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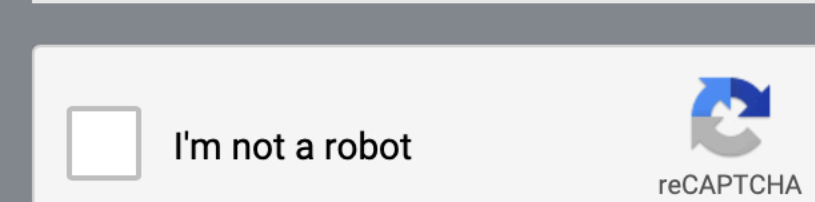


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MLB, players must play ball, make deal



Bob Nightengale

Columnist
USA TODAY

PHOENIX – Stop it. Enough already.

We want to watch Yankees ace Gerrit Cole face Red Sox slugger J.D. Martinez at Yankee Stadium, not MLB Commissioner Rob Manfred and players' union chief Tony Clark arguing behind closed doors.

We'd rather listen to the banging of trash cans at Minute Maid Park in Houston than the eerie silence of major league ballparks across America.

There are 36 million Americans who filed for unemployment the past two months during the coronavirus pandemic.

Do you think they really care who is right or who is wrong as owners and players debate the economics of playing baseball without fans?

The last thing anyone can stomach is listening to billionaires and millionaires arguing over money before they can start the 2020 baseball season.

If the season was unable to start because of COVID-19, with too many players and employees fearful of their safety, it'd be perfectly understandable.

If the season couldn't start because governmental and health officials refused to open their municipalities, that's their prerogative.

But when MLB and the union are actively discussing an exhaustive safety and health plan that might be restrictive but perhaps necessary with states re-opening and governors are welcoming professional sports back, baseball cannot be shut down simply because of infighting over money.

If there is no Major League Baseball played this year because the owners and players can't agree on salaries, it would make the cancellation of the 1994 World Series feel like a doubleheader rainout in June.

It would destroy the sport.

Look, everyone in the game is going to lose money this year.

Teams are projecting losses between \$84 million to \$312 million.

Players will lose nearly half of their income, with their up-front payments – paying players with guaranteed contracts \$4,750 a day – ending May 24.

Team employees, from club presidents to their amateur scouts, are having their salaries slashed, with others being furloughed until the winter and many fearing they'll be terminated when their contracts expire in October.

It is ugly. It is terrifying. It is heartbreaking.

So please, now is not the time to try to win a public relations battle with the fans, leaking internal documents to the news media or waging a war of



MLB is hoping for a 2020 season that could see sights such as the Braves and Freddie Freeman celebrating a run.

ADAM HAGY/USA TODAY SPORTS

words to legal teams.

No one wants to hear it.

Not now.

The owners want to start the season by the first week of July, playing at least 82 regular-season games, but insist it's economically impossible to play without fans unless the players agree to further salary reductions.

The players want to play tomorrow, if they could, with at least a 100-game season, but have difficulty believing the owners will lose \$4 billion this season if their salaries remain the same. They simply can't buy the notion that teams will lose more money by playing than having no season, even without fans.

Yet with hopes of teams gathering for spring training by June 15 and playing games by July 4, the two sides still have not had a single exchange of a proposed economic plan.

MLB owners agreed to present a 50-50 revenue-sharing plan 10 days ago, but once Clark and agent Scott Boras publicly decried the proposal, saying it would be immediately rejected, the union hasn't received a proposal.

The union might still scoff at any idea of a revenue-sharing plan but will tell you they are open to listening to any

proposal MLB wants to offer.

MLB will tell you that if the union flatly refuses any revenue-sharing plan, then the union should propose an economic plan.

It's possible this will come to an end this week. Let's hope.

Manfred and MLB attorneys plan to present an economic plan to the union by Friday, two people with direct knowledge of the negotiations told USA TODAY Sports, perhaps outlining with greater detail their projected losses in 2020. The officials spoke on the condition of anonymity because they were unauthorized to publicly discuss the negotiations.

The union is eagerly awaiting the proposal and then can spend the Memorial Day weekend poring over it, formulating a counterproposal.

The players want the owners to at least prove their economic duress, which they formally requested a week ago. If the owners demonstrate their projected financial losses, the players might be amenable to softening their stance on restructuring salaries, which already is costing them about \$2 billion.

Perhaps there can be a compromise if the two sides can agree to defer a por-

tion of the salaries this season only to provide economic relief.

