

Ex-Yankee Drops Suit Over Historic Mickey Mantle Bat

By **Max Jaeger**

Law360 (October 12, 2021, 6:07 PM EDT) -- Former New York Yankee Joe Pepitone on Monday dropped a suit seeking to reclaim teammate Mickey Mantle's 500th home run bat from the Baseball Hall of Fame after the museum pointed out in federal court papers that he failed to list the item on a 2010 bankruptcy petition and argued it was never his to begin with.

Pepitone sued in July to recover the relic that's been resting at the Cooperstown museum for 54 years, alleging his old team loaned it to the Hall of Fame on the grounds that he could ask for it back at any time.

But if that's true, then he perjured himself in a 2010 bankruptcy petition in which he never listed the bat he now claims is worth at least \$500,000, the Hall of Fame said in an August motion to dismiss.

"For Pepitone, who owned no real estate and claimed total cash holdings of about \$550, the Mantle Bat easily would have been his most valuable asset," the museum said. "If this case proceeded to discovery, it would be revealed as a meritless attempt to shake down the Baseball Hall of Fame for millions of dollars by someone who did not own the Mantle Bat and contributed nothing to the bat's historical significance."

A voluntary notice of dismissal filed Monday gave no reason for the withdrawal, and Pepitone's lawyers did not immediately respond to a request for comment on Tuesday.

Mantle used Pepitone's signature Louisville Slugger to knock his 500th dinger during a May 14, 1967, home game. Yankees public relations chief Bob Fishel then passed the bat to the museum on the condition that Pepitone could ask for it back at any time, according to his lawsuit. Pepitone also claimed that museum P.R. director Bill Guilfoile told him several times over the years that the bat was "his for the asking."

But the museum says it has formal records documenting the donation, and argues Pepitone was trying to "game the system" by relying on "dubious say-so" and alleged conversations with people who have since died.

"Pepitone conveniently waited to lay claim to the Mantle Bat until those in a position to contradict his story about losing it had deceased, including Mantle, the Yankees public relations executive ... and the Baseball Hall of Fame employee," the museum said in the August filing.

In sections of Pepitone's bankruptcy petition where he was asked to declare collectibles and sporting equipment, he only listed \$100 in compact discs and a trio of rifles worth \$400, the museum said. He cited no equitable future interests, unliquidated claims or other personal property.

The Hall of Fame said it is pleased Pepitone withdrew.

"In dismissing the case, Mr. Pepitone recognized that the Hall of Fame is the rightful owner of the bat," spokesman Jon Shestakofsky told Law360 in a statement on Tuesday. "We are confident that we would have prevailed if the case was fully litigated and are grateful that Mr. Pepitone will not be putting the Hall of Fame through the time and expense of proving our rightful ownership of the historic bat."

Pepitone is represented by David Michael Barshay of Barshay Rizzo & Lopez PLLC.

The National Baseball Hall of Fame is represented by Clinton Morrison and Michael F. Buchanan of Patterson Belknap Webb & Tyler LLP.

The case is Pepitone v. National Baseball Hall of Fame and Museum, Inc., case number 6:21-cv-00781, in the U.S. District Court for the Northern District of New York.

--Editing by Dave Trumbore.