

San Jose Files Petition With U.S. Supreme Court In Antitrust Case Against MLB

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Antitrust & Global Competition

The City of San Jose has filed a petition with the U.S. Supreme Court in its antitrust case against Major League Baseball and former Commissioner Bud Selig.

Earlier this year, the Ninth Circuit Court of Appeals ruled that it did not have the authority to overrule Major League Baseball's antitrust exemption; only Congress and the Supreme Court did.

Any business that operates across state borders is subject to antitrust legislation.

But baseball has been exempt from antitrust laws since 1922, when the Supreme Court ruled in its favor in *Federal Baseball Club of Baltimore, Inc. v. National Baseball Clubs*. It is the only sport that has this type of exemption.

One of the main aspects the exemption covers is the fact that teams can't move unless MLB allows for it to happen. That has kept the Oakland A's in limbo, even though the team's owners have wanted to move to the South Bay for years.

"The Supreme Court created this obstacle a century ago. We knew we had to get to the Supreme Court to eliminate this obstacle," said San Jose Mayor Sam Liccardo.

He acknowledges that just getting the Supreme Court to hear the case is a longshot. "Perhaps 4 percent of all cases are actually taken up by the Supreme Court," Liccardo said. "This is a particularly unique case. I think we've got a very good shot at it. But we always know it's far from certain as to whether or not the Supreme Court is going to entertain the case."...

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