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SLA MONTHLY Highlight Reel

THE NEWSLETTER OF THE SPORTS LAWYERS ASSOCIATION

From the SLA Conference: The 'New Advisors' and How They Will Represent Today's Atheletes

By **Katelyn Kohler**

The transformation of collegiate athletics due to NIL rights, the transfer portal, and evolving institutional frameworks was front and center at the 2025 Sports Lawyers Association Annual Conference. In *The New Advisors – Representing the Future Athlete*, panelists Alanna Hernandez (EVP, Business Affairs and Operations, Team Sports at Wasserman), Andrew Bua (VP Legal, Wasserman), Locher Grove (CEO, Dealiyo), and Ena Patel (President, Innovation Baseball and former Chief of Staff at Vanderbilt Athletics) discussed the fragmented legal and commercial landscape student-athletes

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Letter from the President - Chris McCleary

Wow, what a conference we had in Nashville last month! Endless thanks to our conference organizers, sponsors, and participants. I hope you witnessed Friday's Past Presidents session, where we recognized the incredible contributions of our SLA Presidents these past 50 years. We were especially honored to hear from SLA founder **Lloyd Shefsky** and delighted to see so many past Presidents on hand including our newest Past President, **Layth Gafoor!**

Layth and his predecessors have collectively put us in a terrific position and **now it's up to us to write the next chapter**. Our 2025 conference theme,

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The Ask

Every month The Highlight Reel offers you a range of useful info and perspectives. All we ask in return is a bit of YOUR perspective. The Ask is where we'll seek your input as an SLA member. (Starting next month, we'll include results from the previous month's tiny survey too!). We strive to offer relevant and thought leading content that helps YOU in your work and professional growth. To help us focus on the right things, please rank order ONLY YOUR TOP 5 favorites from these choices: **https://form.jotform.com/251617442608053**

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Secretariat Brings Expert Services, Litigation Consulting, Engineering, Economics, and Data Advisory to SLA

If you attended 50th Annual SLA Conference in Nashville last month, you couldn't help but notice **Secretariat**, a Gold Sponsor, offering a comprehensive solution to law firms and sports lawyers. To get more details, we recently visited with Shalabh Gupta, an Associate Director with Secretariat's Damages & Valuations group, and Amran Nawaz, an Associate Director at the company who specializes in the preparation of business valuation and economic damage quantification for commercial litigation and international arbitration.

What follows is an interview with the two men.

Question: Tell us what Secretariat does?

Gupta: Secretariat is a leading global expert services, litigation consulting, engineering, economics, and data advisory firm. Our experts are trusted in the highest-stakes legal, risk, and regulatory matters around the world. Renowned law firms, leading corporations, and respected governmental entities turn to our disputes, investigations, litigation, economic, and data advisory services when the stakes are high — supporting them with meticulous preparation, insightful analysis, and clearly persuasive communications.

Q: How does the company intersect with the sports industry?

Nawaz: As the sports industry becomes increasingly commercialized, the scale and complexity of financial matters continue to grow. Secretariat brings our cross-sector expertise to help clients navigate this evolving landscape. Our experts are trusted to provide rigorous valuation, damage quantification, economic analysis, and dispute resolution services across a wide range of sports-related matters.

Shalabh Gupta

Amran Nawaz

Q: What attracted you to being a sponsor of the SLA annual conference?

Nawaz: Secretariat was attracted to sponsoring the 2025 Sports Lawyers Association Annual Conference because it aligns perfectly with our mission to support high-stakes legal and regulatory matters. The SLA Annual Conference brings together leading legal professionals, in-house counsel, and decision-makers from across the sports industry, a sector increasingly shaped by complex legal, economic, and data challenges. Secretariat saw this as a natural opportunity to connect with a community that values precision, insight, and clarity in resolving complex disputes and regulatory issues. Sponsorship of the conference reflects our commitment to being at the forefront of these conversations.

Q: What is planned for the future for Secretariat ((new services and other developments))?

Gupta: The complexity and pace of change in today's disputes and litigation landscape is immense. For Secretariat, this means growing our capabilities in a smart, strategic way is of the utmost importance. We do not pursue growth for growth's sake. Rather, we focus on recruiting the industry's best leaders with the robust multidisciplinary expertise to help our clients address the high-stakes dispute, litigation, and regulatory matters they face daily. Applying this strategic model has enabled Secretariat's global team of experts to experience significant growth while continuing to deliver exceptional client service. We will be welcoming some exciting additions to our team in the coming months and we look forward to sharing this news.

Sports Law Career Opportunities at a Glance

What follows is our regular monthly feature of the SLA member newsletter, courtesy of TeamWork Online, arguably the sports industry's largest professional network for legal and business professionals.

