

UPDATE:

**THE CLASS OF 2022,  
THE NCAA'S FIVE-FOR-  
FIVE RULE,  
AND THE NATIONWIDE  
FIGHT FOR A FIFTH YEAR**

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**THE WAIVER  
WINDOW  
CLOSED JULY 31.**

**MORE THAN 80  
DAYS LATER,  
THE COURTS  
ARE STILL  
ANSWERING.**

# 80+ DAYS AFTER THE WAIVER WINDOW CLOSED, THE CLASS OF 2022 IS WINNING IN STATE COURT AND WAITING IN FEDERAL COURT.

On July 31, 2026, two rulings landed hours apart on the afternoon the NCAA's waiver window shut. In Nashville, Chancellor l'Ashea L. Myles granted 19 basketball players a temporary injunction restoring a fifth season, enjoined the Rule of Restitution, and ordered a private transfer portal window for them from August 3 to August 10.<sup>1</sup> In Denver, Judge Charlotte N. Sweeney certified a nationwide Rule 23(b)(2) class of every Division I athlete caught in the donut hole.<sup>2</sup> Both followed the Ohio breakthrough of July 9, when Judge Christopher Wagner ordered the NCAA to give 24 players a fifth season,<sup>3</sup> then refused to stay his own order.<sup>4</sup>

Those rulings started a wave. As of October 22, Class of 2022 athletes have filed more than 50 cases in at least 23 states. Trial courts have granted 19 TROs and 19 preliminary injunctions and denied relief 13 times. More than 240 athletes are playing under preliminary injunctions still in force, led by 94 in Indiana (*Daley*) and more than 70 in California (*Glancey*).

The federal picture is the opposite. The Tenth Circuit stayed the *Wisne* class injunction in August, and it remains frozen. Federal judges in Idaho, Iowa, Nevada, New York, and West Virginia have denied relief, though a second West Virginia court granted it in *Lorient*. On appeal the NCAA has won six rulings and lost six, with eight more pending. In Ohio, the governor issued an executive order letting schools play these athletes, and the NCAA sued him in federal court.

**50+**

CASES FILED

**38**

TROS AND PIS GRANTED

**240+**

ATHLETES UNDER PIS

**5-6**

NCAA APPELLATE RECORD

#### FOUR POINTS THAT DRIVE EVERYTHING

- 1 The rule left one class behind.** The NCAA's June 2026 change granted five seasons in five years to nearly everyone except athletes who graduated high school in 2022 and played four straight seasons without a redshirt. They competed against opponents holding COVID-era bonus seasons, and they alone received nothing.<sup>5</sup>
- 2 The waiver deadline was never the legal deadline.** July 31 closed a school-controlled administrative process. Athletes filed in August, September, and October and kept winning. The real clock is irreparable harm, and with fall seasons underway and winter seasons starting, it is running.
- 3 Contract is beating antitrust.** State courts reading the 2026-27 Division I Manual as written keep finding these athletes eligible. Federal antitrust claims remain viable but carry a heavy market-definition burden, and three appellate courts have vacated athlete injunctions on that ground.<sup>6</sup>
- 4 The class route is stalled.** Every member of the cohort belongs to the *Wisne* class, but its injunction is stayed. An athlete who wants to play this season needs a named-plaintiff case in a favorable state court.

**THE WAIVER WINDOW CLOSED  
JULY 31. THE FIGHT MOVED TO  
THE COURTROOM, AND ATHLETES  
ARE WINNING.**



THE Q4 UPDATE

**Q4**

# 80 DAYS, 50 LAWSUITS, AND A CLEAR PATTERN

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*What happened between the July 31 rulings and October 22, 2026, and what it means for the athlete still deciding whether to sue.*

# THE FIGHT FOR A FIFTH YEAR, BY THE NUMBERS

Since *Borovicinan* was filed in Cincinnati on June 24, Class of 2022 athletes have sued the NCAA in at least 20 states. By late August, more than 18 suits had been filed in 15 states on behalf of more than 150 athletes.<sup>7</sup> The wave has only grown since. The figures below count the cases and rulings we could verify on a public docket or in published reporting through October 22, 2026.<sup>8</sup>

## CASES AND RULINGS

|                           |                                              |                                      |
|---------------------------|----------------------------------------------|--------------------------------------|
| <b>50+</b><br>CASES FILED | <b>23</b><br>STATES WITH FILINGS             | <b>16</b><br>AWAITING A FIRST RULING |
| <b>19</b><br>TROS GRANTED | <b>18</b><br>PRELIMINARY INJUNCTIONS GRANTED | <b>13</b><br>REQUESTS DENIED         |

## ATHLETES PLAYING UNDER A COURT ORDER

|                                                            |                                                 |
|------------------------------------------------------------|-------------------------------------------------|
| <b>240+</b><br>COVERED BY PRELIMINARY INJUNCTIONS IN FORCE | <b>11+</b><br>COVERED BY TROS NOT YET CONVERTED |
|------------------------------------------------------------|-------------------------------------------------|

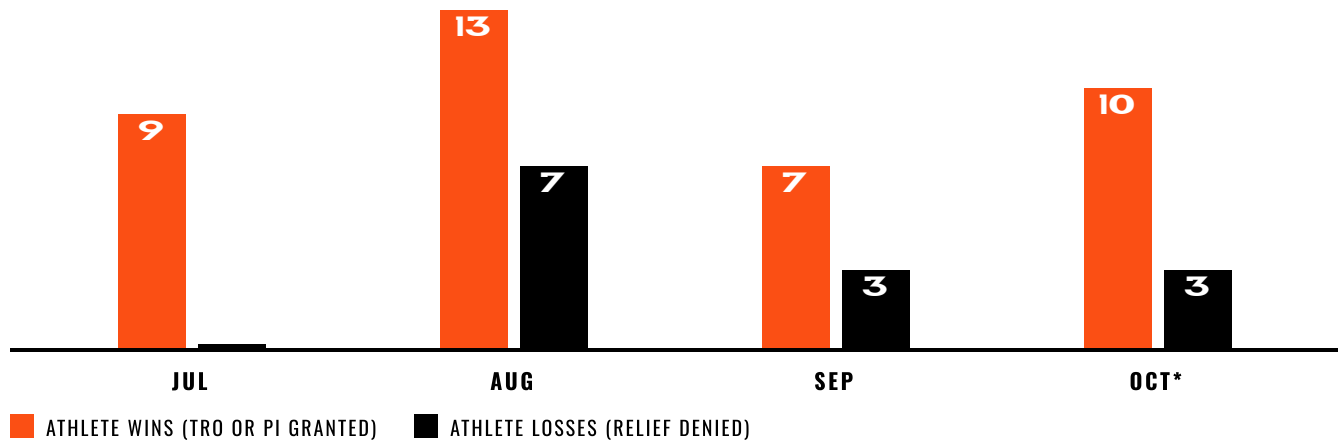
## NCAA APPEALS

|                            |                                                                                                                                                                                    |          |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>WON BY NCAA</b>         |                                                                                                | <b>6</b> |
|                            | <i>Wisne stay (10th Cir.), Borovicinan (Ohio 1st Dist.), New Jersey stay, Wells (Ky. Ct. App.), Godfrey stay (Ga. Ct. App.), Washington stay (Tenn. Ct. App.)</i> <sup>9</sup>     |          |
| <b>WON BY THE ATHLETES</b> |                                                                                                | <b>6</b> |
|                            | <i>Rembert (Miss.), Daley transfer bid (Ind. Sup. Ct.), Daley stay (Ind. Ct. App.), Borovicinan reversal stayed (Ohio Sup. Ct.), two Pyburn writs (La. 1st Cir.)</i> <sup>10</sup> |          |
| <b>PENDING</b>             |                                                                                                | <b>8</b> |
|                            | <i>Daley, Washington, Godfrey, Pearce, Pratt, Council, Aberdeen, Lorient</i>                                                                                                       |          |

How we counted: a "win" is a TRO or preliminary injunction granted to an athlete. Group orders count once per order; athlete totals count each covered plaintiff. The 240+ figure excludes the stayed *Wisne* class, which would add thousands if the Tenth Circuit affirms. State dockets are incomplete, so every figure is a floor, not a ceiling.<sup>11</sup>

# 38 WINS, 13 LOSSES

Trial courts have ruled for Class of 2022 athletes in nearly three of every four contested requests we verified. August was the high-water mark: 12 orders for athletes as the Tenth Circuit froze the Colorado class and athletes rushed to local courthouses. It was also the month federal judges began saying no, starting with *Edwards* in Brooklyn.<sup>12</sup> Every month since July has produced more wins than losses.



\*October through the 22nd. One New York injunction whose entry date is not public (*Pratt*) appears in the totals but not the monthly bars.<sup>8</sup>

## BY THEORY PLED



Theory breakdown covers the 23 cases whose pleadings or opinions we reviewed directly, including every federal opinion available on Midpage through October 22.<sup>11</sup>

**THE CONTRACT THEORY IS WINNING.  
ANTITRUST WINS ONLY WITH A FULL  
MARKET RECORD.**

# EVERY RULING, JULY AND AUGUST

Every trial-court ruling on a Class of 2022 request for a TRO or preliminary injunction that we could verify, in date order. Federal opinions were pulled and read through Midpage; state orders come from the dockets and the College Sports Litigation Tracker.<sup>8</sup>

■ RELIEF GRANTED TO ATHLETES   ■ RELIEF DENIED OR REVERSED   (N) = PLAINTIFFS COVERED

| CASE                      | COURT                   | DATE              | RULING                                  | STATUS OCT. 22                                                                      |
|---------------------------|-------------------------|-------------------|-----------------------------------------|-------------------------------------------------------------------------------------|
| <i>Ondekane</i>           | State court             | Jul. 1            | ■ Temporary injunction granted          | Granted                                                                             |
| <i>Borovicanin (24)</i>   | Hamilton Cnty., Ohio    | Jul. 9            | ■ PI granted                            | Dissolved Oct. 2; Ohio Sup. Ct. stayed that Oct. 14                                 |
| <i>Hutson</i>             | Travis Cnty., Tex.      | Jul. 22           | ■ TRO granted                           | Eligible by NCAA agreement                                                          |
| <i>Oates</i>              | Payne Cnty., Okla.      | Jul. 29           | ■ TRO granted                           | PI pending                                                                          |
| <i>Wheeler</i>            | McLennan Cnty., Tex.    | Jul. 29; Aug. 14  | ■ TRO, then PI granted                  | In force                                                                            |
| <i>Webb</i>               | St. Louis Cnty., Mo.    | Jul. 30           | ■ TRO granted                           | Eligible by NCAA agreement                                                          |
| <i>Kromah</i>             | Essex Cnty., N.J.       | Jul. 30           | ■ PI granted                            | NCAA won a stay in New Jersey                                                       |
| <i>Washington (19)</i>    | Davidson Cnty., Tenn.   | Jul. 31           | ■ Temporary injunction granted          | Stayed by Tenn. Ct. App. Aug. 26; request to lift stay denied Oct. 13 <sup>14</sup> |
| <i>Wisne (class)</i>      | D. Colo.                | Jul. 31           | ■ Class certified; PI granted           | Stayed by 10th Cir.                                                                 |
| <i>Godfrey</i>            | Cobb Cnty., Ga.         | Aug. 5            | ■ PI granted                            | Stayed by Ga. Ct. App. Sept. 9                                                      |
| <i>Branch</i>             | State court             | Aug. 13           | ■ Injunctive relief denied              | Closed for 2026-27                                                                  |
| <i>Rembert</i>            | Mississippi             | Aug. 16           | ■ PI granted                            | NCAA appeal denied Sept. 30                                                         |
| <i>Glancey (70+)</i>      | Santa Clara Cnty., Cal. | Aug. 18; Oct. 20  | ■ TRO, then PI granted                  | In force                                                                            |
| <i>Iwuchukwu</i>          | Queens Cnty., N.Y.      | Aug. 18           | ■ TRO granted                           | In force                                                                            |
| <i>Pyburn (28+)</i>       | E. Baton Rouge, La.     | Aug. 19; Sept. 3  | ■ TRO, then PI granted                  | Writs denied Sept. 14, Oct. 2                                                       |
| <i>Steen</i>              | Leon Cnty., Fla.        | Aug. 20           | ■ Ex parte TRO denied                   | PI pending                                                                          |
| <i>Dallas group (24+)</i> | Dallas Cnty., Tex.      | Aug. 20           | ■ Eligibility relief granted            | Granted                                                                             |
| <i>Mitchell</i>           | Jefferson Cnty., Ky.    | Aug. 21           | ■ PI granted                            | In force                                                                            |
| <i>Warren</i>             | Brazos Cnty., Tex.      | Aug. 26           | ■ TRO granted (binds SEC) <sup>15</sup> | In force                                                                            |
| <i>Miller</i>             | Orange Cnty., Fla.      | Aug. 25           | ■ TRO and PI denied                     | Closed for 2026-27                                                                  |
| <i>Fuller</i>             | D. Nev.                 | Aug. 28           | ■ TRO denied                            | Ineligible; NCAA moved to dismiss Oct. 20                                           |
| <i>Christensen</i>        | Boulder Cnty., Colo.    | Aug. 24           | ■ PI denied                             | Closed for 2026-27                                                                  |
| <i>Luis</i>               | E. Baton Rouge, La.     | Aug. 24           | ■ Eligibility relief granted            | In force                                                                            |
| <i>Nunnery</i>            | State court             | Aug. 26; Sept. 29 | ■ TRO, then PI granted                  | In force                                                                            |
| <i>Edwards</i>            | E.D.N.Y.                | Aug. 26           | ■ PI denied (antitrust)                 | Closed for 2026-27                                                                  |
| <i>Avila</i>              | State court             | Aug. 27           | ■ TRO denied                            | Closed for 2026-27                                                                  |
| <i>Bowie</i>              | State court             | Aug. 27           | ■ TRO granted                           | Granted                                                                             |

