

Sports

The Sports Law Team at Schnader brings together attorneys from multiple disciplines to service the broad and complex needs of our sports and fitness clients.

Personal Fitness

As the U.S. population ages, more and more people are driven to become health-conscious and to search for safe, economic and effective solutions to getting fit. Sports and fitness manufacturers, retailers, distributors, wholesalers and marketers must be responsive to consumer demands while also cognizant of legal issues impacting the industry and their businesses.

Sports

Professional and amateur sports continue to be a huge pastime for Americans of all ages. Like most businesses, consumer spending, technological advancements, and the nation's economic climate plays roles in shaping the direction of this multibillion dollar industry. Revenue-generating activities like media rights, merchandising and sponsorships are evolving, creating a greater demand for understanding the nuances and effectiveness of these decisions. Safety concerns and regulatory changes are increasingly impacting many aspects of this industry, from how the game is played to how it is branded and sold. Professional and amateur teams and associations - whether youth leagues, collegiate-level sports, or the pros - and their participants need to stay current regarding the rights, responsibilities and opportunities in the marketplace and within their organizations.

Schnader's sports law attorneys represent sporting goods equipment and apparel manufacturers and retailers; teams, owners and players; stadium authorities; governmental entities; and many others in the

sports and fitness industry. We advise clients on issues ranging from licensing, sponsorships and merchandising to risk avoidance matters. Our litigators have substantial experience trying product liability, failure to warn, product defect and personal injury cases in state and federal courts throughout the country.

Clients seek Schnader's counsel in matters including

- Branding, Marketing and Merchandising
- Bankruptcy
- Collegiate athletic department compliance with university, NCAA and federal law, including name, image and likeness (NIL) issues
- Event Management
- Intellectual Property Counseling: Prosecution, Transactional Work, Enforcement of Patents, Trademarks, including protecting IP in light of athlete NIL licensing
- Labor and Employment Counseling and Litigation: Contract Disputes, Executive Compensation, Collective Bargaining, Federal and State Employee Leave Laws, Non-Compete Agreements, Whistleblower, Discrimination, and Title IX
- Litigation and Arbitration: Premises, Failure to Warn, Product Defect, Personal Injury, Breach of Contract, Intellectual Property
- Product and Service Licensing
- Real Estate and Construction Projects
- Risk Avoidance and Compliance Counseling
- Safety and Product Recall
- Sponsorships, Naming Rights and Endorsements
- Tax and Tax-Exempt Issues; Creating and Administrating Private Foundations; Coordinating Philanthropic and Charitable Work

Representative Matters Include

Litigation

- In one of the most significant student free speech cases before the U.S. Supreme Court in 50 years, *Mahanoy Area School District v. B.L.*, successfully represented a high school cheerleader as the Court affirmed the lower courts' rulings that the school impermissibly punished her for off-campus speech, a violation of her First Amendment rights.
- Defended an international horse trader against fraud and related claims associated with the purchase and sale of horses and the management of horse farm operations.
- Represented professional equestrians in a wide variety of matters, including disciplinary proceedings before the national governing body of the sport and defending athletes against allegations of doping and other violations of the sport's rules.
- Defended a manufacturer of home fitness equipment in multiple personal injury actions post-product recall. Handled issues related not only to design defect allegations but also to recall,

spoliation, possible counterfeiting, and punitive damages claims. Guided the cases through discovery to favorable resolutions at mediation.

- Defended a major university against a claim for patent infringement based on the installation of artificial turf in its football stadium. Settled the claim at a very early stage in the litigation.
- Represented a marketing company in an advertising dispute with a top tennis player and successfully settled claims for trade name infringement and counter-claims for breach of fiduciary duty.
- Obtained summary dismissal for component part manufacturer for luxury sailboat.
- Defended a sporting goods manufacturer against various product liability claims brought by governmental entities.
- Represented several major league umpires in a defamation case in connection with a mass resignation resulting from a labor dispute.
- Represented a dietary supplement supplier against product liability claims and commercial disputes. Through strong early discovery efforts our team helped guide the case towards an early settlement in which the supplier paid nothing, despite contractual and innocent distributor theories advanced by the plaintiff.
- Defended numerous cases on behalf of a golf car manufacturer involving defect allegations and issues related to proper use of golf cars and the conditions of golf courses.
- Represented a baseball club in state court and bankruptcy court litigation against a counterparty who entered into a contract with a major league baseball team to license its name and operate a youth baseball summer camp.
- Represented a Division I university in a trademark infringement lawsuit brought against its separately incorporated athletic booster club. The court granted our request for a preliminary injunction.

Counseling, Drafting and Negotiating Agreements

- Negotiated a major licensing agreement on behalf of the estate of a Hall of Fame baseball player.
- Manage all licensing agreements, trademark registrations and enforcement actions on behalf of the licensing company for a sports legend and a major league baseball manager.
- Advised a major league sports player on creating and administering a private foundation.
- Created a charitable fund for the American Cancer Society on behalf of the licensing company for a sports legend.
- Instituted and managed enforcement actions on behalf of two large boxing promoters and pay-per-view broadcasting companies.
- Instituted and managed enforcement actions on behalf of a professional sports league and a telecommunications conglomerate.
- For one of the top ten marathons in the country, drafted sponsorship agreements, vendor agreements, waivers for participants and volunteers, photography releases and other policies.
- Provided pro bono advice to a sports-related nonprofit organization and drafted sports participation liability releases and media releases.
- Represented public sector development agencies in the transactions with the Philadelphia Phillies

and Eagles to construct the new baseball park and football stadium in Philadelphia.

- Represented an Italian apparel company that made uniforms for the Olympics. Negotiated and closed the agreement between the apparel company and the Olympic Committee for the apparel agreement.
- Advised a manufacturer of sports and recreational products on personal jurisdiction issues related to non-U.S. manufacturers.
- Negotiated several leases for health clubs in the metro New York area.
- Conducted audit of a major university's athletic department to measure compliance with University policies and procedures and legal compliance regarding discrimination, harassment and bullying.