Those who have recently taken new positions and are members of SLA are encouraged to share the news with Editor Holt Hackney at **hhackney@hackneypublications.com**

- » **Paralegal, PGA TOUR**
- » **Legal Counsel, RAJ Sports**
- » **Paralegal, WTA Tour**
- » **Corporate Counsel, 3 Step Sports**
- » **Legal Intern, Kroenke**
- » **USTA Counsel and Paralegal**

SLA Member William Bock Visits with the Sports Law Expert Podcast in Exclusive Interview

Sports lawyer William "Bill" Bock III, a partner at Kroger, Gardis & Regas, LLP, recently joined **Sports Litigation Alert**'s Editor Holt Hackney as a guest on the Sports Law Expert Podcast.

The segment, which was made available today, can be heard **here**.

"Bill is an icon in the sports industry, known for his extensive work in amateur athletics and his tireless service with the Sports Lawyers Association," said Hackney. "We're excited to share his insights on the industry and where it is headed."

WILLIAM BOCK

Specifically, Bock has a substantial background in international law enforcement anti-doping and drug trafficking investigations. To that end, he was the General Counsel of the U.S. Anti-Doping Agency during 2007-2020 where he worked closely with U.S. law enforcement agencies, including the U.S. Drug Enforcement Administration, and international law enforcement and anti-doping officials.

Bock has represented clients in high-profile investigations, litigation and arbitration throughout the United States and globally. He has represented athletes, sports organizations, Fortune 500 companies, governmental agencies and those impacted by governmental or organizational overreach.

Bock has filed amicus briefs in cases involving Title IX and/or women's rights in sport before the U.S. Supreme Court, the Second, Fourth, Sixth, and Ninth Circuit Courts of Appeals and has handled cases as lead counsel in state and federal court seeking to protect the women's category of sport. Recently, Bock filed a lawsuit against the National Collegiate Athletic Association (NCAA) and Georgia Tech University in which he represents eighteen current and former female student-athletes challenging the NCAA's and Georgia Tech's failure to protect women's rights in Riley Gaines, et al. v. NCAA, et al. Bock is also lead counsel in Estabrook et al. v. The Ivy League, et al. in a separate Title IX case against the Ivy League, the NCAA, Harvard and the University of Pennsylvania.

Bock has appeared before panels of the American Arbitration Association (AAA) and/or the International Court of Arbitration for Sport (CAS) headquartered in Lausanne, Switzerland, in more than seventy-five (75+) sports eligibility disputes.

Bock received his J.D. degree, *cum laude*, from the University of Michigan Law School in 1989 and clerked for then U.S. District Judge, John Daniel Tinder, during 1990-1992.

For more on his background, visit **https://kgrlaw.com/professionals/william-bock-iii/**

Hackney Publications Seeks Law Firm Partners for Sports Betting and Title IX Pubs

Hackney Publications is seeking law firms to become the exclusive partner of two of its quarterly publications – Legal Issues in Sports Betting and Title IX Alert.

The partnership provides that Hackney Publications will work with the firm to develop bylined content, interview features with attorneys at the firm, interview features with firm clients and interview features with prospective clients.

"The latter is particularly valuable as it engenders goodwill with the prospective client and creates must-read content," said Holt Hackney, the CEO of Hackney Publications.

"The other benefit with these two publications is that they already have a curated opt-in subscriber of thousands of readers, respectively."

Hackney Publications is currently working with Saul Ewing on Esports and the Law. Among the other firms it has worked with in the past with such agreements are Skadden, Jackson Lewis, Montgomery McCracken, Ifrah Law, and Wilson Elser.

Those interested in exploring a relationship are encouraged to email Hackney at **Hhackney@hackneypublications.com**.

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now have to navigate.[1]

Redefining the "Student-Athlete"

The panel emphasized how the traditional "student-athlete" concept no longer reflects the legal or practical realities in collegiate sports. A central theme emerged around the disjunction between the increased professionalism of college athletics and the outdated legal and institutional frameworks; namely, the NCAA's silence and universities' inconsistent implementation of protective measures.

Hernandez raised the question of a university's "duty of care" when presenting complex 25-page NIL agreements to 18-year-old students. These young athletes are exposed to potential exploitation, especially when they lack the resources to secure knowledgeable counsel before signing. Locher Grove urged legal professionals in the room to consider pro bono opportunities, emphasizing the vast potential for education in this area. He stressed that athletic departments can't expect student-athletes entering college to be "fully-fledged business representatives" capable of negotiating on their own behalf.

1 See The New Advisors—Representing the Future Athlete, panel at the 2025 Sports Lawyers Association Annual Conference (May 16, 2025), https://www.sportslaw.org/conferences/2025conf/agenda/index.cfm.