# EVERY RULING, SEPTEMBER AND OCTOBER

■ RELIEF GRANTED TO ATHLETES ■ RELIEF DENIED OR REVERSED (N) = PLAINTIFFS COVERED

| CASE                              | COURT                   | DATE              | RULING                                       | STATUS OCT. 22                           |
|-----------------------------------|-------------------------|-------------------|----------------------------------------------|------------------------------------------|
| <i>Daley (94)</i>                 | Monroe Cnty., Ind.      | Sept. 4; Sept. 23 | ■ TRO, then PI granted                       | In force; stay denied Oct. 16            |
| <i>Trotter (14)</i>               | S.D.W. Va.              | Sept. 9           | ■ PI denied                                  | Closed for 2026-27                       |
| <i>Helms (4)</i>                  | D. Idaho                | Sept. 16          | ■ TRO denied; PI held for hearing            | PI hearing held Oct. 15                  |
| <i>Ogbole</i>                     | Westchester Cnty., N.Y. | Sept. 17          | ■ PI granted                                 | In force                                 |
| <i>Pearce</i>                     | Westchester Cnty., N.Y. | Sept. 22          | ■ PI granted                                 | NCAA appealed Oct. 14                    |
| <i>Yriondo</i> <sup>16</sup>      | Providence Cnty., R.I.  | Sept. 30          | ■ TRO and PI denied                          | Closed for 2026-27                       |
| <i>Lorient (4)</i>                | N.D.W. Va.              | Sept. 30          | ■ PI granted (antitrust + contract)          | In force; NCAA stay motion pending       |
| <i>Rush</i>                       | State court             | Oct. 2            | ■ PI granted                                 | In force                                 |
| <i>Schlosser</i>                  | State court             | Oct. 2            | ■ TRO granted                                | In force                                 |
| <i>Campbell (Treyton)</i>         | State court             | Oct. 2            | ■ TRO granted                                | In force                                 |
| <i>Wells</i>                      | Ky. Ct. App.            | Oct. 2            | ■ Injunction reversed                        | Closed for 2026-27                       |
| <i>Cruz</i>                       | D. Nev.                 | Oct. 2            | ■ PI denied; reconsideration denied          | Closed for 2026-27                       |
| <i>Peña &amp; Carcel (2)</i>      | Washington Cnty., R.I.  | Oct. 8            | ■ TRO and PI denied                          | Closed for 2026-27                       |
| <i>Bauman &amp; Earby (2)</i>     | Washtenaw Cnty., Mich.  | Oct. 13           | ■ TRO granted <sup>17</sup>                  | In force                                 |
| <i>Tettamble</i>                  | St. Louis Cnty., Mo.    | Oct. 14           | ■ PI granted                                 | In force                                 |
| <i>Gunn</i>                       | State court             | Oct. 14           | ■ TRO granted                                | PI hearing set                           |
| <i>Rohatinsky</i>                 | State court             | Oct. 14           | ■ TRO granted                                | In force                                 |
| <i>Fried</i>                      | State court             | Oct. 14           | ■ TRO granted                                | In force                                 |
| <i>James</i>                      | S.D. Iowa               | Oct. 16           | ■ PI and reconsideration denied              | Closed for 2026-27                       |
| <i>Jefferson Cnty. group (38)</i> | Jefferson Cnty., Ky.    | Oct. 16           | ■ Temporary injunction granted <sup>18</sup> | In force; replaces order reversed Oct. 2 |
| <i>Pratt</i>                      | N.Y. Sup. Ct.           | Not public        | ■ PI granted                                 | NCAA appealed Oct. 15                    |
| <i>Council</i>                    | N.Y. Sup. Ct.           | Not public        | ■ PI granted                                 | NCAA appealed Oct. 15                    |

49

LEDGER ENTRIES

35

GRANTED TO ATHLETES

14

DENIED OR REVERSED

8

FEDERAL RULINGS

Ledger entries count one row per case. A case with both a TRO and a PI appears once, so the ledger's 35 grants are fewer than the 38 TRO and PI orders on the scoreboard. Related JUCO-counting cases (Ramirez, Tu'Akoi, Blythe) are excluded.<sup>19</sup> Rhode Island denied all three state-court requests filed there.<sup>20</sup>

# FILED, NOT YET DECIDED

These Class of 2022 and closely related eligibility cases had no reported ruling on the athlete's request for relief as of October 22, or are past the injunction stage and waiting on the merits. Each is a decision that could move the numbers in the next edition.<sup>821</sup>

| CASE                      | COURT                    | FILED    | THEORY                          | WHERE IT STANDS                                  |
|---------------------------|--------------------------|----------|---------------------------------|--------------------------------------------------|
| <i>Pinion</i>             | D.R.I.                   | Oct. 8   | Antitrust + contract            | TRO argued Oct. 19; ruling pending <sup>22</sup> |
| <i>Simpson</i>            | D.R.I.                   | Oct. 8   | Antitrust + contract            | TRO argued Oct. 19; ruling pending               |
| <i>Wingard</i>            | N.Y. Sup. Ct.            | Oct. 9   | Contract + Donnelly Act         | Awaiting first hearing                           |
| <i>Johnson-Matthews</i>   | Federal                  | Aug. 18  | JUCO counting + Class of 2022   | Briefing                                         |
| <i>Moore (Mia)</i>        | State court              | Sept. 6  | Contract + tort (injury waiver) | Awaiting hearing                                 |
| <i>Kelly</i>              | Monongalia Cnty., W. Va. | Aug. 13  | Contract                        | TRO and PI pending                               |
| <i>Koonin</i>             | Essex Cnty., N.J.        | Aug. 14  | Contract                        | Ruling not reported                              |
| <i>Dalley</i>             | Pickens Cnty., S.C.      | Aug. 10  | Contract                        | PI hearing held Aug. 31; ruling not reported     |
| <i>Steen</i>              | Leon Cnty., Fla.         | Aug. 14  | Contract                        | PI pending; NCAA moved to dismiss                |
| <i>Oates</i>              | Payne Cnty., Okla.       | Jul. 10  | Contract                        | Under TRO; PI pending                            |
| <i>Helms</i>              | D. Idaho                 | Sept. 16 | Contract + antitrust            | PI argued Oct. 15                                |
| <i>Morton</i>             | N.D. Ga.                 | 2026     | Antitrust + contract            | NCAA motion to dismiss pending                   |
| <i>Campbell (class)</i>   | D. Colo. (refiled)       | Jun. 25  | Antitrust damages               | Refiled from N.D. Ill.; no ruling                |
| <i>Robinson (Jimmori)</i> | Federal                  | 2026     | Eligibility                     | NCAA answered; discovery                         |
| <i>Elliott</i>            | Federal                  | 2026     | Eligibility (Big Ten)           | Big Ten motion to dismiss pending                |
| <i>Patterson</i>          | M.D. Tenn.               | 2025     | Antitrust + contract            | Second amended complaint allowed Sept. 15        |

16

CASES AWAITING A RULING

9

FEDERAL

7

STATE

**WINTER SPORTS ARE STARTING. EVERY WEEK WITHOUT A RULING IS A WEEK OF GAMES LOST.**

# STATE COURTS ARE SAYING YES. FEDERAL ANTITRUST IS SAYING WAIT.

The split we flagged in July has hardened. State judges, asked to read the NCAA bylaws as a contract, keep finding that the 2026-27 Division I Manual means what it says. Federal judges, asked to hold the rule an unreasonable restraint of trade, have denied relief in six of eight Class of 2022 rulings, almost always for the same reason: no evidence defining the relevant market.

## STATE COURT: CONTRACT

**Indiana.** 94 athletes under a preliminary injunction; Court of Appeals refused a stay.<sup>23</sup>

**California.** 70+ athletes under a prohibitory injunction after a full evidentiary hearing.<sup>24</sup>

**Louisiana.** 28+ athletes under a preliminary injunction; the First Circuit denied writs twice.<sup>10</sup>

**Tennessee.** 19 basketball players under a temporary injunction since July 31.

**Mississippi.** Two appellate rejections of the NCAA, in March and September 30.<sup>25</sup>

## FEDERAL COURT: ANTITRUST

**Colorado.** *Wisne* class injunction, stayed by the Tenth Circuit.<sup>26</sup>

**N.D. West Virginia.** *Lorient*: PI granted to four athletes on antitrust and contract, Sept. 30.<sup>13</sup>

**S.D. West Virginia.** *Trotter*: PI denied to 14 Marshall athletes, Sept. 9.<sup>27</sup>

**Idaho, Nevada, New York.** *Helms, Cruz, and Edwards*: relief denied for lack of market proof.<sup>28,29</sup>

**Iowa.** *James*: PI denied; reconsideration denied Oct. 16.<sup>30</sup>

The appellate backdrop explains the caution. On September 9 the Ninth Circuit vacated a five-year-rule injunction in *Blythe*, holding the rule is a commercial restraint subject to the Sherman Act but that the athlete "presented almost no evidence" of market effects.<sup>19</sup> State appellate courts are not a free pass either: Kentucky reversed *Wells*, the Ohio First District dissolved *Borovicanin*, and Georgia stayed *Godfrey*.<sup>9</sup> But the state reasoning that wins is narrow and textual, which makes it harder to reverse.

# WISNE: THE CLASS THAT COULD NOT HOLD

On July 31, Judge Charlotte Sweeney certified a nationwide class of every Division I athlete who began competing in 2022-23 and exhausted four seasons by the end of 2025-26, and enjoined the NCAA from denying them a fifth. She found the plaintiffs likely to succeed on their Sherman Act Section 1 claim and rejected the NCAA's "roster chaos" argument.<sup>26</sup> Two days later she clarified that the order reaches only the fifth season: transfer rules, roster caps, and the age-based five-year clock still apply.

Three weeks later the Tenth Circuit stayed the injunction pending appeal. Athletes who were practicing, traveling, and in some cases already playing exhibitions lost eligibility overnight. A Portland State soccer player learned at a team breakfast, between two preseason starts. A Long Island track athlete who is a named plaintiff took out a \$30,000 loan after her scholarship was pulled, and cannot easily file her own state case because she is already a party to this one.<sup>26</sup>

Class counsel moved to expedite the appeal. As of October 22 the stay remains in place. Minnesota's Cade Tyson, a lead plaintiff and the Big Ten's sixth-leading scorer last season, still cannot play in a regular-season game.<sup>31</sup>

## WHAT WISNE MEANS FOR YOUR ATHLETE

**Membership is not eligibility.** Every member of the cohort is in the class, and the class order is frozen. Waiting on *Wisne* means waiting on the Tenth Circuit.

**Named plaintiffs are boxed in.** A named class representative who files a parallel individual suit invites a duplicative-litigation objection. Unnamed members are freer to file locally.

**A win on appeal still matters.** Affirmance would restore eligibility for thousands at once and anchor every pending antitrust case.

**THE CLASS WAS THE FASTEST ROAD. IT IS NOW THE SLOWEST.**

# **BOROVICANIN, THE GOVERNOR, AND THE NCAA'S NEWEST DEFENDANT**

*Borovicanin* was the first Class of 2022 case filed and the first to win. The Hamilton County trial court granted a preliminary injunction on July 9; the First District stayed it pending appeal, heard argument September 22, and on October 2 entered a judgment dissolving it.<sup>32</sup> That looked like the end of the Ohio route.

It was not. On October 14 the Ohio Supreme Court stayed the First District's judgment and mandate and ordered briefing on a question no court had faced before: the effect of Executive Order 2026-04D.<sup>33</sup> Governor Mike DeWine signed that order days earlier. It gives Ohio's public and private colleges the option to let Class of 2022 athletes compete for a fifth season while the court challenges play out. "We have a mess," the governor said. "We have a group of students, student-athletes, who are discriminated against."<sup>34</sup>

The NCAA answered by suing the governor in federal court. Its 38-page complaint invokes the First Amendment and the Commerce Clause and argues that the order compels Ohio schools "to ignore NCAA eligibility rules to the disadvantage of thousands of student athletes and institutions across the country."<sup>34</sup> For the first time in this fight, the NCAA is the plaintiff and a state is the defendant.

## **WHY OHIO MATTERS BEYOND OHIO**

If the executive order survives, it hands every governor a template and moves the fight from courtrooms to statehouses. If it falls, the Commerce Clause holding will shape how far any state can go in regulating NCAA eligibility, including the state NIL statutes the NCAA has already challenged. Either way, Ohio Supreme Court briefing is the docket to watch in November.

