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Fair Use or Foul Play by EA in Video Game Dispute?

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September 10, 2010 Electronic Arts, Inc. (EA) is facing another lawsuit involving its Madden NFL video game series. Retired NFL player Tony Davis, has filed a class action suit on behalf of 6,000 former NFL players over EA using their likenesses in Madden NFL 09. Davis is alleging the use of their height, weight, statistics and positions violates their right of publicity. However, EA's defense will be grounded in the First Amendment right to freedom of expression. According to Kravitz, it does not appear to be a "slam dunk" for either side.