



The NCAA is facing another lawsuit over athletes' names, images and likenesses. KIRBY LEE/USA TODAY SPORTS

NCAA suit could put big money at stake

Steve Berkowitz
USA TODAY

Attorneys acting on behalf of two current college athletes on Monday filed a federal antitrust lawsuit against the NCAA and the Power Five conferences that could substantially increase the tension, and financial stakes, connected to athletes' ability to make money off their name, image and likeness (NIL).

The suit, which seeks to be a class action, not only asks that the NCAA be prevented from having association-wide rules that "restrict the amount of name, image, and likeness compensation available" to athletes but seeks unspecified damages based on the share of TV-rights money and the social media earnings it claims athletes would have received if the NCAA's current limits on NIL compensation had not existed.

This has the potential to put, conservatively, hundreds of millions of dollars at stake. As allowed under federal antitrust law, the suit seeks to cover athletes who played in any of the past four years and carry forward through the date of a final judgment. In addition, if a jury decides to award damages to an antitrust plaintiff, the amount is tripled.

Specifically, the suit claims that football, men's basketball and women's basketball players at schools in the Power Five conferences are entitled to damages related to the use of their NILs during telecasts of games and that athletes in any sport at a Power Five school are entitled to damages related to social media earnings.

"The college sports industry has been immensely profitable for every party involved except the players themselves," the plaintiffs' lead attorney, Steve Berman, said in a statement. "For too long, the NCAA's bylaws, constitution and rules have governed all aspects of college sports, and we think these outdated and unnecessary regulations

are unlawfully keeping college athletes from compensation that is rightfully theirs."

Monday's filing adds to a series of recent developments threatening to destabilize a college sports landscape also being shaken by the coronavirus pandemic and protests in the aftermath of George Floyd's death in Minneapolis.

Less than a month ago, a three-judge panel of the 9th U.S. Circuit Court of Appeals unanimously upheld a district court ruling that the NCAA had violated antitrust law with its limits on various benefits athletes can receive from their schools. On Friday, Florida Gov. Ron DeSantis put his state alongside California and Colorado in passing a law aimed at helping college athletes make money off their NIL.

The moves by those three states and the introduction of similar bills in dozens of other states prompted the NCAA board of governors to approve in April a set of principles that set up significant reforms related to athlete name, image and likeness. But the association and the Power Five conferences also have been actively lobbying for federal legislation that would supersede the states'.

And, according to Tom McMillen, the CEO of an association that represents athletics directors of Football Bowl Subdivision schools, ADs are concerned about "conflicts (with schools' existing sponsorship deals) and displacements" of athletic department revenue that could occur with changes in NIL rules being proposed by the NCAA.

The new case was filed in U.S. District Court in the Northern District of California's Oakland Division. The named plaintiffs in the case are Arizona State men's swimmer Grant House, an Olympic hopeful, and Oregon women's basketball player Sedona Prince.

Big Ten athletes would be allowed to kneel

Christine Brennan
USA TODAY

As the Big Ten Conference launches a voter registration drive for more than 9,500 student-athletes while also announcing an Anti-Hate and Anti-Racism Coalition, Commissioner Kevin Warren told USA TODAY Sports that conference athletes would be able to kneel during the national anthem if sports are played this fall.

"I'm going to personally empower student-athletes to express their right to free speech and peaceful protest," Warren said in a phone interview Sunday. "What I have to do as a leader, I know my words matter, I know my actions matter and I will work through over these next couple months where I stand, and they know I stand together with them in all that I do."

Asked if that means Big Ten student-athletes would not be prevented from kneeling, Warren replied, "Correct. That's part of the beauty of the country that we will live in. Individuals are encouraged to express their rights to free speech and also peaceful protests."

Warren, who is African American, would not say if he would personally take a knee during the anthem. "I want to hear what's important to our coalition and what's important to our student-athletes. I want to listen."

Warren said his decision to start the Big Ten Anti-Hate and Anti-Racism Coalition, which will be comprised of about 180 student-athletes, coaches and officials from the 14 conference schools, stems in part from his personal history.

"As a Black man in society, understanding the issues Black people in society have faced, my parents would talk to me about Emmett Till from the time that I was a kid," he said. "Then with what's happened this year with Breonna Taylor, Ahmaud Arbery, George Floyd, and spending 15 years of my life in the community in Minnesota working for the Vikings, raising our kids, them going to high school, knowing this community in and out, then to watch that video, and then I thought of how many times there was no video to watch, and if that had occurred probably a few hours later two streets over with no video, they would have ended up saying Mr. Floyd was resisting arrest. That happens so many times."

Warren said the conference's new coalition fits "hand in hand" with the voter registration drive that seeks to make sure every Big Ten athlete is registered to vote for the Nov. 3 presidential election.

"I believe in any year, but especially this year and especially where we are as a society, that voting is the top way



Big Ten Commissioner Kevin Warren said that conference athletes would be able to kneel during the national anthem if sports are played this fall. THOMAS J. RUSSO/USA TODAY SPORTS

to influence issues that are going on from a social justice or social injustice standpoint," he said. "We want to do everything we can to encourage others to vote, to vote ourselves and to make sure that we don't allow voter suppression to occur."

Asked if the Big Ten will recommend that athletes have the day off on Election Day to vote, as others have advocated, he said the issue "will be on the table" for the coalition when it meets virtually in the next few weeks.

Warren also said that the coalition will deal with all forms of hate, including sexism and misogyny. Asked specifically if that includes Iowa's pink visiting football team locker room, a color associated with girls and women that the Iowa football program has used to portray weakness and softness, Warren replied: "That is an interesting question. The reason why we're meeting on our coalition is to talk about all these issues. Maybe there are other things that are going on on our campuses that we need to address. I will tell you this: We are going to address all of the issues in our conference and our country that are racist and that are filled with hate."

Fall sports in the midst of the pandemic are top of mind for all college sports officials, Warren included. He said the Big Ten's plan "is to have fall sports begin" but said specific scheduling decisions will be made over the next 30-45 days. He did not rule out the prospect of some conference schools playing and others not playing, as Penn State football coach James Franklin brought up last month.

He said a decision about allowing spectators in Big Ten stadiums also is yet to be made.

"The next 30 days," he said, "will be critical."

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