

STATE OF CALIFORNIA  
Division of Workers' Compensation  
Workers' Compensation Appeals Board

Case No. ADJ15179609

[REDACTED]  
*Applicant,*

vs.

**CINCINNATI REDS, permissibly self-insured,**

*Defendants.*

**FINDING AND ORDER AND  
OPINION ON DECISION**

[REDACTED]  
Applicant

[REDACTED]  
Attorneys for Applicant

**TIMOTHY PETERSON, ESQ.**  
**BOBER, PETERSON & KOBY**  
Attorneys for Defendants

The above-entitled matter having been heard and regularly submitted, the Honorable Gene W. Lee, Workers' Compensation Judge, now decides as follows:

**FINDINGS OF FACT**

1. The applicant, [REDACTED], born on January 2, 1976, while employed during the period June 1, 1995 through October 1, 1996, as a Professional Athlete/Baseball Player, Occupational Group Number 590, at various cities and states, claims to have sustained injury arising out of in in the course of employment to head,, neck, back, shoulders, elbows, wrists,

hands, fingers, hips, knees, ankles, feet, toes, internal issues, neurological issues, psychological issues, and sleep issues.

2. At the time of these alleged injuries, the employer was self-insured for workers' compensation.

3. There is no California Workers' Compensation Appeals Board ("WCAB") Personal Jurisdiction over the Cincinnati Reds for the applicant's alleged cumulative trauma injury claim.

**ORDER**

**IT IS ORDERED** that ADJ15179609 is barred by lack of California WCAB's personal jurisdiction over the Cincinnati Reds in this case.

DATE: May 15, 2023



**Gene W. Lee**

WORKERS' COMPENSATION JUDGE

Served by mail on all parties listed on the Official Address record on the above date.

BY: 

BOBER PETERSON IRVINE, Email





## OPINION ON DECISION

### BACKGROUND:

The applicant, [REDACTED], alleges a cumulative trauma injury to multiple body parts for the period June 1, 1995 through October 1, 1996, while employed as a professional baseball player. The applicant played for the Cincinnati Reds (“Reds”) organization in the Reds’ minor league affiliate teams.

The applicant signed a “one year” contract to play for the Reds’ affiliate team in West Virginia while he was physically in Victorville, California. This contract covered July through September of 1995 and the applicant was compensated \$850.00 per month.

The applicant next played for the Reds at spring training (in Florida) in 1996, which extended from April to June. The applicant was then assigned to another Reds affiliate in Montana. It is noted that the applicant has not played any professional baseball games in California for any baseball team, including the Reds.

In the period between September 1995 (end of first year with Reds) April 1996 (spring training in Florida for the Reds), the applicant returned home to Victorville. The applicant chose to go home on his own. He was not directed to go to California by the Reds. The applicant was asked to play in local community college baseball games by [REDACTED] (the scout who signed him). It is unclear whether [REDACTED] was affiliated with the Reds during this particular time period. There was no contract with the Reds during this period. The applicant was not being paid by the Reds during this period.

Trial began on March 1, 2023 and the primary issue raised by the parties was personal jurisdiction. The parties were granted leave to file Trial Briefs. The defendant filed its Trial

Brief on March 20, 2023. The applicant filed its Trial Brief on March 22, 2023. This case stood submitted on March 24, 2023.

**PERSONAL JURISDICTION:**

Personal jurisdiction may be either general or specific. (Vons Companies, Inc. v. Seabest Foods, Inc. (1996) 14 Cal.4<sup>th</sup> 434, 445.)

**General Personal Jurisdiction:**

General Personal Jurisdiction over an out of state or foreign corporation is appropriate and consistent with due process only when the corporation’s contacts with the forum state “are so constant and pervasive as to render it essentially at home” in the forum state. (Daimler v. Bauman (2013) 571 U.S.117, 122.) A corporation’s place of incorporation and principal place of business are “paradigm all-purpose forums.” (Id. at 137.) Only “in an exceptional case” will a foreign corporation’s operation outside of these paradigm forums be deemed so substantial and of such a nature as to render the corporation at home in that state.” (See Id. at 138-139.) Here, the Reds were apparently incorporated in Delaware and are headquartered in Ohio. Neither of these “paradigm” forums are California.

The applicant’s attorney has made an interesting argument that the Reds are an example of an “exceptional” case that should give rise to General Personal Jurisdiction based on the “business model” of Major League Baseball. (Applicant’s Trial Brief at pages 3-4.) To paraphrase, all of the teams in Major League Baseball have agreements to visit other teams in other states, including (most relevantly) California. Based on this argument about the business model for Major League Baseball, all professional sports teams in leagues or associations with teams in California would have General Personal Jurisdiction. Such a potentially large



collection of teams/organizations would, by definition, not be an “exceptional case” that confers General Personal Jurisdiction.

General Personal Jurisdiction does not exist for the Reds in this case.

Potential Personal Jurisdiction based on the Reds’ direct contact with California, will be discussed below under Specific Personal Jurisdiction.

**Specific Personal Jurisdiction:**

Specific Personal Jurisdiction can only occur when a lawsuit arises out of or relates to the defendant’s contacts with the forum. (Bristol-Myers Squibb v. Superior Court (2017) 582 U.S. 255, 262.) Where there is no such contact or connection, specific personal jurisdiction will not apply.

Here, it is undisputed that the applicant played no professional baseball games in California. There is a dispute over whether the applicant’s workouts/training in California between the applicant’s first contact for the Reds in 1995 and second contract for the Reds in 1996. The Court will refer this time between the first and second contracts as the “Interim Period”. During the Interim Period, the applicant returned home to California. He was not directed to return to California by the Reds: the applicant returned home by his own choice. Also during the Interim Period, the applicant had up to two jobs: one at Blockbuster Video and another with Reebok (retail store). The applicant was not paid by the Reds during the Interim Period.

The individual identified as [REDACTED] did arrange for the applicant to play in community college baseball games during the Interim Period. It is unclear whether [REDACTED] was still a scout for the Reds during the Interim Period. Contrary to the assertion of the applicant’s attorney in its Trial Brief, there is no clear evidence that the applicant was

“required” to train and play at the direction of [REDACTED]. Again, the applicant was not paid by the Reds during the Interim Period. In light of these factors, including the lack of employment contract and monetary compensation during the Interim Period, the Reds’ contact with California is insufficient to establish Specific Personal Jurisdiction.

The applicant’s attorney also suggests that Reds’ actions prior to the applicant’s employment with the Reds in 1995, including the open tryouts, the employment discussions, and the execution of the employment contract in Victorville should confer specific personal jurisdiction. The Court disagrees. The open tryouts and the employment discussions all occurred prior to the applicant’s employment with the Reds. Here, while a workers’ compensation claim is not a lawsuit per se, it is an action that arises out of an injury that occurs during employment. Consequently, these actions preceding the applicant’s employment are irrelevant.

Regarding the actual signing of the applicant’s employment contract in California, while such an event may have an impact on subject matter jurisdiction, it is not dispositive of the issue of personal jurisdiction on its own.

**CONCLUSION:**

Pursuant to the analyses above, this case is barred by lack of California WCAB’s personal jurisdiction over the Cincinnati Reds in this case.

DATE: May 15, 2023



**Gene W. Lee**

WORKERS' COMPENSATION JUDGE