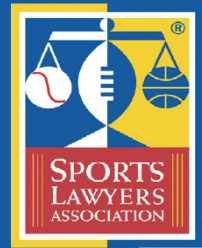


SLA MONTHLY

THE NEWSLETTER OF THE
SPORTS LAWYERS ASSOCIATION

Highlight Reel



Global Game, Shared Challenges: Legal and Financial Lessons from the SLA Fall Symposium

By Landis Barber

The 2025 Sports Lawyers Association Fall Symposium brought together leading voices from across the sports world to examine how global expansion, financial regulation, and legal innovation are reshaping sports. Two panels captured the audience’s attention: one focused on the evolving role of in-house counsel on both sides of the Atlantic, while the other explored how financial rules sustain fairness

Panelists Explore the Impact of Political Demands, Commercial Growth, Cultural Expectations, and Regulatory Systems on Sport

By Aamir S. Ibrahim

The Sports Lawyers Association Fall Symposium of 2025 brought leading legal and business voices to London for a focused discussion on how globalization is reshaping the structure and governance of sport. Held on November 6 at the offices of Ropes and Gray, the event explored the theme “The Globalization of Sports.” Two of the panels, discussed below, examined how political demands, commercial growth, cultural expectations, and regulatory systems shape the sports landscape across continents.

The Ask

Shape the Future of SLA—Share Your Ideas. As you **renew or join for 2026**, we’re 100% grateful for your thoughts and feedback on how we can deliver even more value to our members. Your ideas help shape the future of SLA! [Click here](#) to share your feedback.

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Varriale-Barker Writes About Case Involving the ‘Baseball Rule’

Carla Varriale-Barker, an SLA member and partner at Segal McCambridge, recently wrote about a case in Georgia, which involved the “Baseball Rule” for Professional Sports and the Law.

The “Baseball Rule” is a long-standing legal doctrine used in spectator-injury cases involving baseball games. It limits the liability of teams and stadium operators when fans are injured by foul balls or other risks inherent to the sport.

Varriale-Barker’s article touched on a recent decision from the Georgia Court of Appeals, which revived a spectator-injury lawsuit against the Atlanta Braves and player Jorge Soler. Significantly, it does not signify the end of the long-standing, and aforementioned, Baseball Rule.

In *Norris v. Atlanta Braves, Inc.*, the court emphasized that its ruling turned on procedural—not substantive—grounds. Because the case was still at the pleading stage, the judges concluded it was too early to determine whether the Baseball Rule barred the plaintiffs’ claims.

The lawsuit stems from injuries sustained by spectator Mayra Norris during a World Series game at Truist Park. Norris and her husband alleged that before play resumed in the fifth inning, Soler threw a baseball “with great force” into the stands, striking Mayra and causing an orbital fracture. They claimed the throw was not part of game action or

warm-ups. Their complaint did not specify whether they were sitting in a protected or unprotected seating section—an omission the appellate court found significant.

The Braves and Soler moved to dismiss, arguing the Baseball Rule precluded liability because spectators assume the risk of being struck by baseballs at games. The trial court agreed, likening Soler’s throw to ordinary souvenir tosses that fall within the scope of assumed risks.

However, the Court of Appeals held that the trial court applied the rule prematurely. At the motion-to-dismiss stage, courts must accept the plaintiffs’ allegations as true and resolve factual uncertainties in their favor. Because the plaintiffs had not admitted key elements of the assumption-of-risk defense—such as knowingly sitting in an unprotected area or voluntarily exposing themselves to a non-game-related throw—the defense was not established on the face of the complaint.

The appellate court stressed that discovery could reveal facts supporting the plaintiffs’ claims, particularly whether Soler’s throw was outside the scope of inherent stadium risks. In a concurring opinion, Judge Gobeil agreed the case should proceed but expressed skepticism about its ultimate success, noting the issues would be more appropriately evaluated at summary judgment or trial.

Allen Named Again to 50 Most Powerful LGBTQ People in Sports

Outsports, a leading LGBTQ sports news publication that covers stories of lesbian, gay, bisexual, transgender, and queer athletes, coaches, and other people in professional and amateur sports, has named Houston Rockets General Counsel Clay Allen to its list of the 50 Most Powerful LGBTQ People in Sports.

Ranked number 8 on the list, Allen was quick to share the spotlight, noting that “It’s a privilege to be recognized alongside friends like [Brian Vahaly](#), [Peter Lovins](#), [Hannah Readnour](#), [Bonnie Thurston](#), and so many others who are pushing our industry forward. Huge thanks to Outsports for championing LGBTQ stories in sports and for keeping our community visible, valued, and heard.”

The media outlet noted that Allen is “one of the most high-profile gay men in a pro sports front office. Allen [came out publicly as gay](#) in 2022 and is not shying away from

being an advocate for more representation and visibility. A proud Baylor University law school alum, Allen was [asked by the school’s website](#) what achievements he was most proud of: “I’m most proud of having spent over 17 years with the Houston Rockets. ... Finally, I’m proud to have been named #21 on the [2024] Outsports Power 100 list of the most influential LGBTQ people in sports, alongside sports royalty such as Billie Jean King, Jason Collins, and Baylor’s own Brittney Griner. Being an advocate for DEI initiatives and the LGBTQ+ community has always been important to me, and being named to this prestigious list with such sports heavyweights was an amazing honor.”

The full article can be viewed here: <https://www.outsports.com/2025/10/14/24119779/lgbtq-sports-power-influence-executives-athletes-coaches-top-50-power-100/>

Sports Law Expert Podcast Interviews Shumaker's Sports Law Team

Hackney Publications has announced the availability of a recent interview with the highly regarded sports law team at Shumaker – Bennett Speyer, Robert Boland, and Bart Lambergman – on the Sports Law Expert Podcast.

The segment, which features a free-flowing and timely discussion about collegiate athletics as well as other topics, can be heard here - https://open.spotify.com/episode/0TrgTdUzFbTdldTLKJNRhJ?si=0mQRCXN_TK2wqo1cE77vew.

“I’ve known Bob for more than a decade,” said Holt Hackney, the CEO of Hackney Publications. “When he joined Bennett over at Shumaker a few years ago, I felt like the duo made this sports law group one of the best in the country. When they recently added Bart, who I have also known for a while, it put them over the top in terms of stature and capability.”

