Before the House (Settlement): Recent Developments in NCAA Name Image and Likeness Class Actions

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Last year, the National Collegiate Athletic Association ("NCAA") entered into a multibillion-dollar settlement (the "House Settlement") that provided back pay to former college athletes who had competed since the 2016–2017 season. [1] In the wake of this settlement, several athletes who competed in earlier seasons (and were therefore excluded from the House Settlement) have brought lawsuits seeking similar compensation. This article discusses and compares three such cases. Each has been dismissed in District Court for being untimely and the Second Circuit upheld one of these dismissals mid-last month. [2]

The NCAA is the principal governing body for college athletics in the U.S. and sets the rules that apply to most college athletes. Historically, the NCAA has limited the kinds of benefits and compensation student-athletes [3] can receive, claiming that such restrictions were necessary to "maintain a clear line of demarcation between college athletics and professional sports." [4] One such limit was a prohibition on student-athletes profiting off their names, images, and likenesses (NILs). [5] In 2020, lead plaintiffs Grant House and Sedona Prince (later joined by co-lead plaintiff Tymir Oliver) brought a class action against the NCAA and the then-Power 5 conferences, seeking compensation for lost earnings from their NIL rights. The next year, in a separate case, the Supreme Court found that NCAA rules restricting education-related benefits were unlawful, though the Court did not rule on the NIL rules. [6] A settlement was announced in the House matter in May 2024 and eventually approved in June 2025. [7]

Shortly after the House Settlement was announced, several putative class actions were filed on behalf of student-athletes who had competed before June 15, 2016. [8] One interesting feature of the complaints was how they sought to highlight their lead plaintiffs or their sports.

- ***Chalmers***: In July 2024, sixteen former college basketball players filed a complaint in the Southern District of New York. The complaint opened by describing the men's 2008 NCAA Championship game, which was tied in the last seconds by a shot made by named plaintiff Mario Chalmers, an event described as "Mario's Miracle" because Chalmers' team went on to win the championship in the ensuing overtime. The complaint used "Mario's Miracle" as an example of the harm it was alleging, claiming that the NCAA continues to use footage of the "Miracle" for commercial purposes. [9]

- ***Robinson***: In September 2024, four former University of Michigan football players, including Denard Robinson, filed a complaint in the Eastern District of Michigan. This complaint opened with a paean to the University of Michigan's football program, claiming it to be "arguably the most iconic in college football history" and "undoubtedly the most recognized brand nationally." [10] Strangely enough, despite the complaint repeatedly claiming to be brought on behalf of "former *University of Michigan Football players,"* the actual class proposed by the complaint covered all sports and NCAA members. [11]

- ***Pryor***: In October 2024, former Ohio State University quarterback Terrelle Pryor filed a complaint in the Southern District of Ohio. Unlike the other two complaints, the *Pryor* complaint did not begin with flights of rhetoric, and instead

straightforwardly presented its allegations. During his NCAA career, Pryor earned various accolades, including 2010 Rose Bowl MVP. However, the NCAA subsequently suspended him for selling memorabilia, resulting in Pryor leaving Ohio State in order to pursue a professional football career. [12]

Key Details of the Three Class Actions

	District	Chief Judge	Date Filed	Date Dismissed	Current Status
1. Chalmers	S.D.N.Y.	Paul A. Engelmayer	Jul 2024	Apr 2025	2nd circuit upheld district decision
2. Pryor	E.D. Mich.	Sarah D. Morrison	Oct 2024	Jul 2025	Dismissed
3. Robinson	S.D. Ohio.	Terrence G. Berg	Sept 2024	Sept 2025	Amended complaint filed

	Plaintiffs		Defendants	
	Named Plaintiff(s)	Putative Class	Common	Additional
1. Chalmers	16 former College Basketball players	NCAA student-athletes prior to June 15, 2016 whose image or likeness was used by Defendants	NCAA, Big Ten	Turner Sports Interactive, Five Sports Conferences (Pac-12, XII, SEC, ACC, BIG EAST)
2. Pryor	Terrelle Pryor (former Ohio State University American Football player)	Ohio State student-athletes prior to changes to NCAA NIL rules	NCAA, Big Ten	Learfield COmmunications, The Ohio State University
3. Robinson	4 former University of Michigan American Football Players	NCAA student-athletes prior to June 15, 2016 whose image or likeness was used by Defendants	NCAA, Big Ten	-

Source: Chalmers Complaint, Robinson Complaint, Pryor Complaint, Chalmers MTD Order, Robinson MTD Order, Pryor MTD Order.

