

Representative Sports Experience

GENERAL LITIGATION SPORTS MATTERS

- We represented Swiss-based **Highlight Group** in a shareholder dispute about a joint venture in the area of international sports. The dispute arose after one shareholder caused a deadlock by refusing to provide promised financing and by challenging decisions of the board of directors. We defended against all actions and secured our client a controlling stake in the company.
- We successfully enforced our client's tournament agreement with a world champion boxer, who had publicly withdrawn from a high profile international boxing tournament. We achieved this through an ex parte injunction obtained from a Swiss court, which compelled the boxer to announce on his social media platforms his return to the tournament, and which led the international boxing federation to threaten the boxer that his world championship title would be withdrawn if he failed to comply with his obligations under the agreement with our client.
- We successfully defended a **major sports-governing body** in a criminal investigation in Germany that centered on corruption and other criminal allegations in connection with a sports event. In this context, the prosecutors considered imposing a penalty payment on our client for the alleged misconduct of a former executive but we convinced the authority to close the case at the pre-trial stage.
- We represent Major League Baseball players **Ryan Zimmerman** and **Ryan Howard** in their ongoing defamation lawsuit against Al Jazeera America and other related Al Jazeera defendants relating to false statements the network broadcasted in a 2015 documentary called The Dark Side, which accused Zimmerman and Howard (and several other high profile athletes, including Peyton Manning) of using a banned steroid known as Delta-2. After withstanding a hotly contested motion to dismiss, our suit has entered the discovery phase.
- We represent the **University of Southern California** in connection with the arrest of former assistant men's basketball coach, Anthony Bland, as part of the nationwide sting targeting corruption in men's college basketball. We are advising the University in connection with a grand jury subpoena received from the U.S. Attorney's Office for the Southern District of New York and the school's interactions with the NCAA. The case represents the first significant effort by federal law enforcement authorities to prosecute corruption, which, to this point, has been within the sole purview of the NCAA.
- We represent the **Washington Nationals** in on-going litigation with the Baltimore Orioles and the Mid-Atlantic Sports Network ("MASN") concerning broadcast fees for television broadcast of Nationals games.
- We represent Hong Kong-based **Asia League**, a company that organizes and markets pro basketball events in Asia, in its quest to become Asia's first and premier regional basketball event. We provide both strategic advice as well as specific sports law advice and representation against other market players and international and national basketball organizations.

- We represent **professional sports teams** in broad range of employment law issues, including defending clubs against lawsuits alleging discrimination, harassment, retaliation. Also advised clubs on complex contract negotiations involving executive compensation, employee contracts, separation and severance agreements, vendor agreements, and sponsorship and licensing agreements.
- We were retained **by a client in the motorsport industry** to provide strategic legal advice and evaluate potential legal claims on specific issues related to the motorsport team’s expansion (including potential expansion into Formula 1).
- We were retained by **Comosa**, a Swiss-based boxing promoter, to provide litigation advice in connection with the World Boxing Super Series.

REPRESENTATIVE SPORTS WHITE COLLAR MATTERS AND INVESTIGATIONS

- We are defending **Robert Kraft**, the owner of the New England Patriots, in connection with solicitation of prostitution charges brought against him by the State of Florida. The charges stem from an investigation launched by the Town of Jupiter Police Department (“JPD”) in October 2018 concerning alleged prostitution taking place at a day spa in Jupiter, Florida. As part of that investigation, the JPD obtained a sneak-and-peek search warrant that authorized the JPD to conduct covert video recording inside the private massage rooms within the spa between January 18–22, 2019. According to the JPD, those covert recordings captured footage of Mr. Kraft engaging in paid sex acts while at the spa. We recently challenged the constitutionality of the sneak-and-peek search warrant on various grounds, including that it failed to adequately minimize the extent to which lawful conduct was surveilled, which is a constitutional requirement for this type of surveillance. Specifically, we argued that the warrant was facially invalid insofar as it permitted the JPD to conduct unfettered recording of all activity—legal or illegal—and any type of person (male or female) entering the spa. After extensive briefing and a three day suppression hearing, our motion to suppress was granted. According to the Court, the sneak-and-peek warrant “fail[ed] to consider and include instructions on minimizing the impact on women...in a setting with a high legitimate expectation of privacy” and contained “no minimization techniques or directives” to be implemented by the JPD when “viewing male spa clients receiving lawful services.” Importantly, the judge also suppressed all other evidence derived from the illegal video recordings, including a subsequent traffic stop that allowed the JPD to identify Mr. Kraft. The State has since appealed the ruling and the matter will soon be heard by the Florida Fourth District Court of Appeal. In the meantime, the case is stayed and the videos remain sealed.
- We were retained by the **Carolina Panthers** immediately prior to Sports Illustrated’s publication of a December 2017 article that raised various allegations of race and sex discrimination within the Panthers’ workplace. The Firm’s representation included developing and implementing a crisis management strategy that was later characterized by Sports Illustrated as “brilliant,” as well as representing the team’s interests in connection with a related investigation conducted by the NFL that was led by the former Chair of the U.S. Securities & Exchange Commission Mary Jo White.
- We represent **FIFA** in connection with on-going U.S. criminal investigations and prosecutions into allegations of bribery and corruption in the international soccer world. We are advising FIFA on the investigations and conducting an internal investigation on behalf of the organization.

