

**20-520 AMERICAN ATHLETIC CONFERENCE V. ALSTON**

DECISION BELOW: 958 F.3d 1239

LOWER COURT CASE NUMBER: 19-15566, 19-15662

QUESTION PRESENTED:

The National Collegiate Athletic Association (NCAA) is a nonprofit association that sets the rules governing college athletics, including the rules limiting the payments that colleges may make to student-athletes. As this Court has explained, "the NCAA seeks to market a particular brand of [sports]-college [sports]. The identification of this 'product' with an academic tradition differentiates college [sports] from and makes it more popular than professional sports to which it might otherwise be comparable," and "[i]n order to preserve the character and quality of the 'product,' athletes must not be paid, must be required to attend class, and the like." *NCAA v. Board of Regents of Univ. of Okla.*, 468 U.S. 85, 101-102 (1984).

In this case, however, the district court held that the NCAA student-athlete payment limits violate the Sherman Act. It imposed a detailed injunction prescribing the types of payments that colleges must be permitted to make to student-athletes, retained jurisdiction, and directed the parties to seek guidance from the court before making certain future changes to NCAA rules. The Ninth Circuit affirmed, holding that the NCAA could have used less restrictive rules to achieve its procompetitive goal.

The question presented is:

Whether the Sherman Act authorizes a court to subject the product-defining rules of a joint venture to full Rule of Reason review, and to hold those rules unlawful if, in the court's view, they are not the least restrictive means that could have been used to accomplish their procompetitive goal.

CONSOLIDATED WITH 20-512 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 12/16/2020