The 95%ers

This brings us to Grove's focus on the so-called "95%ers." Dealiyo, the NIL facilitation platform Grove co-founded, created a marketplace with educational resources to serve as a monetization application but also as a tool for athlete empowerment in smaller markets and non-revenue sports.[2] The platform is designed with a branding and marketing focus for the 95%ers, self-described as: "The vast majority of time and attention in NIL is focused on the top 5% of athletes in football and basketball, leaving huge amounts of brand dollars on the table and 95% of student athletes unsupported. No one is supporting the 95%ers."[3]

"There's a massive amount of brand dollars being left on the table," Grove argued, pointing to overlooked opportunities in industries like food and beverage, fashion, retail, and services particularly at the local activation level. He also highlighted the market imbalance where top-tier collectives structure multimillion-dollar pay-for-play deals, while most student-athletes still lack basic education on contract terms, deliverables, and intellectual property protection. "These stories need to be amplified," he said. Grove shared that 83% of college athletes are not participating in NIL deals at all. Dealiyo aims to equalize access for these athletes, offering a marketplace where deals can be found, negotiated, and fulfilled without the need for burdensome legal costs or predatory intermediaries.

Women and NIL Market Power

Women athletes often outperform their male counterparts in NIL deal execution, follow-through, and engagement. According to Grove, they are 1.3x more effective than typical influencers at driving purchasing behavior, making them prime targets for micro-influencer campaigns within the $30 billion industry. Despite generally receiving less institutional support and media coverage, women athletes are turning NIL into a lucrative business opportunity.

Yet, this success elicits fears about fair market value and subjective contract interpretations. Without federal standards, contracts are based on varying assessments of an athlete's worth, risking both under- and over-compensation which will likely lead to litigation. Grove pointed out that performance-based indicators often overlook the potential of engagement-driven, targeted valuations. While high-profile athletes have visibility, lesser-known athletes with more focused brand deals can offer better returns.

Some universities have responded with innovative NIL infrastructures: Clemson launched a creator studio, LSU invested in sports documentaries, and Oregon developed a student-run NIL hub.[4] However, even these efforts face legal challenges. A lawsuit filed against the University of Oregon alleges unequal access to NIL opportunities, raising Title IX concerns as NIL is considered a form of publicity and promotion which must be equally available to both genders.[5]

The panel did not address the uncomfortable realities underlying subjective NIL deals, which raise concerns about the exploitation and sexualization of female athletes. The question of why women athletes are often more sought-after ties into the subjective attributes that drive their marketability, such as beauty and social media appeal. Although some women may benefit financially in the short term, this trend perpetuates the idea that women's sports are only valuable when presented in a marketable, perhaps sexualized way, posing long-term risks to gender equality in athletics.

Regulatory Uncertainty

The panel discussed the uncertain future of NIL collectives, with Grove stating that most are "dying" and must reinvent themselves to survive. This shift is being driven by the House settlement and growing legal scrutiny of revenue-sharing models. Grove noted that 70% of cur-

2 See DEALIYO, **https://www.dealiyo.com** (last visited May 22, 2025).

3 See id.

4 See Clemson Opens "The CAB," A Dedicated, Brick-and-Mortar Facility for Student-Athlete Branding & Education, Clemson Tigers Athletics, **https://clemsontigers.com/branding-institute/** (last visited May 22, 2025); JR Williams, LSU Athletes Receive $1M as NIL Compensation for Amazon Docuseries, Profluence (Feb. 14, 2024), **https://profluence.com/lsu-athletes-receive-1m-nil-compensation/** (noting LSU receives $1M for a docuseries while athletes negotiate separate NIL talent fees); University of Oregon Launches First Licensed School NIL Marketplace in College Athletics, University of Oregon Athletics, (Mar. 3, 2022), **https://goducks.com/news/2022/3/3/general-university-of-oregon-launches-first-licensed-school-nil-marketplace-in-college-athletics**.

5 See Schroeder v. Univ. of Oregon, No. 6:23-cv-01806 (D. Or. Dec. 1, 2023); see also Tyrone P. Thomas & Maddie Fenton, Lawsuit with Claim of Unequal Access to NIL Opportunities Raises New Title IX Concerns, Holland & Knight (Dec. 19, 2023), **https://www.hklaw.com/en/insights/blogs/sports-law-alert/lawsuit-with-claim-of-unequal-access-to-nil-opportunities-raises-new-title-ix-concerns**.

rent collectives would fail basic due diligence standards, proposed by firms like Deloitte. To bring order to the chaos, he proposed a universal clearinghouse–possibly run by the NCAA–to standardize and store NIL contract requirements. However, in an industry where standards are constantly changing, implementing such a system would be nearly impossible. In contrast, Wasserman proposed their own private proprietary index to assess NIL value. Their index would incorporate metrics like engagement, earned media, and overall performance as indicators of an athlete's marketability.

