenico Idoni, a Corvette historian and no stranger to collector-car litigation, to claim that the car was stolen from his father in the '70s and therefore belonged to him.

When Idoni ran into financial difficulties, Gino Burelli became a partner. Mathis Jr. lost his interest to Idoni and Burelli when he went through bankruptcy. Burelli then ran into financial difficulties of his own and granted liens on his claim to a creditor. The Burelli group reached a settlement with Mackay, who accepted a 30% interest in the Corvette in order to stop the hemorrhaging litigation expense. Then Burelli acquired Idoni's interest in a settlement. Lost? Don't worry — it doesn't matter much, as the end result is that Mackay ended up with a 30% share of the Corvette, and Burelli's group took the other 70%.

Eventually, the judge hearing the litigation appointed a receiver to sell the car. The Burelli group was given several chances over a span of nearly three years to get the car sold, to no avail. The receiver ultimately consigned it to RM Sotheby's for the no-reserve sale.

### Great result for some

The winning bidder is a Cunningham family member. Mackay is ecstatic that the #1 Cunningham Corvette went to such a good home, as he had been working with the Cunningham family before the auction. He helped to plan their strategy, expressing his interest in taking on the restoration. The family certainly checked him out, and he says he is "honored that they chose [him] to do the restoration."

Mackay doesn't fit the typical seller profile. Even though he was a 30% owner of the Corvette, he is unfazed by the seemingly low sales price. He thinks the crowd may have been a little light, and suspects that the car's history of legal troubles may have depressed the bidding and kept some bidders on the sidelines.

Regardless, he thinks that RM Sotheby's did a great job to get the best possible result. After the years of litigation that he paid for out of his own pocket, and the no-doubt substantial emotional toll, the 30% share of the ultimate proceeds can't possibly be a great return on his investment, and maybe not even a positive one. But that doesn't matter to Mackay. He is quite uninterested in what he will net on the sale. "The only thing that ever mattered to me," he says, "was that I get to do the restoration, and now I am going to, starting right after Memorial Day."

## Poor result for others

The other side can't be happy about the result.

Mathis, son of the drag racer and purported owner of the Corvette, lost his interest long ago.

Idoni, the one who instigated the legal battle, lost his interest in the Corvette to his partner, Burelli, when he was unable to make good on a \$1.4 million debt to Burelli.

Burelli was out his original investment, as well as the \$1.4 million he was owed by Idoni, and his 70% share of the sales proceeds won't put that much of a dent in the millions of dollars of judgments against him that forced the sale.

Burelli and Idoni had for years told everyone how many millions of dollars the Corvette was going to bring. In the end, they were way off the mark when the market spoke.

However, Mackay may be correct in presuming that the legal issues affected the price. Cars with stories always bring less when they sell, and the litigants here created a lot of this car's stories. They may well have just done themselves in.

## The restoration

Mackay expects the restoration to take him and his team two years to complete. Despite reports to the contrary, he says the Corvette is surprisingly original and complete, and it is in very good condition for a restoration project.

The engine and transmission are long gone, but he has a period-correct, corresponding date-coded engine available, as well as a proper transmission. The front and rear of the Corvette were unfortunately "customized" long ago, but he has a nice donor Corvette to provide a front clip. Otherwise, most everything else is there or he has authentic parts available. Of course, the Corvette will be finished to match its 1960 Le Mans livery.



*The car will receive a replacement engine and transmission, among other extensive work, in the anticipated two-year restoration*

Mackay is eagerly looking forward to one day having all three Cunningham Corvettes together, hopefully at Le Mans, although Pebble Beach might do.

Barring some highly unforeseeable events, this should be the last time you read about the #1 Cunningham Corvette in "Legal Files." We look forward to one day seeing it in some other part of the magazine. ♦

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