- We recently obtained a complete dismissal of a lawsuit brought by an individual against **FIFA** in the Superior Court of the State of California for Orange County raising various allegations of fraud.
- We have been retained by **FIFA** in advance of the 2018 World Cup to develop and implement a plan to combat counterfeit ticketing production and sales.
- We represented **Ryan Howard** and **Ryan Zimmerman** in connection with an internal investigation launched by Major League Baseball (“MLB”) in response to the allegations contained in a documentary broadcasted by Al Jazeera America. After a lengthy investigation, MLB announced on August 19, 2016 that its investigation “did not find any violations” of the league’s drug policy, vindicating Messrs. Howard and Zimmerman of the defamatory accusations made by Al Jazeera America.
- We represent **CONMEBOL** in connection with U.S. criminal investigations and prosecutions into allegations of bribery and corruption in the international soccer world. Specifically, Quinn Emanuel is advising CONMEBOL on the investigations and conducting an internal investigation on behalf of the organization. The United States charged 30 defendants, including a number of past and current CONMEBOL officials with racketeering, wire fraud and money laundering conspiracies, among other offenses, in connection with the defendants’ abuse of their positions to solicit bribes from sports marketing companies. Two of these defendants, including Juan Angel Napout, a past President of CONMEBOL were convicted after a three month trial in December 2017. Quinn Emanuel has worked throughout the engagement to ensure that CONMEBOL was viewed as a victim of the scheme set forth in the indictment, and this work has positioned CONMEBOL to receive a large restitution award from the defendants convicted at trial as well as those who pled guilty prior to trial.
- We are handling criminal representation for National Basketball Association player **Ben Gordon**.
- We represented **Nigel Eccles**, CEO and Co-founder of FanDuel Ltd., in connection with the New York Attorney General Office’s lawsuits against FanDuel alleging false and deceptive advertising practices.
- We were hired by Swiss-based company **Highlight Communications** in January 2017 to investigate insider trading allegations in connection with its subsidiary TEAM Marketing – owner of the rights to market the European soccer champions league, a billion-dollar business.
- We advise **clubs** with respect to internal investigations, communications with the leagues regarding personal conduct policies (where applicable), workplace conduct violations, and potential unlawful conduct by team employees. Conducted numerous internal investigations related to sexual harassment, discrimination and retaliation in the workplace.
- We were retained by the **General Sports Authority of the Kingdom of Saudi Arabia** to provide strategic legal advice on the implementation of the government initiative “Saudi Vision 2030” and on specific issues related to national sports associations including the National Olympic Committee.

SPORTS RELATED INTELLECTUAL PROPERTY MATTERS

- We represented **Fanatics**, the premier sports merchandise provider, in a licensing dispute with one of the major sports leagues.
- We previously secured a judgment in favor of our client, the **Washington Redskins**, against several Native Americans who sought to cancel federal trademark registrations containing the word “Redskins” on the ground of disparagement. This case involves a nearly identical petition for cancellation brought by a new group of petitioners. The Trademark Trial and Appeal Board ruled (2-1) that the registrations should be cancelled, which was affirmed by the Eastern District of Virginia. We filed an appeal to the Fourth Circuit, as well as a petition with the U.S. Supreme Court for certiorari before judgment. We also filed an amicus brief in the Federal Circuit and U.S. Supreme Court in *In re Tam*, which involves the same statute—our amicus brief was cited favorably multiple times by the Federal Circuit in its en banc decision. The Supreme Court heard oral argument in *Tam* in January 2017, and in June 2017 it struck down the disparagement statute as unconstitutional and in violation of the First Amendment. The Supreme Court favorably cited our brief multiple times. After the decision issued, the Department of Justice and the Blackhorse petitioners withdrew their claims against the “Redskins” trademark registrations.
- We represent **Professional Golfers’ Association** (“PGA”) of America to evaluate potential legal claims involving confidential licensing matters.

