

Judge Rakoff Ends Litigation Fantasy

“There is nothing much better for a litigator/baseball fan than when these two interests collide. One of the highpoints of my legal career was successfully representing a major league baseball player (Pat Kelly) in his salary arbitration with the Yankees. So I was pretty excited when the case *Olson, et al. v. Major League Baseball, et al.* was filed this year in the SDNY. Maybe not as excited as if I would have been if I were involved in the case myself, but in these times we have to take what we can get,” discusses Edward H. Rosenthal in *Frankfurt Kurnit Klein + Selz*’ blog.

“*Olson* was a putative class action brought by individuals who participated in DraftKings fantasy baseball competitions. The plaintiffs sued Major League Baseball (“MLB”), MLB’s marketing entity called Major League Baseball Advanced Media, L.P. (“MLBAM”), the Houston Astros and the Boston Red Sox alleging that plaintiffs’ fantasy baseball efforts had been harmed by virtue of the electronic sign-stealing scandal that has been revealed over the past few months. In a nutshell, the Astros were found to have devised a system using cameras to relay the signs the opposing team’s catcher was giving to its pitcher by sending the signs to a player or coach situated behind the Astros dugout. The recipient of the video would then convey the pitch information to the batter by banging on a trash can.

It is undoubtedly true that a batter’s knowledge of the pitch about to be thrown enhances his chances of a successful time at the plate. While sign-stealing is not in and of itself illegal (it’s a time honored tradition for baserunners to try to figure out the sign being given by the catcher and then convey that information to the batter), the rules of baseball specifically prohibit electronic sign stealing.”

Read the article.