**A STATE JUST TOLD ITS SCHOOLS TO  
IGNORE THE NCAA. THE NCAA SUED  
THE STATE.**

# DALEY: 94 ATHLETES AND A PLAIN-TEXT WIN

Eight athletes filed *Daley v. NCAA* in Monroe County, Indiana, on September 4, and the plaintiff group grew to 94. Judge Kara Krothe entered a TRO the day it was filed and, on September 23, a preliminary injunction that remains in effect until trial.<sup>23</sup> The roster reads like a transfer-portal ledger: Kansas's Tre White, Miami's Malik Reneau, Butler's Yohan Traore, two Indiana swimmers, a Purdue-bound football player, and Kansas football players Chase Belcher and Clifton Thompson among them.<sup>35</sup>

## THE HOLDING

Judge Krothe read the 2026-27 Division I Manual as written. Unlike other recent bylaw changes, the new five-season rule carries no transition provision excluding the Class of 2022, and the NCAA cannot use its own earlier press release as parol evidence to add one. In the alternative, she found the exclusion arbitrary and capricious and the NCAA's "self-imposed timeline" unreasonable.<sup>23</sup> She also ordered the transfer portal opened for the plaintiffs for one week, and placed them "in the position they were in at the end of their last college sports season."<sup>35</sup>

## THE APPEALS

The NCAA asked the Indiana Supreme Court to take the case directly. It declined on October 1. The NCAA then sought an emergency stay from the Court of Appeals. Chief Judge Elizabeth Tavitas denied it on October 16, with her colleagues concurring.<sup>23</sup> Under the injunction's terms, schools that play these athletes face no penalty. Thompson has already debuted for Kansas.<sup>23</sup>

94

ATHLETES COVERED

0

NCAA STAYS GRANTED

2

APPELLATE DEFEATS FOR THE NCAA

**INDIANA IS THE MODEL CASE.  
CONTRACT TEXT, A FULL RECORD, AND  
A STAY DENIED ON APPEAL.**

## TWO COASTS, SAME ANSWER

### NEW YORK

New York has become one of the most reliable forums in the country for Class of 2022 athletes. *Iwuchukwu* won a TRO in Queens County on August 18.<sup>36</sup> *Pearce* won a preliminary injunction in Westchester on September 22, in a decision calling the NCAA's claimed harm "speculative," and *Pratt* won one as well;<sup>37</sup> the NCAA noticed appeals to the Appellate Division on October 14 and 15. Kansas guard Melvin Council Jr. is playing under his own New York injunction, which the NCAA appealed on October 15.<sup>36</sup> *Wingard*, filed October 9, pairs the contract claim with a count under New York's Donnelly Act, the state's antitrust statute.<sup>36</sup>

Leopoldus Law, APC is co-counsel, with Ivan Parron and Oscar Michelen, for former Rutgers center Emmanuel Ogbole in Westchester County. Ogbole played one season at Monroe College and three at Rutgers. Kansas filed a hardship-waiver appeal and an extension request for him on July 31, the last day the NCAA accepted waivers, and Georgia, Oklahoma, Tennessee, and UNLV are named as interested programs. The court first signed an order to show cause, then granted a TRO after argument on September 17. The preliminary-injunction hearing was held September 30 and the preliminary injunction was granted.<sup>38</sup>

### CALIFORNIA

On October 20, Judge Beth McGowen of the Santa Clara County Superior Court granted a preliminary injunction in *Glancey v. NCAA* to more than 70 Class of 2022 athletes, including BYU center Jaxon Kohler.<sup>24</sup> The case was filed July 17 and won a TRO on August 18.

Two features make *Glancey* harder to undo than most. First, it came after a contested evidentiary hearing with dozens of witnesses, not on the papers. Second, it is prohibitory, not mandatory. Because the bylaws as written make these athletes eligible, the order preserves the status quo rather than changing it, and appellate courts give that kind of order more deference.<sup>24</sup>

**A PROHIBITORY INJUNCTION AFTER A  
FULL HEARING IS THE STRONGEST  
ORDER AN ATHLETE CAN HOLD.**

# LSU, THE SEC, AND THE PLAYERS WHO ALREADY WENT PRO

The rule change created a cohort nobody planned for: athletes who signed professional contracts this spring because they believed their college careers were over. Several are now back on college rosters by court order.

| PLAYER          | PROFESSIONAL RECORD                                                                                            | RETURNED TO    |
|-----------------|----------------------------------------------------------------------------------------------------------------|----------------|
| RJ Luis         | Two-way contract with the Utah Jazz; traded to Boston; appeared in three NBA regular-season games <sup>7</sup> | LSU basketball |
| Zxavian Harris  | Defensive lineman, New Orleans Saints                                                                          | LSU football   |
| Dae'Quan Wright | Tight end, Cleveland Browns                                                                                    | LSU football   |
| Gunn            | Brief professional basketball participation; TRO granted October 14                                            | Pending        |

LSU went further than anyone. A Louisiana TRO in August restored Wright's eligibility, and on September 3 East Baton Rouge Parish Judge William Jorden entered a preliminary injunction after a nearly nine-hour hearing, the night before LSU's 105-man roster was due. SEC Commissioner Greg Sankey spent more than two hours on the stand defending the conference ban on former pros. Both players testified they would not have signed with NFL teams had they known a fifth year might come.<sup>39</sup>

The SEC sued its own founding member in federal court, naming LSU's board, President Wade Rouse, Athletic Director Verge Ausberry, and Lane Kiffin, on a First Amendment expressive-association theory.<sup>39</sup> The case is the first lawsuit by a power conference against a member over eligibility, and the clearest sign that conferences, not the NCAA, may become the next defendants.

## Q4 UPDATE · THE PRESS

# IN THEIR WORDS

Coaches, administrators, and the NCAA's own leadership have been unusually blunt. Their words are worth reading as evidence: several of these statements have already appeared in court filings, and more will.

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*"They don't really care what we think. You might think they do, but they don't. We knew it wasn't perfect, but we were in favor of this 5-for-5 rule. Then they just ambushed us and said we're starting it now."*<sup>31</sup>

**NIKO MEDVED**

Head coach, Minnesota men's basketball, Oct. 18, 2026

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*"It's wrong to be critical of these kids. They were granted a fifth year and a judge said they were wronged."*<sup>40</sup>

**LANE KIFFIN**

Head coach, LSU football

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*"Do I like anything about it? Absolutely not, but we gotta do what's right for Ohio State."*<sup>40</sup>

**RYAN DAY**

Head coach, Ohio State football

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*"Once you go to the NFL, to me, you're in the NFL. You don't get the opportunity to come back."*<sup>40</sup>

**DAN LANNING**

Head coach, Oregon football

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*"We asked the NCAA to give everyone five years last year when we filed the Patterson lawsuit. They said no. Now they've done it, but excluded the athletes asking for the change."*<sup>44</sup>

**RYAN DOWNTON**

Plaintiffs' attorney, *Patterson* and the Louisiana and Dallas filings

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*"Today's rulings and the chaos they bring to college sports are exactly why it's time to pass this bill."*<sup>41</sup>

**CHARLIE BAKER**

NCAA President, July 31, 2026

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*"Without targeted intervention from Congress, college sports cannot set nationwide rules everyone can play by and without Congress, failed professionals will continue to use college sports as a fallback option — robbing the next class of young athletes of college scholarships"*

**CHARLIE BAKER**

NCAA President, August 1, 2026

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*"Egregiously wrong."*<sup>42</sup>

**SCOTT BEARBY**

NCAA Senior Vice President of Legal Affairs and General Counsel, on the *Wisne* rulings, Aug. 1, 2026

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*"To take that opportunity away from [the class of 2022] is frankly just cavalierly and without much thought,"*<sup>43</sup>

**BRANDON LEOPOLDUS**

Athlete's attorney (*Iwuchukwu, Pearce, Yriondo, Gayle*)

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# 1

PART ONE

## THE NEW RULE, THE DONUT HOLE, AND THE JULY 31 DEADLINE

*The transition rules decide who wins and who loses. One group got nothing.*

# WHAT THE NCAA APPROVED

In late June 2026 the NCAA Division I Cabinet adopted an age-based eligibility model by emergency same-day vote, quickly nicknamed “five-for-five.”<sup>45</sup> A student-athlete may now compete in up to five seasons within five years, with the eligibility clock starting at the earlier of full-time collegiate enrollment or the academic year following the athlete's 19th birthday.<sup>46</sup> The model wipes out the machinery that defined eligibility for decades: season-of-competition limits, redshirt years, medical hardship waivers, and eligibility-clock extensions all disappear. Only three exceptions survive: pregnancy, active-duty military service, and official religious missions.<sup>47</sup> Full implementation arrives August 1, 2026.<sup>48</sup> The two courts that ruled on July 31 gave the vote three different dates, June 22, June 23, and June 24.<sup>49</sup>

The transition rules decide who wins and who loses. Prospects graduating high school in spring 2027 or later fall under the age-based model exclusively. Current athletes with eligibility remaining after 2025-26 receive whichever framework treats them better, old or new. Athletes enrolling in 2026-27 get the same favorable election. One group gets nothing: athletes who completed a fourth season of competition by the end of 2025-26.<sup>50</sup> The Cabinet has said it “do[es] not intend to change course,” and that athletes exhausting eligibility this year “have received the full period of eligibility permitted” under the bylaws.<sup>51</sup>

On April 15, 2026, in the middle of the men's and women's basketball transfer-portal windows, the NCAA released a governance statement announcing an additional year of eligibility for all players. It did not exclude the class of 2022. Athletes entered the portal on that announcement. The exclusion came on April 27.<sup>52</sup> That sequence is the reliance evidence in every contract case that follows.

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### FIVE SEASONS, FIVE YEARS

The clock starts at the earlier of full-time enrollment or the academic year after the athlete turns 19. Season-of-competition limits, redshirts, and hardship waivers all disappear on August 1, 2026.

# WHO FALLS INTO THE DONUT HOLE?

The excluded group is easy to describe: athletes who graduated high school in 2022, enrolled that fall, never redshirted, and played four consecutive seasons from 2022-23 through 2025-26. They exhausted their four seasons of competition this spring under the old rule, NCAA Bylaw 12.6.1 (formerly Bylaw 12.8), which allowed four seasons of intercollegiate competition within five calendar years.<sup>53</sup> Their five-year windows remain open. The new model would give them a fifth season if it applied to them. The NCAA wrote the transition so it does not.

Every group around them fared better. Athletes from the classes of roughly 2017 through 2021 received the COVID-19 blanket waivers, which granted an extra season of competition and an extra year on the clock regardless of how much anyone played in 2020-21.<sup>54</sup> Class of 2022 athletes who redshirted a year still hold an unused season and may play in 2026-27. Class of 2022 athletes who spent time in professional leagues, junior college, or the G League before enrolling can also play in 2026-27, because the NCAA does not charge professional seasons against the collegiate clock the same way. The Ohio complaint sharpened that comparison to a point: one comparator was charged zero seasons for 84 professional games, while a plaintiff was charged a full season for six unpaid minutes of action.<sup>55</sup> And the classes of 2023 forward keep their remaining eligibility plus the favorable-model election. The class of 2022 non-redshirt athlete stands alone in the gap. That is the donut hole.

## EVERYONE AROUND THEM FARED BETTER

**CLASSES 2017–2021.** COVID blanket waivers: extra season, extra clock year.

**2022 REDSHIRTS.** Hold an unused season; may play 2026-27.

**2022 FORMER PROS / JUCO.** Pro seasons not charged the same way; may play 2026-27.

**2022 NON-REDSHIRT.** Four straight seasons. Nothing. The donut hole.

# THE JULY 31 DEADLINE: A SCHOOL-CONTROLLED EXIT

**IT ONLY CLOSED THE ADMINISTRATIVE PATH. IT NEVER TOUCHED THE COURTHOUSE.**

The NCAA attached one administrative safety valve to the new model, and it has now expired. Member schools had to submit all remaining season-of-competition and eligibility-clock-extension waiver requests, with supporting documentation, for circumstances occurring through 2025-26 by July 31, 2026. The waiver process under the old rules no longer exists.<sup>56</sup>

The waiver system has always run through the school. A hardship waiver, or a clock-extension request, reached the NCAA only when a member institution rostered the athlete, built the record, and filed the request on the athlete's behalf.<sup>57</sup> The athlete has no standing to file his own waiver. That design creates a trap: a school cannot roster an athlete the NCAA has declared out of eligibility, and a compliance office will rarely spend a roster spot on a player whose return depends on a waiver the NCAA has already said it will not grant. The rule tells the athlete to ask through a door only a school can open, and now that door is closed.

Litigation runs on a different track. An antitrust claim under Section 1 of the Sherman Act belongs to the athlete personally; it requires no school sponsor, no roster spot, and no NCAA process.<sup>58</sup> A contract claim likewise belongs to the athlete, who sues as a party to, or third-party beneficiary of, the web of agreements binding the NCAA and its member schools.<sup>59</sup> As a constitutional matter this is not a due-process violation; the Supreme Court held in *NCAA v. Tarkanian* that the NCAA is a private association, not a state actor.<sup>60</sup> But the instinct is sound: when the only administrative remedy requires a sponsor the rule itself takes away, court becomes the only forum left. The deadline never limited litigation. Athletes filed in August, September, and October, and courts kept granting relief. But every week of delay still weakens the irreparable-harm showing, and with fall seasons underway and winter seasons starting, that clock is now short.<sup>61</sup>

## ACTION ITEM

The hardship route is now closed. If a school filed a waiver before the July 31 deadline, confirm the decision and preserve the file, because a denial is evidence of inconsistent application in a later contract case. If no waiver was filed, that path is gone and the only remaining question is litigation posture: named plaintiff, class member, or neither.