REPRESENTATIVE SPORTS ARBITRATIONS

- We represented the **University of Southern California (“USC”)** against its former head football coach, Steve Sarkisian, in a suit filed by Sarkisian after he was terminated in October 2015. Sarkisian’s firing came after a series of public incidents involving Sarkisian’s apparent use of alcohol and resulting media speculation. After being terminated and completing inpatient rehabilitation treating, Sarkisian—claiming he was improperly terminated due to his alcoholism—brought claims against USC for wrongful termination, disability discrimination, failure to engage in the interactive process, failure to accommodate, breach of contract, breach of the implied covenant of good faith and fair dealing, invasion of privacy, and negligence. Sarkisian sought over \$30 million from USC. After a seven-day arbitration, the arbitrator denied each of Sarkisian’s claims, resulting in a complete victory for USC.
- We represent the **NFL Players Association** in an arbitration proceeding brought by former San Francisco 49er quarterback, Colin Kaepernick, against the NFL and its teams. Mr. Kaepernick, represented by Mark Geragos and his firm, alleges that the NFL has entered into and enforced an agreement to prohibit Mr. Kaepernick from being signed by any NFL team in retaliation for his protests expressed during the national anthem at games.
- We represent **BIG3 Basketball, LLC**, in an arbitration brought in New York by Roger Mason, related to Mason’s termination from his job as commissioner of BIG3. We are evaluating potential legal claims against Mason stemming from statements he has made about the league and its executives. Mason separately filed a suit in the Delaware Court of Chancery for access to BIG3’s

books and records, which he voluntarily dismissed on May 4, 2018, after we filed a motion to dismiss the suit in favor of arbitration.

- **Washington Nationals Arbitrations:** After winning in New York State court the right to return to arbitration before a Major League Baseball committee of team owners and executives, we will likely now have two arbitrations this year with about \$200 million at stake. Our adversaries are the Baltimore Orioles and a regional sports network they own and control. The case concerns the fees that network must pay to broadcast Nationals games.

SPORTS RELATED ANTITRUST MATTERS

- We recently obtained a complete dismissal of an antitrust class action suit brought against the **Fédération Internationale de Football Association** (“FIFA”) in the United States District Court for the District of Nevada before The Hon. James C. Mahan.
- We represented **DIRECTV** in two class action antitrust cases alleging theories of monopolization, horizontal and vertical price fixing, illegal exclusive distribution, and restricted output, relating to the sale and distribution of DIRECTV's NBA League Pass and NHL's Center Ice programming packages. We obtained a dismissal on the pleadings and a published decision in *Kingray v. DIRECTV*.
- We obtained summary judgment for **Haymon Boxing** in antitrust claims brought by Oscar De La Hoya's company Golden Boy Promotions.

REPRESENTATIVE SPORTS EXPERIENCE PRIOR TO 2016

- Retained by the **National Football League Players Association** (“NFLPA”) to conduct an independent internal investigation of the National Football League (NFL) and Baltimore Ravens' disciplinary proceedings in the Ray Rice matter.
- Represented the **NFLPA** in the New Orleans Saints' “Bountygate” scandal and arbitration.
- Represented the **NFLPA** in the Miami Dolphins' bullying investigation.
- In defending the long-running challenge by six Native American petitioners to the **Washington Redskins'** trademark registrations, we employed the infrequently used “de novo” appeal to the D.C. District Court to overturn an adverse decision by the Trademark Trial and Appeal Board. The decision was appealed by the Native Americans to the D.C. Circuit, which found no abuse of discretion and affirmed the grant of summary judgment in all respects. The petitioners next filed a petition of certiorari with the U.S. Supreme Court, arguing that the Circuit Courts are split as to whether laches is available as a defense to the cancellation of an allegedly disparaging trademark. We opposed the petition, arguing that no such split existed. The U.S. Supreme Court denied the petition in November 2009, thus ending the case. It was a complete win for Quinn Emanuel's clients Pro-Football and the Washington Redskins. We continue to represent the Washington Redskins in a long-running challenge by Native American petitioners to cancel the Washington Redskins' trademark registrations.