ABOUT SPEYER

As Co-Chair of Shumaker's Hospitality, Leisure & Sports Industry Sector, Speyer has built a practice counseling elite college and professional coaches, athletic directors, and conference commissioners, as well as executives in the sports and entertainment industry. Working collaboratively with agents, financial advisors, and accountants, Speyer structures contracts to achieve future financial security through tax efficient compensation, including appropriately designed deferred compensation arrangements, and ensuring contracts provide well-considered protections given the uncertainties of the industry. Clients rely on Speyer for advice developing and implementing estate plans and philanthropic objectives and participating in outside business ventures.

ABOUT BOLAND

A nationally known sports attorney, Boland joined Shumaker in 2022, after a five-year tenure as Athletics Integrity Officer at Penn State. The Athletics Integrity Officer role, a first-of-its-kind role in the nation, was created as result of a consent decree between Penn State, the NCAA, and Big Ten, in the wake of the Sandusky scandal. Boland oversaw Penn

State's now \$220 million dollar in annual revenue athletic department with direct reporting lines to the president and board of trustees in its recovery from what was the greatest collegiate athletic crisis in the history of higher education. In addition to safeguarding athletic integrity post Sandusky, Boland conducted significant investigations, led education, training and monitoring efforts to support compliance with federal and state laws as well as NCAA and Big Ten policies and overall best practice. Boland in addition to his role at Shumaker is also a faculty member at Seton Hall Law School anchoring a concentration on Gaming, Entertainment, Hospitality and Sports Law.

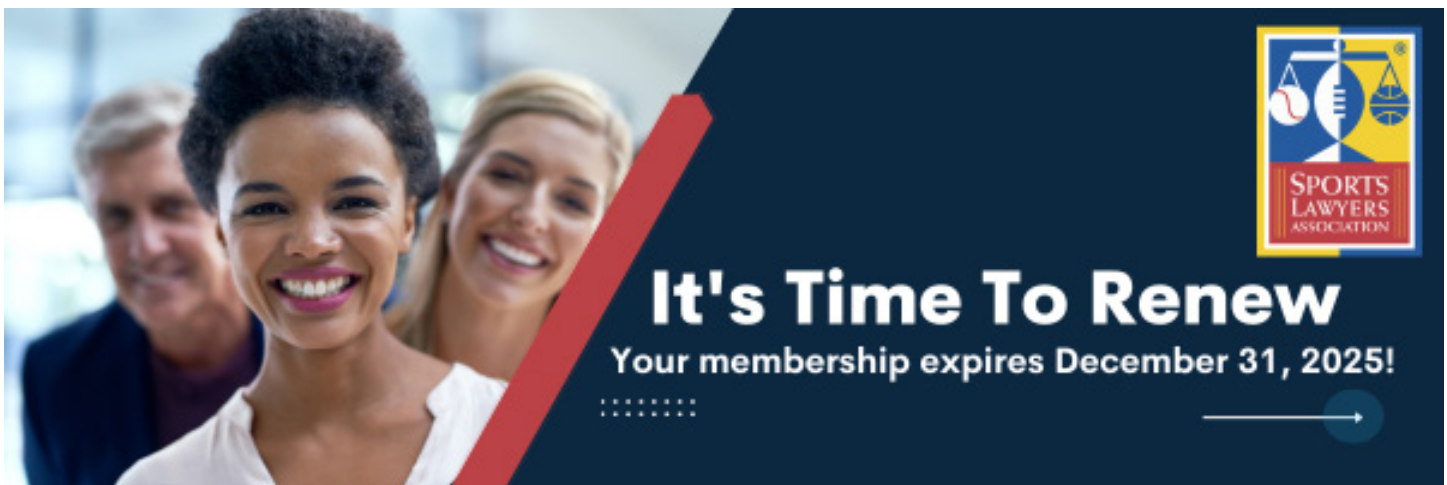
ABOUT LAMBERGMAN

Lambergman brings the perspective of a leading policy maker and thought leader in collegiate athletics to Shumaker and his clients. Lambergman is an attorney focused on collegiate athletics law, advising NCAA Division I athletics directors and departments on complex legal and policy matters. He has served as the General Counsel and Chief Operating Officer for the Football Bowl Subdivision (FBS) Athletics Directors Association (formerly LEAD1).

For more on the group, visit <https://www.shumaker.com/capabilities/industry-sectors/hospitality-leisure-and-sports/>

ABOUT HACKNEY PUBLICATIONS

Hackney Publications (www.hackneypublications.com) is the nation's leading publisher of sports law periodicals. The company was founded by journalist Holt Hackney. Hackney began his career as a sportswriter, before taking on the then-nascent sports business beat at Financial World Magazine in the late 1980s. A few years later, Hackney started writing about the law, managing five legal newsletters for LRP Publications. In 1999, he founded Hackney Publications. Today, Hackney publishes or co-publishes 25 sports law periodicals, including Sports Litigation Alert (www.sportslitigationalert.com).



As we step into 2026—our 51st year together—I want to take a moment to celebrate what makes the Sports Lawyers Association so extraordinary: you. Last year marked our 50th anniversary, a milestone built on decades of shared experiences, collaboration, and commitment. Now, we're ready to write the next chapter—and we'd love for you to be part of it.

Your membership is more than a connection; it's a gateway to resources, relationships, and opportunities that fuel both personal and professional growth. By renewing today, you'll continue to enjoy benefits like:

- Monthly Highlight Reel
- Access to the annual Sports Lawyers Journal
- Subscription to Sports Business Daily
- Discounts for the Annual Conference and Fall Symposium
- Continuing Legal Education credits
- Exclusive members-only programs and events
- ...and so much more!



We're 100% grateful for your thoughts and feedback on how we can deliver even more value to our members. To make sharing easier, we've added a comment box on your renewal receipt—because your ideas help shape the future of SLA.

Looking ahead, we're launching new initiatives designed to amplify our collective impact. Your continued membership ensures you remain at the heart of this vibrant community while empowering us to keep innovating for you.

Thank you for being such an integral part of our journey. Let's keep building on this momentum together in 2026 and beyond!

Best regards,

Chris McCleary
President
Sports Lawyers Association

[Questions?](#)

RAJ Sports Settles Lawsuit With Cherng Family Over Trail Blazers Bid

By *Bridget Rachek, Tulane Sports Law*

On October 13, 2025, RAJ Sports, owners of the Portland Thorns and Portland Fire, reached a settlement with the Cherng Family Trust, founders of Panda Express, over a lawsuit alleging a breach of an exclusivity agreement to jointly pursue a purchase of the Portland Trail Blazers. The terms of the settlement have not been disclosed.