Key details about the three cases are shown above. While very similar, each case contained slight differences in the proposed classes and defendants.

- **Proposed classes:** Both the *Chalmers* and *Robinson* cases sought to represent almost all NCAA student-athletes who had played prior to June 15, 2016, and had their image or likeness used by the NCAA. [13] However, *Pryor* sought to represent

only student-athletes from Ohio State and only those who played prior to the 2021 changes in the NCAA's NIL rules. [14]

- **Defendants:** All three cases were brought against the NCAA and the Big Ten Conference. In addition, the *Chalmers* and *Pryor* cases included other sports conferences (*Chalmers*), The Ohio State University (*Pryor*), and sports broadcasters (both). [15]

All three complaints alleged that the defendants' actions constituted a restraint of trade and a group boycott under Section 1 of the Sherman Act, as well as unjust enrichment. [16] While the *Chalmers* and *Pryor* plaintiffs were vague about the damages they alleged to have incurred, [17] the *Robinson* plaintiffs gave much more detail, describing twenty (not necessarily exhaustive) mechanisms of harm, including (among others): the lost value of their NIL rights during their playing years, the revenue the NCAA continues to earn from archived footage and highlights reels, and the loss of future earnings potential from their reduced ability to build their personal brand during college. [18] All cases sought declaratory and injunctive relief, as well as monetary damages. [19]

By the time the complaints were filed, it had been over eight years since any of the lead plaintiffs had competed as student-athletes. [20] This was well outside the relevant statutes of limitations for their claims, which was at most six years. [21] The plaintiffs put forward various arguments that their claims were not time-barred.

- **Equitable tolling (all):** Equitable tolling allows claims if the plaintiffs did not or could not discover the injury until after the limitations period. [22] *Chalmers* and *Robinson* argued that they were unable to exercise their rights because they were "barely at the age of maturity" at the time of signing," [23] while *Pryor* alleged that the defendants had fraudulently concealed their actions because the NCAA claimed their rules "benefited student-athletes, preserved purported amateurism, and protected the integrity of college sports." [24]

- **Continuing violations doctrine (all):** Second, plaintiffs argued their claims were valid under the continuing violations doctrine, which allows claims where plaintiffs have multiple related causes of action, (even if some fall outside the statute of limitations). [25] According to the plaintiffs, a new cause of action was created each time the defendants used their likeness. [26]

- **Injunctive relief (*Chalmers* and *Pryor*):** In addition to equitable tolling and continuing violations, *Chalmers* and *Pryor* asserted that the statute of limitations did not apply because the defendants' use of their likenesses was ongoing. [27]

- **Speculative damages:** *Chalmers* further argued that the statute did not apply because the antitrust damages they alleged were "speculative" or "unprovable" at the time they signed their rights over to the NCAA. [28]

In all three cases, these arguments were rejected: [29]

- **Equitable tolling:** The judges ruled that equitable tolling did not apply because the plaintiffs were aware they had signed their NIL rights over to the NCAA. [30] The judges all pointed to substantially similar litigation brought by other student-athletes as far back as 2009, as evidence that the plaintiffs could have, or should have, known about the defendants' actions. [31] Judge Berg in the *Robinson* case had the strongest language, describing the delay in bringing the lawsuit as "precisely the type of conduct that the statute of limitations is designed to prevent—parties sleeping on their rights." [32]

- **Continuing violations:** The judges also ruled that the continuing violations doctrine did not apply as the plaintiffs had not alleged any specific "overt act" that would restart the statute of limitations. [33] Accordingly, the defendants' continued use of the plaintiffs' names, images, and likenesses was "not a new and independent act," but instead "a 'manifestation' or 'reaffirmation' of Defendants' past conduct," and hence did not count as a continuing violation. [34] Judges Morrison (*Pryor*) and Berg (*Robinson*) noted that any adverse effects the plaintiffs allege they continue to feel "only establishes that they might have been entitled to future damages if they had brought suit within four years of the commission of the last antitrust violation." [35]

