



# 2016 Sports MVP

## Andrew Kassof



The World Series-winning Chicago Cubs took on a big opponent when local bar owners sought to revive claims over rooftop seating being obstructed by upgrades to the team's world-famous ballpark, but Kirkland & Ellis LLP's Andrew A. Kassof stepped up and put one in the win column for the Cubs, earning him a spot as one of Law360's Sports MVPs for 2016.

In the ongoing saga, Major League Baseball's Chicago Cubs were accused of breaking a longstanding agreement with local bar owners, who were promised unobstructed rooftop views of home games in exchange for a portion of the bars' profits. Kassof, a senior litigation partner at Kirkland & Ellis, successfully fought the bar owners' attempt to alter the judgment or refile their lawsuit after its September 2015 dismissal and a subsequent change of the bar owners' counsel.

The dispute arose after businessman Thomas S. Ricketts purchased the team and Wrigley Field in 2009 and made a series of unsuccessful attempts to buy the rooftops. Ricketts announced a series of stadium upgrades in 2014 that would

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block the rooftop views, leading to the bar owners' lawsuit.

After having their lawsuit thrown out, the bar owners claimed in April that

they recently discovered new information about the Cubs' corporate structure that warranted a refiling of the claims. They said certain bars that had been left unobstructed were purchased by a company controlled by Greystone, LLC, which was owned by the Cubs' parent company, Northside Entertainment Holdings LLC. The owners contended that they had no previous knowledge that a corporate entity other than the Cubs was involved in rooftop purchases.

But on Sept. 1, U.S. District Judge Virginia Kendall agreed with Kassof and the Cubs, who argued that all the information cited by the bar owners as a reason to reopen the case was always in the public record, and that their lack of knowledge on

the matter cannot be considered “new evidence.”

Judge Kendall also said that the request didn’t cite any authority that would change her mind that the upgrades were a permitted expansion of the stadium and that game monopolization claims run afoul of the so-called baseball exemption to antitrust laws, according to Judge Kendall’s opinion. She also shot down their motion to file an amended complaint, saying the bar owners had ample opportunity to do so, including after she twice rejected attempts to block the Cubs from building new scoreboards in the stadium.

The rooftop owners asked the Seventh Circuit on Sept. 30 to hear their appeal of Judge Kendall’s order. The case is currently pending before the appeals court.

“In my area of practice in the world of sports, my approach to it is really no different than how I approach my more mainstream corporate clients and my more traditional litigation, which is understanding the client’s objectives, working in the most efficient and responsive way possible to achieve the client’s goals and

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working closely every step of the way with the client to see it through,” Kassof told *Law360*.

Kassof said his work for other clients in industries such as oil and gas, medical devices and pharmaceuticals provided a link to representing big-name sports clients. For example, he represented an oil and gas company in a class action lawsuit, and his opposing counsel took notice of his work.

His then-adversary, with whom Kassof worked on another case, later offered him an opportunity to represent former NBA player and New York Knicks coach Derek Fisher in a lawsuit in California state court by G. William “Billy” Hunter, the former executive director of the National Basketball Players Association. Hunter sued in 2014 over an internal audit orchestrated by Fisher, who at the time was president of the NBPA, relating to the union’s business practices and Hunter’s role in implementing them.

Kassof successfully defended Fisher from the 14-count complaint, getting it dismissed in June 2014.

Kassof said the case that eventually led him to represent Fisher was at times contentious, but his ability to maintain a professional approach and mutual respect for opposing counsel paid dividends down the road.

“The adversarial process sometimes takes over, but as long as you can treat the other side professionally, while at the same time recognizing that you both have a job to do, you leave with a mutual respect that could inure to your benefit later,” Kassof said.

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