Alex and Lisa Bhathal Merage, co-founders of RAJ Sports, alleged that on July 24, 2025, the Cherng family entered into an exclusivity and confidentiality agreement with RAJ Sports to collaborate on a bid for the Trail Blazers. Under the terms of that agreement, the Cherngs were prohibited from participating in or supporting any competing bids. Nevertheless, on September 12, 2025, the Cherngs were publicly named as minority investors in a rival bid led by billionaire Tom Dundon. RAJ Sports claimed that the Cherngs had violated the agreement by aligning themselves with Dundon's group while continuing to engage with RAJ Sports under the pretense of partnership. On September 24, 2025, RAJ Sports filed suit in Delaware state court against Andrew and Peggy Cherng, alleging breach of contract and seeking



to block them from participating in Dundon's \$4.25 million acquisition of the team. The complaint asserted that the Cherngs' actions undermined RAJ Sports' exclusive rights, caused reputational damage, and disrupted the sale process. RAJ Sports initially sought a temporary restraining order and preliminary injunction to prevent the Cherngs from participating in the transaction, in addition to seeking damages "in an amount to be proven at trial." A hearing on the requested relief had been scheduled for October 16, 2025; however, the parties announced that they had reached an out-of-court settlement on October 13, 2025.

"We are pleased to have reached a resolution out of court which we believe recognizes our position while also preserving the future of basketball in Portland," a RAJ Sports spokesperson said in a statement. "We look forward to working closely with the Trail Blazers as the Fire join them at Moda Center next spring." Representatives for the Cherng family have not publicly commented on the settlement. With the legal dispute resolved, Dundon and his investment group are expected to move forward with closing the sale by spring 2026, pending approval from the NBA's Board of Governors.

Court Denies NFL Request for Review in Brian Flores Discrimination Case

By *Braeden Trotter, Tulane Sports Law*

On October 6, 2025, the U.S. Court of Appeals for the Second Circuit denied a request by the NFL for a review of an August decision regarding Brian Flores's discrimination lawsuit against the Miami Dolphins, Denver Broncos, New York Giants, Houston Texans, and the NFL itself. A 3-judge panel ruled that Flores's claims against the Broncos, Giants, and Texans must be heard in open court and will not be subject to the NFL's internal arbitration system. However, his claim against the Miami Dolphins will, in fact, proceed to arbitration.

Flores, former head coach of the Miami Dolphins and now the defensive coordinator for the Minnesota Vikings,

filed suit in February 2022 in the U.S. District Court for the Southern District of New York. He accused the NFL, the Dolphins, the Broncos, and the Giants of racial discrimination in their interview and hiring practices. The Houston Texans were added later as defendants, and Flores was joined by new plaintiffs, Steve Wilks and Ray Horton, a current and former NFL coach, respectively. The complaint alleged that NFL teams conducted "sham" interviews to satisfy the Rooney Rule, which requires teams to interview minority candidates for prominent leadership positions. The League denied these allegations and moved to compel arbitration, pointing to Flores's employment agreement that required him to comply with and be bound by the NFL Constitution. Provisions within the Constitution grant the NFL Commis-

sioner the power to arbitrate different disputes, such as those raised by Flores.



In a 14-page opinion on the panel’s August decision, Judge Cabranes wrote that the claims against the Giants, Broncos, and Texans must remain in open court. The court concluded that the NFL Constitution’s arbitration provision is not protected under the Federal Arbitration Act, and therefore cannot be enforced. According to Cabranes, “The NFL Constitution’s arbitration provision fails to bear even

a passing resemblance to ‘traditional arbitral practice’ . . . It contractually provides no independent arbitral forum, no bilateral dispute resolution, and no procedure.” As a result, Flores’s claims against these teams will move forward publicly, rather than through arbitration. The court issued no written opinion accompanying its October 6 decision.

Flores is represented by Douglas Wigdor and David Gottlieb of Wigdor LLP, and John C. Elefterakis of Elefterakis, Elefterakis & Panek. All three practice in New York City, and stated “For too long, the NFL has relied on a fundamentally biased and unfair arbitration process . . . This is a victory not only for NFL employees, but for workers across the country—and for anyone who believes in transparency, accountability and justice.” The NFL and its lawyer, Brian McCarthy, declined to comment. The case now returns to the U.S. District Court for the Southern District of New York for the claims against the NFL, Giants, Broncos, and Texans. Meanwhile, Flores’s claims against the Dolphins will continue in arbitration, where he is still seeking reconsideration of that portion of the decision.

Mountain West’s Motion to Dismiss Denied in Pac-12 Antitrust Case

By Emma Fernald, Tulane Sports Law

On September 30, 2025, Judge Susan Van Kuelen denied the Mountain West’s motion to dismiss an antitrust lawsuit brought by the Pac-12. The court held that the Pac-12’s complaint adequately stated claims challenging the legality of the Mountain West’s “poaching-fee” clause and therefore survived dismissal.

The Pac-12 entered a scheduling partnership with the Mountain West Conference (MWC) for the 2024 football season after losing ten of its twelve members due to realignments in 2023. Under this agreement, there was a clause requiring the Pac-12 to pay a termination fee to the MWC for any Mountain West school that departs to join the Pac-12. After five MWC schools announced their plans to join the Pac-12, the MWC demanded tens of millions of dollars in termination payments. In response, the Pac-12 filed a lawsuit, arguing that the termination fee clause violates the federal Sherman Antitrust Act as well as California’s Cartwright Act, Unfair Competition Law, and common law.

In a seventeen-page opinion, the court denied the motion to dismiss, finding that the Pac-12 had plausibly alleged each of its claims. Judge Van Kuelen ruled that the Pac-12 had antitrust standing, because it claimed real harm to competi-

tion through reduced resources and a weaker ability to attract member schools, and that more facts were needed to decide whether the termination fee violated antitrust law. The court also allowed the state law claims to proceed, finding that the Pac-12 plausibly alleged the fees were unfair and unenforceable penalties.

“The Mountain West Conference’s attempt to charge the Pac-12 exorbitant poaching penalties as a condition for scheduling football games is unfair, anticompetitive, and unlawful,” stated Eric MacMichael of Keker, Van Nest & Peters LLP, in San Francisco, representing the Pac-12. The Mountain West, represented by Alexander L. Cheney of Latham & Watkins LLP, in San Francisco, responded that the “ruling makes no judgment about the ultimate merits of the Pac-12’s claims,” and that “the Mountain West remains confident in its position and looks forward to vigorously defending the matter.” On October 23, 2025, the Mountain West filed counterclaims in response, alleging claims of breach of contract and fraud. The Court scheduled a case management conference for November 18, 2025.

