

THE AMERICAN CONTRACT BRIDGE LEAGUE INC.

IN-HOUSE COUNSEL LITIGATION REPORT

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, later joined by two ACBL Tournament Directors. Sixteen additional Tournament Directors opted-into the lawsuit during 2019. Additionally, Marcus for himself alleges that the ACBL constructively discharged him in retaliation for his past complaints relating to Tournament Director pay, seeking reinstatement, promotion, payment of lost wages, damages and costs. The ACBL denies all these allegations and is vigorously defending itself against them, covering the litigation defense expense starting in October 2019. The parties engaged in a mediation of this matter in May 2018, but no agreement was able to be reached. Depositions were taken by both parties during 2018 and 2019 in addition to extensive document discovery by plaintiffs.

Procedural Posture. The parties filed cross motions for summary judgment in May 2020, and the ACBL filed a motion to decertify the class. During July and August 2020, the parties responded to the other's motions (including replies to the responses). Oral arguments on those motions were held as scheduled on September 9 in the Massachusetts District Court. A decision on the motions should not be expected until late in the fourth quarter of 2020 or perhaps not until first quarter of 2021. Plaintiffs' motion to substitute a party for deceased opt-in plaintiff Kenneth Van Cleve was denied because it was untimely and, accordingly, Van Cleve is dismissed from the lawsuit in early November.

Respectfully submitted,



Linda J. Dunn, Esq.

Dated: November 13, 2020