Bua described NIL contracts "as often one-sided," in many agreements like broad termination rights, subjective assessments of fair market value, and provisions that heavily favor institutions. The panel then discussed the ongoing "pay-for-play" sentiment, highlighting extreme buyout clauses for student-athletes transferring schools. Panelists confirmed that some universities are prepared to sue athletes who break contracts, signaling a shift toward more aggressive actions as financial and reputational stakes rise. Examples include Jaden Rashada's lawsuit against the University of Florida for a breached NIL contract and the Arkansas EDGE collective's $200,000 demand from quarterback Madden Iamaleava due to his early departure.[6]

The panel painted a picture of a system in flux, if not in disarray. With sparse and inconsistent NCAA guidance, universities have taken different approaches to fill the void. Post-House settlement, the future of collectives is uncertain as liabilities push them more towards compliance-focused intermediaries. Patel argued that an external entity may be necessary, as head coaches are not meant to act as General Managers or handle the business side of sports. Schools might turn to external collectives as brokers or service providers to gain a competitive edge in the market. Nevertheless, all panelists agreed that a "slew of lawsuits" is likely on the horizon.

Agent Ethics and the Professionalization of Advising

One of the most troubling aspects of the discussion, for me, was Team Wasserman's description of agent duties as "guiding student-athletes to schools." As agents now serve as both business managers and quasi-life coaches, tensions arise between maximizing an athlete's market value and respecting their personal autonomy. The challenge becomes finding the balance between respecting their independent choices and supporting them. Ultimately, this is a business. So, how much weight should agents give to profit over the athlete's well-being and personal choice?

This concern grew when Bua admitted that Wasserman builds relationships with athletic departments, administrators, and high school coaches not just to sign clients, but to influence where athletes enroll. He referred to this as "guiding" athletes toward schools that align with their NIL ambitions. But at what point does guidance become steering? If representation is now essentially recruitment, the potential for undue influence or exploitation becomes much harder to ignore. Bua also highlighted a concerning trend where high school athletes are being courted earlier than ever, often by underqualified or unscrupulous agents. With agents charging commissions as high as 20%, far above traditional industry standards.

Bua also compared the transfer portal to "free agency," where advisors are focusing on short-term deals that revolve around immediate performance, rather than long-term stability. "We all know it's kinda connected [to their performance]" said Hernandez, noting the shift toward deals based on specific, short-term deliverables at an athlete's performance peak. Bua emphasized that long-term deals are no longer the focus as an athlete's performance can fluctuate and an injury could dramatically reduce their market value. However, performance-based contracts can harm athletes' mental health, as injuries or poor play may now affect their academic, athletic, and financial stability. While such deals may bring short-term gains, the added pressure risks their long-term well-being.

The purpose of these lawsuits, the House settlement, and NIL reforms was to create more autonomy for athletes. Yet now, it seems we've just swapped one regulator for another-one that may focus more on endorsing the athlete's individual income rather than their overall well-being.

6 See Rashada v. Hathcock, No. 3:24-cv-00219 (N.D. Fla. May 21, 2024)(discussing Rashada's fraud claims); Joshua M. Frieser & Jacob Wendt, NIL Litigation Heats Up with Two Major Cases, Frieser Legal, **https://frieserlegal.com/nil-litigation-heats-up-with-two-major-cases/** (last visted Mar. 22, 2025); Philip T. Sheng & Ellis C. McKennie III, Iamaleava v. Razorbacks: Are NIL Buyouts the Future of College Sports?, Venable LLP, (May 6, 2025), **https://www.venable.com/insights/iamaleava-v-razorbacks-are-nil-buyouts-the-future-of-college-sports**.

Conclusion

The panel, composed entirely of agents, offered valuable insights but was limited by its singular perspective; including voices from athletic departments handling NIL could have provided a more comprehensive understanding. Many athletes face significant pressure to engage in personal branding and financial monetization, which can be overwhelming especially for those who prefer to focus on their sport and academics without added business responsibilities. As collegiate athletics continue to evolve, it is crucial to strike a careful balance between empowering athletes and protecting them. The current system remains fragmented and inconsistent, creating an urgent need for a more standardized and ethical approach that ensures all athletes, regardless of their marketability, receive fair treatment and support that prioritizes their success both on and off the field.

