

## AMERICAN CONTRACT BRIDGE LEAGUE INC.

### IN-HOUSE COUNSEL LITIGATION REPORT

#### **BLAKELY v. ACBL et. al.**

**Facts:** In June 2016, Bruce Blakely filed a civil lawsuit in the Contra Costa County California Superior Court, a state court, asking for, among other things, damages as well as his legal fees, an injunction prohibiting the ACBL barring him from tournaments, elimination of his probationary period and his restoration as a member in good standing, and a declaration that the ACBL's Code of Disciplinary Regulations is unfair. He put forth 11 claims for relief. Named defendants include the ACBL, the late Peter Rank, former Counsel to the ACBL Board of Directors, Robert Hartman, former ACBL CEO, several named Directors, including spouse Stan Subeck, plus Does 1 to 25.

**Procedural Posture:** We filed a request for a stay of the Superior Court action, lodged objections to Mr. Blakely's requests for admissions and for the production of documents and interrogatories. We also filed a motion to compel Mr. Blakeley to proceed with binding arbitration which was denied by the court. We appealed the denial of our motion; the appellate court upheld the lower court's decision in September 2017. Mr. Blakely concurrently filed a Motion to Sever the Individual [Defendants] from the ACBL on the basis that the issues pertaining to the people are different than those involving the ACBL and, likewise, his motion was denied. Mr. Blakely filed a motion for reimbursement of attorneys' fees following the denial of the ACBL's motion on appeal which request was also denied. The ACBL then filed an answer to the original complaint.

**Status:** The ACBL is in the process of responding to Mr. Blakely's interrogatories (formal questions) and request for admissions. In addition, requested documents have been produced to Mr. Blakely. No trial date has been set.

#### **SCHREIBER v. M.A. LIGHTMAN BRIDGE CLUB, ACBL UNIT 144, et. al.**

**Facts:** On October 13, 2015, Michael Schreiber filed a complaint in the Chancery Court of Tennessee, 13<sup>th</sup> Judicial District, against ACBL Unit 144, the M.A. Lightman Bridge Club and several other named individuals and Does, alleging slander, breach of contract and fraud for the actions occurring following execution of a settlement agreement between Mr. Schreiber, the ACBL and various other parties to a previous lawsuit.

**Procedural Posture:** In August 2016, Defendants' counsel filed a Motion to Dismiss the complaint. In October 2016, the court dismissed the claim for slander but denied dismissal of the counts related to breach of contract and fraud. Defendants filed an Answer on October 20, 2016, denying the allegations in the Complaint.

**Status:** The case is in discovery (interrogatories and document request/production) and no trial date has been set. Defendants are preparing a motion for summary judgment.

**PETER MARCUS, et al v. ACBL**

On June 23, 2017, Peter Marcus, a former Tournament Director, filed suit on behalf of himself and similarly situated plaintiffs against the ACBL seeking overtime pay for salaried Tournament Directors, damages and attorneys' fees. In late 2017, he was joined in his complaint by Tournament Directors Matthew Koltnow and Diane Barton-Paine. In addition, Marcus for himself alleges that the ACBL discriminated against and constructively discharged him because of past complaints that he has filed. He seeks reinstatement, promotion, payment of lost wages, damages and costs. The ACBL denies these allegations and intends to vigorously defend itself against these charges. Our insurer is providing litigation defense. Depositions of all three Plaintiffs were taken in this matter during February and March 2018.

**Procedural Posture.** The parties engaged in a mediation of this matter in May 2018, but no agreement was able to be reached. Plaintiffs have filed a for conditional certification as a class. The ACBL recently filed a brief in opposition to Plaintiffs' motion and, additionally, plans to file a motion for summary judgment. No trial date has been set.

Respectfully submitted,



Linda J. Dunn, Esq.

Dated: July 17, 2018