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PART TWO

## THE ACTIVE CASES: WHERE EVERY LAWSUIT STANDS

*Five weeks after the Cabinet vote: lawsuits in at least eight jurisdictions, three injunctions, and one certified class.*

# 14 CASES AND COUNTING

Status current through October 22, 2026. See the Q4 Update for every later ruling.<sup>62</sup>

| CASE                                      | COURT                                | THEORY                           | STATUS (OCT. 22, 2026)                                                                                     |
|-------------------------------------------|--------------------------------------|----------------------------------|------------------------------------------------------------------------------------------------------------|
| <b><i>Borovicanin</i></b>                 | Hamilton Cnty., Ohio (Com. Pl.)      | <b>Contract</b>                  | <b>PI July 9; dissolved by 1st Dist. Oct. 2; Ohio Sup. Ct. stayed that ruling Oct. 14</b>                  |
| <b><i>Washington</i></b>                  | Davidson Cnty., Tenn. (Chancery)     | <b>Contract</b>                  | <b>Temporary injunction July 31; STAYED by Tenn. Ct. App. Aug. 26; request to lift stay denied Oct. 13</b> |
| <b><i>Patterson</i></b>                   | M.D. Tenn.                           | Antitrust + contract             | PI denied Jan. 15; renewed PI motions pending; discovery stayed Oct. 14 pending new schedule               |
| <b><i>Wisne (class)</i></b>               | D. Colo.                             | Antitrust + contract             | <b>Class PI July 31; STAYED by 10th Cir. in August; merits appeal pending</b>                              |
| <b><i>Campbell (class)</i></b>            | N.D. Ill.                            | Antitrust (damages)              | Refiled in D. Colo. (No. 26-cv-03635); no ruling                                                           |
| <b><i>Fuller</i></b>                      | D. Nev.                              | Antitrust + contract             | TRO DENIED Aug. 28; ineligible; NCAA moved to dismiss Oct. 20                                              |
| <b><i>Morton</i></b>                      | N.D. Ga.                             | Antitrust + contract             | NCAA motion to dismiss (July 20) pending; no ruling                                                        |
| <b><i>Miller</i></b>                      | Orange Cnty., Fla. (9th Jud. Cir.)   | Injunction (JUCO)                | TRO and PI DENIED Aug. 25; ineligible for 2026                                                             |
| <b><i>Godfrey (Stillwell), et al.</i></b> | Cobb Cnty., Ga. (Super. Ct.)         | <b>Contract + Ga. FBPA</b>       | Injunction Aug. 5 (16 players); STAYED by Ga. Ct. App. Sept. 9; appeal pending                             |
| <b><i>Glancey (Dent), et al.</i></b>      | Santa Clara Cnty., Cal. (Super. Ct.) | <b>Contract</b>                  | TRO Aug. 18; PI GRANTED Oct. 20 (70+ athletes); NCAA to appeal                                             |
| <b><i>Kromah</i></b>                      | Essex Cnty., N.J. (Super. Ct.)       | <b>Contract</b>                  | <b>PI granted July 30; NCAA won a stay on appeal</b>                                                       |
| <b><i>Cruz</i></b>                        | D. Nev. (removed)                    | Antitrust + Nev. UTPA + contract | PI DENIED; reconsideration denied Oct. 2                                                                   |
| <b><i>Keanaaina</i></b>                   | D. Colo.                             | Antitrust + contract             | DISMISSED May 4 (no personal jurisdiction)                                                                 |
| <b><i>Chambliss</i></b>                   | Lafayette Cnty., Miss. (Chancery)    | <b>Contract</b>                  | <b>PI Feb. 2026; Miss. Sup. Ct. denied NCAA appeal Mar. 27; in force</b>                                   |

# **BOROVICANIN V. NCAA (OHIO): THE BREAKTHROUGH**

**“DEFENDANT IS SUBJECT TO THE RESULTS OF ITS OWN DECISIONS.”**

15 men's and women's basketball players, led by Xavier's Filip Borovicanin, sued the NCAA in the Hamilton County Court of Common Pleas on June 24, 2026, one day after the Cabinet vote. The roster grew to 24 plaintiffs by the injunction hearing.<sup>63</sup> The case is built the case on contract, not antitrust: breach of the NCAA's obligations under its own Constitution and Division I Manual, breach of the implied covenant of good faith and fair dealing, promissory estoppel, and Ohio consumer-protection law. The complaint invokes the NCAA Constitution's commitments to “respect, fairness, civility, honesty, responsibility, academic integrity, [and] ethical conduct.”<sup>64</sup>

Judge Christopher Wagner denied a temporary restraining order in late June, held a full hearing July 1, and granted the preliminary injunction on July 9. The court found a substantial likelihood of success, held that a contractual relationship exists between the NCAA and its athletes, and concluded the NCAA applied its rules “in an arbitrary and capricious manner” when it excluded class of 2022 non-redshirt athletes while earlier cohorts kept COVID bonus years and former professionals kept their seasons.<sup>65</sup> Judge Wagner leaned on testimony from the head coaches at Xavier, Cincinnati, and Akron, wrote that the NCAA could not “evade judicial review,” and emphasized irreparable harm in a “multi-billion-dollar business” where athletes now earn NIL compensation.<sup>66</sup> The injunction grants the 24 plaintiffs a fifth season, opens the transfer portal for them, and shields their schools from retaliation.

The NCAA responded with force, filing an opposition supported by a joint affidavit from six conference commissioners (SEC, Big Ten, ACC, Big 12, Pac-12, and Big East) warning that grandfathering the class of 2022 “would, without question, harm college sports.”<sup>67</sup> After losing, it declared the ruling “disregards over a century of precedent” and appealed to Ohio's First District. Judge Wagner denied the stay on July 17 with a single memorable line: “Defendant is subject to the results of its own decisions.”<sup>68,69</sup>

# WASHINGTON V. NCAA (TENNESSEE): THE ORDER THAT WENT FURTHEST

## “RULES SHOULD BE APPLIED TO EVERYONE EQUALLY.”

What began as 12 players in Davidson County Chancery Court on July 6, 2026 reached 19 by the hearing. Chancellor I'Ashea L. Myles took live testimony on July 22 from five plaintiffs, a plaintiffs' witness, and two NCAA witnesses.<sup>70</sup> On July 31 she granted the temporary injunction in full and required no bond. The plaintiffs span Vanderbilt, Texas, Providence, Memphis, and Southern Miss; Louisville, San Diego State, LSU, and Washington had signaled roster interest before the ruling.<sup>71</sup>

The opinion clears three obstacles that have stopped athletes elsewhere. **Jurisdiction:** specific jurisdiction needs no strict causal link, only claims that relate to forum activity, and the NCAA avails itself of Tennessee through 25 member schools, championship events, media contracts, and enforcement.<sup>72</sup> **Association deference:** the NCAA invoked *Cox* and the rule that courts stay out of voluntary associations' internal affairs; the court applied the property-rights exception, holding that Tennessee's NIL statute creates a statutory property right and that labor is itself a protected interest.<sup>73</sup> **Standing on the bylaws:** athletes are intended third-party beneficiaries, not incidental ones, distinguishing *Rose v. NCAA* because these bylaws regulate eligibility, scholarships, transfers, and NIL directly, and athletes sign acknowledgments before they play.<sup>74</sup>

On the merits the court found a likelihood of success on breach of the implied covenant, resting on inconsistent application: the same association granted fifth and sixth seasons through redshirts and waivers while denying these plaintiffs a fifth. It found irreparable harm in the lost season, the lost exposure, and the lost NIL window, following *Pavia*.<sup>75</sup> It then went where no other court has gone in this wave. Calling itself “deeply troubled” by the Rule of Restitution, the court enjoined Bylaw 12.11.4.2 and the Ghost Transfer Rule as to the plaintiffs and any school that signs one, reasoning that punishing compliance with a lawful court order chills access to the courts.<sup>76</sup> The tension is the one Sportico documented: schools call these rules essential, then recruit the players the courts free.<sup>77</sup>

### WHAT THE ORDER ACTUALLY DOES

**1. A FIFTH SEASON.** The NCAA may not apply the age-based rule so as to make a plaintiff sit out a year.

**3. NO RESTITUTION.** Bylaw 12.11.4.2 and the Ghost Transfer Rule enjoined as to plaintiffs and their schools.

**2. PORTAL ACCESS.** Treated as eligible for recruitment, transfer, and certification. No school must roster anyone.

**4. A PRIVATE WINDOW.** Portal opened for plaintiffs Aug. 3 at noon, and closed Aug. 10 at 8:00 a.m.

# WISNE V. NCAA (COLORADO): THE CLASS IS CERTIFIED

ONE QUESTION. ONE STROKE. ONE NATIONWIDE CLASS.

12 Division I athletes across men's and women's basketball, baseball, and track, led by Northern Colorado's Brock Wisne and including Minnesota's Cade Tyson, filed in the District of Colorado on July 8, 2026.<sup>78</sup> Judge Charlotte N. Sweeney had already granted injunctive relief. On July 31 she certified the case as a Rule 23(b)(2) class action, and the class is national.<sup>79</sup>

## THE CERTIFIED CLASS

All persons in the United States who began to play in collegiate sports in the 2022–2023 season, competed in NCAA Division I sports, and completed four years of eligibility as defined by the NCAA's prior rules by the conclusion of the 2025–2026 season, and are therefore barred from playing a fifth season due to the NCAA's adoption and immediate implementation of the Five-Year Eligibility Rule.<sup>80</sup>

The NCAA lost on every element. On numerosity it argued that athletes are already litigating individually; the court held other suits say nothing about the size of this pool, and found public NCAA data enough to clear the 40-member presumption with thousands likely affected. On commonality it argued the case demands athlete-by-athlete adjudication; the court found a single question that resolves the claims in one stroke, whether the Rule is anticompetitive under the Sherman Act. On typicality and adequacy it fared no better: differing facts are immaterial where the claims rest on the same legal theory, no intraclass conflict exists.<sup>80</sup>

A Rule 23(b)(2) class is mandatory. There is no opt-out and no notice; an athlete who fits the definition is already a class member whether or not she has spoken to a lawyer. Relief, if it comes, runs to the class as a whole rather than to named plaintiffs alone, which is precisely the outcome the NCAA has spent this summer trying to avoid one courtroom at a time. Certification is not a merits ruling, and the court said so.<sup>81</sup> The NCAA moved within hours. Its chief legal officer called the rulings egregiously wrong, and it noticed an expedited appeal to the Tenth Circuit with a request for a ruling in days.<sup>82</sup> It also asked Judge Sweeney to say exactly what she had enjoined. Her August 2 answer gave the NCAA precision and nothing else. The injunction bars the NCAA from denying class members a fifth season under the Rule or any bylaw. It does not enjoin the *House* settlement or any of its terms. It does not touch transfer rules or roster caps. And it changes, in the court's words, zero percent of the substantive analysis.<sup>83</sup> Until the Tenth Circuit says otherwise, the donut hole has a certified class, a standing injunction, and a lead counsel of record.

# WHAT CLASS MEMBERSHIP DOES AND DOES NOT BUY

## THE AUGUST 2 ORDER DREW THE BOUNDARY.

Class membership is automatic, and it is also narrow. An athlete who reads only the headline will overestimate what she holds. The injunction restores eligibility. Everything else about getting back on a field runs through rules the court left standing.

- 1 A fifth season, not a roster spot.** The injunction bars the NCAA from denying any class member a fifth season under the Rule or any bylaw. It does not enjoin the *House* settlement, and *House* roster limits stand. A program must have room, or make it, before a class member can play.<sup>83</sup>

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- 2 Transfer rules still apply.** The court did not enjoin the NCAA's transfer restrictions.<sup>83</sup> The 2026 portal windows are closed, football's since January 16 and basketball's since spring, and a closed window bars new entries. For an athlete not in the portal, the cleanest path back is re-enrolling at the school where she finished 2025-26, and only if that program will take her.<sup>84</sup>

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- 3 Already in the portal? More options.** An athlete who entered during an open window may keep talking to schools after it closes; the close date stops new entries, not a process already underway. Those athletes can sign anywhere a roster spot exists.<sup>84</sup>

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- 4 No portal window came with the class win.** Compare Tennessee: the *Washington* court ordered a private portal window for its 19 plaintiffs, August 3 to 10.<sup>1</sup> The *Wisne* class received no equivalent, and the clarification order confirms the court did not stop member schools from making their own eligibility decisions about athletes who were over 20 at their 2022-23 enrollment. A school can still say no.<sup>83</sup>

## **PATTERSON (THE ANTITRUST TRACK) & CAMPBELL (THE DAMAGES PLAY)**

### **D. *PATTERSON V. NCAA* (M.D. TENN.)**

The broadest federal case predates the new rule. Vanderbilt linebacker Langston Patterson and athletes across football, baseball, soccer, basketball, and track sued in the Middle District of Tennessee on September 2, 2025, combining Sherman Act Section 1 claims with multi-state contract theories.<sup>85</sup> Chief Judge William L. Campbell, Jr., the same judge who granted Diego Pavia his landmark injunction in 2024, denied the football plaintiffs a preliminary injunction on January 15, 2026.<sup>86</sup> The new rule revived the case. On July 8, 2026, Nebraska long snapper Kevin Gallic and Wisconsin specialists Nick Levy and Nathaniel Vakos filed a renewed injunction motion arguing the five-for-five adoption changed the landscape.<sup>87</sup> On July 20 a second group, the self-styled “Lost Year Plaintiffs,” filed their own motion and attached the Ohio *Borovicanin* decision as an exhibit. A jury trial is set for November 9, 2027.<sup>88</sup> Both July 31 orders are now available as supplemental authority on the renewed motions, which remain pending.

