

Thad Behrens in Texas Lawbook: Fifth Circuit Rules in Favor of NFL in Super Bowl Seating Case

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PRACTICES Class Action Defense, Securities and Shareholder Litigation, Litigation, Media Entertainment and Sports

A federal appeals court has tossed out an appeal filed by football fans affected by the 2011 Super Bowl seating fiasco in Dallas who were unsatisfied with essentially every outcome of their lawsuit against the National Football League that went to trial last spring.

In a 25-page ruling filed Friday, a three-judge panel affirmed U.S. District Judge Barbara Lynn's decision to dismiss the Dallas Cowboys from the litigation, deny class certification to the plaintiffs and dismiss multiple claims by the fans on summary judgment. The fans also appealed Lynn's decision to grant the NFL's motion for directed verdict that prevented the jury from deciding punitive damages.

The case was originally brought as a class action seeking more than \$100 million in damages. After class certification was denied, the cases of seven individual plaintiffs proceeded to trial.

The jury rejected the plaintiffs' claims of fraud and awarded seven fans a collective total of \$76,000 on their breach of contract claims. Four of the seven plaintiffs received less than the NFL had offered them prior to trial, and the trial court awarded the NFL its post-offer costs on those claims. The seven remaining plaintiffs sought about \$97,000 collectively at trial ...

"The NFL is pleased with the Fifth Circuit's decision, which upheld the district court's rulings in the NFL's favor in all respects," NFL lead counsel [Thad Behrens](#) of Haynes Boone said in an emailed statement.

Excerpted from Texas Lawbook. To read the full article, please [click here](#) (subscription required).