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## Trial Date Set In 3-Way Fight Over Historic Ohtani Baseball

By **David Steele**

Law360 (December 2, 2024, 7:28 PM EST) -- A trial is now scheduled for one of two Florida state lawsuits to decide which of three baseball fans legally owns a home run ball hit by superstar Shohei Ohtani that was later auctioned off for \$4.39 million.

In a case management order sent just before midnight on Monday, Judge Mavel Ruiz of the Eleventh Judicial Circuit Court chose Aug. 13 to begin the trial over Joseph Davidov's suit against Christian Zacek, who left Miami's LoanDepot Park on Sept. 19 with a ball hit by Ohtani to give the Los Angeles Dodgers player an unprecedented 50 home runs and 50 stolen bases in the same season. Davidov, however, is one of two fans who have filed separate suits in Miami-Dade County court claiming they had the ball first but had possession unlawfully taken from them before it ended up with Zacek.

Davidov in a motion filed last month asked the court to consolidate the two suits, then asked in a separate motion that his case be transferred from Judge Ruiz to Judge Spencer Eig, who is overseeing plaintiff Max Matus' suit against Zacek, which was filed two days before Davidov lodged his own complaint. The two suits against Zacek, Davidov said in both motions, "share common issues of fact and law." Davidov wants to ensure "an economy of resources and efficiency for all the parties," the motions said.

No rulings have been made on either motion, and a case management schedule hasn't yet been set for the suit by Matus, who asked in his Sept. 25 complaint for an injunction to stop the auction scheduled to begin two days later. Judge Eig allowed the completion of the online bidding but put the actual sale on hold until ownership of the ball, and the rightful recipient of the money, were determined. The \$4.39 million bid is the highest-ever for a historic baseball.

According to the two suits, Davidov claimed that he had possession of the ball first, but lost it when a fan jumped over a railing and landed on his hand that was holding the ball. Matus allegedly then grabbed the ball, only to have Zacek "wrangle" it from his grasp.

Matus is scheduled for a deposition by Zacek's attorneys on Dec. 13, but last month, he asked the court for a protective order to put the deposition on hold, citing a scheduling conflict.

Representatives for Davidov, Matus and Zacek did not immediately respond to requests for comment Monday.

Davidov is represented by Devon K. Workman of Workman Injury Law PLLC.

Matus is represented by John J. Uustal and David M. Hammer of Kelley Uustal.

Zacek is represented by Robert C. Josefsberg of Podhurst Orseck PA, Dustin M. Robinson of LumaLex Law and Jonathan F. Claussen of J. Claussen Law PA.

The cases are Max Matus v. Christian Zacek, case number 2024-018488-CA-01, and Joseph Davidov v. Christian Zacek, case number 2024-018734-CA-01, in the Eleventh Judicial Circuit Court of the State of Florida.

--Additional reporting by Alex Lawson. Editing by Melissa Treolo.

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