- **Injunctive relief (*Chalmers* and *Pryor*):** Both judges ruled that the plaintiffs' claims for injunctive relief were barred because they had waited too long to bring their claims without good reason (the doctrine of laches). [36]

- **Speculative damages (*Chalmers*):** Judge Engelmayer ruled that the plaintiffs' claims could not be saved by the speculative damages doctrine. He noted it was plausible that damages were too speculative to be calculated at the point when the plaintiffs signed away their rights (i.e., at the start of their careers, before they knew which games they would play or which recordings might have commercial

> value). However, he reasoned that this would no longer be the case by the time the plaintiffs graduated, at which point "… the NIL rights that each had relinquished to the NCAA, was complete" and damages were no longer speculative. As all plaintiffs had graduated more than four years prior to filing the lawsuit, their claims were barred under the statute of limitations regardless of whether one measured from the start or end of their college career. [37]

For the above reasons, all three judges ruled that the plaintiffs' claims were time-barred and dismissed the cases. [38] The *Chalmers* case was dismissed in April, the *Pryor* case in July, and the *Robinson* case in September. [39] Since then plaintiffs in *Robinson* submitted a motion to have the District Court reconsider its dismissal while plaintiffs in *Chalmers* appealed to the Second Circuit. [40] On Monday December 15, 2025 the Second Circuit affirmed the District Court's decision. [41]

Endnotes

1. The settlement also provided for revenue sharing with current and future Division I student-athletes for the next 10 years. Former student-athletes were separated into three classes (certain football and men's basketball players, certain women's basketball players, and others) which effectively covered "all student-athletes who compete on, competed on, or will compete on a Division I athletic team and who have been or will be declared initially eligible for competition in Division I at any time from June 15, 2016 through September 15, 2024." See *Inre College Athlete NIL Litigation*, No. 4:20-cv-03919 (N.D. Cal. filed June 11, 2025), Opinion Regarding Order Granting Motion For Final Approval of Settlement Agreement, https://www.law360.com/articles/2326287/attachments/0, p. 8. Most former Division I student-athletes who competed between June 15, 2016, through September 15, 2024, were included, though the exact criteria to be a member of the class differed between classes.

2. See ¶ 8,

3. Student-athletes are students at NCAA member schools who either played on an intercollegiate squad or were recruited for that purpose. See NCAA Division I 2024–2025 Manual, https://www.ncaapublications.com/productdownloads/D125.pdf, p. 34, ("12.02.14 Student-Athlete. A student-athlete is a student whose enrollment was solicited by a member of the athletics staff or other representative of athletics interests with a view toward the student's ultimate participation in the intercollegiate athletics program. Any other student becomes a student-athlete only when the student reports for an intercollegiate squad that is under the jurisdiction of the athletics department, as specified in Bylaw 20.2.4.7. A student is not deemed a student-athlete solely on the basis of prior high school athletics participation.")

4. NCAA Division I 2019–2020 Manual, https://www.ncaapublications.com/productdownloads/D120.pdf, p. 61, (Bylaw, Article 12 Amateurism and Athletics Eligibility… 12.01.2 Clear Line of Demarcation. Member institutions' athletics programs are designed to be an integral part of the educational program. The student-athlete is considered an integral part of the student body, thus maintaining a clear line of demarcation between college athletics and professional sports.")

5. NCAA Division I 2019–2020 Manual, https://www.ncaapublications.com/productdownloads/D120.pdf ("12.5.2.1 Advertisements and Promotions After Becoming a Student-Athlete. After becoming a student-athlete, an individual shall not be eligible for participation in intercollegiate athletics if the individual: (a) Accepts any remuneration for or permits the use of his or her name or picture to advertise, recommend or promote directly the sale or use of a commercial product or service of any kind; or (b) Receives remuneration for endorsing a commercial product or service through the individual's use of such product or service. [The bylaws go onto describe exceptions.]")

