

## LEAGUE COUNSEL REPORT

**Peter Rank- February 20, 2009**

### **Peter Marcus and Susan Patricelli v. American Contract Bridge League**

FACTS: On November 15, 2007, Mr. Marcus and Ms. Patricelli filed a complaint in the United States District Court, District of Connecticut alleging that (1) the ACBL failed to pay overtime to the plaintiffs as required by Federal law; and (2) that the ACBL retaliated against Mr. Marcus for his efforts to obtain overtime. Relief requested by the plaintiffs includes unpaid overtime, liquidated damages, attorney's fees and interest.

The ACBL has retained Connecticut counsel recommended by its insurer. Counsel has accepted service on behalf of the ACBL and, on January 15, 2008, filed Motions to Dismiss and to Transfer the case to Tennessee. On February 26, 2008 Plaintiffs filed a Memorandum in Opposition to the league's Motions. On June 26, 2008, the ACBL counsel in Connecticut was informed that the Court denied the League's Motions to Dismiss and to Transfer Venue.

Discovery by both parties is now underway. The court has conditionally certified the plaintiff's class under the Fair Labor Standards Act. This certification may be disputed by the League at the end of discovery. The court removed salaried directors from the class and set the time period for recovery at November 15, 2004 through June 11, 2007.

STATUS: Discovery was delayed pending a settlement conference among the parties. The conference was held before a Federal Court judge in Connecticut. It was attended by the plaintiffs, their attorney, the ACBL CEO and the two ACBL trial attorneys and lasted for a full day. Significant progress was made toward a settlement.

Signed:

A handwritten signature in black ink, appearing to read 'Peter Rank', written over a horizontal line.

Peter Rank, Esq.