NCAA's Appeal in Lawsuit Against Diego Pavia is Dismissed

By Kiland Harrison, Tulane Sports Law

On October 1, 2025, the U.S. Court of Appeals for the Sixth Circuit dismissed the National Collegiate Athletic Association's appeal of a preliminary injunction allowing Vanderbilt starting quarterback Diego Pavia to play this season. In the original suit filed by Pavia against the NCAA, Chief U.S. District Judge William L. Campbell Jr. granted the preliminary injunction and now the U.S. Court of Appeals dismissed the NCAA's appeal of the injunction as moot.

The NCAA's "JUCO Rule" specifies that seasons spent playing at a junior college would count towards the four-

season limit. By the end of the 2024 college football season, Pavia had played four seasons, two of which were in junior college. On November 8, 2024, Pavia sued the NCAA in the U.S. District Court for the Middle District of Tennessee in Nashville, alleging that the JUCO Rule violates Section 1 of the Sherman Act. 15 U.S.C. § 1. Pavia also claims the NCAA's rule is an unlawful restraint of Name, Image, and Likeness in the NCAA labor market. In his original action, Pavia sought injunctive relief that would allow him to play in the 2025 and 2026 seasons. On December 18, 2024, the court granted a preliminary injunction allowing Pavia to play the 2025 season only and prevented the NCAA from enforcing the JUCO rule. In response, the NCAA appealed.

In a fourteen-page opinion on October 1, 2025, Circuit Judges Amul Thapar, Chad Readler, and Whitney Herman-



dorfer dismissed the NCAA's appeal as moot. The U.S. Court of Appeals for the Sixth Circuit noted that the preliminary injunction no longer had any "practical effect" on Pavia because the NCAA, after the grant of the preliminary injunction, waived the JUCO Rule for Pavia and all other similar players.

"The NCAA's position is, eligibility is not commercial, so it's exempt from antitrust challenge," plaintiff's counsel Ryan Downton said. "Players' perspective is: Eligibility is directly tied to whether we can make money playing football or not. So you can't get any more commercial than that, and it's subject to antitrust review."

Diego Pavia is represented by Ryan Downton of The Texas Trial Group in Dorado, PR and Salvador M. Hernandez of Riley & Jacobson PLC in Nashville. "The review [of eligibility] includes all aspects of student-athlete eligibility," according to the NCAA statement. The NCAA is represented by Calanthe Arat, Max Warren, Rakesh Kilaru, and Tamarra Matthews Johnson of Wilkinson Stekloff LLP in Washington, D.C. along with David Joseph Zeitlin and Taylor J. Askew of Holland & Knight in Nashville. The case remains pending, and no trial date has been set. The preliminary injunction was granted in the early stages, and Chief U.S. District Judge William L. Campbell of the District Court for the Middle District of Tennessee in Nashville must still decide the merits of Pavia's antitrust claims against the NCAA.

Former Texans' CEO Claims NFL Colluded in Ousting Him

By Jacob Dicker, Tulane Sports Law

On September 30, 2025, former Houston Texans CEO Robert "Cary" McNair Jr. sued the National Football League in the Supreme Court of the State of New York for tortious interference with a contract. McNair Jr. alleges that because of his outspoken inquiries into multiple scandals surround-

ing the Texans and the League, the NFL colluded with his brother to oust him from his job as CEO.

Two of the scandals involved former Texans quarterback Deshaun Watson and Texans minority owner Enrique Loya. In 2021, Watson was accused of sexual misconduct at a number of massage sessions by over twenty different women, while in 2023, Loya was indicted on multiple charges relat-

ing to sexual assault and abuse. McNair Jr. began raising questions about how the team handled these scandals, inquiring specifically into whether members of the Texans organization aided Watson in providing him rooms and massage tables. McNair Jr. alleges that beginning in 2023, the NFL colluded with his brother, Texans CEO Cal McNair, behind the scenes in order to stop him from speaking out about the scandals. In 2024, McNair Jr. was pushed out of the organization entirely, and his brother took over his duties. McNair

Jr. seeks \$100 million in compensatory and punitive damages and attorney’s fees.

“We believe the evidence will be clear and overwhelming that the NFL intervened in the McNair family business to remove Cary McNair from his position as CEO, in an effort to silence Cary McNair. He won’t be silenced,” stated Cary’s lawyer Anthony Buzbee of the Buzbee Law Firm in Houston. The NFL declined to comment on the filing of the suit and has not yet named their counsel on the matter.

Fan Withdraws Suit Over LeBron James “Second Decision” Announcement

By Anthony J. Kolarik IV, Tulane Sports Law

On October 8, 2025, Los Angeles Lakers fan, Andrew Garcia, filed a lawsuit against Lakers forward LeBron James in the Superior Court of Los Angeles County for fraud, deception, and misrepresentation. Garcia alleged that James fraudulently portrayed a would-be advertisement announcement to be a retirement announcement, inducing Garcia to “overpay” for tickets. He withdrew the suit later that month.

In 2010, LeBron James appeared on ESPN in a special called “The Decision,” announcing that he was joining the Miami Heat. On October 6, 2025, James teased on social media about a “Second Decision,” which led many to believe, including Garcia, that James was announcing his last season of playing basketball. Garcia then purchased two tickets, priced at \$865.66, to watch the last game of the upcoming season. However, after the purchase, it was revealed that the

“Second Decision” was merely an alcohol advertisement. In his complaint, Garcia claims that because of James’ deception, the purchased tickets lost their value and is seeking the \$856.66 ticket price in damages.

“There is no circumstance absent him saying he’s gonna retire that I would have bought tickets that far in advance,” said Garcia. On October 20, 2025, Garcia requested that the Superior Court of Los Angeles County drop his lawsuit against LeBron James, as the fantasy sports app “PrizePicks” offered promotional funds of the full amount of the ticket price. Garcia changed his stance after receiving these funds to his account, stating that he was getting fully compensated for his loss “and then some” and did not want to continue with his lawsuit to “double dip” into attempting to receive more collateral.

2023 Trade Secret Lawsuit Voluntarily Dismissed Between Knicks and Raptors

By Sam Thornton, Tulane Sports Law

On October 10, 2025, the New York Knicks and Toronto Raptors voluntarily agreed to dismiss a 2023 lawsuit for damages arising out of the Raptors’ alleged theft of thousands of confidential files. The Knicks sought more than \$10,000,000 in damages in the original filing, which has now been dismissed without prejudice.