### **E. *CAMPBELL V. NCAA* (N.D. ILL.)**

DeJuan Campbell, a 23-year-old guard who finished his fourth season at Cal, filed a class-action antitrust suit in the Northern District of Illinois on June 25, 2026.<sup>89</sup> Campbell's case differs from the injunction wave: he seeks money damages for lost NIL and revenue-share compensation on behalf of every Division I athlete boxed out by the June rule, not a court order restoring eligibility. No TRO motion is on file, and the NCAA's answer is due September 14, 2026. The strategic significance is the treble-damages exposure. Even if the NCAA wins every injunction fight, a certified damages class of donut-hole athletes, each carrying a five- or six-figure lost NIL year, multiplies quickly under the Clayton Act.<sup>90</sup> The Colorado certification makes that prospect concrete rather than theoretical: a court has now held this cohort is a manageable class.

## THE JUCO-COUNTING LINE: *FULLER, MORTON, AND MILLER*

### F. *FULLER V. NCAA* (D. NEV.)

UNLV defensive lineman Cohen Fuller, class of 2022 by way of El Camino College, NAIA Graceland University, and Coastal Carolina, sued in the District of Nevada on June 29, 2026, after the NCAA denied his waiver in January. *Fuller* argues his junior college and NAIA seasons should never have counted against Division I eligibility, pairing Sherman Act claims with contract theories.<sup>91</sup> Nevada is friendly ground: its federal judges granted injunctions in *Braham*, *Martinson*, and *Blythe*, three of the strongest athlete wins in the JUCO line.<sup>92</sup> Briefing on *Fuller*'s TRO motion closed in late July; no ruling has been reported.

### G. *MORTON V. NCAA* (N.D. GA.)

Javier Morton, a safety who played at Garden City Community College before Nebraska and Temple, sued in the Northern District of Georgia in March 2026 over JUCO season counting, with Sherman Act and contract claims. The NCAA moved to dismiss for failure to state a claim on July 20, 2026, and briefing will play out over the coming weeks.<sup>93</sup>

### H. *MILLER V. NCAA* (FLORIDA)

The Florida case arrived even before the Cabinet vote. On June 22, 2026, former Kansas defensive end Dean Miller sued the NCAA in the Ninth Judicial Circuit in Orange County, seeking an emergency injunction to play the 2026 season at UCF. The NCAA counted Miller's 2021 season at College of the Canyons, a California junior college, against his clock and denied waivers in April and May 2026. Miller's filing puts a number on the stakes: a \$300,000 NIL package waiting at UCF if he regains eligibility.<sup>94</sup> No ruling has been publicly reported; the case bears watching as Florida's entry in the JUCO-counting line.

# THE NEWEST FILINGS & TWO WINS THE NCAA COULD NOT UNDO

## I. GEORGIA, CALIFORNIA, *KROMAH*, *CRUZ*, AND *KEANAAINA*

On July 9, 2026, 16 basketball players, including UCF's Jamichael Stillwell and Clemson transfers Chauncey Wiggins and RJ Godfrey, sued in Cobb County, Georgia, alleging breach of the NCAA's duty of good faith under Georgia law and violations of the Georgia Fair Business Practices Act.<sup>95</sup> On July 17 came the largest filing yet: more than 45 basketball players, including New Mexico-to-UCLA transfer Donovan Dent, Jordan Pope, Skyy Clark, Jaxon Kohler, and Aidan Mahaney, sued in California state court on class-of-2022 grandfathering claims.<sup>96</sup>

A separate state contract case, *Kromah v. NCAA*, filed July 8, went straight to hearing, and the court granted the preliminary injunction from the bench on July 30.<sup>97</sup>

Nevada baseball player Mikey Cruz Jr. sued in Reno state court on July 20; the NCAA removed the case to federal court on the eve of his hearing, and his renewed emergency TRO awaits an NCAA response due August 14.<sup>98</sup>

In the District of Colorado, former Notre Dame and Cal defensive lineman Aidan Keanaaina has had an antitrust and contract case pending since March, seeking an injunction for 2026-27 after a medical-waiver denial.<sup>99</sup>

The promised North Carolina filing landed July 30: 52 players in a single complaint, the largest of the wave.<sup>100</sup>

## J. TWO WINS THE NCAA COULD NOT UNDO: *CHAMBLISS* AND *HEINECKE*

Two earlier state-court victories frame the current wave. Ole Miss quarterback Trinidad Chambliss, whose medical waiver the NCAA denied, won a preliminary injunction from the Lafayette County, Mississippi Chancery Court in February 2026 on third-party-beneficiary contract and good-faith theories; the court found the NCAA acted in bad faith. The Mississippi Supreme Court denied the NCAA's interlocutory appeal on March 27, 2026, locking in his 2026 season.<sup>101</sup> Oklahoma linebacker Owen Heinecke won his own injunction in April 2026 and is playing this fall.<sup>102</sup> The lesson from both: state courts applying contract and good-faith principles have proven willing to hold the NCAA to its own documents, and appellate courts have not rushed to rescue it.

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PART THREE

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## HOW WE GOT HERE: PAVIA, THE JUCO WAVE & THE CORRECTION

*Win the theory, prove the market. Every current case stands on Alston.*

# ALSTON OPENED THE DOOR; PAVIA PROVED ELIGIBILITY RULES COULD FALL

## A. ALSTON OPENED THE DOOR

Every current case stands on *NCAA v. Alston*. In 2021 a unanimous Supreme Court held that NCAA restraints face the ordinary rule of reason under Section 1, that the NCAA is “a joint venture with monopoly power in the relevant market,” and that the amateurism language in *Board of Regents* was a nonbinding “passing comment on an issue not presented.”<sup>103</sup> Justice Kavanaugh went further: the NCAA’s remaining rules “should receive ordinary rule of reason scrutiny,” and “a monopsony cannot launder its price-fixing of labor by calling it product definition.”<sup>104</sup> *Alston* addressed compensation rules, not eligibility rules, and it never defined the labor market for any sport. Both gaps now dominate the litigation.

## B. PAVIA PROVED ELIGIBILITY RULES COULD FALL

Vanderbilt quarterback Diego Pavia converted *Alston*’s framework into the first modern eligibility injunction. In December 2024, Chief Judge Campbell of the Middle District of Tennessee enjoined the NCAA from counting *Pavia*’s junior college season against his Division I clock, holding that NIL agreements “are undoubtedly commercial transactions,” that “there is no question that the NCAA and its members hold monopsony power over the labor market for college football,” and that the NCAA’s academic justifications were “a mere pretext.”<sup>105</sup> The court also enjoined the Rule of Restitution, Bylaw 12.11.4.2, which lets the NCAA punish schools retroactively if an injunction is later vacated, a step every successful plaintiff since has copied.<sup>106</sup> The NCAA blinked, issuing a blanket waiver for former JUCO athletes days after the ruling, then appealing anyway. The Sixth Circuit dismissed the appeal as moot in October 2025 and refused to vacate the opinion because “the NCAA caused mootness by issuing the waiver.” *Pavia*’s opinion still stands as persuasive authority, and the concurring judges flagged that the Supreme Court “has never analyzed NCAA eligibility rules.”<sup>107</sup>

# THE DISTRICT COURTS SPLIT

Through 2025 the JUCO and fifth-year cases split the federal district courts almost evenly. Athletes won injunctions in Wisconsin (*Fourquarean*), New Jersey (*Elad*), Nevada three times (*Braham*, *Martinson*, *Blythe*), and West Virginia (*Robinson*).<sup>108</sup> Athletes lost in Mississippi, Tennessee, Georgia, Kansas, North Carolina, Montana, Louisiana, Nebraska, and Indiana.<sup>109</sup> The dividing line was rarely the law alone. Winning plaintiffs arrived with economist testimony, defined markets, and concrete NIL numbers. Losing plaintiffs leaned on *Pavia*'s reasoning without *Pavia*'s record.

| ATHLETES WON                                                                                                                                                                                       | ATHLETES LOST                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Fourquarean</i> (W.D. Wis.), <i>Elad</i> (D.N.J.), <i>Braham</i> / <i>Martinson</i> / <i>Blythe</i> (D. Nev.), <i>Robinson</i> (N.D.W. Va.).<br>Defined markets, expert testimony, NIL numbers. | <i>Osuna</i> , <i>Zeigler</i> , <i>Goldstein</i> , <i>Arbolida</i> , <i>Coley</i> , <i>Johnson</i> , <i>Walker</i> , <i>Hamilton</i> , <i>Hasz</i> , <i>Boyd</i> , <i>Patterson</i> , <i>Coly</i> .<br><i>Pavia</i> 's reasoning without <i>Pavia</i> 's record. |

Zakai Zeigler's case matches the donut hole exactly: four consecutive Division I seasons, no JUCO year, no redshirt. The Eastern District of Tennessee held the four-seasons rule commercial and subject to the Sherman Act, but denied the injunction anyway. The court reasoned that the NCAA controls the labor side of the market, not the “wage side,” since NIL collectives decide who gets paid, and that *Zeigler*'s lost NIL year (valued at \$2 million to \$4 million) was compensable in damages.<sup>110</sup> The DOJ Antitrust Division filed a statement of interest.<sup>111</sup> His wage-side problem remains the single sharpest doctrinal obstacle for donut-hole antitrust plaintiffs, and the *House* settlement is eroding it, because schools themselves now pay athletes directly. When the defendant's members write the checks, the argument that the NCAA sits outside the wage side gets harder to sustain every semester.<sup>112</sup>

# THE APPELLATE CORRECTION & THE CONTRACT DETOUR

## D. WIN THE THEORY, PROVE THE MARKET

Three federal courts of appeals have now spoken, and they delivered the same two-part message.

**Part one favors athletes:** eligibility rules are subject to the Sherman Act. The Seventh Circuit analyzed the five-year rule under Section 1 and refused any presumption that the rule is procompetitive.<sup>113</sup> The Third Circuit overruled its own 1998 precedent: “we can no longer per se exclude all NCAA-labeled eligibility rules from Sherman Act scrutiny.”<sup>114</sup> The Fourth Circuit joined: “The challenged eligibility rules limit college athletes’ participation in a labor market.”<sup>115</sup>

**Part two is the warning.** All three vacated athlete injunctions because the plaintiffs had not proven a relevant market with current evidence. The Seventh Circuit held a plaintiff “must independently define the relevant market.” The Third rejected reliance on “antiquated market definitions.” The Fourth held that skipping full rule-of-reason analysis “was error” and that injunctions ordering the NCAA to declare a player eligible are mandatory injunctions requiring an “indisputably clear” showing.<sup>116</sup> None rejected the athletes’ theory. All three rejected the athletes’ proof. That sets the playbook: retain an economist, define the post-*House* labor market, and build the record before asking for the injunction.

## E. THE CONTRACT DETOUR AROUND THE WHOLE FIGHT

While the antitrust bar tightened, a second line of authority matured. Courts have long recognized that NCAA rules bind the association contractually and that athletes may enforce them as third-party beneficiaries, subject to deferential review that asks only whether the association acted arbitrarily, capriciously, or in bad faith.<sup>117</sup>

Deference usually favors the NCAA. The class of 2022 fact pattern flips it. When the association gives five seasons to athletes who redshirted, five-plus to COVID-waiver athletes, and full 2026-27 eligibility to former professionals, while denying a fifth season only to the athletes who played four straight years, the word “arbitrary” starts doing real work. *Chambliss* proved the theory in Mississippi and *Borovicanin* proved it in Ohio. *Washington* did more than repeat them. Tennessee reached the deference question head-on and held that association immunity yields where statutory property rights are at stake, then held squarely that athletes are intended beneficiaries of the NCAA-member contract rather than incidental ones.<sup>118</sup> Georgia, California, and *Kromah* will test how much further it travels.

