

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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SAMUEL BARTLEY STEELE,	:		
BART STEELE PUBLISHING, and	:		
STEELE RECORDZ,	:		
	:	Plaintiffs,	Civil Action
v.	:		No. 08-11727-NMG
	:		
TURNER BROADCASTING SYSTEM, INC.,	:		<u>ORAL ARGUMENT REQUESTED</u>
et al.,	:		
	:	Defendants.	
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**DEFENDANT MAJOR LEAGUE BASEBALL PROPERTIES, INC.'S
MOTION FOR RULE 11 SANCTIONS BASED ON PLAINTIFFS' FILING OF A
MOTION FOR ENTRY OF DEFAULT AGAINST MLB ADVANCED MEDIA, L.P.**

Pursuant to Rule 11 of the Federal Rules of Civil Procedure, Defendant Major League Baseball Properties, Inc. ("MLB Properties") requests that this Court impose sanctions against Plaintiffs Samuel Bartley Steele, Bart Steele Publishing and Steele Recordz, and their Attorney Christopher A.D. Hunt, for filing Plaintiffs' Rule 55(a) Motion For Entry Of Default As To Defendant MLB Advanced Media, LP (Docket No. 118) ("Motion For Entry Of Default"). As explained in more detail in the accompanying Memorandum of Law, that motion is frivolous and meritless as a matter of law.

Pursuant to Rule 11(c)(2), MLB Properties is serving this motion and accompanying Memorandum of Law on Plaintiffs and Mr. Hunt on August 26, 2010, stating that said motion papers would be filed on or after September 17, 2010 with the Court if Plaintiffs and Mr. Hunt do not withdraw the Motion For Entry Of Default with prejudice within 21 days.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), the Moving Defendants respectfully request oral argument on this motion.

LOCAL RULE 7.1 CERTIFICATION

I, Christopher G. Clark, hereby certify that on August 26, 2010, I served a copy of this motion and the accompanying Memorandum of Law on Plaintiffs and Mr. Hunt in a good faith attempt to resolve or narrow the issues herein. I further certify that we conferred with Mr. Hunt by telephone and/or letter on August 31, 2010, September 1, 2010, September 4, 2010, September 10, 2010, and September 13, 2010 in a further good faith attempt to resolve or narrow the issues herein. Despite ample notice and the expiration of the 21 day safe harbor period, Plaintiffs and their counsel apparently intend to continue to press the Motion For Entry Of Default and have given no indication that the motion will be withdrawn as requested. Consequently, Defendants have sought in good faith to resolve or narrow the issues herein, but were unable to obtain assent to the relief requested.

Dated: August 26, 2010
(service of motion per Rule 11)
Boston, Massachusetts

/s/ Christopher G. Clark
Christopher G. Clark

Filing Date: September 21, 2010

CERTIFICATE OF SERVICE

I, Christopher G. Clark, hereby certify that on August 26, 2010, I caused a true copy of the foregoing document to be served by hand delivery and by U.S. Postal Service Express Mail upon counsel for Plaintiffs, Christopher A.D. Hunt, The Hunt Law Firm LLC, 10 Heron Lane, Hopedale, Massachusetts 01747.

Dated: August 26, 2010 /s/ Christopher G. Clark
Christopher G. Clark

Respectfully submitted,

/s/ Matthew J. Matule
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CERTIFICATE OF SERVICE

I, Christopher G. Clark, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on September 21, 2010.

Dated: September 21, 2010 /s/ Christopher G. Clark
Christopher G. Clark

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SAMUEL BARTLEY STEELE, :
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Plaintiffs, : Civil Action
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**MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANT MAJOR LEAGUE BASEBALL PROPERTIES, INC.'S
MOTION FOR RULE 11 SANCTIONS BASED ON PLAINTIFFS' FILING OF A
MOTION FOR ENTRY OF DEFAULT AGAINST MLB ADVANCED MEDIA, L.P.**

Defendant Major League Baseball Properties, Inc. ("MLB Properties") respectfully submits this memorandum of law in support of its motion for Rule 11 sanctions against Plaintiffs Samuel Bartley Steele, Bart Steele Publishing and Steele Recordz (collectively, "Steele") and their attorney, Christopher A.D. Hunt ("Hunt").

PRELIMINARY STATEMENT

On June 18, 2010, almost ten months after this Court entered final judgment in favor of all defendants and closed this case (Docket No. 105, dated August 19, 2009), Steele, represented by counsel,¹ filed a motion for a default against non-party MLB Advanced Media, L.P. ("MLBAM") (Docket No. 118). On June 30, 2010, MLB Properties filed an opposition brief that sets forth in detail the reasons why Steele's motion is legally unsupportable. (Docket No. 120 ("MLB Properties' Opposition").)