6. Justia, *National Collegiate Athletic Association v. Alston*, 594 U.S. ___ (2021), https://supreme.justia.com/cases/federal/us/594/20-512/ ("The Supreme Court affirmed, considering only the enjoined subset of NCAA rules restricting education-related benefits…. Only after finding the NCAA's restraints 'patently and inexplicably stricter than is necessary' did the court find the restraints unlawful.")

7. The class was certified in September 2023 and further modified in November 2023. David Steele, "Judge Approves NCAA's $2.8B Athlete Revenue Settlement," Law360, May 23, 2024, https://www.law360.com/articles/2326287/judge-approves-ncaa-s-2-8b-athlete-revenue-settlement ("Judge Wilken certified the class in September 2023, and additional classes were consolidated into the House class in November 2023. The NCAA and the conferences announced the settlement in May 2024 and submitted it to Judge Wilken in July.")

8. Cases were also brought on behalf of individuals and in state courts. For example, just seventeen days after the House Settlement was announced, a case was brought in North Carolina state business court by members of North Carolina State University's 1983 championship basketball team. The so-called "Cardiac Pack" had "survived the post-season tournaments by winning nine games in overtime or by a single point, to advance to the National Championship game, which it won at the buzzer by single basket" See Members of North Carolina State University's 1983 NCAA Men's Basketball National Championship Team, a.k.a, the "Cardiac Pack" vs. National Collegiate Athletic Association et al., 24CV017715-910, Complaint, https://www.law360.com/articles/1846698/attachments/0, at p. 2. The House Settlement was announced on Thursday May 23, 2024, and the Cardiac Pack case was filed on Monday, June 10, 2024. See Ralph D. Russo, Associated Press, "NCAA, leagues back $2.8 billion settlement, setting stage for current, former athletes to be paid," May 23, 2024, https://apnews.com/article/ncaa-settlement-b6ff58d62f93359789dde1626f827bf1; Associated Press, "10 members of NC State's 1983 national champions sue NCAA over name, image and likeness compensation," June 10, 2024, https://apnews.com/article/nc-state-wolfpack-lawsuit-ncaa-nil-afdf36451885b9ebbae292b7886b7901.

9. *Mario Chalmers et al. vs. National Collegiate Athletic Association et al.*, 1:24-cv-05008, Complaint ("Chalmers Complaint"), https://www.law360.com/articles/1854471/attachments/0, ¶¶ 1–3 ("On April 7, 2008, the Kansas Jayhawks and Memphis Tigers men's basketball teams were matched in the NCAA national championship game at the Alamodome in San Antonio, Texas. The Jayhawks were down by nine points with 2:12 left in the game before mounting an incredible comeback. Down 63-60 with only 10.8 seconds left, Kansas inbounded the ball in their backcourt to Sherron Collins, who dribbled up the right side of the court and passed to Mario Chalmers behind the three-point line. With barely any room to shoot and 3 seconds left in the game, Chalmers launch one of the most iconic shots in the history of men's college basketball—'Mario's Miracle'—that tied the score and sent the game into overtime, where the Jayhawks went on to beat the Tigers and win the national title by a score of 75-68. Since that day, 'Mario's Miracle" has been replayed countless times for commercial purposes in live television broadcasts, advertisements, online videos, and other forms of media… [Defendants] use these videos of 'Mario's Miracle' for a commercial purpose.")

10. *Robinson et al. vs. National Collegiate Athletic Association et al*., 2:24-cv-12355-TGB-DRG, Complaint ("Robinson Complaint"), https://www.law360.com/articles/1878154/attachments/0, p. 2 ("The University of Michigan Football program is arguably the most iconic in college football history. It is undoubtedly the most recognized brand nationally. Storied teams, legendary players, and some of the most historic moments in the sport's history were created by the Michigan Program and its players—specifically by the players, many of whom are among the most notable names in the sport's history.")

