

NCAA's Request to Delay O'Bannon Lawsuit Causes More Complex Litigation

by Anthony Caruso on August 30, 2013

The National Collegiate Athletic Association has petitioned a federal court to delay the Ed O'Bannon lawsuit for 15 months, a request that may turn an already complicated case into a complex litigation.

The trial is currently set for June 9, 2014, but the delay would push it back to August 28, 2015. Co-defendants EA Sports and the Collegiate Licensing Company also requested a five-month postponement of proceedings. If U.S. District Judge Claudia Wilken approves the request, it will only be one more of numerous interruptions and reschedulings that have already occurred. To further complicate the ongoing dispute, EA Sports also announced plans to ask the U.S. Supreme Court to take up two other cases involving the use of college athletes' names and likenesses. One of these cases, which revolves around former Arizona State and Nebraska quarterback Sam Keller, has been added to the existing O'Bannon lawsuit. Although the sports law issues are slightly different, the NCAA and EA wrote in their request to delay proceedings that the Keller case directly impacts O'Bannon.

Also still pending is Wilken's ruling on whether to approve the plaintiffs' request that proceedings be treated as a class action lawsuit. The NCAA and EA may be hoping to get dismissed from the case before the court announces its certification ruling.

Following the most recent request, Wilken now has several rulings to determine over the course of the next few months, all of which may have a significant impact on the future of sports and entertainment and provide more clarification on anti-trust and First Amendment arguments that have been used in both cases. Ultimately, however, Wilken's rulings will set new precedents on the use of players' likenesses in video games, as well as whether athletes have the legal right to stop live broadcasts of sporting events using their name and likeness.