In August 2023, the Knicks filed a lawsuit alleging that when the Raptors hired Ikechukwu Azotam, who was previously employed by the Knicks from 2020-2023, he was ordered to provide the Raptors with internal information.



Azotam worked for the Knicks as a video coordinator and as an assistant director of player development. The Knicks alleged that Azotam sent the Raptors thousands of confidential files, including play frequency reports, a prep book for the 2022-23 season, video scouting files, and opposition research. The Raptors responded to the Knicks’ alleged claims in an October 2023 court filing, stating that the Knicks’ allegations were “baseless” and the data was publicly available information. The lawsuit listed the Raptors, Azotam, Toronto coach Darko Rajaković, player development coach Noah Lewis, and ten employees as defendants. The Raptors continuously called for NBA com-

missioner Adam Silver to intervene and settle the dispute through league arbitration.

“The Knicks and [Raptors owner] Maple Leaf Sports & Entertainment withdrew their respective claims and the

matter is resolved. The parties are focused on the future,” a spokesperson representing the teams said in a statement. The NBA, along with counsel for the Knicks and Raptors, have not provided a statement about the voluntary dismissal.

Lawsuit Seeks USC’s Multi-Million Dollar Revenue-Sharing Information

By Sam Safferstein, Tulane Sports Law

On September 30, 2025, Frank Heindel, a freedom-of-information advocate, sued the University of South Carolina (“USC”) in the Fifth Judicial Circuit Court in Richland County, SC to obtain records pertaining to the school’s payments of more than \$20,000,000 to student athletes. The lawsuit claims that the school violated the state’s Freedom of Information Act (FOIA) and asks the judge to “either order USC to turn over the records in their entirety or hold a confidential hearing to determine which parts might be exempt from disclosure.”

Following landmark shifts in Name Image and Likeness and collegiate revenue sharing (a result of the House v. NCAA settlement), USC, along with most universities in the United States, have begun to explore the uncharted waters surrounding the disbursement of funds to student-athletes. Schools that opted into the settlement are permitted to utilize \$20.5 million to pay their athletes and are subject to FOIA requests for information and records. However, USC has failed to produce responsive documents to FOIA requests for invoices from USC’s NIL Collective, The Garnet Trust. USC has claimed that the information being requested is not in their possession but rather in the possession of private actors and companies like the NIL Collective and Learfield – entities not beholden to the same FOIA laws as the school.



On September 4, 2025, USC was sent a FOIA request from Frank Heindel, who is an open records advocate and has sued USC in the past for failing to respond to a previous FOIA request in 2019. Through his request, Heindel is seeking to obtain any “executed revenue-sharing contracts or agreements between the university and its football players.” The university subsequently denied the request, claiming that the information is shielded by the Family Educational Rights and Privacy Act (“FERPA”). Heindel claims USC’s position is “legally untenable” and that when a public university spends tax dollars, their usage of funds should be disclosed. The plaintiff is seeking a court order directing USC to either produce the records or hold a hearing to determine which records are exempt from disclosure.

“I’m not asking for names or grade point averages. I’m asking how a public university spends public money,” said Heindel. The university’s legal representative, attorney Andrew Lindemann of Lindemann Law Firm, P.A. in Columbia, South Carolina, responded, saying the university “had lawfully and accurately responded to Heindel’s records request.” A hearing was set for October 10, 2025. Following the hearing, Judge Daniel Coble, who is presiding over the case, ordered a review of the records, asserting that he wanted to “flesh out some of the things mentioned in the affidavit.”

Supreme Court of Nevada Denies NFL’s Request for Arbitration

By Brad Hutchison, Tulane Sports Law

On October 2, 2025, the Supreme Court of Nevada denied the National Football League’s petition for rehearing on whether claims brought by former Las Vegas Raiders head coach Jon Gruden against NFL commissioner Roger Goodell are subject to arbitration. The court had previously upheld a district court ruling denying the NFL’s motion to compel arbitration overseen by commissioner Goodell.

The Supreme Court’s latest decision denied the petition for rehearing without reasoning or explanation.

Gruden had previously served as the head coach of the Las Vegas Raiders, but a controversy in 2021 resulted in his resignation and left \$60 million remaining on his contract. During these events, *The New York Times* and *The Wall Street Journal* published a series of emails that Gruden had sent in 2011 during his tenure at ESPN. These emails contained

racist, misogynistic, transphobic, and homophobic statements. Shortly after, on November 11, 2021, Gruden filed a lawsuit against the NFL and Goodell. In response, the NFL submitted both a motion to dismiss and a motion to compel arbitration. The case was heard in the Eighth Judicial District Court in Clark County, Nevada, where both motions were denied. Since the motion to compel arbitration was immediately appealable, the NFL appealed solely on that issue, tying up the courts for nearly three years. In August 2025, the Nevada Supreme Court ruled 5–2 in favor of Gruden, affirming the case should not be sent to arbitration, but two dissenting judges maintained that the matter could be. Now, the Supreme Court has denied the NFL’s petition for a rehearing in a unanimous 7–0 decision, issuing a brief one-sentence order stating, “Rehearing denied.”

Gruden is represented by Adam Hosmer-Henner of McDonald Carano LLP in Reno, Nevada. “The majority in our case found that the arbitration clause in the NFL Constitution was procedurally and substantively unconscionable,” said Hosmer-Henner on the most recent episode of the Sports-Wise Podcast, hosted by Gabe Feldman. “Both of those elements have to be present to invalidate an arbitration clause.” The NFL has declined to comment about the recent court decision. The NFL is represented by Kannon Shanmugam of Paul, Weiss, Rifkind, Wharton & Garrison in Washington, D.C. Both sides might have reasons to cut a deal before pre-trial discovery compels the parties to testify under oath and share sensitive documents. The NFL might not want to go this route, as doing so would incentivize others who are subject to league arbitration to sue.

Pelicans Seek to Dismiss Copyright Lawsuit Alleging Lack of Personal Jurisdiction and Improper Venue

By Drew Schott, Tulane Sports Law

On October 9, 2025, the New Orleans Pelicans filed a motion to dismiss a copyright infringement lawsuit initiated by Tyrrell Winston in the U.S. District Court for the Eastern District of Michigan. The Pelicans assert that the complaint, which accuses the National Basketball Association franchise of copying Winston’s artistic style in photos posted to Instagram for its 2024 Media Day, should either be dismissed for lack of personal jurisdiction and improper venue or transferred to the United States District Court for the Eastern District of Louisiana.