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"Impacting the Future of Sports," laid the foundation for what we can be and what we can do as an association. As I begin working for our Board of Directors as your SLA President, and as our Board continues its service to SLA membership, I am committed to building on our strong foundation by focusing on our **three key pillars:**

1. **Connecting Our Community.** The SLA is an incredibly vibrant and diverse community of professionals and aspiring professionals united by passion for sports law. We will double and redouble our efforts to make sure SLA membership means tangible networking opportunities. CRGs, regional events, mentorship programs, and our November Symposium in London will be highlights but we're always on the lookout for more ways to ensure every member feels connected.
2. **Advancing as a Center of Excellence.** The Nashville conference was just the latest proof: The SLA is an unparalleled hub for thought leadership in the sport world. SLA membership means cutting-edge educational opportunities and meaningful dialogue on key legal issues. Our November Symposium, focused webinars, and Sports Shorts are already well known to you, and we will keep working on new ideas here.
3. **Impacting Our Communities**. SLA philanthropic efforts have had real impact in our legal community and the local communities we've visited. That support will continue and grow. And the SLA has played a pivotal role in launching shaping the careers of countless professionals. SLA membership means access to growing resources and influential people, pathways for advancement, and opportunities to help others in myriad ways. In particular, it's up to us to empower the next generation of leaders in sports law.

As an SLA member you should benefit and you have the power to benefit others as we execute on our value proposition based on the pillars above: **Get In, Get Better, Give Back**. The SLA is uniquely positioned to deliver on each of these.

We will never stop trying to drive value for our members. In the coming year:

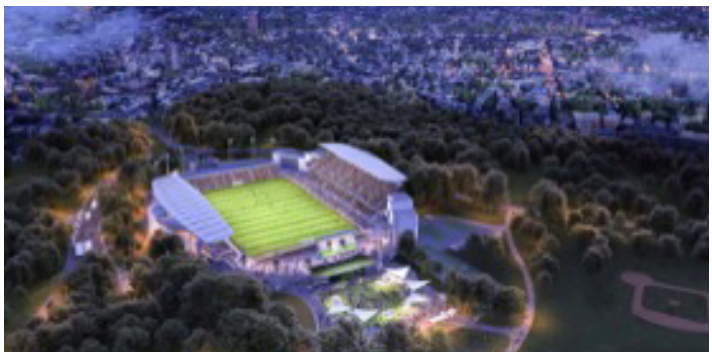
- You'll hear from me and SLA Executive Director Melissa Pomerene more often
- You'll have easier ways to reach me with ideas, requests, and feedback (including a monthly poll question in each issue or our SLA Monthly Highlight Reel newsletter,) and
- You'll see us becoming simpler and more transparent at the Board and committee levels

But we are also mindful that **our true value IS our members.** So:

- Please **keep an eye out for our next *SLA Highlight Reel*,** your info hub for all things SLA
- **Let me hear from you** with ideas and feedback, and
- **Consider deepening your own involvement** in the SLA – you'll see us streamlining and clarifying our committees to give our most engaged and energetic members an ideal platform to contribute to our work. Committees are where it happens! **Which committee can you impact?** More soon!

NWSL Wins Suit to Continue Building White Stadium

By Isabella Scarselli & Sydney Marshall, Tulane Sports Law



On April 2, 2025, Judge Matthew Nestor ruled in favor of the City of Boston and Boston Unity Soccer Partners in the case of Emerald Necklace Conservancy versus City of Boston and Boston Unity Soccer Partners. The court held that the planned $200 million renovation of White Stadium does not violate Article 97 of the Massachusetts Constitution, meaning the project can proceed. (Front Office Sports, 2025). (see Emerald Necklace Conservatory v. City of Boston, No. 2184CV02092, 2024 Mass. Super. LEXIS 84 (Super. Ct. Apr. 9, 2024).

The case is centered around the redevelopment of the White Stadium in Franklin Park, which is intended to serve as the new home for the National Women's Soccer League's Boston Legacy FC and Boston Public Schools athletics. On March 17, 2025, the Emerald Necklace Conservancy and twenty of its residents filed this lawsuit against the City of Boston and Boston Unity Soccer Partners in Suffolk Superior Court, alleging that the renovation would unlawfully privatize public parkland without the required legislative approval under Article 97. (Front Office Sports, 2025). The defense argued that Article 97 did not apply in this case because White Stadium had been used as a school facility rather than a dedicated public parkland.

In a fifteen-page opinion, Judge Nestor held that the plaintiffs had failed to demonstrate that White Stadium was dedicated protected parkland under Article 97. He noted, "Notwithstanding the testimony from nearby residents, there is simply inadequate evidence that the everyday use of the property evinces an unequivocal intent to dedicate the property as public parkland." Therefore, the renovation of White Stadium will proceed without legislative approval.

One of the plaintiffs, Melissa Hamel, stated, "The fight to protect Franklin Park is not over," emphasizing her concerns about the project's cost escalation and potential impact on the community. Conversely, Mayor Michelle Wu, a proponent of the project, defended the renovation as beneficial for public use and community engagement. She stated, "I will not apologize" for supporting the stadium's redevelopment. The court's decision permits the City of Boston and Boston Unity Soccer Partners to continue the White Stadium renovation as planned.

