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Bipartisan Antitrust Lawsuit Against NCAA Expands to 11 States Total, Plus U.S. Department of Justice

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NASHVILLE—In a show of support for competition in the labor market, the United States Department of Justice has joined the multistate bipartisan antitrust lawsuit against the NCAA that was filed in December and joined by Tennessee Attorney General Jonathan Skrmetti. That lawsuit challenges the NCAA's transfer eligibility rule as an illegal restraint on college athletes' ability to sell their image and likeness and control their education.

General Skrmetti and the other attorneys general are challenging the National Collegiate Athletic Association's requirement that college athletes who transfer a second time among Division I schools wait one year before competing in games.

"College athletes deserve clear rules, consistently applied, so they can make the best decisions about their futures," Attorney General Skrmetti said at the time of the original filing.

Also signing on today were the states of Minnesota, Mississippi, and Virginia as well as the District of Columbia, bringing the total number of attorneys general who are backing the litigation to 11.

The NCAA began automatically exempting first-time transfers from the regulation in 2021 but has continued to enforce the rule for subsequent transfers and denied waivers inconsistently and often without legitimate reasons.

On December 13, 2023, United States District Judge for the Northern District of West Virginia Judge John Preston Bailey issued a temporary restraining order, later extended to a preliminary injunction, prohibiting the NCAA from enforcing the rule and allowing college athletes to compete without fear of retaliation from the association.

The preliminary injunction will run through at least the end of the 2023-24 academic year, ensuring that winter and spring athletes can complete their seasons free from the rule's restrictions.

A trial date in the case has yet to be scheduled. In addition to Tennessee, states on the original lawsuit include Colorado, Illinois, Ohio, New York, North Carolina, and West Virginia.

To read the amended complaint, click [here](#).

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