Winston, an artist who constructs his pieces using old, deflated basketballs held together by a metal rod, sued the Pelicans on July 30, 2025. Based on a Pelicans’ Instagram post featuring Media Day pictures of players in front of a backdrop including deflated basketballs arranged in grids, Winston’s complaint alleged that the NBA team infringed the copyright of two of his arrangements. In its motion, the franchise claimed Winston had not registered any copyrights for his work prior to its Media Day, and that copyright protection does not enable him to halt independent ideas or concepts involving deflated basketballs. Additionally, the Pelicans state that a Michigan court does not have personal jurisdiction over the



franchise because the team is based in Louisiana, it was not present in Michigan when served for the lawsuit, and it does not have extensive connections with the state. According to the Pelicans, Winston failed to show how posting the Media Day photos specifically targeted Michigan, since the Pelicans’ Media Day occurred in Louisiana and its Instagram posts were intended for a nationwide, rather than a Michigan-specific, audience. If the court decides not to dismiss the case, the team will seek to have the suit transferred to the United States District Court for the Eastern District of Louisiana, alleging that subject matter jurisdiction, personal jurisdiction, and venue would be appropriate there.

The Pelicans recently stated, “in short, forcing the Pelicans to litigate in Michigan would be unduly burdensome, unnecessary, and inconsistent with principles of fair play and substantial justice.” The Pelicans are represented by Marc Lorelli and Francesca Cusumano-Gibson of Brooks Kushman P.C. in Royal Oak, Michigan. Winston is represented by Vivek Jayaram of Jayaram Law PLLC in New York. The Pelicans’ motion to dismiss Winston’s complaint will be heard by Judge Linda V. Parker and Magistrate Judge David R. Grand.

Judge Dismisses NASCAR Counterclaims In Charter System Suit

By Thomas Nash, Tulane Sports Law

In October of 2024, 23XI Racing (owned by NBA legend Michael Jordan) and Front Row Motorsports filed an antitrust suit against NASCAR. The complaint alleged that NASCAR issued an ultimatum, forcing teams into an unfair charter system that was not transparent and was unjustly benefiting NASCAR. These are the only two organizations who held out from renewing the new charter agreement after lengthy negotiations to come to terms. Without the franchise agreement, under the current system, both racing companies say they will be out of business. NASCAR contends that the companies have alternative leagues in which they can compete, such as IndyCar and F1. In the meantime, the companies have raced in the “open” category as an interim measure.

With trial set for December 1, 2025, the parties held a mediation in October 2025 that was ultimately unsuccessful. Shortly thereafter, the court held a hearing on the racing

teams’ motion for summary judgment on NASCAR’s counterclaims, which alleged the racing teams’ themselves violated antitrust law by colluding with other team owners to boycott a team owners meeting while re-negotiating new charters. On October 28, 2025 the court granted the teams’ motion, dismissing NASCAR’s counterclaim upon finding that the boycott ultimately did not violate the law because NASCAR was able to individually re-negotiate with each team.

Following the hearing, counsel for the teams’, Jeffrey Kesler of Winston & Strawn, stated, “today’s decision has only reaffirmed my clients’ unwavering pursuit of a more fair and equitable sport.” NASCAR also provided a statement: “Our priority remains resolving this matter quickly so all parties can focus on Championship weekend and continuing to grow the sport.” Two more motions for summary judgment remain pending. NASCAR is represented by Chris Yates of Latham & Watkins LLP in San Francisco.

San Diego Padres Right Fielder Loses Breach of Contract Arbitration

By Hailey Bell, Tulane Sports Law

On September 11, 2025, arbitrator Anthony J. Carpinello ordered Fernando Tatis Jr. of the San Diego Padres to pay Big League Advance (“BLA”) \$3.74 million for defaulting on contractual duties. BLA invoked an arbitration clause in Tatis’ contract after alleging he stopped payments to the company in 2024. The court rejected Tatis’ request for a stay of the arbitration pending a lawsuit he filed against BLA.

BLA is a company that contracts with baseball players, giving them an upfront payment in exchange for a percentage of any earnings the players make in the MLB. When Tatis was 18 years old in the minor leagues in 2017, he signed a contract with BLA, agreeing to give the company 10% of his future earnings for a \$2 million upfront payment. After stopping payments to BLA last year, Tatis filed a lawsuit against the company in June 2025, seeking to void the agreement on the grounds that BLA lacked a license to operate



in California. Tatis alleged that he was lured into a loan agreement with BLA and accused the company of engaging in predatory tactics, which form the basis of his lawsuit. Although Tatis’ lawsuit against BLA is independent from the arbitration, Carpinello’s decision in favor of BLA does not bode well for Tatis’ fate in the California court.

Tatis alleged that BLA lacks a license to issue loans and stated it “preys on young, unsophisticated athletes, offering lump-sum advances in exchange for significant portions of their future earnings.” Tatis is represented by Robert Hertzberg of Pepper Hamilton, LLP in Southfield, Michigan. BLA is represented by Luke T. Cadigan and other attorneys at Cooley LLP. With Carpinello’s decision, Tatis will owe BLA \$34 million over the course of his current 14-year, \$340 million contract extension he signed in 2021. On September 24, 2025, BLA filed a petition with the Superior Court of the District of Columbia to confirm the still-pending arbitration award against Tatis.

GLOBAL GAME

and integrity across leagues.

ACROSS THE POND: LEADING CLUBS ON BOTH SIDES OF THE ATLANTIC

The first session, titled *Across the Pond: Leading Clubs on Both Sides of the Atlantic*, gathered four seasoned professionals to compare the structures, pressures, and philosophies of American and European sports organizations. Panelists included Katie Charles, Chief Legal Counsel for Everton Football Club; George Pennington, Chief Legal Officer for Nottingham Forest; Nyea Sturman, General Counsel of the Orlando Magic; and Ben Shribman, a partner at Cooley. Each brought a unique perspective on how legal departments adapt to shifting ownership models, international laws, and commercial realities.

Charles opened by describing the accelerating pace of legal work inside a modern football club. “It feels like the ground shifts every week,” she said. “Rules, ownership expectations, and commercial arrangements evolve in response to external events, so the legal team has to stay one step ahead to interpret what each change means operationally.” Pennington, who helped establish his club’s legal department only 18 months earlier, echoed her point. “In our league, every club is also a shareholder,” he explained. “That structure bakes in a constant need for collaboration. Shareholder meetings are not just administrative. They shape governance and policy for everyone.”

