

Topps Chewing Gum, Inc. v. Major League Baseball

641 F.Supp. 1179 (S.D.N.Y. 1986)

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The Plaintiff, Topps Chewing Gum, Inc. (Topps), alleged that the Defendant, the Major League Baseball Players Association (MLBPA), performed actions that constitute *per se* violations of the antitrust laws. Topps also motioned for a mandatory preliminary injunction. The MLBPA claimed the Plaintiff failed to make out an antitrust violation. The case was decided in the United States District Court for the Southern District of New York. Topps alleged that the MLBPA's actions of telling players not to renew their contracts with Topps constituted a group boycott. Topps' motion for partial summary judgment was denied, as was their motion for a preliminary injunction. The MLBPA's cross-motion for summary judgment was also denied.

The court stated two reasons why the Plaintiffs' motion for summary judgment was denied. The *per se* treatment is inappropriate where the agreement to restrict trade was between two parties who are not competitors, as was the case here. Secondly, for summary judgment to be granted there must be no genuine issue of a material fact. Here, there were issues of fact regarding the relevant market, the Defendants' intent, and the effects of the Defendants' acts. This was also the reason why the MLBPA's claim was denied. Topps' motion for a preliminary injunction was denied because they had an offer, which had they chosen to accept, would have prevented irreparable harm.

All three motions were denied. Genuine issues of material facts were present, and the Plaintiffs failed to show restricted competition or the possibility of irreparable harm.