

Winston & Strawn and Hagens Berman Sobol Shapiro File New Antitrust Class Action Against NCAA and the Five NCAA “Power Conferences”

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Federal suit seeks damages for past limits on academic incentive payments to college athletes

San Francisco, CA – April 4, 2023 – Winston & Strawn LLP and Hagens Berman Sobol Shapiro LLP, the firms that won the *Alston v. NCAA* (*Alston*) case against the National Collegiate Athletic Association (NCAA) in the Supreme Court and that are currently prosecuting the *House v. NCAA* (*House*) antitrust class action against the NCAA, have filed a new antitrust class action in the Northern District of California against the NCAA and the five power conferences (Big Ten, SEC, Pac-12, ACC, and Big 12).

The case seeks treble damages on behalf of current and former Division I college athletes, and a class of similarly situated players, for the injuries they suffered from the rules found to be unlawful in the *Alston* litigation – rules that prohibited these athletes from receiving education-related compensation, specifically cash payments of up to \$5,980 in academic or graduation incentives. Because the NCAA’s prohibitions on these academic incentive payments were held to violate the antitrust laws and permanently enjoined in *Alston*, the suit contends that the NCAA cannot contest liability in this damages action.

“Since the Supreme Court’s decision in *Alston*, dozens of Division I schools have announced that they will be providing \$5,980 academic awards to athletes across all sports,” explained Steve W. Berman, Hagens Berman managing partner and co-founder. “Thousands of female and male athletes, including many in sports other than football and basketball, will directly benefit from this action aimed at recovering the monetary awards, of which the NCAA illegally deprived them.”

“While the injunction striking down the NCAA’s restrictions on education-related compensation, which was unanimously affirmed by the Supreme Court in *Alston*, unlocked life-changing benefits for NCAA Division I athletes moving forward, it did not rectify the harm suffered by thousands of Division I athletes who were unlawfully prevented from receiving education-related compensation *before* the injunction was issued,” said Winston & Strawn Co-Executive Chairman Jeffrey L. Kessler. “Plaintiffs aim to recover triple damages for those injuries here.”

Named plaintiff Chuba Hubbard, a former Oklahoma State football player and a current member of the Carolina Panthers in the NFL, commented, “I am proud to represent the proposed class of players in seeking the damages we suffered as a result of the NCAA’s rules. Most NCAA athletes don’t get the opportunity to play professional sports, so the NCAA’s rules deprived them of the best opportunities they had to earn financial rewards.”

Keira McCarrell, a track athlete at Auburn University and named plaintiff, concurred, saying, “It’s time for the defendants to right past wrongs and compensate the proposed class for the monetary awards that should have been paid – but weren’t – in violation of federal antitrust laws. I am proud to stand up for my fellow athletes.”

The Winston & Strawn and Hagens Berman teams previously served as co-lead class counsel in this case’s predecessor, *Alston*, which culminated in a unanimous Supreme Court win. They are also co-counsel litigating the pending *House* case, which seeks an injunction to permit college players to, among other things, be paid for the use of their names, images, and likeness (“NIL”) in the broadcast of FBS football and Division I basketball games, and damages stemming from the NCAA restrictions on their earning compensation for their NIL rights across all Division I sports.

Winston & Strawn LLP’s Sports Litigation Practice, co-led by David Greenspan and David Feher, is one of the country’s most highly regarded sports litigation practices. Winston & Strawn LLP is an international law firm with 16 offices in North America, South America, Asia, and Europe. More information about the firm is available at www.winston.com.

Hagens Berman Sobol Shapiro LLP is one of the most highly regarded international class action and complex plaintiffs’ litigation law firms taking on the world’s largest corporations and entities and fighting for the rights of plaintiffs, including college athletes, consumers, whistleblowers, employees, investors, and others. More information about the firm is available at www.hbsslaw.com.

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