

## LEAGUE COUNSEL REPORT

### SINGER V. ACBL

#### Facts

On February 5, 2010 Irma Singer filed a lawsuit in Bergen County, New Jersey claiming that she was injured in a fall at a bridge tournament “sponsored” by the North New Jersey Bridge Association (“NJBA”) on August 15, 2008. Insurance appointed counsel has filed an Answer on the behalf of the League.

The discovery phase was completed and the case was scheduled for mandatory, *non-binding* arbitration on November 30, 2011. In such a process, a neutral attorney informally reviews the case and makes a determination of liability and damage value. This proceeding usually develops a plaintiff’s monetary demand and offer by defendants. It also frequently focuses on a potential resolution of the case and may lead to settlement discussions. Either side can reject the award (within 30 days of the award) or the case would then be listed for trial, typically in another 3 months.

The arbitrator found liability on NJBA and on plaintiff, assessing liability 70% on the Association and 30% on plaintiff. The arbitrator found the case to have a full damages full value of \$250,000. This was reduced by plaintiff’s 30% fault to a net award of \$175,000. The insurer and counsel rejected the award. Motions for summary judgment were made on behalf of the NJBA and American Contract Bridge League, based on New Jersey’s Charitable Immunity Act, but those motions were denied. Guardian Angel Church made a motion for summary judgment which was granted.

At a recent Superior Court conference, a tentative settlement was reached with plaintiff at \$150,000. However, League Counsel informed insurance counsel that the ACBL would not enter into a settlement unless the ACBL is dismissed from the complaint by the plaintiff with prejudice. Plaintiff has agreed to such a dismissal since the NJBA would be held liable, via its insurer, for the settlement amount. Insurance counsel is awaiting necessary settlement /closing documents and is negotiating a resolution of Guardian Angel Church’s claims against the NJBA.

#### Status

The entire claim was dismissed with prejudice as to the ACBL. The other defendants entered into a cash settlement.

### SPENCER V. ACBL


#### Facts

On February 28, 2012 Cynthia Spenser and Richard Spencer filed a lawsuit in Providence, Rhode Island Superior Court against the League, Marriott and various other persons and entities, claiming that she was injured in a fall at a bridge tournament "operated" by the League. In fact, the tournament was a 2009 Massachusetts Regional operated by the District 25. District 25 is not currently listed as a defendant. Insurance counsel in Providence, Rhode Island has been appointed to represent the ACBL.

Status

Insurance counsel reports that "...it does not appear that plaintiff has any documentation that would support a theory against the insured [the ACBL]. Further, counsel will file jurisdictional motions to dismiss the matter from the Rhode Island Superior Court based on the facts that the plaintiff is a Massachusetts resident, the League is a New York corporation, based in Mississippi, and the tournament was held in Massachusetts.

Signed:

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

Peter Rank, Esq.

Dated: June 8, 2012