

## SPORTS AND ENTERTAINMENT LITIGATION PRACTICE

### OVERVIEW

Our litigation team is comprised of trial lawyers successfully advocating for our clients in the courtroom, as well as lawyers skilled at managing complicated cases. Among our over 450 business litigators across the Firm, our litigation team includes full-time, dedicated sports and entertainment industry litigators who try (and win) jury trials, bench trials, arbitrations and administrative/regulatory proceedings in all manner of complex business disputes around the globe and who regularly advise clients with respect to reputation management and crisis management and prevention issues.

We regularly handle sports and entertainment industry class action litigation; high profile depositions of presidents, GMs, owners and former players of professional sports clubs; arbitrations of ownership disputes and executive disputes and player arbitrations; anti-doping disputes; Olympic movement-related litigation; Safe Sport disputes; contractual and other commercial disputes, including with respect to recovery of unpaid sponsorship, suite license and other fees; music licensing disputes involving alleged copyright infringement; defamation matters; privacy matters (including specific privacy advice, as well as intervention both prepublication and post-publication, while also acting on data related issues, reputation management and protection for corporate organizations in this sector); internal investigation matters; player injury insurance claims; enforcement of terms of financing related to international football (soccer) club player transfers; third party rights in international football (soccer) club players; planning permission appeals; and various communications matters, including phone hacking, social media management and player anonymity matters. We have extensive experience in advising and/or appearing before Commissioners of professional sports leagues, major regulatory bodies such as FIFA and The Premier League and numerous international tribunals, including Rule K arbitrations (contractual disputes and regulatory requirements under the Football Association's regulations), CAS arbitrations, FIFA hearings and High Court disputes in England and Wales, among others.

We have an international reputation for dealing with some of the most significant sports related regulatory issues and a strong record of resolving disputes through dispositive motion practice, mediation and other pre-trial strategies. And since litigators often are a key resource for avoiding actual lawsuits, we also counsel clients on how to resolve business issues without litigation. Our experience, combined with the use of cutting-edge technology and an understanding of large-scale data, translate to favorable, cost-effective, speedy results for our clients.

## MEET THE TEAM



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## **EXPERIENCE**

Among others, the BCLP Sports and Entertainment litigation team has handled the following representative matters:

- Represented 30 National Hockey League clubs in connection with concussion matter

- Service as national coordinating counsel for the NCAA for their nationwide sports injury and concussion claims, including in connection with a landmark wrongful death jury trial resulting in a complete defense verdict in favor of the NCAA
- Represented the United States Anti-Doping Agency in its doping cases against Tour De France winners Lance Armstrong and Floyd Landis, Marion Jones and other gold medal winners involved in the BALCO doping scandal
- Represented an NHL club in connection with an executive arbitration matter in front of NHL Commissioner Gary Bettman
- Represented another NHL club in connection with various arbitration matters in front of Commissioner Bettman
- Represented the St. Louis Blues in connection with various dispute resolution matters involving players, coaches, team executives, the NHL and other NHL teams (including former player Scott Stevens and former coach Mike Keenan, among others)
- Represented four NHL clubs in connection with litigation matter
- Represented two NHL clubs in connection with separate litigation matter
- Represented AEG in a dispute arising out of the construction of the STAPLES Center (now known as Crypto.com Arena)
- Successfully served as trial counsel in a \$350 million contract damages dispute and a \$100 million class action matter successfully decided in favor of the Los Angeles Angels of Anaheim
- Represented USA Basketball in connection with a discrimination suit filed against Geno Auriemma, USA Basketball and the NBA
- Represented a variety of clients in disputes in the anti-doping area, including in connection with high profile cases for the World Anti-Doping Agency, the United States Anti-Doping Agency, the Australian Sports Anti-Doping Authority, the United States Olympic and Paralympic Committee, USA Swimming, the International Weightlifting Federation and other Olympic National Governing Bodies and International Federations
- Tried dozens of cases before various types of arbitration panels involving doping, Olympic Team eligibility, sponsorship and other economic issues and disciplinary matters
- Representing multiple professional sports teams in connection with various music licensing disputes involving alleged copyright infringement