Maybe the players will be willing to assume part of the risk if a second wave of the coronavirus prematurely ends the season, wiping out about \$1 billion in anticipated postseason revenue with the expanded playoffs.

Maybe it's as simple as the owners guaranteeing more regular-season games to the players, or even giving the union a cut of the postseason money.

There is no drop-dead deadline for negotiations, the two sides say, but the longer it drags out, fewer games will be played, and more money will be lost.

They each are hoping an agreement can be reached by June 3. The players report to spring training on June 10. The regular season starts July 1. And the entire postseason is completed by Halloween.

It's still unfathomable, no matter how much the rhetoric is put on public display, to believe that baseball won't be played this summer.

It will happen.

Really, there is no choice.

But the clock is ticking.

It's time for baseball to save itself before it's too late.

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DALLAS COWBOYS 5 QUESTIONS

McCarthy already at '100 miles an hour'

Jori Epstein
USA TODAY

Cowboys coach Mike McCarthy explained the adrenaline rush from the head of a dining room table at Harry & Izzy's steakhouse in Indianapolis.

"I missed the energy of getting up in the morning," McCarthy told a handful of Dallas reporters Feb. 26 during the NFL scouting combine. "Where you wake up and your mind is flying 100 miles an hour. And you just want to get going on the next project."

"That's what excites me every day."

McCarthy's first six months as Cowboys coach have already thrown him curveballs — chiefly, a global pandemic — that nearly 13 years in Green Bay didn't. But he's waded through free agency and a seemingly strong NFL draft to arrive at virtual offseason activities. The Cowboys' stockpile of weapons, especially on offense, only augment the sky-high expectations to which McCarthy arrived. Dallas hasn't made it to an NFC championship game, much less a Super Bowl, in 24 years. Will that change in the McCarthy era?

Here are five questions for the Cowboys to answer in his first season:

1. Can Dallas step up in big games?

McCarthy didn't waste time reminding Cowboys rookies what they are playing for.

"Everything we do will be tied into winning those key games," he told them during their virtual orientation. "We'll prepare for a 20-game season."

Winning key games is an area in which the Cowboys fell short last year. The team flopped at New Orleans, New England and Philadelphia in 2019, unable to score more than 10 points despite averaging 27.1 through the season. Eight times they trailed at halftime — and all eight times they lost.

"At critical times, critical games we didn't meet the mark," Cowboys owner Jerry Jones said. "Across the board, we had top players that didn't step up."

It will be McCarthy's job to improve a team that's made the playoffs every other season in recent years to one that can contend perennially — and advance past the divisional round. McCarthy already anticipates shootouts will be necessary to achieve that goal, a reality that further materialized when the Cowboys drafted Oklahoma receiver CeeDee Lamb with the 17th overall selection rather than shoring up a secondary with the playmaker it's long lacked. The talent is on the roster. Now it's time for McCarthy's staff to scheme and



The Cowboys' Dak Prescott says he's excited to work with "quarterback guru" Mike McCarthy. BILL STREICHER/USA TODAY SPORTS

prepare players to maximize their potential.

2. What does CeeDee Lamb mean for the Cowboys' run game?

Three-time Pro Bowl running back Ezekiel Elliott is under contract through 2027 with an extension averaging \$15 million a year. Even so, the Cowboys added Lamb to a receiver room that already featured a pair of 1,000-yard pass-catchers in Amari Cooper and Michael Gallup. McCarthy said his staff is thrilled at the surplus of playmakers.

"It's really just which way you emphasize," McCarthy said. "(Offensive coordinator) Kellen Moore has had a lot of fun ... on a few new wrinkles we're looking to work."

The receiver boon may come at the right time for the Cowboys offensive line, which has been Dallas' strongest position group most of the last half-decade. Its dominance was important, CBS color analyst and former Cowboys quarterback Tony Romo once said. "You need to figure out what your strength is, how you're going to win football games and what's the formula," Romo said.

With five-time Pro Bowl center Travis Frederick's retirement and seven-time Pro Bowl left tackle Tyron Smith's injuries piling up in recent years, the Cowboys line should still be very good but perhaps not as elite as it has been. Dallas' receivers, then, might be the team's most imposing group. Cooper, Gallup and Lamb all have demonstrated the ability to threaten as individuals. Now, it will be time to scheme that effectively together to play off each other—while still making use of Elliott.

