

Judge to weigh lockout's merits

BY ERNIE PALLADINO
Special to amNewYork

Tomorrow's injunction hearing before U.S. District Judge Susan Richard Nelson will have one result: the eventual lifting — or continuance — of the month-old NFL lockout.

If Nelson's ruling in Minnesota, which may take a week or longer, deems the lockout illegal (that's the players' hope), only the fans will truly win. The league will get to institute its own system, which promises to be very restrictive toward free agency, until a settlement arises amid many antitrust suits. But at least a 2011 season will be assured.

If Nelson rules that the NFL is within its rights, the lockout will continue.

Both sides are poised for a bitter day in court. Here are a couple of factors that could sway Nelson's decision either way.

THE PLAYERS' SIDE

Precedent

This is the players' greatest strength because prior decisions have great influence in the law. In 1989, the first time the NFLPA decertified as a union, the courts stood by the dissolution. The players' brief quotes specific language from the Freeman McNeil and Reggie White antitrust suits that support their current argument, making this a case of the concrete (players) versus the theoretical (owners). Concrete usually wins.

Immediate harm

The players claim the lockout is depriving them of training time during off-season programs, thereby increasing the chances of injury and substandard play that could affect their value in future contract negotiations. Even though most players have found private workout facilities, nothing beats team-supervised sessions.

THE OWNERS' SIDE

A big sham

The owners will argue that decertification was a sham and an exercise in bad-faith negotiation. The practice of union decertification is so looked-down-upon that most other industries never even consider it. Yet this is the second time the NFLPA has decertified. And it wasn't a spur-of-the-moment decision, either; it was planned months in advance.

NLRB vs. courts

The owners made the above point to the National Labor Relations Board, which the NFL believes must first rule on the issue before Nelson makes any decision. The players say it's a matter for the courts. But if the court lifts the lockout and, months later, the notoriously slow NLRB rules that the players' decertification was not legit, the owners would have incurred irreparable harm.



New England star Tom Brady, near right, is headlining an antitrust lawsuit that puts him at odds with Patriots CEO Robert Kraft, far right, and the NFL. (PHOTOS: GETTY)

Cowherd: Hughes is key, Reyes is tradeable

BY KYLE STACK
Special to amNewYork

Free-speaking radio personality Colin Cowherd's opinions are broadcast each weekday on ESPN Radio from 10 a.m. to 1 p.m. on his syndicated show, "The Herd." During breaks from his live broadcast from Mickey Mantle's restaurant on Central Park South last

week, the West Hartford, Conn., resident shared some of his opinions with amNewYork exclusively.

How do you find your comfort zone at a remote location? Shows tend to be

better in studio. But it's part of the game. ... It's also a way to "touch" fans — you can talk to them and sign autographs, have a beer with them.

Do people here call you out on your opinions? Most people are not confrontational. ... And I don't take myself as seriously as a lot of people think I take myself. On the air, you have to have some dogma and real strong opinions. But in person, I'm not that way.

What's one thing Mets fans and Yankees fans can be optimistic about? The Mets have talent — just none in their starting pitching. They've got five or six really elite position players. ... I think five of the eight position players for the Yankees will be better than last year.

What must the Knicks do this postseason to consider it a success? If they can take a series to six or seven games against a superior team, that's a success.

Should the Mets trade Jose Reyes and/or David Wright? For pitching, I would trade Reyes. You cannot win in the National League (without pitching). ... Reyes is enigmatic, so I'd move him.

Can the Yankees be a World Series contender if Robinson Cano is The Man and not A-Rod? I think Cano is The Man now. ... The key is Phil Hughes. [f]

CC [Sabathia] wins 19, Hughes wins 18, A.J. [Burnett] can scrap together 13, 14, this team will hit their way to 90 wins.



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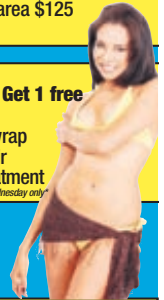
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