# THE BACKDROP: OHIO V. NCAA AND THE *HOUSE* SETTLEMENT

Two structural events complete the picture. In the multistate transfer-rule case, the NCAA consented in 2024 to a permanent injunction against its transfer-eligibility rule and agreed not to enforce the Rule of Restitution against compliant schools and athletes, after a federal court in West Virginia enjoined the rule. The Department of Justice and 10 states signed that decree.<sup>119</sup>

And in June 2025, Judge Claudia Wilken granted final approval to the *House* settlement: \$2.576 billion in back damages and a revenue-sharing system that let schools pay athletes directly up to roughly \$20.5 million per school in year one, escalating annually, policed by the new College Sports Commission and the NIL Go clearinghouse.<sup>120</sup>

|                                                               |                                                    |                                                       |
|---------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------|
| <b>\$932.5M</b><br><small>CBB NIL / REV-SHARE 2025-26</small> | <b>\$7-10M</b><br><small>HIGH-MAJOR ROSTER</small> | <b>\$20.5M</b><br><small>PER-SCHOOL CAP, YR 1</small> |
|---------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------|

The money at stake in a fifth year is no abstraction.<sup>121</sup> A donut-hole athlete is not asking for a jersey. He is asking for a season worth real money in a market the NCAA's own members now fund.

# 4

PART FOUR

## WHAT IS BEING ARGUED, AND WHAT SHOULD BE ARGUED

*Two theories, one hard checkpoint each. And the element that decides every injunction.*

# THE ANTITRUST CASE

**COVERAGE IS NO LONGER THE FIGHT. THE MARKET IS.**

The Sherman Act claim now follows a settled path with one hard checkpoint. Coverage is no longer the fight: three circuits agree eligibility rules restraining the athlete labor market face Section 1 scrutiny under the full rule of reason.<sup>122</sup> The checkpoint is step one of the rule of reason: a defined relevant market and proof of substantial anticompetitive effects within it.

A winning complaint should plead the post-*House* Division I labor market for the athlete's sport, support it with expert economic analysis of current NIL and revenue-share data, and show market-wide suppression: thousands of class of 2022 athletes removed from the labor pool at once, in a market where the buyers (schools) jointly agreed on the exclusion.

The NCAA's counterarguments are known quantities: the rule merely substitutes one player for another,<sup>123</sup> the NCAA does not control the wage side,<sup>124</sup> and eligibility limits define the college product itself.<sup>125</sup> Each answer has a response. Substitution arguments ignore that the restraint operates on sellers of labor, not on output. The wage-side argument weakens every day schools pay athletes directly under *House*. And the product-definition argument runs into Justice Kavanaugh's warning that a monopsony cannot launder labor restraints by calling them product definition.<sup>126</sup>

## 3

### THREE MECHANICAL POINTS FOR EVERY FILING

Request relief against the Rule of Restitution in the same motion, and against the Ghost Transfer Rule where a transfer is contemplated. Frame the injunction as prohibitory (stop enforcing the exclusion) rather than mandatory (declare the athlete eligible) wherever the facts allow, to avoid the Fourth Circuit's heightened standard.<sup>127</sup> And plead the class allegations: Colorado has now held that a single question, whether the Rule is anticompetitive, drives the whole cohort's claims, which makes Rule 23(b)(2) certification a live route.<sup>128</sup>

# THE CONTRACT CASE & IRREPARABLE HARM

## B. THE CONTRACT CASE

The contract theory asks less of the court and has been winning more. The elements: the NCAA Constitution and bylaws form a contract; the athlete enforces it as a party or third-party beneficiary; the association owed duties of good faith, fair dealing, and consistent application; and the class of 2022 exclusion breaches those duties because it treats identically situated athletes differently on arbitrary lines.<sup>129</sup> The comparator evidence carries the claim: COVID cohorts with five and six years, redshirts with five, former professionals with uncounted seasons, and the contrast of 84 professional games charged as zero seasons against six unpaid minutes charged as one. Tennessee added a second evidentiary spine, reliance. The NCAA announced an extra year for all players on April 15, during the portal window, excluded the class of 2022 12 days later, and athletes moved in between. A court has now treated that sequence as evidence of bad faith rather than as ordinary rulemaking.<sup>130</sup>

Under Ohio's standard the movant must show, by clear and convincing evidence, substantial likelihood of success, irreparable harm, no unjustified harm to third parties, and public-interest support.<sup>131</sup> Judge Wagner found all four; Chancellor Myles found the equivalent under Tennessee's. The theory's structural advantages travel well: no relevant-market proof, no economist at the pleading stage, state-court speed, and elected judges. Its risks travel too: association-deference doctrine gives appellate courts an off-ramp, and a First District reversal in *Borovicanin* would cool the copycat wave overnight.

## C. IRREPARABLE HARM: THE NIL SPLIT

Injunctions turn on irreparable harm, and the courts have split on whether a lost season can be reduced to money. Granting courts hold that a final season of Division I competition is “incalculable”: the exposure, brand-building, professional evaluation, and the experience itself cannot be repurchased later.<sup>132</sup> Denying courts answer that NIL losses “are more monetary in nature” and compensable in damages, and that professional prospects are speculative without scouting evidence.<sup>133</sup> The practical answer is to build the non-monetary record: NFL and NBA evaluation timelines, draft-eligibility windows, roster commitments from named programs, and coach declarations. The *Patterson* specialists documented workouts with the Giants, Buccaneers, and Commanders to show a fifth season is an audition no damages award can replace.<sup>134</sup> Delay is the silent killer, and courts have held months of waiting against athletes on this exact element.<sup>135</sup>



# 5

PART FIVE

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## LIKELIHOOD OF SUCCESS FOR A CLASS OF 2022 ATHLETE

*The honest assessment. Anyone selling a guaranteed fifth year is selling something else.*

# THE ODDS SORT BY THEORY AND FORUM

No court of last resort has decided any of this, the district courts are split, and the appellate courts have vacated every athlete antitrust injunction they have reviewed while endorsing the underlying theory. Anyone selling a guaranteed fifth year is selling something else. What the record supports is that a well-built case, filed quickly, in a thoughtfully chosen forum, has a real and demonstrated chance of putting a class of 2022 athlete on the floor or field in 2026-27. The scoreboard proves it. *Washington*, *Chambliss*, and *Heinecke* were playing-eligible by summer because they sued, and the Q4 Update adds the *Daley* and *Glancey* plaintiffs to that list among dozens of individually filed cases.<sup>136</sup>

The **state-court contract route** remains the strongest play, and every month since July 31 has strengthened it. It has now produced two donut-hole injunctions in two states, one of which survived a stay motion and one of which cleared jurisdiction, association deference, and third-party-beneficiary standing in a single written opinion. It moves at TRO speed and sidesteps the market-definition burden entirely. Its exposure is appellate. The **federal antitrust route** belongs to the athlete alone but demands real economic evidence at the injunction stage; thin records lose, funded records with experts have won, three times in Nevada alone.

The **class route** is the change. Until July 31, every donut-hole athlete needed his own lawsuit and his own name on a caption. A certified Rule 23(b)(2) class now covers the whole cohort nationwide, and it is mandatory, so membership is automatic for anyone who fits the definition. That does not make individual filing pointless. A named plaintiff controls timing, and the Tennessee and Ohio plaintiffs have relief in hand for this season while the class litigates. It does mean no athlete in this cohort is now without a case. The **damages route** (*Campbell*) asks for money later rather than a season now, and costs the athlete nothing if certification holds there too.

## THE NCAA'S OWN PLAYBOOK CUTS FOR ATHLETES

When *Pavia* won, the NCAA issued a blanket waiver rather than risk affirmance, then failed to erase the opinion. When *Chambliss* won, the state supreme court refused to intervene. When *Borovicarin* won, six commissioners' affidavits did not move the judge, and the stay was denied. When *Washington* won, six commissioners' statements and two NCAA witnesses did not carry the day either, and the court required no bond. A defendant that settles by waiver when the record turns against it has told every future plaintiff how this ends.<sup>137</sup>

# SIX FACTORS SEPARATE WINNERS FROM LOSERS

- 1 Speed.** The season starts in weeks. Every week of delay weakens irreparable harm and invites the *Goldstein* problem. The athletes who won moved within days of the rule change.

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- 2 A roster commitment.** A program willing to say, in a declaration, that it will roster the athlete if the court restores eligibility transforms both the harm showing and the remedy. Louisville, LSU, San Diego State, and *Washington* have shown schools will do this.

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- 3 Comparator evidence.** The arbitrariness case is won with specifics: the teammate on a sixth COVID year, the transfer with uncounted professional seasons, the redshirt classmate cleared for 2026-27. Name them, chart them, file them.

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- 4 Theory-forum fit.** Contract claims belong in state courts with strong good-faith doctrine and fast injunction practice. Antitrust claims belong in favorable districts and need an economist retained before filing, not after.

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- 5 The Restitution Rule.** Every request for relief must neutralize Bylaw 12.11.4.2, and now the Ghost Transfer Rule with it, or no school will touch the athlete even with an injunction in hand. Two courts have enjoined it on request. It is malpractice-adjacent to omit it.

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- 6 The ruling watch.** Two of the three decisions we were watching in July landed on July 31, both for athletes. The Q4 Update covers what followed. What is left: the Ohio Supreme Court's review of *Borovicanin* and the governor's executive order, the Tenth Circuit's merits decision in *Wisne*, the Indiana Court of Appeals' merits ruling in *Daley*, and the NCAA's pending appeals in New York. The Q4 Update tracks each.

# 6

PART SIX

## WHAT A CLASS OF 2022 ATHLETE SHOULD DO NOW

*The NCAA's waiver window has closed. Every remaining option runs through a courtroom, and one of them found you already.*

## SIX MOVES FOR A CLASS OF 2022 ATHLETE

- 1 Audit your eligibility file.** Confirm exactly how the NCAA has charged your seasons, including any junior college, NAIA, Division II, or professional time. Season-counting errors are their own cause of action, as *Fuller*, *Morton*, and *Miller* show.

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- 2 Check whether you are already in the certified class.** If you began collegiate competition in 2022-23, competed in Division I, and finished four years of eligibility by the end of 2025-26, you have been a member of the *Wisne* class since July 31, though its injunction is stayed. Rule 23(b)(2) classes are mandatory, so there is nothing to sign and nothing to opt into. The August 2 clarification order defines what membership buys: the right to a fifth season, not a roster spot. Transfer rules and *House* roster caps still apply.

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- 3 Do not confuse the closed waiver deadline with your legal rights.** July 31 ended the NCAA's administrative process and nothing else. It has no effect on an antitrust or contract lawsuit. You can still file. But fall seasons are underway and winter seasons are starting, so the emergency posture weakens every week. If you are going to file, file now.

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- 4 Line up a program.** A school's declaration that it will roster you if a court restores your eligibility is the most valuable single document in the case. Programs are publicly doing this for other plaintiffs right now.

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- 5 Preserve the money evidence.** NIL offers, collective term sheets, revenue-share projections, agent correspondence, and portal interest all quantify the year you are losing and prove the harm is real.

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- 6 Decide with counsel whether class membership alone is enough.** The *Wisne* class now covers you, but the Tenth Circuit stayed its injunction in August, so membership alone will not put you on the field this season. A named plaintiff controls timing and can be on a roster this season, which is what the Tennessee, Indiana, and California plaintiffs bought. Riding the class is free. Filing is faster. That choice deserves an hour of analysis, not a guess.

# WE ARE TRACKING EVERY ONE OF THESE DOCKETS DAILY.

Leopoldus Law is advising athletes, agents, and family offices on eligibility posture, waiver strategy, and litigation options. If you or an athlete you work with sits in the class of 2022 donut hole, we will review the eligibility file, map the realistic paths, and give you a flat-rate assessment of where you stand.

*This advisory provides general analysis for clients and friends of Leopoldus Law, APC. It is not legal advice regarding any specific matter, and reading it does not create an attorney-client relationship. Case statuses are current through October 22, 2026, and this landscape is moving daily.*

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**Brandon Leopoldus umpired in professional baseball before he ever practiced law.** Five leagues. Seven playoff series. Two All-Star games. One championship series. One infamous appearance on SportsCenter. That path, through the minor leagues and an Olympic family, is the lens he brings to every matter at Leopoldus Law, APC.

**100+**

ATHLETES ADVISED

**25+**

SPORTS

**3**

LEAGUES LAUNCHED

**12+**

SPORTS AGENCIES

**4**

GOVERNING BODIES

He is counsel on numerous fifth-year eligibility cases (*Iwuchukwu, Pearce, Gayle, Ogbole, Yriondo*), with more being filed. To date, he has received 5 TROs and 3 preliminary injunctions, with two injunctions pending at the time of publication. His practice reaches the whole business of sport. He has served twice as Interim General Counsel for a Major League Soccer team, advised United States Olympic governing bodies, and helped develop and launch three startup sports leagues. He sits on the Board of Directors of the Sports Lawyers Association and teaches Sports Law as an adjunct professor at Loyola Law School in Los Angeles. His has been in *Sports Illustrated*, *ESPN*, *Front Office Sports*, *New York Post*, *Teen Vogue*, and *The Daily Journal*, and he is a regular panelist at sports law conferences across the United States and Canada.

He advises student athletes and their families on NIL contracts, agent agreements, entity structure, and the compliance questions that arrive with the first dollar. He lives in Los Angeles with his dog Harvey, named for the Hall of Fame umpire Doug Harvey.