- We successfully represented the **National Football League** (“NFL”) and the **Baltimore Ravens** professional football franchise in a series of copyright actions stemming from the adoption by the Ravens of an inaugural logo for its 1996-1998 seasons that plaintiff Frederick Bouchat alleged was substantially similar to a copyrighted drawing he had submitted for consideration. Bouchat alleged that the appearance of the Ravens’ inaugural logo in certain video games sold by Electronic Arts (EA) was infringing. We successfully had the case entirely dismissed on summary judgment, persuading the court that the NFL did not license EA to use the logo in the games at issue. We also succeeded in winning a decision in the 4th Circuit on copyright fair use that not only enabled the Ravens and NFL to prevail but set a significant precedent for documentarians seeking to employ copyrighted matter in their works. After the NFL and Ravens – represented by a different firm – lost on liability, we tried the damages case. We later prevailed on behalf of hundreds of licensees in separate actions on the basis of claim preclusion principles, again through the 4th Circuit and the U.S. Supreme Court.
- We represented **The Upper Deck Company** in a suit brought against it by CMG Worldwide and The Topps Company, Upper Deck’s largest competitor in the baseball trading card business, for allegedly using various images and signatures of deceased baseball players that had previously been licensed to Upper Deck but were then exclusively licensed to Topps. Topps applied for and received an ex parte temporary restraining order that, if converted to a permanent injunction, would have prevented Upper Deck from selling any baseball cards in 2008. Days later, we successfully overturned the TRO, subsequently defeated Topps’ motion for a preliminary injunction, and eventually obtained a transfer of the case to the Southern District of New York. The case settled promptly after the transfer.
- We defended **Upper Deck** in a suit alleging the use of various images and signatures of deceased baseball players that had previously been licensed to Upper Deck but were then exclusively licensed to Topps. We were hired after a TRO issued enjoining our client’s usage of certain player images in its entire line of 2008 trading cards. We succeeded in overturning the TRO several days later, persuaded the court to transfer the case from Indiana to New York, and moved to dismiss the plaintiff’s claims, which motion is pending.
- We represented **Upper Deck** in a case brought by Major League Baseball regarding the use of team uniforms and logos on trading cards, defeating a request for a temporary restraining order.
- We represented the **Dallas Cowboys Football Club** (“Cowboys”) and **NFL Properties LLC** (“NFLP”) in a dispute concerning ownership of the trademark, “America’s Team” in federal district court in Dallas, Texas. The defendant in the case, a Minnesota-based company, claimed that it owned the rights to the famous trademark because it had obtained a federal registration in 1990. We were tasked with proving that the Cowboys rights in “America’s Team” were superior to those of defendant, notwithstanding that the Cowboys did not itself own a federal trademark registration for the mark. In a forty-page decision the court granted the Cowboys’ and NFLP’s summary judgment on all claims, finding that they had proven federal and common law trademark infringement, unfair competition, dilution and that the defendant had committed fraud on the on the United States Patent and Trademark Office.
- We represented **Major League Soccer** in a reverse confusion case wherein a soccer club named the Carolina Dynamos sought to undo the new nickname of an MLS team, the Houston Dynamos.