In contrast, Sturman described the stability of the National Basketball Association. “In the United States, stability is the hallmark,” she said. “We operate under collective bargaining agreements that bring predictability to our work. That allows us to focus on building for the long term.” Her legal team supports the Orlando Magic, a G League affiliate, a minor league hockey club, and a charitable foundation, reflecting the growing programs that an in-house counsel manage may manage.

One of the liveliest discussions centered on relegation, the European system that rewards and penalizes clubs based on performance. Shribman noted that no concept highlights the difference between American and European models more sharply. Charles agreed. “Clubs must plan for the possibility of relegation as part of their business model,” she said. “If you prepare properly, it does not have to be the financial cliff edge that people imagine.” Sturman admitted she could not envision a similar system in American leagues. “Our teams are treated like family assets, and the idea of losing a fran-

chise’s place in the league would be unthinkable,” she said. Pennington added that the European model shapes investment decisions. “In Europe, the threat of relegation always lingers in the background.”

Financial regulation provided another point of comparison. Sturman explained the differences between professional leagues. “The National Basketball Association uses a soft salary cap, meaning there are limits with exceptions, but teams pay taxes and financial penalties if they exceed them,” she said. “The National Football League operates under a hard cap, where you cannot go above the limit at all. Major League Baseball has no cap but relies on a luxury tax.” In turn, Pennington described new Profit and Sustainability Rules for Premier League clubs, modeled on the Union of European Football Associations system. These rules focus on the ratio between squad costs and commercial revenue, encouraging clubs to balance ambition with financial prudence.

The panel also explored the rise of multi-club ownership. Pennington explained that shared ownership across multiple teams can create opportunities and regulatory challenges. “It helps with player transfers and shared services,” he said, “but we must always prove that transactions are conducted at fair value.” Charles noted that while blind trusts have been used to meet competition rules, the long-term solution must preserve both integrity and investor confidence. Sturman added that American rules permit cross-ownership across sports, though not within the same league. “You cannot own two National Basketball Association teams,” she said. “However, the same owner can hold interests in a basketball franchise and a hockey club.”

As the discussion turned to career development, the panelists emphasized flexibility and composure. “Relegation environments are intense,” Pennington said. “Legal cannot be the department that slows things down.” Sturman added, “We cover everything from sponsorship to real estate to labor relations.” Charles agreed that calm leadership is part of the job. “You have to appear calm and in control, even when things are moving quickly,” she said.

FROM GOVERNANCE TO ENFORCEMENT: COMPARATIVE ANALYSIS OF FINANCIAL REGULATIONS IN SPORT

The second panel, *From Governance to Enforcement: Comparative Analysis of Financial Regulations in Sport*, continued the focus on alignment in governance. Moderator Shalabh Gupta led a conversation with Wyndam Makowsky, Vice President of Labor Relations for the National Football

League; Federico Lodi, Single-Seater Financial Regulations Director for the Fédération Internationale de l'Automobile; and Pablo Rodriguez, Chief of Financial Monitoring and Compliance for the Union of European Football Associations. Together, they examined how different sports maintain financial integrity while promoting competitive balance.

Makowsky described the foundation of the National Football League's system. "We want competitive equity, and that begins with how money flows through the sport," he said. "Teams make money, share money, players get paid, and costs stay under control." Lodi explained that Formula One applies similar principles through its cost cap system. "Financial stability, competitive balance, and fairness are the pillars," he said. "We ask ourselves whether the regulations are still achieving those objectives." Rodriguez traced the evolution of financial rules in European football. "We needed to make sure that every club could pay its employees on time and invest responsibly for long-term success," he said.

Beginning with the 2025 to 2026 season, European clubs will face a spending limit of 70 percent of income on player costs. Rodriguez stressed that enforcement, not expansion, is now the focus. "The monitoring body is completely separate from the business side," he said. Lodi and Makowsky echoed the importance of independence and transparency. "Violations of the salary cap are handled through an agreed process," Makowsky said. "Because the system itself is collectively bargained, it preserves integrity and prevents commercial conflicts from influencing enforcement."

The panelists described the detailed reporting systems that underpin these frameworks. Makowsky explained that National Football League clubs must report transactions within 48 hours and submit annual financial reports. Lodi said

Formula One teams must file audited financial statements each March. Rodriguez noted that European football clubs now provide quarterly updates and full statements to ensure accuracy.

All three agreed that enforcement depends on cooperation. "If spending exceeds a certain threshold, it becomes a major breach," Lodi said. "We can settle minor issues ourselves, but larger ones go to an independent panel." Rodriguez emphasized the need for vigilance. "Complex corporate structures make it easy to hide expenses," he said. "Our task is to examine financial information in detail and verify that costs align with revenue."

By the end of both sessions, a unifying message had emerged. Across football, basketball, and motorsports, the same priorities guide sports expanding across the globe: financial transparency and the preservation of fair competition. The panels underscored that as investment grows, credibility must remain. As Charles observed, "The appetite for innovation is strong, but fans and stakeholders still value the traditions that make each league unique." The ability to continue traditions as sports expand will define the future for leagues across the globe.

Landis Barber is an attorney at Safran Law Offices in Raleigh, North Carolina, where he focuses on civil litigation, construction law, and sports and entertainment matters. He advises clients ranging from universities to private companies on contracts, transactions, and risk management. A member of the Sports Lawyers Association and Vice-Chair of the North Carolina Bar Association's Sports and Entertainment Section, Landis is licensed to practice in North Carolina, South Carolina, and Tennessee.

PANELISTS

Panel I: Global Gameplans, Models of Sport in a Changing Landscape

Moderator: Neil Rigby, Partner, Weil

Speakers:

Scott Bearby, Chief Legal Officer, National Collegiate Athletic Association; Clodagh Curran, Senior Vice President, Head of Legal, Rights and Content, DAZN;

Nick DeMarco, Barrister, Blackstone Chambers

DIFFERENT GOVERNANCE MODELS CREATE DISTINCT

LEGAL CHALLENGES

The first session opened with, Nick DeMarco explaining that European sport is built on a pyramid model led by international federations such as the Fédération Internationale de Football Association and the Union of European Football Associations. National governing bodies sit beneath them and open domestic leagues form the base. Promotion and relegation allow clubs to move between levels, and DeMarco noted that "the sense that any club can rise through the system is central to how fans understand the sport." Scott Bearby contrasted this with the structure of the United States, where closed leagues favor competitive balance and financial predictability.

