

Haynes and Boone in Law360: NJ High Court Won't Rethink Super Bowl Tickets Ruling

April 8, 2019

RELATED PRACTICES Class Action Defense, Sports Law, Litigation, Media Entertainment and Sports

The New Jersey Supreme Court handed another victory to the National Football League (NFL) in a suit concerning the NFL's distribution of tickets to Super Bowl XLVIII, which was held at MetLife Stadium in East Rutherford, New Jersey in 2014.

In 2014, Josh Finkelman, who purchased two tickets to Super Bowl XLVIII on the secondary market for prices in excess of face value, filed a putative class action against the NFL and four of its affiliates relating to the league's distribution of Super Bowl tickets. Finkelman alleged that the NFL's distribution of tickets violated a New Jersey state law, which he claimed prevented event holders from withholding more than 5% of all tickets to a given event from "sale to the general public."

Though later repealed, the law was in effect when New Jersey hosted Super Bowl XLVIII. According to Finkelman, the only tickets to Super Bowl XLVIII that were released for sale to the general public were the roughly 1% of all available Super Bowl tickets sold through the NFL's ticket lottery.

Finkelman, who did not enter the lottery, paid \$2,000 each for two tickets that had a face value of \$800. His suit argued that the Ticket Law should have forced the NFL to make 95% of Super Bowl tickets available through the lottery.

Haynes Boone New York Partner Jonathan Pressment and Associate William Feldman represent the NFL and several of its affiliates in the suit, *Josh Finkelman v. National Football League*.

In January 2019, the New Jersey Supreme Court issued a unanimous 7-0 decision in which it concluded that Finkelman had misunderstood the law's application and that the NFL did not violate the statute at issue. The Ticket Law's 95% rule only applied to the 1% of tickets the NFL had already decided to make public via the lottery, the high court said.

"There is no evidence in Section 35.1's language — or its history over the seventeen years for which it was effective and during which New Jersey hosted countless sports and entertainment events — that the legislature intended it to be the draconian measure that plaintiff describes," Justice Anne M. Patterson wrote in the unanimous opinion.

Although Finkelman moved for reconsideration of the Supreme Court's January decision, on April 4 the court rejected Finkelman's motion for reconsideration.

As *Law360* reported, "the decision puts an end to a years-long case that made several trips through the Third Circuit before finally meeting its end in the New Jersey Supreme Court."

To read the full *Law360* article, click [here](#). (Subscription required)