

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KRISTOPHER R. OLSON,
CHRISTOPHER LOPEZ, WARREN
BARBER, CHRISTOPHER CLIFFORD,
AND ERIK LIPTAK, individually
and on behalf of all others
similarly situated,

Plaintiffs,

v.

MAJOR LEAGUE BASEBALL; MLB
ADVANCED MEDIA, L.P.; HOUSTON
ASTROS, LLC; and BOSTON RED
SOX BASEBALL CLUB, L.P.,

Defendants.

20-cv-632 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

Time to close the books. In a memorandum order dated 6/5/20, this Court denied plaintiffs' motion for reconsideration of this Court's April 3, 2020 Opinion and Order granting defendants' motion to dismiss. See ECF 72. In that memorandum order, this Court referred to a letter from Major League Baseball Commissioner Rob Manfred to the New York Yankees that was originally filed under seal (the "Yankees Letter"). Id. at 9 n.3. Plaintiffs moved to unseal that letter, and this Court granted that motion, ordering the unsealing of "a minimally redacted version of the letter to protect the identity of individuals mentioned therein." ECF 73 at 12. The Court stayed its unsealing order pending appeal by the


Major League Baseball defendants and the New York Yankees. ECF 76, 77.

On appeal, a three-judge panel of the Second Circuit affirmed this Court's unsealing order in an opinion by Judge Bianco. See Opinion dated 3/21/22, Olson v. Major League Baseball, No. 20-1841, ECF 194. That panel subsequently denied the Yankees' request for reconsideration and the full Second Circuit denied its request for rehearing en banc. See Order dated 4/21/22, Olson, No. 20-1841, ECF 206. The mandate subsequently issued on 4/28/22. See ECF 81.

As this Court's order unsealing the Yankees Letter has now been affirmed, this Court directs that the minimally redacted version of it filed with the Court on 6/29/20, see Dkt. 80-1, and attached hereto be unsealed.

SO ORDERED.

Dated: New York, NY
December 29, 2022



JED S. RAKOFF, U.S.D.J.

Office of the Commissioner
MAJOR LEAGUE BASEBALL



ROBERT D. MANFRED, JR.
Commissioner of Baseball

September 14, 2017

Via E-Mail
(Original by Overnight Mail)

Mr. Brian Cashman
Senior Vice President,
General Manager
New York Yankees
Yankee Stadium
One East 161st Street
Bronx, NY 10451

Re: Notice of Discipline (Violation of Replay Review Regulations)

Dear Brian:

On August 23, 2017, the New York Yankees filed a formal complaint and requested that the Office of the Commissioner “conduct a full and complete investigation concerning the illegal use of electronic equipment, in game, by the Boston Red Sox in order to steal signs and gain an illegal advantage in the game.” As a result of the Yankees’ complaint, I directed the Department of Investigations to interview a number of employees of the Red Sox and the Yankees in connection with this matter. Based on the information we received, I have concluded that the Red Sox violated On-Field Regulation 1-2.A by using electronic equipment “for the purpose of stealing signs or conveying information designed to give a Club an advantage.” I will address this violation of the On-Field Regulations directly with the Red Sox.

During our investigation into the Red Sox’s misconduct, [REDACTED] informed the Department of Investigations that the Yankees used a similar scheme to that of the Red Sox to decode opposing Clubs’ signs and relay them to the batter when a runner was on second base. [REDACTED] – who initially noticed that the Red Sox were using a smartwatch to pass information to their players – admitted to the Department of Investigations that during the 2015 season and the first half of the 2016 season, he provided information about opposing Club’s signs to players and members of the coaching staff in the replay room at Yankee Stadium, who

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then physically relayed the information to the Yankees' dugout. [REDACTED] also admitted that during that same time period, in certain stadiums on the road where the video room was not proximate to the dugout, [REDACTED] used the phone line in the replay room to orally provide real-time information about opposing Club's signs to Yankee coaches on the bench.

Section VI(C)(2)(c) of the Replay Review Regulations (2-14) provides as follows:

The dugout phone will be connected to the video review location. If the dugout phone does not work at any point during the game, upon notifying the home plate Umpire, the Manager shall be permitted to communicate with his Club's video review location via walkie-talkie. **On-field personnel in the dugout may not discuss any issue with individuals in their video review room using the dugout phone other than whether to challenge a play subject to video Replay Review.**

The Yankees' use of the dugout phone to relay information about an opposing Club's signs during the 2015 season, and part of the 2016 season, constitutes a material violation of the Replay Review Regulations. By using the phone in the video review room to instantaneously transmit information regarding signs to the dugout in violation of the Regulations, the Yankees were able to provide real-time information to their players regarding an opposing Club's sign sequence – the same objective of the Red Sox's scheme that was the subject of the Yankees' complaint.¹

Based on the foregoing, the Yankees are hereby fined \$100,000. Please send a check in that amount, made payable to Major League Baseball Charities, to my attention. The money will be used for Hurricane Irma relief.

¹ As you know, on September 5, 2017, the Red Sox submitted a separate formal complaint and request that my office investigate the Yankees, alleging that the Yankees have employed "techniques of sign stealing and relaying, as well as other questionable methods of gathering information on opposing teams' strategies," which have included "using YES Network cameras pointed at [the Red Sox's] coaching staff and players giving signs in the dugout, in order to gain an illegal advantage in the game." My office has thoroughly investigated the Red Sox's claims in this regard and has concluded they are without merit. The Red Sox also submitted a video clip from a YES Network broadcast of a June 13, 2017 game between the Yankees and the Angels in Anaheim that appears to show a Yankees bullpen coach watching the Angels' network broadcast of the game on an unauthorized iPad in the Yankees' bullpen. The broadcast is on a one-pitch delay, and there is no evidence the Yankees were using the iPad as part of a sign stealing scheme. Regardless, use of this iPad violated On-Field Regulation 1-2.A.