

FROM THE COURTS

March Madness: 3 Takeaways From Latest NCAA Antitrust Ruling



SHUTTERSTOCK

A U.S. District Court judge barred the NCAA and its member schools and conferences from capping education-related benefits such as computers, science equipment, postgraduate scholarships, and aid to study abroad to the athlete plaintiffs.

by Ross Todd

“March Madness” means buzzer beaters, tournament brackets, and competition to college basketball fans.

But on Friday, a federal judge in Oakland got in on the month’s madness with a 104-page ruling outlining the limits to competition the National Collegiate Athletic Association has put on the market for Division I women’s and men’s basketball players and football players at schools in the NCAA’s Football Bowl Subdivision.

U.S. District Judge Claudia Wilken of the Northern District of California found the NCAA in violation of federal antitrust law and issued an injunction barring the organization and its member schools and conferences from capping education-related benefits such as computers, science equipment, postgraduate scholarships, and aid to study abroad to the athlete plaintiffs.

“We have proven to the court that the NCAA’s weak justifications for this unfair system are based on a self-serving mythology that does not match the facts,” said Hagens Berman Sobol Shapiro’s Steve Berman, who tried the bench trial for plaintiffs last year alongside Jeffrey Kessler of Winston & Strawn. “Today’s ruling will change college sports as we know it forever.”

Wilken’s ruling, however, stopped short of giving plaintiffs everything they had asked for—namely, eliminating all limits on compensation for the plaintiffs.

Donald Remy, the NCAA’s chief legal officer, said in a statement that Wilken’s decision “recognizes that college sports should be played by student-athletes, not by paid professionals.”

“The decision acknowledges that the popularity of college sports stems in part from the fact that these athletes are indeed students, who must not be paid unlimited cash sums unrelated to education,” said Remy, who noted the NCAA was still considering its options regarding a potential appeal.

JUDGE FINDS THE NCAA VIOLATED ANTITRUST LAWS ... AGAIN

Wilken ruled against the NCAA in a prior case brought on behalf of college athletes who claimed the NCAA used their names and likenesses in video games and broadcast footage without permission and improperly capped the

aid they could receive at levels below the actual cost to attend college.

In the earlier case, Wilken found that the cap on aid violated antitrust laws and ordered the NCAA to increase its scholarship caps to cover the full cost of attendance. She also ordered the NCAA to allow member schools to pay athletes up to \$5,000 in additional licensing revenue. The U.S. Court of Appeals for the Ninth Circuit overturned the \$5,000-payment portion of the ruling in September 2017, finding that the payment would strike at the heart of the NCAA’s amateur model.

Friday’s ruling from Wilken keeps in place NCAA limits on cash-type payments, but frees up schools to increase benefits “related to the pursuit of various academic studies.” The NCAA, meanwhile, suggested that Wilken’s latest ruling was out of line with the earlier Ninth Circuit decision.

“That decision held that the rules governing college athletics would be better developed outside the courtroom, including rules around the education-related support that schools provide,” Remy said.

WHAT’S AN AMATEUR, ANYWAY?

While Wilken’s ruling stopped short of forcing a free-market, professional sports-type approach to player compensation on the NCAA, she did criticize the NCAA’s lack of a formal definition of amateurism, a principle the organization claims is central to its success in drawing in fans.

“The ‘Principle of Amateurism,’ as described in the current version of the NCAA’s constitution, uses the word ‘amateurs’ to describe the amateurism principle, and is thus circular. It does not mention compensation or payment,” Wilken wrote. She also noted that the NCAA offered no “coherent” explanation of the “pay for play” model it seeks to avoid, especially since the types and amount of total benefits to college athletes have gone up since her prior ruling and there has been no loss of audience or revenue in major college sports.

She wrote, “The only common thread underlying all forms and amounts of currently permissible compensation is that the NCAA has decided to allow it.”

Ross Todd is bureau chief of The Recorder in San Francisco. He writes about litigation in the Bay Area and around California. Contact Ross at rtodd@alm.com. On Twitter: @Ross_Todd.



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Council Zoning Hearing** meeting on **Wednesday, March 27, 2019 beginning at 6:00 PM**, to consider the following text amendments to the City of Doral Comprehensive Plan. The City Council will consider this item for **FIRST READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166**.

The City of Doral proposes to adopt the following Ordinance:

ORDINANCE No. 2019-10

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, ADOPTING THE PROPOSED TEXT AMENDMENTS TO THE CITY OF DORAL COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL OF THE TEXT AMENDMENTS TO THE STATE LAND PLANNING AGENCY IN THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND OTHER REQUIRED GOVERNMENTAL REVIEWING AGENCIES, PURSUANT TO THE PROVISIONS OF SECTION 163.3184 FLORIDA STATUTES; PROVIDING FOR ADOPTION AND AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 19-03-DOR-05

APPLICANT: City of Doral

PROJECT NAME: Text amendments to the City of Doral Comprehensive Plan

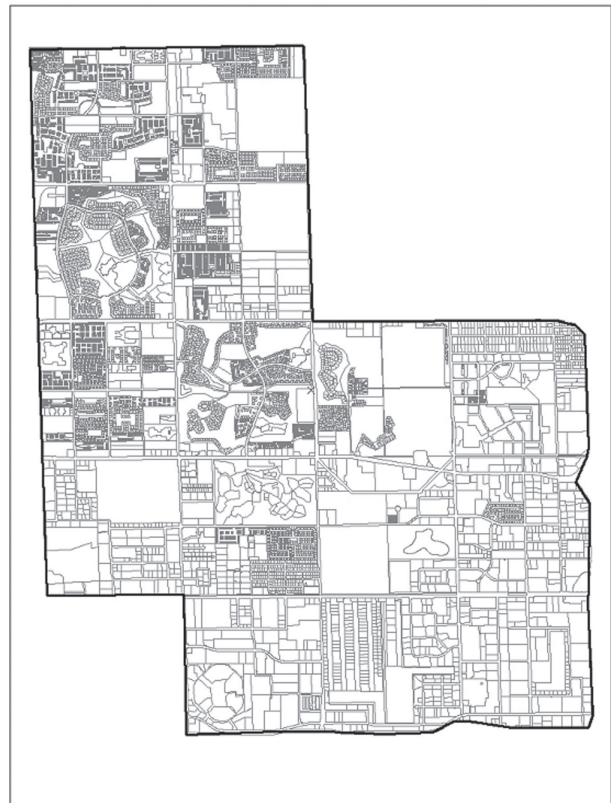
PROJECT OWNERS: City of Doral

LOCATION: City of Doral

SIZE OF PROPERTY: 15± Square Miles

REQUEST: The City of Doral is requesting approval of proposed text amendments to the City’s Comprehensive Plan consistent with Section 163.3184 of the Florida Statutes.

Location Map



Information relating the subject application is on file and may be examined in the City of Doral, Planning and Zoning Department Located at **8401 NW 53rd Terrace, Doral, FL. 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL. 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

NOTE: If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide interpretation services during the zoning application process or during any quasi-judicial proceeding.

NOTA: Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento durante el proceso de solicitudes de zonificación.

Connie Diaz, MMC
City Clerk
City of Doral

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