NASCAR Slams 23XI Racing in Appeal Over Antitrust Ruling

By Alexandra Stone & Sophie Weeter, Tulane Sports Law

NASCAR operates a charter system and requires teams to release legal claims between themselves and NASCAR mutually. However, 23XI Racing and Front Row Motorsports objected to this release, arguing it violated antitrust law by forcing teams to give up their right to challenge NASCAR. They successfully obtained preliminary injunctions allowing them to remain in the charter without signing the release. NASCAR now appeals, asserting that the lower court misinterpreted the antitrust law and restricted participation. The case is ongoing, and the U.S. Court of Appeals for the Fourth Circuit will now decide whether to uphold the injunction and allow 23XI and Front Row to remain in the charter.

"[The release] does not shield NASCAR from antitrust suits, as consumers, competitors, potential competitors, open teams, and the government can all still bring claims," wrote Christopher S. Yates and other attorneys from

Latham & Watkins and Shumaker, Loop & Kendrick in their filing. They argued that the injunction granted to 23XI and Front Row is based on a fundamental misreading of antitrust principles and unfairly advantages the two teams. NASCAR emphasized that the entrepreneurs behind these teams, including Michael Jordan, are not bound like athletes in traditional antitrust cases, noting they have "the freedom to choose their investments, diversify or exit." While 23XI and Front Row maintain that NASCAR's system stifles fair competition, the appellate court has yet to issue a decision, and the outcome could reshape the future of team participation in NASCAR's charter system. Chris Yates of Latham & Watkins in San Francisco represents NASCAR as its lead attorney, while Jeffrey Kessler of Winston & Strawn in New York represents Front Row and 23XI.

Senators Target Ticketmaster and Fanatics Over Concerns of Monopoly

By Vicente Perez, Trey Schwalb, & Everett Honour, Tulane Sports Law

In May 2024, the U.S. Department of Justice and 40 states filed an antitrust lawsuit against Live Nation Entertainment Inc. (the parent company of Ticketmaster) the Southern District of New York, alleging that the company engaged in practices that illegally suppressed competition in the ticketing market. The Department of Justice asserts that Live Nation implemented exclusive venue contracts and tied services which required artists to use its promotion services to access specific venues to reduce competition in primary ticketing markets. The court denied Live Nation's motion to dismiss in March 2025, when Judge Arun Subramanian allowed the case to proceed to the discovery phase. Senators Amy Klobuchar and Mike Lee have asked the DOJ to examine Ticketmaster's new cross-selling partnership with Fanatics because they believe this agreement will strengthen Ticketmaster's market position and block new competitors from entering the market.

Senators Klobucher and Lee expressed their fear that if Ticketmaster has acted unlawfully as Fanatics claimed, it would be detrimental to consumers. Both Klobucher and Lee have been sensitive to antitrust issues throughout their respective careers, and while their letter did not culminate into a lawsuit, it is possible that the DOJ could take action against Ticketmaster if the antitrust claims are proved to be valid. The initial issue in this case came from a two-way cross-selling agreement between Fanatics and Live Nation/Ticketmaster. Fanatics agreed to display Ticketmaster resale tickets on the Fanatics app and Ticketmaster agreed to have Fanatics products appear on their platform. The result of this deal would be Ticketmaster offering a fifty percent discount on service fees when purchasers buy tickets through the Fanatics platform. The ability to give a fifty percent discount on service fees is why Fanatics argues that Ticketmaster market control is harmful to the consumer and is proof of a monopoly that bars companies like Fanatics from entering the online ticketing market. Live Nation/Ticketmaster will likely argue that they are the leader in the field because of their superior technology and services to both fans and venues alike. The DOJ is yet to make a response to the senators' request; however, if they do decide to investigate Live Nation/Ticketmaster, it could result in a shakeup in the live ticketing market as we know it.

In their letter to the DOJ, Senators Klobucher and Lee stated, "Fanatics entered an agreement with an online ticketing monopolist, rather than innovate, disrupt, and compete themselves. . . . raises significant questions about whether Live Nation-Ticketmaster used its monopoly power to prevent Fanatics from entering the online ticketing market." Representatives for Ticketmaster responded, "the agreement simply provides that Ticketmaster can sell secondary tickets to sporting events on Fanatics websites and mobile apps, giving fans additional ticket-buying opportunities." No formal lawsuit has been filed at this time.

Market Remains Uncertain for Sports Apparel Manufacturers Amid Tariffs

By Kate Ragusa, Julia Balot, & Ke'Lynn Enalls, Tulane Sports Law

Following the tariff pause that was implemented on April 9, 2025, the stock market rose 9.5%, with three sports apparel manufacturers gaining significantly. Under Armour, On Holding, and Amer Sports were all up between 14% and 16% after suffering losses from the stark drop in the market the week prior. While such companies have been moving further away from manufacturing and sourcing goods from China, challenges exist among the current climate and the implementation of tariffs.

