

FEBRUARY 26, 2024 | NEWS

Shumaker Attorneys Win Preliminary Injunction Against NCAA

TOLEDO, OH — Justice Kim Adair Wilson of the New York Supreme Court for Bronx County, New York issued a decision on Friday, February 23, 2024 at approximately 7:48 pm granting Plaintiff Dejuan Clayton's motion for a preliminary injunction in the case *Dejuan Clayton v. National Collegiate Athletic Association and Manhattan College*, allowing Mr. Clayton, in dramatic fashion, to enter Manhattan College's basketball game vs. Marist College with less than 10 minutes left and to remain eligible for the remainder of the season. The decision further enjoins the NCAA from assessing penalties against Manhattan College, Mr. Clayton's teammates, or coaches under the NCAA's rule of restitution, which otherwise would allow the imposition of sanctions after the fact.

The injunction resolves an arduous eight-month process initiated by Manhattan College to seek eligibility for Mr. Clayton and an opportunity for him to benefit from a final, healthy season of college basketball.

"Even though there are only four regular season games left, Dejuan, who has suffered an extraordinary range of injuries, hardships, and circumstances far beyond his control over the last several seasons in an effort to finish his collegiate career, will benefit from the opportunity to have healthy recent game tapes in his quest to move toward a professional career either domestically or internationally," said Shumaker Lawyer Robert Boland, who served as lead counsel. "It is also our hope that Dejuan, who is a good student, can finish his master's degree in organizational behavior at Manhattan on schedule this spring. In the end, he may find this the most-life changing part of this decision."

INDUSTRY SECTOR

Hospitality, Leisure, & Sports

SERVICE LINE

Litigation & Disputes

RELATED ATTORNEYS

Bennett H. Speyer

Robert A. Boland

MEDIA CONTACT

Wendy M. Byrne

wbyrne@shumaker.com

The decision also permits Mr. Clayton to pursue promised NIL opportunities as the Court considered Dejuan's rights under New York State's very athlete-favoring NIL law. "We believe this may be the first case where this NIL law was litigated in any way," Boland added.

Bennett Speyer, Co-Chair of Shumaker's Hospitality, Leisure and Sports Business Sector, noted that "the granting of the injunction helps reset the relationship between the NCAA and individual athletes and recognizes that the collegiate athletic experience is changing, and that hopefully, NCAA eligibility rules will adapt with these changes."

Diana Florence, Esq. of New York, who has exceptional experience in public sector law, served as special counsel to Shumaker in this case. Her experience in helping Devontez Walker become eligible at the University of North Carolina in football this Fall and fighting for the rights of New Yorkers in court were critical to the outcome.

Manhattan College had sought to resolve this matter within the NCAA's own administrative process from July 2023 to January 2024, when Shumaker attorneys joined the effort, after Ohio Attorney General Dave Yost and the Attorneys General of six other states were able to obtain a temporary restraining order and ultimately a preliminary injunction against the NCAA, in *Ohio v. NCAA* in December of 2023 in the Federal District Court for the Northern District of West Virginia.

Boland acknowledged partners at Shumaker who supported taking on this worthy matter, Manhattan College leadership for standing by this deserving young man through a long process, and New York State Senator Jamaal Bailey of the Bronx, who is also the architect of New York's NIL law and rallied the support of the Black & Hispanic Caucus of the New York State Legislature.

Shumaker provides trusted counsel through the entire landscape of sports at the professional, collegiate, and Olympic levels.