11. Robinson Complaint, p. 1, p. 2, p. 3, ¶5, ¶ 15, ¶ 32, ¶ 45 ("Denard Robinson; Braylon Edwards; Michael Martin; Shawn Crable, Individually and on behalf of themselves and former University of Michigan football players similarly situated… This is a Class Action on behalf of all former University of Michigan Football players who played prior to 2016. It seeks to right a wrong perpetuated on college athletes for decades… This action seeks to compensate former Michigan players and rectify that unlawful wrong… The named Plaintiffs, and other former University of Michigan football players have seen their names, images, and likenesses used by the NCAA and its partners without consent or compensation, resulting in significant financial and personal harm…. Countless other former University of Michigan football players, who may not have achieved the same level of fame, have also contributed significantly to the rich history and success of University of Michigan football… The Plaintiffs, representing a Class of similarly situated former University of Michigan football players… The NCAA's illegal conduct has deprived Robinson, Martin, Edwards, Crable, and numerous other former University of Michigan football players of substantial profits they would have otherwise earned from their publicity rights."); Robinson Complaint, ¶ 77 ("All persons who were NCAA student-athletes prior to June 15, 2016, whose image or likeness has been used in any video posted by or licensed by the NCAA, Big Ten Network, or their agents, distributors, contractors, licensees, subsidiaries, affiliates, partners, or anyone acting in concert with any of the foregoing entities or persons.")

12. *Terrelle Pryor, on behalf of himself and all others similarly situated, vs. National Collegiate Athletic Association et al*., 2:24-cv-04019-JLG-EPD, Complaint (Pryor Complaint),

https://www.law360.com/articles/1886864/attachments/0, ¶ 29 ("In 2008, Terrelle Pryor was widely regarded as the nation's top football prospect. On March 19, 2008, [he] committed to play at The Ohio State University. He was the starting quarterback for the Ohio State Buckeyes from 2008 to 2010. He was Big Ten Freshman of the Year in 2008, led the team to a Big Ten Championship in 2009. In 2010, after winning the MVP of the Rose Bowl, the Defendant, NCAA ruled that Terrelle Pryor would be suspended for five games in the 2011 season for selling memorabilia. Following the sanction, Terrelle Pryor left Ohio State to pursue a professional football career.")

13. Chalmers Complaint, ¶ 113 ("All persons who were NCAA student-athletes prior to June 15, 2016, whose image or likeness has been used in any video posted by or licensed by the NCAA, the Conferences, TSI or their agents, distributors, contractors, licensees, subsidiaries, affiliates, partners or anyone acting in concert with any of the foregoing entities or persons."). Robinson Complaint, ¶ 77 ("All persons who were NCAA student-athletes prior to June 15, 2016, whose image or likeness has been used in any video posted by or licensed by the NCAA, Big Ten Network, or their agents, distributors, contractors, licensees, subsidiaries, affiliates, partners, or anyone acting in concert with any of the foregoing entities or persons.")

14. *Pryor* Complaint, ¶ 52 ("Plaintiff brings this action pursuant to Rule 23(b)(2) on his own behalf and on behalf of the following class: The Declaratory and Injunctive Relief Class All former student-athletes who competed on an Ohio State athletic team at any time prior to the changes to the name, image, and likeness rules of the NCAA. This class excludes the officers, directors, and employees of the Defendants as well as all judicial officers presiding over this action and their immediate family members and staff and any juror assigned to this action."). In addition to this proposed class, Pryor also proposed two identically defined sub-classes for which he sought a share of game telecast licensing revenue and lost social media earnings. He also sought to certify a class for his unjust enrichment claims. See Pryor Complaint, ¶¶ 54–58. The NCAA adopted an updated (interim) NIL policy on July 1, 2021. Michelle Brutlag Hosick, "NCAA adopts interim name, image and likeness policy," NCAA Media Center, June 30, 2021, https://www.ncaa.org/news/2021/6/30/ncaa-adopts-interim-name-image-and-likeness-policy.aspx ("NCAA college athletes will have the opportunity to benefit from their name, image and likeness beginning Thursday. Governance bodies in all three divisions today adopted a uniform interim policy suspending NCAA name, image and likeness rules for all incoming and current student-athletes in all sports.")

15. The *Chalmers* Complaint was also brought against Turner Sports Interactive, Inc.; Pac-12 Conference; Big Twelve Conference, Inc.; Southeastern Conference; Atlantic Coast Conference; and Big East Conference, Inc.. The *Pryor* Complaint was also brought against Learfield Communications, LLC fka IMG College, and The Ohio State University. See both complaints at p. 1.