After the brief, but steep, drop in the market, President Trump's announcement of a ninety-day pause on most reciprocal tariffs brought a temporary wave of relief to the sports apparel industry, though tariffs on Chinese imports remain. Many of the industry's largest companies, including Under Armour, Nike, and Adidas, rely heavily on Asian manufacturing, with over 80% of their supply chains based in East and South Asia. The initial tariffs triggered sharp stock declines, particularly for Under Armour, which saw steep losses due to its heavy reliance on manufacturing in countries, like Vietnam and Indonesia, where proposed tariff rates reached as high as 49%. While the paused tariffs allowed for a short-term rebound in share prices, Under Armour, Amer Sports, and On Holding saw double-digit gains. Companies like Fanatics, which has a more geographically diverse supplier base, may fare better in the long term. Still, with the base global tariff of 10% still in place and further trade policy announcements expected, sports apparel makers remain in a state of cautious anticipation as they await clarification on the future of U.S. trade policy.

"Nike won't build factories in the U.S. to make sneakers. That would add more cost than the 40% tariffs," said economist Peter Schiff. With 50% of Nike's footwear and 28% of its brand apparel being made in Vietnam, Schiff believes Nike could and should push its products to international markets rather than the United States. Other sports apparel brands will feel varied effects based on their percentage of international sales, subject to President Trump's policies. Nike, for example, sells 43% of its goods in North America, while Adidas sells 22%. Stifel apparel analyst Jim Duffy said, "We think it's a more difficult environment in which to pass along pricing, therefore more likely to be impactful to the margins of the apparel industry." Firms and experts predict that, without textile or apparel manufacturing infrastructure in North America, consumers will experience higher costs and lower quality from the apparel industry.

TULANE BRIEFS

Texans Season Ticket Holders Accuse Team of Fraud

By Min Kim & Ryan Sarafa, Tulane Sports Law

On April 5, 2025, a group of nineteen ticket brokers sued the Houston Texans in Texas state court over changes to the team's season-ticket policies. The plaintiffs allege that the Texans unreasonably raised prices and restricted the number of tickets they could purchase, despite the brokers having held personal seat licenses (PSLs) since the team's founding.

The brokers, who have maintained PSLs with the Texans since 2002, contend that the organization modified ticketing procedures after the 2023 season to limit access and increase costs. The Texans reportedly made these changes to bolster their home-field advantage, especially after a 2023 game saw a significant presence of visiting Lions fans negatively impacted the game atmosphere. The plaintiffs argue that these actions violate their PSL agreements, which they claim should protect against arbitrary restrictions on ticket purchasing and resale rights. The plaintiffs are seeking injunctive and monetary relief for what they describe as discriminatory and harmful conduct.

"This outrageous and unacceptable behavior doesn't just harm the Plaintiffs — it harms hundreds of thousands of Texans' fans, and every sports fan in Texas who wants to attend an NFL game at NRG Stadium," said Josh Bowlin, attorney for the plaintiffs. In a public statement, the Texans responded: "We believe these allegations are meritless and

look forward to addressing them appropriately." The lawsuit follows a trend of NFL teams cracking down on resellers, though this case may turn on the specific terms of the long-standing PSL contracts.

House v. NCAA Settlement Nears Approval

By Leilany Rodriguez & Katharina Mente, Tulane Sports Law

On April 7, 2025, U.S. District Judge Claudia Wilken for the Northern District of California presided over a pivotal hearing concerning the $2.8 billion antitrust settlement between the NCAA and Division I athletes represented by the House, Carter, and Hubbard classes. The hearing entailed discussing whether the proposed settlement was fair, reasonable, and adequate. While Wilken indicated she is inclined to approve the settlement, she requested further adjustments, especially protections for current college athletes who may lose roster spots as a result.

The hearing featured extensive discussion of the settlement's key terms, which include retroactive NIL-related damages and a revenue-sharing model where schools can allocate up to twenty-two percent of athletic revenue to athletes. The NCAA and the athletes' legal teams addressed objections and Wilken's concerns, including potential harm to walk-ons and non-scholarship athletes, future athlete rights, and the language of class member notification. Objectors argued that the proposed limits on rosters could disadvantage athletes, while the NCAA emphasized that the removal of scholarship caps and added monetary compensation would benefit most athletes. Judge Wilken made clear that the case is not about Title IX or labor laws, and that her role is solely to assess whether the settlement addresses the antitrust claims at issue.

