

## Eighth Circuit Allows NFL Collusion Case to Move Forward By Nahal Bahri, J.D. Candidate 2015

On Friday, the U.S. Court of Appeals for the 8th Circuit approved a [case](#) brought by the National Football League Players' Association alleging collusion against the National Football League for capping salaries in 2010.

The three-judge panel sitting in St. Louis approved the lawsuit, which was initially brought in 2011. The [NFL Players' Association](#) ("NFLPA") "sued the NFL . . . alleging that the league and team owners violated a collective bargaining agreement by trying in various ways to suppress player pay."

Both sides [agreed to settle the case](#) several months after the NFLPA filed its complaint but the case was brought up again after the NFL made various comments in the media that sparked red flags regarding the initial allegations. The "comments amounted to fresh evidence that team owners colluded to impose a secret, \$123 million per-team salary cap for the 2010 season."

After hearing those [comments](#), the NFLPA tried to reopen the case because "teams were supposed to operate without a salary cap" in 2010. Once the 8th Circuit revived the case, the NFLPA stated it was pleased "that players have the opportunity to proceed with their claims."

Although the NFLPA will have an opportunity to use the comments made in the media by the NFL as evidence to support its allegations of [collusion](#), "U.S. Circuit Judge Roger Wollman wrote for the appeals court that the players' association may go ahead with its attempt to reopen the August 2011 settlement by showing it was based on fraud, although he added that it faces a difficult task."

[Reopening this case](#) could "potentially expose[] the league to significant damages that could be awarded to the players. The NFLPA had claimed the league had imposed a secret salary cap that cost players at least \$1 billion."

In response to the 8th Circuit's decision, the NFL [stated](#) that "far from validating the Union's claim, the Court specifically highlighted the heavy burden that the NFLPA faces in establishing this claim, and we remain highly confident that the claim will be dismissed yet again."

These comments highlight the uphill battle that the NFLPA faces in arguing this case for a second time, and only time will tell whether both sides will settle again or whether the case will proceed further within the justice system.