

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MICHIGAN**

DENARD ROBINSON; BRAYLON  
EDWARDS; MICHAEL MARTIN;  
SHAWN CRABLE, Individually and on  
behalf of themselves and former University  
of Michigan football players similarly  
situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION aka “NCAA”; BIG TEN  
NETWORK aka “BTN”; and BIG TEN  
CONFERENCE,

Defendants.

Hon. Terrence G. Berg

Magistrate Judge Kimberly G.  
Altman

Case No. 2:24-12355-TGB-KGA

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**RESPONSE TO PLAINTIFFS’ SUPPLEMENTAL FILING**

Defendants National Collegiate Athletic Association, The Big Ten Conference Inc., and Big Ten Network, by and through their undersigned counsel, respectfully submit this Response to Plaintiffs' Supplemental Filing, ECF No. 48, to correct Plaintiffs' erroneous assertion that the reasoning set out in Judge Engelmayer's April 28, 2025 Opinion & Order in *Chalmers v. National Collegiate Athletic Association*, No. 1:24-cv-05008 (PAE) (S.D.N.Y. July 1, 2024), ECF No. 127, does not bear on Plaintiffs' claims. Far from it, *Chalmers* is on all fours with this case and strongly reinforces Defendants' arguments in support of dismissal.

Judge Engelmayer's decision in *Chalmers* dismisses with prejudice claims essentially identical to those raised by Plaintiffs here. Not only are Plaintiffs members of the putative class pleaded in *Chalmers*, see Mot. to Transfer, ECF No. 39, PageID.484–85, Plaintiffs repeat the same underlying factual allegations and bring legal claims nearly identical to those advanced in *Chalmers*. Indeed, they repeatedly copy-and-paste directly from the *Chalmers* complaint itself. *Id.* at PageID.478–49.

Relevant to the claims raised here, Judge Engelmayer concluded that: (1) the *Chalmers* plaintiffs' claims are time-barred; (2) the settlement agreement in *NCAA Grant-In-Aid Cap Antitrust Litigation (Alston)*, No. 4:14-md-02541 (N.D. Cal.) forecloses damages claims by the *Chalmers* plaintiffs that were

members of the *Alston* settlement class; (3) the *Chalmers* plaintiffs' injunctive relief claims are precluded by *res judicata* as a result of the final judgment in *O'Bannon v. NCAA*, 7 F. Supp. 3d 955 (N.D. Cal. 2014), *aff'd in part, rev'd in part*, 802 F.3d 1049, 1055 (9th Cir. 2015); and (4) the *Chalmers* plaintiffs' unjust enrichment claim is foreclosed for many of the same, as well as additional, reasons. Those defects with the *Chalmers* complaint are identical to the defects with Plaintiffs' Amended Complaint in this case that Defendants have argued require dismissal. *See, e.g.*, Mot. to Dismiss, ECF No. 40, PageID.525–33, 539–40. *Chalmers* thus confirms that Defendants' joint motion to dismiss this case should be granted.

As to Defendants' Motion to Transfer Venue, *see* ECF No. 39, the *Chalmers* decision reinforces that the Southern District of New York can efficiently resolve this case, especially with the benefit of a recent and thoroughly-reasoned opinion from an in-District judge. But this Court can also dismiss the case on the merits for the same reasons.

Dated: May 2, 2025

Respectfully submitted,

By: /s/ Britt M. Miller

Britt M. Miller

Daniel T. Fenske

Andrew S. Rosenman

**MAYER BROWN LLP**

71 South Wacker Drive

Chicago, IL 60606

Telephone: (312) 701-8663

bmill@mayerbrown.com

dfenske@mayerbrown.com

arosenman@mayerbrown.com

*Counsel for The Big Ten  
Conference, Inc.*

By: /s/ Rakesh Kilaru

Rakesh Kilaru (*pro hac vice*)

Tamarra Matthews Johnson (*pro hac vice*)

Calanthe Arat (*pro hac vice*)

Matthew Skanchy (*pro hac vice*)

**WILKINSON STEKLOFF LLP**

2001 M Street NW, 10th Floor

Washington, DC 20036

Telephone: (202) 847-4000

Facsimile: (202) 847-4005

rkilaru@wilkinsonstekloff.com

tmatthewsjohnson@wilkinsonstekloff.com

carat@wilkinsonstekloff.com

mskanchy@wilkinsonstekloff.com

By: /s/ Bradley R. Hutter

Bradley R. Hutter (MN 0396531)

**FAFINSKI MARK & JOHNSON,  
P.A.**

One Southwest Crossing

11095 Viking Drive, Suite 420

Eden Prairie, MN 55344

(952) 995-9500

bradley.hutter@fmjlaw.com

Louis F. Ronayne (P81877)

Justin M. Wolber (P85728)

**VARNUM LLP**

39500 High Pointe Boulevard,  
Suite 350

Novi, MI 48375

Telephone: (248) 567-7400

lfronayne@varnumlaw.com

jmwolber@varnumlaw.com

*Counsel for Big Ten Network*

By: /s/ Jacob K. Danziger

Jacob K. Danziger (P78634)

**ARENTFOX SCHIFF LLP**

350 S. Main Street, Suite 210

Ann Arbor, MI 48104

Telephone: (734) 222-1516

Facsimile: (734) 222-1501

*Counsel for National Collegiate Athletic  
Association*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 2, 2025, I electronically filed the Response to Plaintiffs' Supplemental Filing with the Clerk of the Court using the CM/ECF system which will send notification on of such filing to all parties and counsel of record.

Dated: May 2, 2025

By: /s/ Rakesh Kilaru

Rakesh Kilaru

**WILKINSON STEKLOFF LLP**

2001 M Street NW, 10th Floor

Washington, DC 20036

Telephone: (202) 847-4000

Facsimile: (202) 847-4005

rkilaru@wilkinsonstekloff.com

*Counsel for National Collegiate Athletic  
Association*