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NOTES & COMMENTS

Injuries from Foul Balls, Broken Bats, and Railing Fall-Over: Who is Liable?

Jennifer Beebe..... 65

Every Major League Baseball season ends with multiple injuries, if not casualties, resulting from flying baseball bats and baseballs entering the stands at unimaginable speeds, or eager spectators falling over the railings trying to catch a souvenir. The Illinois Baseball Facility Liability Act addresses who is liable when these unfortunate situations occur. However, the Act fails to give concrete safeguards that could be implemented in professional baseball stadiums to help alleviate some of the injuries that continue to occur. Additionally, the Act fails to give those unfortunate victims of these injuries or casualties a clear idea as to when they would be successful in a legal action against the ballpark. Re-writing the Illinois Baseball Facility Liability Act could make it clear to both the victims, as well as the ballpark personnel, as to what safeguards are required at the professional ball-parks, as well as who is liable when injuries do occur.

The Predatory Hiring Standard for Section 2 Violations of the Sherman Antitrust Act

Nicole Page..... 90

In antitrust claims of predatory hiring, plaintiffs allege that defendants have attempted to monopolize the market by eliminating their business or injuring their ability to compete by hiring away their employees. Universal Analytics, Inc., the principal case deciding this type of antitrust action, determined that unlawful predatory hiring may be established in two ways: (1) by showing the hiring was made with such predatory intent, or (2) by showing a "clear nonuse in fact." After considering the criticism of the standards by legal scholars and examining key cases following Universal Analytics, Inc., this Note acknowledges the evolution of the application of the standard to predatory hiring claims and proposes a revision to the method to find predatory hiring. In doing so, it will reject the Universal Analytics, Inc. standard, and argue for its replacement by the new "bona fide intent to use" test. The "bona fide intent to use" test is derived from a compilation of what the courts have and must consider when determining whether the competitor has engaged in exclusionary conduct in the hiring of its competitor's employee.

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