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# Ex-Mich. Players Defend \$50M NIL Suit Against NCAA, Big Ten

By Carolyn Muyskens

Law360 (March 14, 2025, 7:46 PM EDT) -- Former University of Michigan football players are fighting to keep a proposed class action seeking \$50 million in compensation for their names, images and likenesses in Michigan federal court and fend off what they called "premature" dismissal bids from the NCAA and Big Ten Network.




The four former Michigan football stars — Denard Robinson, Braylon Edwards, Michael Martin and Shawn Crable — said Thursday the National Collegiate Athletic Association and Big Ten have monetized their NIL through the broadcasting rights to archival footage from their playing days and the sale of merchandise featuring their NIL, without compensating the players.

"The NCAA and Big Ten want the case dismissed now so they don't have to engage in discovery and produce financial records and records related to TV rights, jersey sales, conference member payouts, etc. They don't want this class of former Michigan football players to be able to demonstrate publicly just how much they were damaged financially," the players said in a Thursday **response** to the NCAA's motion to dismiss.

The former student-athletes' September complaint follows the NCAA's **\$2.87 billion settlement** of antitrust claims brought by college athletes, which is still **awaiting judicial approval**. While the In Re College NIL Litigation settlement class includes student-athletes from 2016 onward, the Michigan plaintiffs seek to represent football players who were student-athletes before 2016.

The complaint alleges the NCAA and Big Ten enforce "anti-competitive rules, procedures, bylaws and agreements" that prevent the college players from profiting from their NIL.

In a January motion to dismiss, the NCAA **said** the football players' antitrust claims are too late because the alleged conduct took place between 12 and 24 years ago, when the proposed class representatives signed a contract ceding their NIL rights in order to participate in college sports.

The NCAA also said the proposed class representatives were class members in other settlements with the NCAA in cases involving the use of archival footage and other NIL-related issues: [In re NCAA Grant-in-Aid Cap Antitrust Litigation](#) , [Keller v. NCAA](#)  and [O'Bannon v. NCAA](#) . The settlements bar the plaintiffs' claims, the NCAA said.

The plaintiffs responded Thursday that their complaint isn't late because each "unauthorized use, or invasion, of plaintiffs' NIL constitutes a fresh and independent violation, restarting the limitations period." Meanwhile, the settlements in other NIL class actions involved different legal theories and issues, they asserted.

For example, the O'Bannon case involved the use of student-athletes' NIL in video games, but the football players' "liability theory is much broader" than video games, the plaintiffs said, encompassing the monetization of NIL through "evolving technologies, media platforms and various advertising and licensing agreements between defendants and third parties."

And the student-athletes are not bringing claims related to educational benefits, such as financial aid, which sets their case apart from the Grant-in-Aid Cap antitrust case, the former players said.

Separately, the players **argued** Thursday the Big Ten Network can't escape the suit simply because it

played no role in setting or enforcing the NCAA's NIL rules, because the plaintiffs allege an ongoing conspiracy between the Big Ten and the NCAA to "control and monopolize" players' NIL.

The players also **opposed** the defendants' request to transfer the lawsuit to the Southern District of New York or stay the case while a similar lawsuit filed in that district plays out.

Michigan federal court is the most appropriate venue for litigating the student-athletes' claims since three of the four proposed class representatives live in Detroit, the student-athletes had their college careers in the state and key witnesses such as university officials are located in the state, the former football players said.

"Let's be very honest here: Defendant's rationale in hoping for a transfer of venue is they are fearful that if this case ever did go to trial one day, that a jury pulled from this district would see the unlawful nature of what is at issue and compensate the plaintiffs accordingly," the players said.

The players said the defendants want the case moved to New York so they can attempt to consolidate it with **a lawsuit** filed against the NCAA by former college basketball players, led by University of Kansas alum Mario Chalmers.

The Michigan alums said their case involves football players rather than basketball players and presents additional antitrust issues because of the inclusion of the Big Ten as a defendant in the Michigan case, a "critical" difference because the network "plays a central role in the commercialization of Michigan football players' NIL" as part of an alleged vertical antitrust conspiracy.

James R. Acho of Cummings McClorey Davis & Acho PLC, who represents the plaintiffs, told Law360 the NCAA and Big Ten want to avoid having to disclose records that would show how much they have profited from the use of players' NIL.

"They don't want people to know exactly how much money they have made specifically off Michigan players," Acho said.

Since the University of Michigan football players' complaint, former Ohio State University quarterback Terrelle Pryor **has launched** his own proposed antitrust class action accusing the NCAA, the Big Ten Conference and media rights licensing company Learfield Communications of profiting from his name, image and likeness without compensating him, and former University of Southern California running back Reggie Bush has lodged **similar allegations** against USC, the NCAA and the Pac-12 Conference

The Big Ten Network and NCAA did not immediately respond to requests for comment Friday.

The football players are represented by James R. Acho, Ethan Vinson and Kevin J. Campbell of Cummings McClorey Davis & Acho PLC.

The NCAA is represented by Rakesh Kilaru, Tamarra Matthews Johnson, Calanthe Arat and Matthew Skanchy of Wilkinson Stekloff LLP and Jacob K. Danziger of ArentFox Schiff LLP.

The Big Ten Network is represented by Bradley R. Hutter of Fafinski Mark & Johnson PA and Louis F. Ronayne and Justin M. Wolber of Varnum LLP.

The case is Denard Robinson et al. v. NCAA et al., case number 2:24-cv-12355, in the U.S. District Court for the Eastern District of Michigan.

--Additional reporting by Elaine Briseño, David Steele and Hailey Konnath. Editing by Linda Voorhis.