

Haynes and Boone Wins Dismissal Of All Claims Against The NFL in 2014 Super Bowl Ticket Class Action

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In a case that garnered national attention when it was originally filed just prior to Super Bowl XLVIII in 2014, Haynes Boone has won dismissal of all claims filed against the National Football League (NFL) in a class action brought in the District of New Jersey on behalf of plaintiffs who purportedly purchased tickets for Super Bowl XLVIII on the secondary market.

The action, *Finkelman v. National Football League, et al.*, arose from plaintiff, Josh Finkelman's, claims that the NFL's distribution of tickets to Super Bowl XLVIII violated a provision of the New Jersey Consumer Fraud Act, which Finkelman argued required that 95 percent of all seats be sold to the general public.

Among other things, the NFL asserted that the statute upon which Finkelman's claims were based did not apply to the Super Bowl tickets at issue because the statute's plain language made clear that its requirements only applied to tickets that would ordinarily be made available for sale to the general public. On the face of the amended complaint, however, Super Bowl tickets are not available for sale to the general public but, rather, are distributed through an established distribution process to NFL teams, business partners and winners of an annual Super Bowl ticket lottery.

The case was originally dismissed in January 2015 in a decision in which the district court judge, Peter G. Sheridan, agreed with the NFL's reading of the statute and also found that a second named plaintiff, Benjamin Hoch-Parker, lacked Article III standing to proceed with his claims based on the fact that he had never purchased a ticket to Super Bowl XLVIII at all.

Plaintiffs appealed that decision to the Third Circuit, which affirmed the district court's decision as to Hoch-Parker but vacated the decision as to Finkelman because it did not believe that he had standing to proceed as well.

Following the Third Circuit's decision to remand the case for further proceedings to determine whether Finkelman possessed Article III standing, the district court permitted Finkelman to further amend his already once-amended complaint.

The NFL moved to dismiss Finkelman's second amended complaint based on standing and substantive grounds. In a decision delivered on the record, Judge Sheridan again dismissed Finkelman's claims in their entirety.

The NFL was represented by New York Partner [Jonathan Pressment](#) and Associate [William Feldman](#).

To read the Law360 article on this matter, [please click here](#) (subscription required).