- We represented mixed martial arts brand **Clinch Gear** in trademark action brought by the owners of the western clothing brand “Cinch.”
- We represented the **NFL** and **Baltimore Ravens** against claims, in the billions, of copyright infringement, brought by an amateur artist regarding the Raven’s helmet logo. After the jury had found for the plaintiff on liability, we were brought in to try the damages case. We obtained a jury verdict of zero damages and persuaded the jury that the logo infringed did not drive any revenue generating activity but, rather, such large revenues were solely the result of the inherent power of the NFL brand and the sport itself. The verdict was affirmed by the Fourth Circuit and the Supreme Court denied cert. We now represent the National Football League and the Baltimore Ravens in a series of copyright cases involving historical uses of that same logo. In one of the cases, we convinced the court to deny a permanent injunction under *eBay v. MercExchange*, despite a finding of copyright infringement– one of the only courts to do so. Three additional copyright cases have been filed over the past year for the appearance of the same logo in football documentary films, video games, and historical photographs. We convinced the court to consolidate these three actions and expedite limited discovery, allowing for immediate summary judgment briefing on fair use. The 4th Circuit will be hearing argument on the question whether any injunction is appropriate and whether damages are awardable in circumstances where there is no fair use but also no proof of entitlement to injunctive relief or monetary damages is present either.
- We represented the **Mexican National Football Team** in an unfair competition case against a calling card company who employed indicia on product and promotional materials corresponding to the official jersey of the team.
- We represented the **owner of the rights to the Heisman Trophy** when an athletic club claimed breach of contract. In addition to restoring the marketing and television rights, the client obtained specific performance of the contract and was also awarded damages for the breach.
- In a dispute that hounded the **Cleveland Browns** for over a decade, the court granted the Browns’ and NFL’s motion for summary judgment, finding that the Browns have priority of use over an apparel company in the trademark DAWG POUND. The decision recounted the history of the “Dawg Pound,” which today primarily refers to the rowdy area of the bleachers and the seasoned fans who sit there (often in dog masks), but which was originally used to describe the Browns’ defensive linemen, who would bark and growl at their adversaries.
- We represented **ESPN** and **Orley Adelson Productions**, in a trademark infringement action brought by Playmakers LLC, concerning the use of “Playmakers” in the title of a critically acclaimed television series concerning the off-field lives of professional football players. The plaintiff alleged that ESPN’s “Playmakers” series amounted to reverse confusion and overwhelmed its sports agency brand, causing consumers to believe that its agency was owned by or affiliated with ESPN. A preliminary injunction was denied in a federal district court and later affirmed by the Ninth Circuit. The district court later granted ESPN’s motion for summary judgment which was upheld by the Ninth Circuit.
- We represented **Nike** when Adidas prevailed on claims in Europe that Nike’s use of two stripes on apparel infringed Adidas’s three-stripe trademark. We filed a complaint on Nike’s behalf in the District Court of Oregon seeking a declaration that Nike was entitled to use two stripes and other

decorative striping on apparel and footwear in the United States. After we positioned the case to put the scope of Adidas's three-stripe mark at issue, Adidas conceded the case and filed a broad covenant not to sue Nike in the United States over apparel and footwear products incorporating a wide variety of multi-stripe designs, including all Nike two-stripe products.

- We represented the **NFL** and **Green Bay Packers** in a trademark infringement and trade secret case against a company that had obtained publicity rights from various Packers players to use their names and numbers on football jerseys. Notwithstanding that the defendant had obtained those rights from the players, because it had not received approval from our clients, the jury in Milwaukee rendered a verdict in our favor, which was upheld by the Seventh Circuit.
- We represented **ESPN**, the owner and creator of the nation's premier action sports competition known as the X Games, in an action for trademark infringement in federal court in New York against The X Channel, Inc., which intended to launch a national television channel featuring action sports. After obtaining a temporary restraining order, the court quickly set a preliminary injunction hearing and the case settled promptly.
- One of our partners obtained summary judgment for the **Los Angeles Rams** against a Wisconsin corporation's claims of trademark infringement.
- One of our partners represented **The National Sports Daily** in an action to subpoena the notes of a reporter who covered the *Buster Douglas v. Mike Tyson*, Heavyweight championship bout in Tokyo, Japan.
- One of our partners successfully represented a trading card company in an action to prevent sale of a derivative work of the client's officially licensed major league baseball cards.
- One of our partners successfully represented the **NFL** and **Indianapolis Colts** professional football franchise in litigation against the Canadian Football League's attempt to operate a franchise in Baltimore using the famous COLTS trademark. Our victory included precluding a change of venue from Indianapolis. The decision was upheld by the Seventh Circuit.
- On behalf of the **Washington Redskins**, we successfully opposed an attempt to obtain a trademark registration for the mark WASHINGTON PIGSKINS.
- One of our partners successfully represented the **NFL** and **Seattle Seahawks** professional football franchise in litigation over the unauthorized manufacture of NFL football jersey replicas, namely football-style shirts bearing large numerals, colors corresponding to an NFL team, sleeve design, and either the full team name (i.e., "Seattle Seahawks"), the team nickname (i.e., "Seahawks"), the "home" city name or regional designation of the respective NFL team (i.e., "Seattle") or the name of a team player (i.e., "Jim Zorn").
- One of our partners represented an **investor and manufacturer of Golf equipment** in a dispute with The Royal and Ancient Golf Club of St Andrews and the United States Golf Association regarding the admissibility of certain equipment under the respective rules of the game.