3. Will Dak Prescott take the next step in 2020?

The Cowboys pinpoint McCarthy's history with quarterback development, most recently with Aaron Rodgers in Green Bay, as one of the top reasons they gave him the job.

"He's a quarterback guru," Prescott said. "He's an offensive guru."

Dallas hopes McCarthy will build upon what Prescott, who will turn 27 in July, has already accomplished in four seasons. Contract negotiations for a long-term extension will continue in the lead-up to the July 15 deadline, but the Cowboys say they aren't worried about his availability either way.

"When we're ready to play," Jones said, "he'll be there."

Prescott hasn't missed a start since Dallas drafted him in the 2016, posting a 40-24 career record so far. In 2019, Prescott delivered his best statistical season yet: 65.1% completion rate, 4,902 passing yards, 30 touchdowns and 11 interceptions. The numbers reflect a Cowboys offense favoring the passing game more than it had in Prescott's first three years, in part because Dallas trailed often. Even so, the throws and chemistry Prescott showcased should give Moore and McCarthy confidence to be creative in the passing game. They should also capitalize on the receiving threats to give Prescott better latitude with the run-pass option and quarterback keepers.

4. Will this defense finally create turnovers?

The Cowboys tied for the league low with seven interceptions last season. Scheme and talent will need to revamp to find better results in 2020.

Dallas hopes to find more scheme flexibility under defensive coordinator Mike Nolan and more positional flexibility from players, including rookies Trevon Diggs and Reggie Robinson II. Each is listed as a corner and created turnovers in college. Diggs, the brother of Bills receiver Stefon Diggs, believes his own past at receiver gives him a leg up in creating turnovers.

"I feel like that's one of my strengths," he said after the Cowboys selected him in the second round out of Alabama. "I don't want pass breakups. I want interceptions."

McCarthy believes Diggs and Robinson will be assets on defense and special teams. He also thinks the collection of cornerback options, alongside returning starter Xavier Woods and veteran free-agent acquisition Ha Ha Clinton-Dix could improve the Cowboys at safety.

"I'm very comfortable with the flexibility we have throughout our secondary players," McCarthy said. "We have great competition and excellent flexibility."

A revamped defensive line, which adds defensive tackles Gerald McCoy and Dontari Poe as well as reinstated defensive end Aldon Smith, also could help ramp up pressure and increase opportunities for takeaways.

5. Will McCarthy instill his culture?

Jones said he "heard the bells" when he hired McCarthy. A Super Bowl-winning coach, with 13 years' head coaching experience and a 61.8% career win percentage available to help the Cowboys "win now"? Jones compared the fortuitous timing to catching lightning in a bottle.

The kudos continued into draft weekend, when the Jones family lauded McCarthy's wisdom and input throughout the evaluation and selection process.

But McCarthy must get the buy-in of the Cowboys locker room to truly instill a new culture after a decade of Jason Garrett weaving his principles into the fabric of the organization.

He'll need to communicate new systems without on-field installation for the time being and to connect with players he's never met in person, without his starting quarterback's contract settled.

Dynamics are tricky. Jones believes that's where McCarthy's experience — his successes and his failures in the NFL — will come to help.

"Mike has done an unbelievable job of leading the charge," Jones said. "I've been very impressed."

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IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON
In re Fraser's Boiler Service, Inc., Debtor.
Case No. 18-41245-BDL
NOTICE OF MOTION AND HEARING ON DEBTOR'S MOTION TO APPROVE SETTLEMENT AGREEMENT AND POLICY BUY-BACK WITH CERTAIN INSURERS