16. While all complaints alleged a conspiracy to restrain trade, the *Robinson* Complaint was the only one to include it as a separate count. *Robinson* Complaint, ("Count III, Conspiracy to Restrain Trade, Violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.")

17. *Chalmers* Complaint, ¶¶ 155, 180 ("As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs and the Class have been injured and financially damaged, including without limitation, lost profits, less or near zero compensation, precisely the type of injuries antitrust laws were designed to prevent, making Defendants conduct and [sic] unlawful restraint of trade.") *Pryor* Complaint, ¶¶ 78, 86 ("As a direct and proximate result of the Defendants and their co-conspirators' conduct, the Plaintiff and the members of the Classes have been and continue to be damaged financially.")

18. See *Robinson* Complaint, ¶ 178 ("Loss of Market Value for NIL Rights: The NCAA's restrictions prevented student-athletes from realizing the full market value of their NIL rights during their playing years… Revenue from Archived Footage and Highlight Reels: The NCAA continues to profit from archived footage and highlight reels that feature former student-athletes, using them in various media formats without compensating the athletes… Loss of Future Earnings Potential: The inability to build a personal brand during college can significantly impact an athlete's future earnings potential and career opportunities. Establishing a strong personal brand during their college years could have led to substantial long-term financial benefits…")

19. *Chalmers* Complaint, ¶¶ 114–115; *Pryor* Complaint, ¶¶ 52–58; *Robinson* Complaint, ¶¶ 33–34.

20. Some putative members of the proposed *Pryor* class action may have competed more recently, though Terrelle Pryor had not. Moreover, simply competing within the statute of limitations may not have been sufficient, for example Defendants in the *Robinson* case argued the statute of limitations should be measured from when Plaintiffs signed certain forms before the start of each season. See *Robinson* MTD Order at pp. 16–17 ("Defendants assert that their challenged conduct or 'act'—requiring Plaintiffs to 'sign forms that effectively transfer[red] their publicity rights to the NCAA' 'each academic year before their athletic season begins,'—occurred between 12 and 24 years ago, and possibly longer for other proposed class members. [Internal citations omitted].")

21. The statute of limitations varies by claim and state. All judges agreed that the statute of limitations on Sherman Act claims was four years. See *Chalmers* MTD Order, p. 13, *Pryor* MTD Order, p. 12, and *Robinson* MTD Order, p. 16. For unjust enrichment the statute of limitations is: six years in Ohio, three years in New York unless restitution is sought in which case it is six years, and six years according to the Michigan Court of Appeals, though Judge Engelmayer noted some courts apply a three-year statute of limitations. See *Chalmers* MTD Order, p. 33, *Pryor* MTD Order, p. 19, and *Robinson* MTD Order, p. 28.

22. *Robinson* MTD Order at p. 23 ("'The doctrine of equitable tolling allows courts to toll a statute of limitations when 'a litigant's failure to meet a legally-mandated deadline unavoidably arose from circumstances beyond that litigant's control. [Internal citations omitted]'")

23. Both complaints use identical language. *Robinson* Complaint, ¶ 100. *Chalmers* Complaint, ¶ 133 ("Plaintiffs and Class Members are entitled to equitable tolling of their claims from the date of the first unlawful act of Defendants and their co-conspirators, including without limitation the requirement that Plaintiffs and Class Members sign away publicity rights, barely at the age of

maturity, an extraordinary circumstance that prevented Plaintiffs from pursuing their rights, initially within the first act's limitations period, and the harm is ongoing and continuous to this day.")

24. *Pryor* Complaint at ¶ 16 ("Throughout the college careers of the Plaintiff and the class, the Defendants and their co-conspirators engaged in fraudulent concealment of their misuse of the publicity rights of the Plaintiffs and the class under the guise of rules they claimed benefited student-athletes, preserved purported amateurism, and protected the integrity of college sports—all in order to maximize their profits at the expense of Plaintiff and the class.")