- Represented Melissa “Missy” Franklin, a former competitive swimmer and five-time Olympic gold medalist, in a contentious and years-long insurance dispute
- Handled salary arbitrations for the St. Louis Cardinals throughout the 1980s and 1990s, including in the successful arbitrations with players such as Ozzie Smith, Vince Coleman and Todd Zeile as well as many cases in which the Cardinals prepared for arbitration but settled
- Acted for Newcastle United FC in bringing an action against FIFA and the FA arising from Michael Owen’s injury while on international duty, which led to a change in insurance rules and regulations
- Acted for Rio Football Services Hungary KFT in bringing a multi-million Euro claim in the High Court of London against Seville Football Club to enforce the terms of a financing agreement relating to a professional international football (soccer) player
- Obtained summary judgment for USA Swimming and national team head coach in antitrust and trade libel action preceding Olympic trials and Beijing games
- Represented Olympic athletes in dispute with equipment sponsor prior to Vancouver games
- Represent the PGA in connection with private litigation matters
- Represented the Continental Basketball Association with termination cases involving two former CBA franchises
- Served as defense counsel to a Grammy Award winning, hip hop artist in a series of high profile copyright infringement lawsuits relating to the group’s international No. 1 hit songs
- Represented Sephora USA in suit brought by Sophia Loren and the estate of Marilyn Monroe in claim for misappropriation of name and likeness
- Defended trademark infringement action involving the Oscar in a claim brought by the Academy of Motion Picture Arts and Sciences against world’s largest statuette manufacturer
- Represented Specialized Bicycle Components in connection with numerous contract negotiations and disputes
- Represented publisher of Blue & Gold Illustrated (regarding Notre Dame athletics) in defense of fraud and breach of contract action regarding purchase of online sports news entity
- Represented various sports clients with sports-related disputes covering a broad spectrum of issues, from commercial disagreements to athlete eligibility contests to disputes arising during the course of contests to Section 9 proceedings under the Amateur Sports Act

- Successfully defended a major sports agency in an arbitration in respect of a number of crucial issues, including the ownership of player image rights
- Represented Sports Invest UK, a leading soccer agency, in a High Court action against a European football club for inducement to breach a former employee's contract of employment
- Represented an international sports federation in a high profile CAS case brought by four national associations, seeking to challenge the validity of the election of the federation president
- Represented a football club in relation to a claim for termination without just cause against a player in FIFA's DRC and in recently heard Court of Arbitration for Sport appeal proceedings
- Represented a football agency defending a claim for alleged inducement to breach of contract under the Football Association's Rule K procedure relating to the disputed representation of a high-profile Premier League player
- Represented a football intermediary in FA Disciplinary Proceedings in front of a Regulatory Commission relating to alleged breaches of the FA's Regulations on Working with Intermediaries
- Represented a football club defending a player transfer dispute for breach of contract in FIFA's Players' Status Committee
- Represented a sports agency defending claims for alleged negligence and breach of fiduciary duty made by a Premier League footballer, including in relation to P11D issues
- Represented a football intermediary in relation to an FA investigation arising from allegations of undertaking unauthorized regulated activity prior to registration with the FA
- Represented a football intermediary in relation to an FA investigation arising from allegations of prohibited related party dealings within a high-profile Premier League transfer
- Represented a director of a Premier League club in connection with a high profile disciplinary investigation
- Represented public figures, including Premier League footballers, on privacy injunctions against major newspaper groups, including acting in proceedings leading to high profile interim injunction judgment in *AMC v NGN Ltd*

We also have significant experience in serving as an arbitrator of sports industry disputes. One of the leaders of our team, Rich Young, has served as an international sports arbitrator in connection with a variety of matters, including serving on numerous hearing panels for the International Tennis Federation, the Association of Tennis Professionals and the International Court of Arbitration for

Sport, including the ad hoc Divisions of the International Court of Arbitration for Sport during the 1998 Olympic Winter Games in Nagano, Japan and the 2000 Summer Olympic Games in Sydney.

## RELATED INSIGHTS

Insights

Oct 21, 2024

### **Lassana Diarra foils FIFA's transfer rules**

It is pretty rare for judgments of the European Court of Justice ("ECJ") regarding the freedom of movement for workers and competition rules to grab news headlines. However, the ECJ's ruling in C-650/22 ("Diarra") has certainly kick-started global debate on the restrictions inherent in football's transfer system, and whether they are compliant with wider legal requirements. The ECJ on 4 October 2024 clarified that certain of FIFA's transfer rules which (in effect) disincentivised unilateral termination of a player's contract (by club or player) without "just cause" are incompatible with Article 45 and 101 of the Treaty on the Functioning of the European Union ("TFEU"), that is, the rules on the freedom of movement for workers and the prohibition on anti-competitive no-poach agreements within the EU. Subject to the Belgian Court of Appeal ruling that these rules are capable of objective justification (which is unlikely in light of the...

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### **Corruption in Sport**

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### **Showing anti-competitiveness the red card**

The European Union's Court of Justice ("ECJ") went into the 2023 winter break in style, publishing a hat-trick of judgments (hereafter referred to as SuperLeague, ISU, and Royal Antwerp) regarding the application of competition law to the governance of sport. These judgments are an El Classico of sorts for sports and competition law aficionados, with far reaching implications for rule-makers (such as FIFA, UEFA, the ISU, national sports associations and other sports governing bodies), players, clubs, fans, and other sectors more generally. This article details the factual background of the judgments, before assessing in turn, key implications in terms of sports governance and competition law. The judgments (ISU and SuperLeague in particular) strongly affirm the application of competition law to the governance of sports, and may subsequently result in many sports governing bodies revisiting the content and ap...

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