## ENDNOTES

1. Order Granting Temporary Injunctive Relief, *Washington v. NCAA*, No. 26-0896-III (Tenn. Ch. Ct. Davidson Cnty. July 31, 2026) (Myles, Ch.).
2. Order Granting Rule 23(b)(2) Class Certification, *Wisne v. NCAA*, No. 1:26-cv-03063-CNS-KAS (D. Colo. July 31, 2026), ECF No. 37 (Sweeney, J.).
3. Order Granting Preliminary Injunction, *Borovicinan v. NCAA*, No. A 2603352 (Ohio Ct. Com. Pl. Hamilton Cnty. July 9, 2026); Michael McCann, Sportico (July 9, 2026).
4. Order Denying Stay, *Borovicinan v. NCAA*, No. A 2603352 (Ohio Ct. Com. Pl. Hamilton Cnty. July 17, 2026).
5. NCAA, *Division I Adopts Age-Based Eligibility Model*, NCAA.org (June 23, 2026); Eric Olson, ESPN (June 25, 2026).
6. *Fourqurean v. NCAA*, 143 F.4th 859 (7th Cir. 2025); *Elad v. NCAA*, 160 F.4th 407 (3d Cir. 2025); *Robinson v. NCAA*, No. 25-2003 (4th Cir. Apr. 3, 2026).
7. Ross Dellenger, *College Sports' Eligibility Crisis Is Sprawling Well Beyond LSU*, Yahoo Sports (Aug. 25, 2026) (18+ suits in 15 states by 150+ athletes; NCAA stays in the federal case, Ohio, and New Jersey).
8. The College Sports Litigation Tracker, Sam C. Ehrlich, ed. (last updated Oct. 17, 2026), and its List of Class of 2022 Cases; dockets and orders cited in notes 26 through 135. Counts are through Oct. 22, 2026.
9. *NCAA v. Godfrey*, No. A27E0026 (Ga. Ct. App. Sept. 9, 2026) (staying Cobb County interlocutory injunction pending appeal).
10. *Pyburn v. NCAA*, No. 2026 CW 1195 (La. Ct. App. 1st Cir. Sept. 14, 2026) (stay and writ denied to SEC and Commissioner Sankey); *Pyburn v. NCAA*, No. 2026 CW 1297 (La. Ct. App. 1st Cir. Oct. 2, 2026) (stay and writ denied to NCAA).
11. Methodology: wins are TROs or preliminary injunctions granted to athletes; losses are orders denying that relief. Monthly bars count orders by entry date. Athlete totals sum covered plaintiffs in orders still in force: *Daley* (94), *Glancey* (70+), *Jefferson County, Ky.* group (38), and individual or small-group orders. The stayed *Wisne* class is excluded. Theory breakdown covers pleadings reviewed directly. State dockets are incomplete; all figures are floors.
12. *Edwards v. NCAA*, No. 1:26-cv-05047 (E.D.N.Y. Aug. 26, 2026) (denying preliminary injunction; distinguishing *Wisne*).
13. *Lorient v. NCAA*, No. 1:26-cv-00094 (N.D.W. Va. Sept. 30, 2026) (granting preliminary injunction to four athletes on Sherman Act and breach-of-contract theories).
14. *Washington v. NCAA*, No. 26-0896-III (Tenn. Ct. App. Aug. 26, 2026) (order granting extraordinary appeal and staying July 31 temporary injunction); order denying motion to review and lift stay (Tenn. Ct. App. Oct. 13, 2026); *Rocky Top Insider* (Oct. 16, 2026).
15. *Warren v. NCAA* (Tex. Dist. Ct. Brazos Cnty. Aug. 26, 2026) (Brick, J.) (TRO binding NCAA and member conferences, including the SEC); *KBTX* (Aug. 26, 2026).
16. *Yriondo v. NCAA*, C.A. No. PC-2026-04935 (R.I. Super. Ct. Providence Cnty. Sept. 30, 2026) (Taft-Carter, J.) (denying TRO and preliminary injunction).
17. Order granting TRO (Mich. Cir. Ct. Washtenaw Cnty. Oct. 13, 2026) (Owdziej, J.) (Alex Bauman and Jeremiah Earby); Associated Press (Oct. 14, 2026).
18. Order granting temporary injunction (Ky. Cir. Ct. Jefferson Cnty. Oct. 16, 2026) (Edwards, J.) (38 plaintiffs, including Thomas Castellanos); *Lubbock Avalanche-Journal* (Oct. 16, 2026). See also College Sports Litigation Tracker (Ehrlich), Class of 2022 docket and case spreadsheet (last updated Oct. 17, 2026).
19. *Blythe v. NCAA*, 2026 WL 2653349 (9th Cir. Sept. 9, 2026) (vacating injunction); *Ramirez v. NCAA*, Nos. 4:26-cv-00542, 4:26-cv-00553 (D. Idaho Sept. 22, 2026) (denying preliminary injunctions to JUCO-counting plaintiffs).
20. Order denying TRO and preliminary injunction (R.I. Super. Ct. Washington Cnty. Oct. 8, 2026) (Taft-Carter, J.) (A.J. Peña and Justin Carcel); *Providence Journal* via Yahoo Sports (Oct. 2026).
21. *Patterson v. NCAA*, No. 3:25-cv-00994 (M.D. Tenn. Sept. 15, 2026) (granting leave to file second amended complaint).
22. *Providence Awaits Ruling That Could Put 2 Key Players on the Court*, Yahoo Sports (Oct. 20, 2026) (*Pinion* and *Simpson*, D.R.I.).
23. *Daley v. NCAA*, No. 53C06-2609-PL-002418 (Monroe Cnty. Cir. Ct. Sept. 4 and Sept. 23, 2026) (Krothe, J.), appeal docketed, No. 26A-PL-02703 (Ind. Ct. App.) (stay denied Oct. 16, 2026) (Tavitas, C.J.); transfer denied (Ind. Oct. 1, 2026); Henry Greenstein, *KU Sports* (Oct. 16, 2026).
24. *Glancey v. NCAA*, No. 26CV498334 (Cal. Super. Ct. Santa Clara Cnty.) (TRO Aug. 18, 2026; preliminary injunction Oct. 20, 2026) (McGowen, J.); Yahoo Sports, *Jaxon Kohler Remains Eligible After Injunction* (Oct. 21, 2026).
25. *Wells v. NCAA* (Ky. Ct. App. Oct. 2, 2026) (reversing injunction); *Rembert v. NCAA* (Miss. Sept. 30, 2026) (denying interlocutory appeal).
26. *Wisne v. NCAA*, No. 1:26-cv-03063-CNS-KAS (D. Colo. July 31, 2026) (order certifying class and granting preliminary injunction); *id.* (Aug. 2, 2026) (clarification); stay pending appeal (10th Cir. Aug. 2026); Dellenger, *supra* note 7.
27. *Trotter v. NCAA*, No. 3:26-cv-00523 (S.D.W. Va. Sept. 9, 2026) (denying preliminary injunction to fourteen plaintiffs).
28. *Helms v. NCAA*, No. 1:26-cv-00568 (D. Idaho Sept. 16, 2026) (denying TRO; holding preliminary injunction request for hearing).
29. *Cruz v. NCAA*, No. 3:26-cv-00588 (D. Nev. Oct. 2, 2026) (denying reconsideration of order denying TRO and preliminary injunction).
30. *Fourqurean v. NCAA* (7th Cir. July 16, 2025) (2 to 1); *Zeigler v. NCAA* (E.D. Tenn. June 12, 2025); *James v. NCAA*, No. 26-cv-00346 (S.D. Iowa Oct. 16, 2026) (denying reconsideration).
31. *Gophers Coach Niko Medved Blasts NCAA Over Cade Tyson's Eligibility*, FOX 9 (Oct. 18, 2026).
32. *Borovicinan v. NCAA*, 2026-Ohio-3885 (Ohio Ct. App. 1st Dist. Oct. 2, 2026).
33. *Borovicinan v. NCAA*, No. A2603352 (Hamilton Cnty. C.P. July 9, 2026), stayed, No. C2600335 (Ohio Ct. App. 1st Dist.), judgment and mandate stayed (Ohio Oct. 14, 2026).
34. Ohio Exec. Order 2026-04D (Oct. 2026); NCAA complaint against Gov. Mike DeWine (federal court, filed Oct. 16, 2026); NBC Sports, *ProFootballTalk* (Oct. 16, 2026); WCMH-TV via WTRF (Oct. 16, 2026) (DeWine and Baker statements).
35. Yahoo Sports, *Tre White to Return to Bill Self's Kansas Jayhawks* (Sept. 2026) (quoting order).
36. *Iwuchukwu v. NCAA*, No. 724294/2026 (N.Y. Sup. Ct. Queens Cnty. Aug. 18, 2026) (TRO); *Pearce v. NCAA* and *Pratt v. NCAA* (N.Y. Sup. Ct.) (notices of appeal Oct. 14 and 15, 2026); *Wingard v. NCAA* (filed Oct. 9, 2026); Greenstein, *supra* note 23 (Council).
37. *Pearce v. NCAA*, 2026 NY Slip Op 26163 (N.Y. Sup. Ct. Westchester Cnty. Sept. 22, 2026).
38. *Ogbole v. NCAA*, Index No. 72628/2026 (N.Y. Sup. Ct. Westchester Cnty.) (order to show cause; TRO granted Sept. 17, 2026; preliminary-injunction hearing Sept. 30, 2026); *Lawsuit: KU Has Filed Eligibility Waivers on Behalf of Former Rutgers Center Ogbole*, Lawrence Journal-World (Sept. 2026); Fanrecap (Sept. 2026) (counsel Ivan Parron, Brandon Leopoldus, and Oscar Michelen).

