

THE AMERICAN CONTRACT BRIDGE LEAGUE INC.

IN-HOUSE COUNSEL LITIGATION REPORT

BLAKELY v. ACBL et. al.

Facts: In June 2016, former District Director Bruce Blakely filed a civil lawsuit in the Contra Costa County California Superior Court, a state court, asking for, among other things, damages plus 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, as well as a declaration that the ACBL's Code of Disciplinary Regulations is unfair – in total, 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 District 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 motion was denied by the court and unsuccessfully appealed in late 2017, leaving the case to proceed in state court. Mr. Blakely had 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 his attorneys' fees, following the denial of the ACBL's arbitration motion on appeal, which request was also denied. Mr. Blakely appealed that denial. The ACBL then filed an answer to the original complaint. Over the majority of 2018 the parties have been engaged in discovery, including document production and answering interrogatories and requests for admissions.

Status: Oral arguments of Mr. Blakely's appeal of the denial of his motion for attorney's fees is expected to be heard during the fourth quarter of 2018. Once discovery is completed, depositions will be scheduled. No trial date has been set.

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

Status: The ACBL is not a party to this matter. No update will be provided until something of note has occurred. (See previous Litigation Reports for a description.)

PETER MARCUS, et al v. ACBL

On June 23, 2017, Peter Marcus, a former ACBL Tournament Director, filed suit on behalf of himself and similarly situated plaintiffs against the ACBL seeking overtime pay for full-time Tournament Directors, damages and attorneys' fees. In late 2017, he was joined in his complaint by ACBL Tournament Directors Matthew Koltnow and Dianne Barton-Paine. In addition, Marcus for himself alleges that the ACBL constructively discharged him in retaliation for his past complaints relating to Tournament Director pay. 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 the first quarter of 2018. The parties engaged in a mediation of this matter in May 2018, but no agreement was able to be reached.

Procedural Posture. Plaintiffs' motion to conditionally certify a collective action was granted at the end of the third quarter 2018. Notices will be mailed during the fourth quarter 2018 to the affected Tournament Directors. At the appropriate time, the ACBL plans to move for summary judgment on all claims. No trial date has yet been set.

Respectfully submitted,



Linda J. Dunn, Esq.

Dated: November 15, 2018