

## 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 ACBL Counsel, Robert Hartman, former ACBL CEO, Stan Subeck, several named Directors 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, and filed a motion to compel Mr. Blakeley to proceed with binding arbitration. The court denied our Motion to Compel Arbitration.

**Status:** We have appealed the denial of the Motion to Compel Arbitration. Mr. Blakely filed a Motion to Sever the Individual [Defendants] from the ACBL in the appeal on the basis that the issues pertaining to people are different from those involving the ACBL; his motion was denied. The case is stayed until Defendants' appeal is heard. There has been no movement on this case since the March report.

### **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:** Representation for Defendants was assumed by Snider & Horner in January 2017 as part of their purchase of Kustoff Law Firm, PLLC (upon Kustoff's election to office). The next step is a scheduling conference which will set the timing for interrogatories and depositions. There has been no movement on this case since the March report.

**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. On behalf of himself, Mr. Marcus 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. Notice has been provided to our insurer. The ACBL denies these allegations and intends to vigorously defend itself against these charges.

Respectfully submitted,

/s/ Linda J Dunn

Linda J. Dunn, Esq.

Dated: July 18, 2017