25. *Robinson* MTD Order at pp. 16–17 ("As stated above, generally 'the statute [of limitations for Sherman antitrust claims] begins to run when a defendant commits an act that injures a plaintiff's business.' However, 'in the context of a continuing conspiracy to violate the antitrust laws,' 'each time a plaintiff is injured by an act of the defendants, a cause of action accrues to him to recover the damages caused by that act and … the statute of limitations runs from the commission of the act.' [Brackets present in original have been removed.]")

26. *Chalmers* MTD Order at pp. 13–14 ("Plaintiffs counter that their claims survive, invoking several legal theories. Principally, plaintiffs invoke the 'continuing violation' doctrine… Finally, as to their claim for injunctive relief, plaintiffs argue that the statute of limitations does not apply."). *Pryor* MTD Order at pp. 11–12 ("Mr. Pryor responds that his claims are timely for three independent reasons: (1) the continuing violations doctrine renders his claims timely because Defendants' alleged unlawful conduct continues to the present; (2) the doctrine of equitable estoppel tolled the statute of limitations; and (3) the statute of limitations does not apply to his claims for injunctive relief.") *Robinson* MTD Order at p. 17 ("Plaintiffs similarly argue in their response to Defendants' joint motion to dismiss that their claims are timely, asserting: (1) the continuing violations doctrine renders their claims timely because Defendants' alleged unlawful conduct continues 'from college to the present;' and (2) the doctrine of equitable tolling tolled the statutes of limitations and preserves Plaintiffs' claims.")

27. See n. 26.

28. *Chalmers* MTD Order at p. 20 ("Plaintiffs next argue that the antitrust damages they experienced were 'speculative' or 'unprovable' at the time they agreed to relinquish their NIL rights to the NCAA and its co-conspirators. They argue that, under a narrow exception for certain speculative damages, their claims should be viewed as accruing later: each time a resulting injury occurred.")

29. In addition to the reasoning described below, different judges also ruled there were other reasons to dismiss certain counts. For example, in the *Robinson* case, Judge Berg noted that Michigan no longer recognizes the continuing violations doctrine for unjust enrichment. Robinson MTD Order at pp. 28–29 ("Like Plaintiffs' Sherman Act claims, their unjust enrichment claim is time-barred and not saved by the continuing violations doctrine or equitable tolling... Moreover, as Defendants correctly state, the continuing violations doctrine is no longer recognized in Michigan and thus cannot extend Plaintiffs' unjust enrichment claim.")

30. *Robinson* MTD Order at pp. 25–26 ("Plaintiffs do not say they did not know what they were relinquishing or that they were unaware of Defendants' practice of commercially using their NILs. Plaintiffs therefore fail to meet their burden to plead a claim of fraudulent concealment "with particularity. [Internal citations omitted].")

31. *Chalmers* MTD Order at p. 24 ("They do not claim to have been unaware of the earlier litigations—which date to 2009—in which other student-athletes sued the NCAA about substantively the same practices.") *Pryor* MTD Order at p. 16 ("But other student-athletes have brought lawsuits against the NCAA about substantively the same practices that Mr. Pryor now challenges dating to 2009—and he does not claim to have been unaware of those earlier litigations.") *Robinson* MTD Order at p. 26 ("As evidenced by the prior litigation, other student-athletes certainly were aware of the same practices Plaintiffs complain of here as far back as 2009, and Plaintiffs do not claim to be unaware of the prior litigation.")

32. *Robinson* MTD Order at p. 2.("Rather it appears that Plaintiffs' delay in bringing this lawsuit 'is precisely the type of conduct that the statute of limitations is designed to prevent—parties sleeping on their rights.' Z Techs. Corp., 753 F.3d at 603.")

33. *Chalmers* MTD Order at p. 17 ("Plaintiffs' theory, however, does not withstand the case law. Under it, the NCAA's use today of a NIL acquired decades ago as the fruit of an antitrust violation does not constitute a new overt act restarting the limitations clock."). *Pryor* MTD Order at p. 15 ("Defendants' alleged post-agreement conduct did not constitute a new overt act."). *Robinson* MTD Order at p. 20 ("Plaintiffs' FAC cites no specific overt act committed by Defendants after 2012.).