PLEASE TAKE NOTICE THAT at 10:00 a.m. Pacific Daylight Time on June 19, 2020, the United States Bankruptcy Court for the Western District of Washington will conduct a hearing in the above-captioned case on a motion by the debtor Fraser's Boiler Service, Inc. (the "Motion," Dkt. No. 756) for an order approving (i) a Settlement Agreement among Debtor, DJO Services, LLC ("DJO"), Resource Transition Consultants, Inc. as court-appointed Receiver of Fraser's Boiler Service, Inc. ("RTC"), Allianz Underwriters Insurance Company and Chicago Insurance Company (collectively, "Allianz"), Century Indemnity Company and Pacific Employers Insurance Company (collectively, "Century"), Lloyd's Underwriters and London Market Companies as identified on Exhibit B to the Settlement Agreement (collectively, "LMI"), Hartford Accident and Indemnity Company ("Hartford"), National Union Insurance Co. of Pittsburgh, PA ("National Union"), The Travelers Indemnity Company ("Travelers"), and Zurich American Insurance Company as successor-in-interest to Maine Bonding and Casualty Company ("Zurich") regarding certain liability insurance policies issued or subscribed or allegedly issued or subscribed by Allianz, Century, LMI, Hartford, National Union, Travelers, and Zurich (collectively, the "Insurers") (as more particularly defined in the Settlement Agreement, the "Policies") and (ii) an Amendment to a previous settlement agreement among Debtor, DJO, RTC, and Providence Washington Insurance Company ("PW") and collectively with the Insurers, the "Settling Insurers"). Under the Agreements, (i) the Settling Insurers will pay an aggregate amount of more than \$20 million (subject to certain credits as set forth in the Settlement Agreement), (ii) the "Insurer Parties" and the "PW Releases" (as defined in the Settlement Agreement) will receive a release of all past, present, and future claims, known and unknown, with respect to, relating to, or in any way arising out of the Policies, and (iii) any and all rights and interests in the Policies will be deemed to have been sold to the respective Settling Insurers free and clear of any claims, liens, and interests to the extent of the Bankruptcy Court's power to sell free and clear, thus permanently and irrevocably extinguishing all rights, duties, and coverage under the Policies.

Copies of the Motion and the Agreements can be obtained on the Bankruptcy Court's website at www.waw.uscourts.gov or by contacting counsel for Debtor at the address set forth below.

YOUR RIGHTS MAY BE AFFECTED BY THE MOTION, THE SETTLEMENT AGREEMENT, THE AMENDMENT, AND ANY ORDER ENTERED BY THE COURT APPROVING THE SETTLEMENT AGREEMENT AND THE AMENDMENT. Objections to the Motion must be filed and served no later than June 12, 2020. If you wish to file an objection to the Motion, you must file your objection with the Bankruptcy Court at the United States Bankruptcy Court for the Western District of Washington, www.waw.uscourts.gov, and serve your objection on the following: (i) counsel for Debtors, Darren R. Krattli, Eisenhower Carlson PLLC, 1201 Pacific Avenue, Suite 1200, Tacoma, WA 98402, dkrattli@eisenhowerlaw.com; (ii) the Office of the United States Trustee, Union Station, 1717 Pacific Avenue, Tacoma, WA 98402 (Attn: Hilary Mohr), hilary.b.mohr@usdoj.gov; (iii) counsel for the Settling Insurers, Joshua Weinberg, Shipman & Goodwin, LLP, 1875 K Street, N.W., Suite 600, Washington, DC 20006, jweinberg@goodwin.com; Mark D. Plevin, Crowell & Moring LLP, Three Embarcadero Center, Suite 2600, San Francisco, CA 94111, mplevin@crowell.com; Jacob C. Cohn, Gordon & Rees, 1717 Arch St., Suite 610, Philadelphia, PA 19103, jcohn@gordonrees.com; Steven Soha, Soha & Lang, P.S., 1325 Fourth Avenue, Suite 2000, Seattle, Washington 98101-2570, soha@sohalang.com; Russell W. Roten, Duane Morris LLP, 865 South Figueroa Street, Suite 3100, Los Angeles, CA 90017-5450, rroten@duanemorris.com; David Schoeggl, Lane Powell P.C., 1420 Fifth Avenue, Suite 4200, Seattle, Washington 98101-2375, schoeggl@laneopwell.com; Robert Hoegle, Nelson Mullins Riley & Scarborough LLP, 101 Constitution Avenue, NW, 9th Floor, Washington, DC 20001, rhoegle@nelsonmullins.com; and Nancy A. Brownstein, Davis Wright Tremaine LLP, 920 Fifth Avenue, Suite 3300, Seattle, Washington 98104-1610, nancybrownstein@dwt.com; and (iv) all other parties entitled to notice pursuant to the Fed. R. Bankr. P. 2002 service list in Debtors' bankruptcy case.

The description of the terms of the settlements contained herein is subject to the provisions of the Settlement Agreement and the Amendment (collectively, the "Agreements"). To the extent there is any inconsistency between the description of the terms of the settlement contained herein and the provisions of the Agreements, the provisions of the Agreements shall control. Any capitalized terms not defined here have the meanings ascribed to them in the Agreements.

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