Gary Fellner Defeats Bid to Stop Auction of Rare Clemente Baseball Cards

February 19, 2016

By: Gary Fellner

Porzio principal Gary M. Fellner defeated an eve of sale motion by Leland's Collectibles of Long Island for a temporary restraining order sought against his client Brian Slusser, and Heritage Auctions, to prohibit the sale of rare Roberto Clemente baseball cards on February 20-21 in Manhattan. New York State Supreme Court Justice Saliann Scarpulla ruled that Slusser's Roberto Clemente card collection, including a prized 1955 card from his rookie year with the Pirates, can proceed to auction as scheduled at Heritage Auctions. The 1955 card is expected to sell for more than $300,000.

Leland's Collectibles tried to block the auction, arguing that Slusser was bound by a 2008 handwritten contract to allow Leland's to handle the sale of the collection. On behalf of Slusser, Fellner successfully argued that the sale should not be stopped for a variety of reasons, including that the 2008 contract with Leland's was invalid under New York law, that Leland's delayed filing the lawsuit, and that the remedy was money damages, not injunctive relief. The Court agreed and scheduled a hearing to address the dispute after the sale.