

Podcasts | March 1, 2024

# NIL Recruitment Injunction

## Highway to NIL Podcast

### SPEAKERS

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The *Highway to NIL Podcast* analyzes the legal landscape concerning college athletics and the regulation of name, image, and likeness (NIL) rights of student athletes. The podcast provides key insights into the current state of affairs, focusing on the NIL guidance and policies coming directly from the NCAA; the various passed and amended state NIL laws; and NIL enforcement, including how the NCAA, state attorneys general, and other regulators may investigate and punish schools for NIL violations.

In this installment, Troutman Pepper attorneys Cal Stein and Mike Lowe discuss the recent preliminary injunction a federal court in Tennessee issued against the NCAA, which enjoins the NCAA from enforcing certain NIL restrictions on student-athlete recruitment activities. The court issued the injunction because it found that the NIL rules in question violated U.S. antitrust laws.

Specific topics include:

- Overview of the Tennessee and Virginia attorney general lawsuit and preliminary injunction (1:47);
- Court Finding #1: The NCAA's NIL recruiting ban likely violated U.S. antitrust laws (3:45);
- Court Finding #2: The NCAA's NIL recruiting ban caused irreparable harm to student-athletes (9:42);
- Which NIL rules the court enjoined and which remain in effect (16:30);
- Possible NCAA responses to the preliminary injunction (19:56);
- The impact of the preliminary injunction on state NIL laws (23:00); and
- Whether this marks the “end” of NIL as we know it (25:22).

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