¹ Hunt filed a notice of appearance when Steele appealed the dismissal of his claims to the First Circuit on November 6, 2009. (Docket No. 112.) Prior to then, Steele was pro se.

At that time, MLB Properties did not make a Rule 11 Motion for sanctions, even though one was warranted. However, since then, Steele filed another frivolous post-judgment motion for a default, the second one against "Vector Management." (Docket No. 118.) An opposition to that motion was filed on August 25, 2010 (Docket No. 129), and a motion for Rule 11 sanctions against Steele and Hunt relating to that motion has been served.

Additionally, Steele has commenced three additional lawsuits against MLB Properties, and numerous other defendants, relating to the same allegations asserted in this case. Steele v. Bongiovi, No. 10-11218 (D. Mass. filed July 11, 2010) (Woodlock, J.); Steele v. Ricigliano, No. 10-11458 (D. Mass. filed Aug. 25, 2010) (Gorton, J.); Steele v. Boston Red Sox Baseball Club Limited Partnership, No. 10-3418-E (Mass. Super. Ct. filed Aug. 26, 2010).

Because the motions for entry of default in this case are so clearly frivolous, and there is now a discernable pattern of improper conduct, MLB Properties respectfully submits that sanctions should be imposed on each motion. It seems clear that Hunt, having only appeared for the first time in this lawsuit after Steele's claims were dismissed on the merits, has decided that, now that Steele has an attorney, he and Steele are free to disregard this Court's prior rulings. That is sanctionable conduct, and Hunt and Steele should be jointly and severally responsible for the imposed sanctions.

ADDITIONAL FACTUAL AND PROCEDURAL BACKGROUND

The background facts underlying the claims asserted in this litigation are set forth at length in this Court's Orders of April 3, 2009 (Docket No. 85) (granting in part defendants' motions to dismiss) (607 F. Supp. 2d 258 (D. Mass. 2009)) and August 19, 2009 (granting defendants' motion for summary judgment dismissing copyright claim) (Docket No. 104) (646 F. Supp. 2d 185 (D. Mass. 2009)).

Facts directly relevant to this motion are set forth in MLB Properties' Opposition at pages 1-4. (See Docket No. 120.)

ARGUMENT

I. THE MOTION FOR RULE 11 SANCTIONS SHOULD BE GRANTED

A. Steele's Claim That He Is Entitled To Entry Of A Default Against Non-Party MLBAM Is Patently Frivolous

To avoid burdening the Court with additional filings, MLB Properties respectfully refers the Court to, and incorporates by reference, the arguments set forth in MLB Properties' Opposition at pages 4-9. (See Docket No. 120.)

In addition, MLB Properties respectfully refers the Court to, and incorporates by reference, the arguments concerning the doctrines of claim preclusion and collateral estoppel set forth in the Memorandum Of Law In Support Of Defendants' Motion For Rule 11 Sanctions Based On Plaintiffs' Filing Of A Motion For Entry Of Default Against "Vector Management" ("Vector Rule 11 Brief") at pages 6-9. (See Docket No. 129.)

B. The Court Should Impose Rule 11 Sanctions Against Steele And Hunt

1. Applicable Legal Standard

MLB Properties respectfully adopts and incorporates by reference the Rule 11 legal standard set forth in the Vector Rule 11 Brief at pages 10-12.

2. Rule 11 Sanctions Are Warranted In This Case

Sanctions are clearly warranted here, given the complete absence of any good faith basis for Steele's motion for entry of a default against non-party MLBAM. Steele and Hunt have violated Rule 11 by, among other things, asserting "factual allegations without evidentiary support or the likely prospect of such support." Roger Edwards, LLC, 437 F.3d at 142 (internal quotation marks omitted); see also Fed. R. Civ. P. 11(b)(3). The claims against non-party

MLBAM are being interposed for an improper purpose, to harass MLB Properties and the other defendants herein, cause unnecessary delay in concluding this lawsuit, and needlessly increasing the cost of litigation. See Fed. R. Cir. P. 11(b)(1).

Ordering Steele and Hunt to jointly and severally pay a penalty to the Court, as well as awarding MLB Properties its reasonable attorneys' fees and costs will serve the two main purposes of Rule 11 sanctions: deterrence and compensation. See Jones, 2004 WL 2915290, at *4. Put simply, monetary sanctions are necessary to deter Steele and Hunt from filing future frivolous motions, and to compensate MLB Properties for the costs they incurred in filing MLB Properties' Opposition and this motion.

CONCLUSION

For the foregoing reasons, the Court should grant this motion and impose Rule 11 sanctions against Steele and his attorney Christopher A.D. Hunt.

Dated: August 26, 2010
(service of motion per Rule 11)
Boston, Massachusetts

Filing Date: September 21, 2010

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