"It's essentially a good settlement," Judge Claudia Wilken remarked during the hearing, while emphasizing that some revisions were still needed. NCAA attorney Rakesh Kilaru of Wilkinson Stekloff in Washington D.C. urged the court to view the agreement holistically, arguing, "[t]he settlement is much better for college athletes than years of further litigation," and reminded Wilken that she cannot "blue pencil out provisions." Players' attorney Jeffrey Kessler of Winston & Strawn in New York responded to concerns over future athlete rights by explaining the settlement is structured to "add class representatives who will be current athletes as time goes on." Another attorney for the players, Steve Berman of Hagens Berman in Seattle, warned, "Congress is the risk," stating the NCAA would seek antitrust immunity if the settlement fails. As of the hearing's close, Judge Wilken had not issued a ruling, though she is expected to release a written decision in the coming weeks.

Alleged ATP Threats Over PTPA Lawsuit Participation

By Matthew Binder & Zach Morcate, Tulane Sports Law

On April 11, 2025, professional tennis player Reilly Opelka testified in the U.S. District Court for the Southern District of New York that the Association of Tennis Professionals (ATP) attempted to intimidate him into withdrawing his support for a lawsuit brought by the Professional Tennis Players Association (PTPA) against the ATP and other governing bodies. Opelka's testimony was part of a hearing on the PTPA's motion to prevent the ATP from discussing the litigation with players, following allegations that the ATP had been pressuring players to distance themselves from the case.

The PTPA filed lawsuits on March 18, 2025, in New York, London, and Brussels against the ATP, Women's Tennis Association, International Tennis Federation, and International Tennis Integrity Agency. The complaints allege that the defendants operate as a "cartel" that suppresses player earnings, enforces an unsustainable tournament schedule, and engages in exploitative practices. The PTPA contends that prize money is unfairly capped, off-court earning opportunities are limited, and player health is compromised by the tour structure. The ATP has denied the allegations, describing the case as a "sophisticated PR campaign" and asserting that the PTPA is undermining the existing partnership between players and tournaments.

"Tennis is broken. Behind the glamorous veneer that the defendants promote, players are trapped in an unfair system that exploits their talent, suppresses their earnings, and jeopardizes their health and safety," said PTPA CEO Ahmad Nassar. The ATP has addressed the allegations made by Nassar, stating that "we strongly reject the premise of the PTPA's claims." The defendants' initial replies to the lawsuit are due by May 20th, and Judge Margaret Garnett has directed both sides to submit additional briefs regarding the PTPA's motion to restrict further communications between the ATP and players.

Late MLB Pitcher Tom Browning's Widow Sues Over Pension Eligibility

By Matthew Cohen, Samuel King, & Joseph Garofalo, Tulane Sports Law

On April 7, 2025, Dawn Dellapa, the widow of former Cincinnati Reds All-Star pitcher Tom Browning, sued the Major League Baseball Players Benefit Plan and Pension Committee in a Florida federal court. Ms. Dellapa argues that she has been wrongly denied surviving spouse benefits she is owed under her husband's pension. The main issues in Ms. Dellapa's suit are the duration of her marriage with Tom Browning and whether the amended language of the policy that governs pensions views her as a qualified spouse. With her suit, Ms. Dellapa is seeking a judicial order that would formally recognize her eligibility to recover surviving spouse benefits.

According to her complaint, Dellapa began a relationship with the late Browning in 1991, and give birth to their child in 1995. However, they were not married until October 31, 2022, a couple of months before Browning died on Dec. 19, 2022, at the age of 62. The following year, Dellapa requested an application for a surviving spouse pension benefit but was denied on the basis that she was not a "qualified spouse." The eligibility rule at issue lists a qualified spouse as one who is (1) a widow and (2) who may be either married for at least a year or widow of an "active member." The complaint says that Browning "was actively employed as an advisor and consultant to his former team," but that role fell short of "active service" since he was not field personnel. Dellapa, who unsuccessfully appealed to the pension committee, contends that even though her marriage to Browning falls short of the duration required, and even though Browning was not field personnel, she still qualified given the language of the policy in question. Dellapa's assertion is reliant on the word "may" in the policy's language, which replaced "is" in a 2020 amendment, which she argues effectively made the second prong of the test an advisory element rather than a requirement. Separately, Dellapa also argues that the plan benefit office's interpretation of the rule "discriminates against older Members on the basis of age, with the beneficiaries of older Members, such as their spouses, being adversely affected." The complaint highlights claims available under the Employee Retirement Income Security Act of 1974 (ERISA), a federal statute that governs retirement plans. Dellapa is seeking a judicial order that would grant her eligibility.

Dellapa's complaint was drafted by William J. Schifino Jr. and his fellow counsel at Gunster, Yoakley & Stewart in Tampa. The case has been assigned to the docket of U.S. District Judge Steven D. Merryday and U.S. Magistrate Judge Thomas G. Wilson. The attorneys for the defense have the chance to answer the complaint and raise any applicable defenses. The defense will receive deference from the court in how the language is interpreted, as their interpretation will be ruled permissible unless it is deemed arbitrary and capricious, a lofty threshold for Dellapa to satisfy.