

Cardtoons, L.C. v. Major League Baseball Players Association

35 F.3d 1161 (10th Cir. 2003)

Authored by Josie McSwain-Levin

Plaintiff, Cardtoons, appealed a grant of summary judgment for Defendant, Major League Baseball Players Association (MLBPA) to the 10th Circuit Court of Appeals related to Cardtoons' state law claims of tortious interference with contractual relations, libel and prima facie tort, as well as the entry of a final judgment in MLBPA's favor. Cardtoons' initial claim stemmed from MLBPA's sending cease-and-desist letters threatening legal action if Cardtoons, and its contracted printer/distributor, printed parody trading cards of active Major League baseball players. The Court found for the defendant on all three claims and affirmed the grant of summary judgment.

Cardtoons' claims were as follows: (1) that the letter to the printer/distributor contained libelous statements; (2) that by sending the letter, defendant tortiously interfered with the contractual relationship between Cardtoons and the printer/distributor; and (3) that defendant's sending the letter was "generally culpable and not justified under the circumstances." The Court examined each claim separately by reviewing the record in the light most favorable to the non-moving party, as prescribed by rules of civil procedure, to determine if there existed any genuine issues of material fact.

In its examination of the first claim, tortious interference with a contractual relationship, the Court looked at Oklahoma law which requires that Cardtoons prove that it had a business or contractual right which MLBPA interfered with, that this interference was malicious and wrongful, was not justified, privileged or excused, and that the damages were proximately sustained as a result of the alleged interference. The Court held that Cardtoons failed to prove that MLBPA's motives for sending the letters was malicious and wrongful and were unjustified, privileged nor excusable. As to Cardtoons' claim of libel, the Court again found that the company failed to show that MLBPA acted in bad faith because it had no intention of suing the printer/distributor. Finally, as to the prima facie tort claim, the Court explained that Oklahoma has never recognized liability for this type of claim, and even if did recognize it Cardtoons' claim lacked merit because it could not show that MLBPA's conduct was "generally culpable and not justified under the circumstances."