## ENDNOTES

39. Associated Press via NFL.com and WRAL (Sept. 3–4, 2026); CBS Sports (Sept. 2026); *Southeastern Conference v. Louisiana State University* (federal complaint, Sept. 2026); Law Commentary (Sept. 2026); Yahoo Sports (Aug. 2026) (Louisiana TRO; Dallas order for more than two dozen athletes).
40. Dellenger, *supra* note 7 (Kiffin, Day, and Lanning statements).
41. ESPN (July 31, 2026) (Baker statement).
42. NCAA statement (Aug. 1, 2026); see also note 82, *supra*.
43. Sonya Gugliara, *NBA hopeful who survived cardiac arrest allowed to lace up for another NCAA season following age-based rule change, judge ruled* (Aug. 22, 2026), New York Post.
44. OutKick–FOX News (Aug. 2026) (Downton).
45. NCAA, *supra* note 5; *NCAA Panel Approves New Eligibility Rules*, Associated Press (June 23, 2026).
46. Chris Hummer & Matt Norlander, CBS Sports (June 23, 2026).
47. NCAA, *supra* note 5; Jackson Lewis P.C. (July 2026).
48. Minute Order, *Wisne v. NCAA*, No. 1:26-cv-03063-CNS-KAS (D. Colo. July 16, 2026).
49. Compare *Washington*, *supra* note 1 (Cabinet “adopted a new age-based eligibility model by emergency same-day vote” on June 22, 2026, and elsewhere describing the bylaw as passed “on June 23, 2026”), with *Wisne*, *supra* note 2 (referring to “the NCAA’s June 24, 2026 eligibility rule”). The NCAA’s own release is dated June 23, 2026. Confirm the operative date against the record in any filing.
50. NCAA, *supra* note 5; Hummer & Norlander, *supra* note 46.
51. Olson, *supra* note 5.
52. *Washington*, *supra* note 1 (findings regarding the April 15, 2026 governance statement, *DI Cabinet Adopts Changes to Eligibility Rules for Prospects*, released during the transfer-portal window, and the April 27, 2026 implementation decision).
53. NCAA, 2025–26 NCAA Division I Manual, Bylaw 12.6.1 (renumbered from Bylaw 12.8); *Fourqurean*, 771 F. Supp. 3d 1043 (W.D. Wis. 2025), rev’d, 143 F.4th 859 (7th Cir. 2025).
54. NCAA, *DI Council Extends Eligibility for Winter Sport Student-Athletes*, NCAA.org (Oct. 14, 2020).
55. Complaint, *Borovicinan v. NCAA*, No. A 2603352 (Ohio Ct. Com. Pl. Hamilton Cnty. filed June 24, 2026).
56. NCAA, *supra* note 5; Jackson Lewis P.C., *supra* note 47.
57. NCAA, 2025–26 NCAA Division I Manual, Bylaws 12.6.4, 12.6.1.7.
58. 15 U.S.C. § 1; Class Action Complaint, *Campbell v. NCAA*, No. 1:26-cv-07467 (N.D. Ill. filed June 25, 2026).
59. *Bloom v. NCAA*, 93 P.3d 621, 624 (Colo. App. 2004); *Battle v. NCAA*, No. 1:23-cv-101 (N.D.W. Va. May 28, 2024); *Washington*, *supra* note 1.
60. *NCAA v. Tarkanian*, 488 U.S. 179, 199 (1988).
61. *Goldstein v. NCAA*, No. 3:25-cv-00027, 2025 WL 662809 (M.D. Ga. Feb. 28, 2025).
62. Status sources: *Washington*, *supra* (Tenn. Ct. App. stay Aug. 26 and Oct. 13 order); *Fuller v. NCAA* (D. Nev. Aug. 28, 2026) (denying TRO), Las Vegas Review-Journal (Oct. 21, 2026); *Miller v. NCAA* (Fla. 9th Jud. Cir. Aug. 25, 2026) (Madrigal, J.) (denying TRO and temporary injunction), On3 (Aug. 2026); *Godfrey v. NCAA*, No. 26CV05617 (Ga. Super. Ct. Cobb Cnty. Aug. 5, 2026), stayed, No. A27E0026 (Ga. Ct. App. Sept. 9, 2026); *Keanaaina v. NCAA*, No. 26-cv-01283-NYW-KAS, 2026 WL 1213385 (D. Colo. May 4, 2026); *Campbell v. NCAA*, No. 26-cv-03635 (D. Colo.); *Patterson*, No. 3:25-cv-00994 (M.D. Tenn. Oct. 14, 2026) (order staying discovery); College Sports Litigation Tracker (Ehrlich) (updated Oct. 17, 2026).
63. Complaint, *Borovicinan*, *supra* note 55; McCann, *supra* note 3.
64. NCAA Const. arts. 1-C, 1-D; Complaint, *Borovicinan*, *supra* note 55.
65. Order Granting Preliminary Injunction, *Borovicinan*, *supra* note 3; Fox19 (July 10, 2026); Front Office Sports (July 10, 2026).
66. Kevin Sweeney, Sports Illustrated (July 2026).
67. *NCAA Files Response in Lawsuit Over Age-Based Eligibility Rule*, Yahoo Sports (July 2026).
68. Order Denying Stay, *Borovicinan*, *supra* note 4; 247Sports (July 17, 2026).
69. Sweeney, *supra* note 66.
70. *Washington*, *supra* note 1 (First Amended Verified Complaint; hearing held July 22, 2026; live testimony of five plaintiffs and witnesses for both sides).
71. WSMV (July 9, 2026); Nashville Post (July 2026).
72. *Washington*, *supra* note 1 (specific personal jurisdiction), citing *Ford Motor Co. v. Montana Eighth Jud. Dist. Ct.*, 592 U.S. 351, 359–60 (2021), and *Crouch Ry. Consulting, LLC v. LS Energy Fabrication, LLC*, 610 S.W.3d 460 (Tenn. 2020).
73. *Washington*, *supra* note 1, distinguishing *Tennessee Secondary Sch. Athletic Ass’n v. Cox*, 221 Tenn. 164, 174 (1968); Tenn. Code Ann. §§ 47-25-1103 to -1104; *Ladd v. Roane Hosiery, Inc.*, 556 S.W.2d 758, 760 (Tenn. 1977); *Esquinance v. Polk Cnty. Educ. Ass’n*, 195 S.W.3d 35, 45–46 (Tenn. Ct. App. 2005).
74. *Washington*, *supra* note 1, applying *Owner-Operator Indep. Drivers Ass’n v. Concord EFS, Inc.*, 59 S.W.3d 63, 68–69 (Tenn. 2001), and distinguishing *Rose v. NCAA*, 346 F. Supp. 3d 1212 (N.D. Ill. 2018).
75. *Washington*, *supra* note 1, citing *Pavia v. NCAA*, 760 F. Supp. 3d 527, 543–44 (M.D. Tenn. 2024).
76. *Washington*, *supra* note 1 (ordering paragraphs 1–4: age-based rule, transfer portal, Bylaw 12.11.4.2 and the Ghost Transfer Rule, and the August 3–10, 2026 portal window; no security required).
77. Michael McCann, *Colleges on NCAA Eligibility Rules: Do as I Say, Not as I Do*, Sportico (July 22, 2026).
78. Class Action Complaint, *Wisne v. NCAA*, No. 1:26-cv-03063-CNS-KAS (D. Colo. filed July 8, 2026); Cuneo Gilbert & LaDuca, LLP (July 2026); ESPN (July 13, 2026).
79. *Wisne*, *supra* note 2 (Rule 23(a) numerosity, commonality, typicality, and adequacy), citing *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350 (2011), and *Colorado Cross Disability Coal. v. Abercrombie & Fitch Co.*, 765 F.3d 1205 (10th Cir. 2014).
80. *Wisne*, *supra* note 2 (certified class definition; Robert K. Shelquist appointed lead class counsel under Fed. R. Civ. P. 23(g)).
81. Minute Order, *Wisne*, *supra* note 48.
82. NCAA Statement of Chief Legal Officer Scott Bearby (Aug. 1, 2026) (“egregiously wrong”); Luke DeCock, Hoops HQ (Aug. 2, 2026) (expedited appeal noticed to the Tenth Circuit with a request for a ruling within days).
83. Order Granting Emergency Motion for Clarification of Preliminary Injunction, *Wisne v. NCAA*, No. 1:26-cv-03063-CNS-KAS (D. Colo. Aug. 2, 2026), ECF No. 41.

## ENDNOTES

84. Athlon Sports (Mar. 12, 2026) (football's single 2026 transfer window, Jan. 2–16; a portal entrant may return to the original program only if it has roster space and wants the athlete back); NCSA, *NCAA Transfer Portal and Rules* (2026) (a closed window stops new entries, not recruitment of athletes already in the portal).
85. Complaint, *Patterson v. NCAA*, No. 3:25-cv-00994 (M.D. Tenn. filed Sept. 2, 2025).
86. *Patterson v. NCAA*, No. 3:25-cv-00994, 2026 WL 115417 (M.D. Tenn. Jan. 15, 2026).
87. Renewed Motion for PI, *Patterson*, No. 3:25-cv-00994 (M.D. Tenn. July 8, 2026), ECF No. 107.
88. Order, *Patterson*, No. 3:25-cv-00994 (M.D. Tenn. July 20, 2026), ECF Nos. 115–116.
89. Class Action Complaint, *Campbell*, supra note 58; Bloomberg Law (June 2026).
90. 15 U.S.C. § 15 (treble damages).
91. Complaint, *Fuller v. NCAA*, No. 2:26-cv-01974 (D. Nev. filed June 29, 2026); Las Vegas Rev.-J. (June 30, 2026).
92. *Braham v. NCAA*, 794 F. Supp. 3d 824 (D. Nev. 2025); *Martinson v. NCAA*, 804 F. Supp. 3d 1109 (D. Nev. 2025); *Blythe v. NCAA*, No. 3:26-cv-00100 (D. Nev. Feb. 20, 2026).
93. Amended Complaint, *Morton v. NCAA*, No. 1:26-cv-01538-SEG (N.D. Ga. Mar. 27, 2026); Motion to Dismiss, ECF No. 12 (July 20, 2026).
94. Yahoo Sports (June 22, 2026); Lawrence J.-World (June 22, 2026).
95. On3 (July 2026); Front Office Sports (July 2026).
96. *Donovan Dent, Jordan Pope Filing Age-Based Eligibility Lawsuit*, On3 (July 17, 2026).
97. The College Sports Litigation Tracker (last visited Aug. 2, 2026) (preliminary injunction granted from the bench July 30, 2026).
98. Complaint, *Cruz v. NCAA*, No. CV26-02081 (Nev. 2d Jud. Dist. Ct. filed July 20, 2026), removed, No. 26-cv-02306 (D. Nev. July 28, 2026); Renewed Emergency Motion for TRO and Preliminary Injunction (D. Nev. July 31, 2026).
99. Complaint, *Keanaaina v. NCAA*, No. 1:26-cv-01283 (D. Colo. filed Mar. 26, 2026).
100. ABA J. (July 2026); Matt Norlander, CBS Sports (July 2026); Luke DeCock, Hoops HQ (Aug. 2, 2026) (52-player North Carolina complaint filed July 30, 2026).
101. ESPN (Feb. 2026); Miss. Today (Mar. 27, 2026).
102. McCann, supra note 77.
103. *NCAA v. Alston*, 594 U.S. 69 (2021); *NCAA v. Bd. of Regents*, 468 U.S. 85, 117 (1984).
104. *Alston*, 594 U.S. at 110–12 (Kavanaugh, J., concurring).
105. *Pavia v. NCAA*, 760 F. Supp. 3d 527 (M.D. Tenn. 2024).
106. NCAA Manual, Bylaw 12.11.4.2 (Rule of Restitution); *Elad v. NCAA*, No. 3:25-cv-01981, 2025 WL 1202014 (D.N.J. Apr. 25, 2025).
107. *Pavia v. NCAA*, 154 F.4th 407 (6th Cir. 2025); ESPN (Dec. 23, 2024).
108. *Fourqurean*, 771 F. Supp. 3d 1043; *Elad*, 2025 WL 1202014; *Braham*, 794 F. Supp. 3d 824; *Martinson*, 804 F. Supp. 3d 1109; *Blythe*, No. 3:26-cv-00100; *Robinson v. NCAA*, 803 F. Supp. 3d 481 (N.D.W. Va. 2025), vacated, No. 25-2003 (4th Cir. Apr. 3, 2026).
109. *Osuna Sanchez*, No. 3:25-cv-62 (E.D. Tenn. 2025); *Goldstein*, 2025 WL 662809; *Zeigler*, No. 3:25-cv-226-KAC-DCP (E.D. Tenn. 2025); *Johnson*, 2025 WL 1790345; *Hasz*, 2025 WL 2083853; *Boyd*, 2025 WL 2432200; *Patterson*, 2026 WL 115417; *Coly*, No. 4:26-cv-00008 (N.D. Ind. 2026).
110. *Zeigler*, No. 3:25-cv-226-KAC-DCP (E.D. Tenn. June 12, 2025); On3 (2025).
111. Michael McCann, *Trump DOJ Backs College Athletes in NCAA Eligibility Case*, Sportico (2025).
112. *Martinson*, 804 F. Supp. 3d 1109 (D. Nev. 2025).
113. *Fourqurean*, 143 F.4th 859 (7th Cir. 2025) (cubing *Agnew v. NCAA*, 683 F.3d 328 (7th Cir. 2012)).
114. *Elad*, 160 F.4th 407 (3d Cir. 2025) (superseding *Smith v. NCAA*, 139 F.3d 180 (3d Cir. 1998)).
115. *Robinson*, No. 25-2003 (4th Cir. Apr. 3, 2026).
116. *Fourqurean*, 143 F.4th 859; *Elad*, 160 F.4th 407; *Robinson*, No. 25-2003.
117. *Bloom*, 93 P.3d 621; *Battle*, No. 1:23-cv-101; *State ex rel. Ohio High Sch. Athletic Ass'n v. Judges*, 173 Ohio St. 239, 181 N.E.2d 261 (1962).
118. *Washington*, supra note 1 (property-rights exception to association deference; student-athletes as intended third-party beneficiaries of the NCAA-member contract).
119. Proposed Final Judgment, *Ohio v. NCAA*, No. 1:23-cv-100 (N.D.W. Va. May 30, 2024), 89 Fed. Reg. 49472 (June 11, 2024).
120. *House v. NCAA*, No. 4:20-cv-03919 (N.D. Cal. June 6, 2025) (final approval); Ropes & Gray LLP (June 2025).
121. *College Basketball NIL Spending Surges to \$932.5 Million*, On3 (2025).
122. *Fourqurean*, 143 F.4th 859; *Elad*, 160 F.4th 407; *Robinson*, No. 25-2003.
123. *Osuna Sanchez*, No. 3:25-cv-62 (E.D. Tenn. Mar. 3, 2025).
124. *Zeigler*, No. 3:25-cv-226-KAC-DCP (E.D. Tenn. June 12, 2025).
125. *Bd. of Regents*, 468 U.S. at 117; *Deppe v. NCAA*, 893 F.3d 498 (7th Cir. 2018); *O'Bannon v. NCAA*, 802 F.3d 1049, 1066 (9th Cir. 2015).
126. *Alston*, 594 U.S. at 110–12 (Kavanaugh, J., concurring).
127. *Pavia*, 760 F. Supp. 3d 527; *Robinson*, No. 25-2003; *Washington*, supra note 1.
128. Fed. R. Civ. P. 23(b)(2); *Wisne*, supra note 2; *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 360 (2011).
129. *Bloom*, 93 P.3d at 624; *Battle*, No. 1:23-cv-101; Order Granting PI, *Borovicinanin*, supra note 3.
130. *Washington*, supra note 1 (intended-beneficiary holding; athlete reliance on the April 15, 2026 governance statement; inconsistent application as a breach of the implied covenant).
131. *S.W. Ohio Basketball, Inc. v. Himes*, 2021-Ohio-415 (12th Dist. 2021).
132. *Pavia*, 760 F. Supp. 3d 527; *Elad*, 2025 WL 1202014; *Braham*, 794 F. Supp. 3d 824; *Ohio v. NCAA*, 706 F. Supp. 3d 583 (N.D.W. Va. 2023); *Washington*, supra note 1.
133. *Zeigler*, No. 3:25-cv-226-KAC-DCP; *Hasz*, 2025 WL 2083853.
134. Renewed Motion for PI, *Patterson*, ECF No. 107, supra note 87.
135. *Goldstein*, 2025 WL 662809.
136. *Washington*, supra note 1; *Wisne*, supra note 2.
137. *Pavia*, 154 F.4th 407 (6th Cir. 2025); McCann, Sportico (July 7, 2026).

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