However, the panelist compared the European system to U.S. college athletics to discuss further legal complexity. Bearby stated that “every rule in the collegiate model is now examined for its commercial effect,” a shift driven by litigation and state laws. He emphasized that in *NCAA v. Bd. of Regents of Univ. of Okla.*, 468 U.S. 85 (1984), the Supreme Court decision to place the National Collegiate Athletic Association under federal antitrust law continues to influence college sports.

GROWING STATE INTERVENTION IN THE UNITED KINGDOM AND THE UNITED STATES

The discussion developed with DeMarco speaking on the Football Governance Act 2025, c. 21 (U.K.), stating that the act followed financial instability and the attempted creation of the European Super League. It grants a regulator the authority to license clubs, review financial practices, and protect important club identifiers such as stadium location. DeMarco explained that “this is the first meaningful involvement of the state in English football governance.” Bearby highlighted parallel developments in the United States. Several states created name, image and likeness policies that “allowed unrestricted transfers” and later criticized the consequences. This shifting legal landscape has made it more difficult for the National Collegiate Athletic Association to maintain consistent national rules.

It was Clodagh Curran who described new broadcast agreements that extend National Collegiate Athletic Association football and basketball, including March Madness, into international markets. She noted that “international audiences respond to the scale of college football and the personalities involved.” However, she stated that college sports will not develop in the same way in the United Kingdom because university athletics do not occupy a similar cultural position.

BALANCING OPEN AND CLOSED MODELS WITHIN EXPANDING MARKETS

The Panelists eventually examined whether features of United States leagues could operate in Europe. DeMarco explained that closed leagues “would not find acceptance” in European football because fans expect promotion and relegation. Curran acknowledged that stronger financial sustainability rules could support parity while respecting existing traditions. Bearby added that colleges in the United States now choose conferences based on competitive and financial considerations, which creates movement similar to relegation without a formal system.

However, there was a consensus that women’s sports has become a major growth area. Curran observed that “authentic storytelling and strong scheduling decisions are driving

meaningful engagement.” She cited the momentum created by the Lionesses’ success. Bearby noted that the National Collegiate Athletic Association has moved the Women’s Final Four to larger venues. DeMarco explained that strict licensing standards in the Women’s Super League help promote responsible long-term development.

PLAYER WELFARE AND DATA CONCERNS

To close out the discussion, Bearby described challenges related to gambling harassment directed at student athletes and explained that the National Collegiate Athletic Association monitors social media to support individuals who experience abuse. He also expressed concern regarding privacy issues involving wearable technology. DeMarco and Curran described similar pressures in European football, including congested match schedules that strain player health and investigations related to betting markets and player data.

Panel II: Power, Politics, and Play, The Winds of Change Reshaping Global Sports

Moderator: Blake Davidson, Executive Vice President, Pro Leagues, NGB’s and Clubs, RealResponse

Speakers:

Curtis Franks, General Counsel, FIFA World Cup at FIFA;
James Hamilton, Director, Global Host Cities Sports + Entertainment, Turner and Townsend International Limited;
Louise Savage, General Counsel - International LIV Golf;
Aarij Wasti, Partner, Entertainment & Sports Group, Gowlings WLG

MEGA-EVENTS NOW SERVE MULTIPLE PURPOSES

FIFA’s counsel, Curtis Franks opened the second panel by explaining that modern tournaments serve several objectives at once. “They are athletic showcases and commercial platforms, but they also support diplomatic, cultural, and national objectives.” He noted that nations increasingly use major events to influence global perception.

However, it was James Hamilton who described the operational challenges of large tournaments. He compared the centralized approach of Qatar in 2022 with the tri-national format of the 2026 FIFA World Cup in the United States, Mexico, and Canada. Hamilton stated that “execution often depends on front-line officials whose decisions affect immigration or transport flow.” He added that the 2030 World Cup will cover several continents and create even greater complexity. Franks explained that visa policies, customs rules, and local regulations can change during the planning process.

He said that legal teams must “stay ahead of evolving regulations in several countries at once.”

LOCAL KNOWLEDGE IS ESSENTIAL TO RELATIONSHIP MANAGEMENT

The conversation focused heavily on developing relationships, where Louise Savage described the need for local expertise when staging events in diverse jurisdictions. Each country brings unique legal requirements involving tax rules, sponsorship agreements, banking practices, and intellectual property matters. “Local partners who understand the environment are essential,” she said.

Aarij Wasti expanded on this point, explaining that “international events move fast, and the legal risks move just as quickly, which means the first task is to understand how the host country actually works, not just what the law says.” He emphasized that early engagement with local advisers reduces the likelihood of future conflict and supports compliance with cultural expectations.

Franks underlined that relationship management is often more important than legal authority. “A correct legal position may not resolve a conflict if a venue operator or local authority does not support the plan,” he said. Hamilton agreed that governance systems must remain flexible because event dates cannot shift. Davidson noted that strong alignment between stakeholders is crucial where multiple parties share responsibility for operations.

LEGACY PLANNING AND NATIONAL STRATEGY THROUGH FANDOM PRESERVATION FROM TECHNOLOGY

The speakers expanded on how nations use sport to advance long-term goals. Qatar’s expanded diplomatic role after the 2022 World Cup and Morocco’s infrastructure investment ahead of 2030 were presented as examples. The panel also discussed the strategy of the United States, which will

host several major events between 2025 and 2031. Hamilton explained that countries increasingly treat legacy outcomes as central to their bidding strategies.

It was Davidson and Savage who closed the conversation by describing how technology and evolving fan preferences shape event delivery. Artificial intelligence supports integrity monitoring and operational risk analysis. Younger fans favor multiscreen viewing, highlight content, and interactive experiences. These trends raise legal questions related to data protection, rights management, and commercial structure.

CONCLUSION

Ultimately, the discussions at the 2025 Sports Lawyers Association Fall Symposium highlighted how rapidly global sport is evolving. Governance structures differ greatly between regions, yet commercial ambition, political influence, and international expansion are drawing them closer together. As sports continue to globalize, the central question becomes clear: how will the industry create legal and governance models capable of supporting growth across borders while protecting the integrity of competition? The early answers suggest that the most successful approaches will blend adaptability, cultural awareness, and long-term strategic planning, leaving much more for sports lawyers to explore in the years ahead.

Aamir S. Ibrahim is an attorney at Quan Law Group in Houston, Texas, where he advises on business immigration, global mobility, and legal matters involving athletes and sports organizations. His work is strengthened by prior experience in business law, including drafting commercial contracts and corporate agreements. A former track and field athlete at the University of Houston, Mr. Ibrahim brings a practical understanding of sport and professional development to his legal practice.