

## Lesson: Don't Underestimate Court's Ability To Change Its Mind

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While Major League Baseball (MLB) can celebrate its new season, which began on April 2, the last pitch has yet to be thrown when it comes to addressing a minimum wage and overtime lawsuit filed by thousands of minor league players. A lawsuit filed by a class of thousands of Minor League Baseball (MiLB) players in February 2014, which is part of a feeder system into MLB clubs, claims that minor league ballplayers are not paid the proper minimum wage or overtime. The suit alleges that most leaguers earn less than \$7,500 annually, which is in violation of various laws. The complaint claims that some ballplayers earn \$1,100 per month during the season, despite spending more than 50 hours at work each week. The class was [initially certified in October 2015](#), after which point more than 2,200 minor league players opted into the class. The MiLB players have faced severe opposition from MLB, which in part has argued that the MiLB players cannot proceed as a class because of the players' individual schedules and varied experiences – thus arguing that all the players cannot be deemed as a part of a single class of plaintiffs. The case is in the hands of U.S. Magistrate Judge Joseph C. Spero of the U.S. District Court for the Northern District of California, who in October 2015 had ruled in favor of allowing the MiLB players to move as a class, but then [reversed that decision](#) in July 2016 – putting the MiLB players' case at risk. During such time, the MiLB amended its complaint in part by dropping certain claims and limiting the class to the California League players. Judge Spero then again changed his mind and determined that, by narrowing the suit, the players "significantly reduced the variations" – thus allowing him to reverse his decision and side with the MiLB players. The case is still pending as immediately thereafter, MLB moved to appeal the decision to the U.S. Court of Appeals for the Ninth Circuit and asked for the case to be stayed. Ultimately, due to the class certification ruling, there is significant pressure on the MLB to settle the lawsuit rather than go to trial. The takeaway for employers battling a class certification is that the court can be persuaded to change its mind if provided with an opportunity – such as plaintiffs amending their complaint to limit the class – thereby providing the court with an additional chance to certify. The case is *Senne et al. v. Office of the Commissioner of Baseball et al.*, case number [3:14-cv-00608](#), in the U.S. District Court for the Northern District of California.

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