Sports, Media, and Entertainment

Overview

Schiff Hardin attorneys regularly represent clients in high stakes, high profile litigation and transactions in the sports, media and entertainment industries. Though distinct, these industries share the need for lawyers who are nimble, creative, discreet, and act as unflagging champions for their clients. Whether representing the Chicago Bears in the development of the new Soldier Field, defending the NCAA against antitrust attack, or helping Warner Brothers protect its rights to classic films, our lawyers bring these attributes to every case.

Recent Highlights

The Hangover II Case: Just weeks before the scheduled worldwide release of The Hangover Part II, the owner of an alleged copyright in the tattoo on boxing legend Mike Tyson’s face brought a lawsuit against Warner Brothers Entertainment when advertisements revealed the same tattoo appearing on the face of actor Ed Helms. The plaintiff alleged that the movie infringed his copyright in the tattoo and asked the court to enjoin the movie’s release. Warner Brothers called on us to defend the case and to prevent a damaging injunction barring the release of the film. After a hearing held just two days before the scheduled release date, the judge decided in favor of Warner Brothers. The movie was released on time and Warner Brothers was able to earn the return of its investment in the second chapter of its highly profitable comedy series.

NCAA Antitrust Actions: When facing high-profile challenges to its rules precluding payment to student-athletes, the NCAA has called on us more than 30 times in the last 15 years.

In the O’Bannon Case, the challenge alleged that the NCAA rules restraining student-athletes from being compensated for so-called “group licenses” they would otherwise be able to sell to appear in television broadcasts of football and men’s basketball games. Schiff Hardin defeated the plaintiffs’ attempt to have a damages class certified. The Court did certify an injunctive–relief class of current student-athletes, however, and our team then assisted at trial, developing the expert testimony and procompetitive justifications. The District Court ruled against the NCAA, but the firm is now assisting with appellate arguments and is taking the lead in defending against the plaintiffs’ fee petition, which seeks $44 million in statutory attorney fees.

In Keller vs. NCAA, the plaintiffs sought to represent a class of former student-athletes claiming that college sports-themed video games manufactured by co-defendant EA Sports violated student-athletes’ rights of publicity. All defendants have entered into settlement agreements with the proposed class, and the Court has granted preliminary approval. We shepherded the settlement through the approval process on behalf of the NCAA. The parties are in the process of class notice, with final approval is scheduled for July 2015.

In Rock vs. NCAA, we are the lead counsel in defending a challenge to one-year scholarships and limits on the number of athletic scholarships by sport. This case is a continuation of the Agnew vs. NCAA matter, which we won in the District Court and in the Seventh Circuit.

Right of Publicity Claim for Michael Jordan: When Mr. Jordan was inducted into the Naismith Memorial Basketball Hall of Fame, Sports Illustrated published a special commemorative edition of Sports Illustrated Presents covering Mr. Jordan’s storied career. Two grocery store chains took advantage of that opportunity to publish ads in the commemorative edition that used Mr. Jordan’s identity to promote and advertise their goods and services. Mr. Jordan called on us to protect his right of publicity and other intellectual property and thereby protect and preserve the value of his endorsement. We established, in an appeal to the Seventh Circuit, that use of Mr. Jordan’s identity in an advertisement touted by the retailer as a “tribute” is commercial speech under First Amendment jurisprudence and is subject to claims for its misuse.

Chicago Bears

Schiff Hardin has represented the Chicago Bears and its primary owners for over 25 years, in contract and tax matters, construction, financing and general corporate counseling. We served as counsel for the seven-year project to build a $600 million stadium and related improvements on the Chicago lakefront at Soldier Field. This included the design, financing, construction, leasing and operation of the facility, as well as related legislation and governmental approvals, and defense of litigation to the project. We also advise the Bears and the McCaskey family on business succession matters, working with the NFL on League guidelines for ownership.

Experience

Sports
Represented managers, coaches and players in various contract negotiations, including clients in the National Football League, Major League Baseball and the National Basketball Association.

Prepared leases for playing and training facilities for teams including the Chicago Bears, Chicago White Sox and Chicago Wolves.

Prepared and negotiated broadcasting agreements for the Chicago Bears and Chicago White Sox with national networks and local stations.

Prepared and negotiated corporate sponsorships and endorsement agreements for game-day promotions, apparel, commemorative memorabilia, charitable endeavors and other products and events.

Represented sports franchise owners in the transfer of franchise interests for estate planning and business succession purposes.

Represented professional athletes in estate planning, marital agreements, taxation, real estate, charitable foundations, businesses, endorsement agreements and the protection of intellectual property rights and rights of publicity.

Representing the NCAA in various challenges to its rules preserving the amateur status of college athletics.

Represented Precourt Sports Ventures LLC in its acquisition of the operating rights to the Columbus Crew Major League Soccer franchise. Under the agreement, the Columbus Crew became part of the privately held investment and management firm’s sports and entertainment business enterprise.

Media

Successfully defended television networks and publications, including CBS Broadcasting, Fox Television, the New York Post, Fortune and Forbes, against claims of defamation.

Successfully prosecuted claims for misappropriation of name, likeness and image on behalf of Michael Jordan.

Made successful appeal to the Illinois Supreme Court of claims for defamation against a magazine publisher establishing that the fair report privilege cannot be defeated by actual malice and that there is no judicial action limitation on the privilege.

Entertainment

Successfully represented YuppTV USA, Inc., one of the world’s largest internet-based TV and On-demand service providers for South Asian content, in obtaining emergency relief as a third party intervenor in a dispute between Dish Network LLC, et al. and Asia TV USA Ltd. in the United States District Court for the Southern District of New York. The temporary restraining order barred Asia TV USA Ltd. from terminating its Distribution Agreement or otherwise ceasing transmission of its television channels to our client.

Successfully prosecuted copyright and trademark infringement claims against company infringing Warner Brothers’ copyrights in the Wizard of Oz, Gone with the Wind and Tom and Jerry.

Served as Counsel to Antidote Films International in a fraud lawsuit it filed against novelist JT Leroy. The filmmaker had optioned the movie rights to an autobiography by the novelist, who turned out to be a fictitious character created by writer Laura Albert. The jury found in favor of Antidote, ruling that Albert defrauded the film production company.

AWARDS & HONORS

BTI “Innovation Builder”

We were singled out by corporate counsel as one of only 28 percent of law firms clients view as a BTI “Innovation Builder,” which recognizes firms that bring change to the legal market through new technology, services, strategies, or structures.

Schiff Named 2018 “Illinois Powerhouse” Firm

We were selected as a Law360 “Illinois Powerhouse” for our significant and precedent-setting work over the last year.