34. *Chalmers* MTD Order at p.17 ("Such a use is, in fact, a textbook example of the 'performance of a contract' that is 'a manifestation of the "overt act,"' [specifically] the decision to enter the contract, rather than an independent overt act of its own.'") *Pryor* MTD Order at p. 14 ("But the continued commercial usage of Mr. Pryor's NIL rights is a 'manifestation' of Defendants' past conduct, not a new and independent act that restarts the statute of limitations."). *Robinson* MTD Order at pp. 20–21 ("Defendants' alleged continued commercial use of Plaintiffs' NIL rights after 2012 is a 'manifestation' or 'reaffirmation' of Defendants' past conduct, not a new and independent act that restarts the statute of limitation.

35. *Robinson* MTD Order at pp. 20–21 ("While Plaintiffs allege they continue to feel the adverse effects of Defendants' acts, 'the fact that [Plaintiffs'] injuries have a rippling effect into the future only establishes that they might have been entitled to future damages if they had brought suit within four years of the commission of the last antitrust violation.'" [Internal citations omitted.]) Similar language citing the same case appears in *Pryor* at pp. 13–14.

36. *Chalmers* MTD Order, pp. 24–25 ("'…[W]here the conduct forming the basis for the Complaint occurs outside of the analogous statute of limitations period, the doctrine of laches presumptively bars a plaintiff's claims absent a showing that delay was excusable and caused no prejudice to the defendant.'… the doctrine of laches here is fatal to plaintiffs' claims. [Internal citations omitted]"). *Pryor* MTD Order, p. 18 ("As discussed above, Mr. Pryor failed to

assert his claims for injunctive relief within the four-year statutory period. And he makes no arguments to rebut the presumption that allowing his claims to proceed would be unreasonable and prejudicial to Defendants. Accordingly, even if the four-year statute of limitations does not bar his injunctive claims, they are time-barred by the doctrine of laches.")

37. *Chalmers* MTD Order, pp. 21–22 ("Plaintiffs' attempt to invoke the speculative damages doctrine here does not save their claims. Plaintiffs' premise is plausible that, at the time they surrendered their NILs as entering college freshmen dreaming of athletic success, they could not have predicted whether they would play in games in college or whether recordings of their footage would have commercial value. But by the time plaintiffs graduated, the answers to those questions were known. The body of the name, injury, and likeness material for each student-plaintiff, and the NIL rights that each had relinquished to the NCAA, was complete. It was a closed set. And each plaintiff's collegiate playing career, whether storied or prosaic, was also a matter of known history…. For each plaintiff, therefore assuming that their damages qualified as speculative at the moment they, as incoming freshmen, ceded their NIL rights to the NCAA, that was decidedly no longer so by the time their college careers ended. Even assuming each plaintiff thereafter had the full four years to bring suit, none did so. Rather, each plaintiffs' college career ended between 1998 and mid-2016—way more than four years before plaintiffs filed this lawsuit. [Internal citations omitted.]")

38. Some of the orders also ruled on other matters related to the case. For example, defendants had submitted a motion to change venue to the Southern District of New York in order to allow the case to be heard together with *Chalmers*. As *Chalmers* had already been dismissed by the time the time of Judge Berg's order he denied the change in venue. See *Robinson* MTD Order, pp. 9–11.

39. *Chalmers* MTD Order, *Pryor* MTD Order, *Robinson* MTD Order.

40. *Mario Chalmers et al. vs. National Collegiate Athletic Association et al*., 1:24-cv-05008-PAE, Notice of Appeal, ¶¶ 1. David Steele, "Football Players Urge Judge To Rethink Tossing $50M NIL Suit," Law360, October 21, 2025, https://www.law360.com/articles/2401850 ("A Michigan federal judge committed 'a clear error of law' by dismissing a $50 million antitrust suit against the NCAA by four former college football players last month based on the statute of limitations and on a misapplication of recent rulings involving other past college athletes' publicity rights, attorneys for the former football players said Tuesday in a motion to reconsider the suit's dismissal.")

41. *Mario Chalmers et al. vs. National Collegiate Athletic Association et al*., 1:24-cv-05008-PAE, Summary Order by Court of Appeals at https://www.law360.com/articles/2422310/attachments/0. ("UPON DUE CONSIDERATION, the judgment of the District Court is AFFIRMED.")