

19th Judicial District Court for the Parish of East Baton Rouge
State of Louisiana

No. 783299

Div. D

Jack Pyburn, et al.,

v.

National Collegiate Athletic Association, et al.

**MOTION FOR LEAVE TO FILE AMICUS BRIEF ON BEHALF OF
THE STATE OF LOUISIANA**

Respectfully Submitted:
ELIZABETH B. MURRILL
Attorney General

Zachary Faircloth (LSBA #39875)
Principal Deputy Solicitor General
Caitlin Huettemann (LSBA #40402)
Assistant Solicitor General
1885 N. 3rd Street
Baton Rouge, Louisiana 70802
Telephone: (225) 326-6000
Facsimile: (225) 326-6098
HuettemannC@ag.louisiana.gov

Counsel for State of Louisiana

NOW INTO COURT, through undersigned counsel, comes the Attorney General of the State of Louisiana, Elizabeth Murrill, in her capacity as Attorney General, who respectfully moves this Honorable Court to allow her to file an amicus brief in the above captioned matter on behalf of the State of Louisiana.

The Attorney General as the “chief legal officer of the state” has a significant interest in the issues presented in this case. La. Const. art. IV, § 8. In particular, the Attorney General has an interest in the fair and consistent application of rules and regulations to every citizen—and every player—in the State. The State also has an interest in the operation of its public universities and the allocation and preservation of their funding amidst an unstable regulatory system. Moreover, the outcome of this case will impact not only the parties involved but also the broader statewide public, due to the unfair positions many individuals find themselves in as a result of the challenged and ever-changing NCAA rules.

The State has read the Court’s Temporary Restraining Order and its Request for Order to Show Cause, as well as Plaintiffs’ Petition, and believes that this amicus brief will provide additional context regarding the state-wide implications of this matter.

WHEREFORE, the Attorney General prays that this Honorable Court grant this motion and allow the State to file the attached amicus brief.

Respectfully submitted,

**ELIZABETH B. MURRILL
ATTORNEY GENERAL**

BY /s/ Caitlin Huettemann

Zachary Faircloth (LSBA #39875)

Principal Deputy Solicitor General

Caitlin Huettemann (LSBA #40402)

Assistant Solicitor General

1885 N. 3rd Street

Baton Rouge, Louisiana 70802

Telephone: (225) 326-6000

Facsimile: (225) 326-6098

FairclothZ@ag.louisiana.gov

HuettemannC@ag.louisiana.gov

Counsel for State of Louisiana

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above and foregoing has this date been served upon all parties to this proceeding by email or by mailing same to each by First Class United States mail, properly addressed and postage paid on this 2nd day of September, 2026.

/s/ Caitlin Huettemann
Caitlin Huettemann (LSBA #40402)

19th Judicial District Court for the Parish of East Baton Rouge
State of Louisiana

No. 783299

Div. D

Jack Pyburn, et al.,

v.

National Collegiate Athletic Association, et al.

[PROPOSED] ORDER

Based on the above and foregoing *Motion for Leave to File Amicus Brief on Behalf of the State of Louisiana*, **IT IS HEREBY ORDERED AND DECREED** that said motion is **GRANTED**. The Attorney General of the State of Louisiana is hereby granted leave to file the proposed brief.

SIGNED this _____ day of _____, 2026 in Baton Rouge, Louisiana.

19th Judicial District Court for the Parish of East Baton Rouge

State of Louisiana

No. 783299

Div. D

Jack Pyburn, et al.,

v.

National Collegiate Athletic Association, et al.

AMICUS BRIEF OF THE STATE OF LOUISIANA

ELIZABETH B. MURRILL
Attorney General of Louisiana

OFFICE OF THE ATTORNEY GENERAL
1885 N. 3rd St.
Baton Rouge, LA 70802
P: (225) 421-4088
F: (225) 326-6494

ZACHARY FAIRCLOTH (LSBA #39875)
Principal Deputy Solicitor General

CAITLIN HUETTEMANN (LSBA #40402)
Assistant Solicitor General
Counsel for State of Louisiana

CONCISE STATEMENT OF THE CASE

This case is a classic bait-and-switch. The NCAA told Plaintiffs—members of the Class of 2022 who want to play college football—that they were no longer eligible for play after the typical timeline for collegiate competition had run its course. Then, shortly thereafter, the NCAA rescinded that decision and promised instead that these individuals could receive an additional year of eligibility to play the sport they love. But, around April 27, 2026, the NCAA changed course *again* and once more stripped Plaintiffs of their ability to return to the field. Many of those players then took the NCAA at its word and moved on from college football.

But the story didn't end there. Following developments across the country, Plaintiffs followed the growing trend and filed their Petition in this Court, seeking relief under Louisiana law from the NCAA's eligibility determination. On August 28, 2026, this Court entered a temporary restraining order allowing Plaintiffs to pursue the opportunity they had been denied, including by requiring that they be allowed to enter the transfer portal. The NCAA and its conferences, however, have their own rules governing the consequences for institutions that allow athletes to compete contrary to those rules. The result is a struggle that reaches past the Plaintiffs themselves: Louisiana's public universities now face the prospect of having to comply with this Court's order while risking serious penalties from the governing body of the sport.

The NCAA's ever-changing rules have consequences beyond these individual athletes. They affect the universities that recruit them, the other student-athletes with whom they compete, and the coaches and administrators responsible for complying with an increasingly complicated set of rules. And those rules can determine who gets a roster spot, who receives a scholarship, and who plays in Death Valley on Saturday, and it forces Louisiana public universities and Louisiana's student-athletes into a no-win situation.

The State of Louisiana cares deeply about that problem. Louisiana's public universities and their student-athletes are participants in this convoluted

arrangement, and have struggled under the “broken” system for years now.¹ And they have operated thereunder often without access to a fair and unbiased decisionmaker. The Louisiana Constitution protects all Louisiana citizens’ access to open courts and likewise promises them that they may rely on the resulting court decisions. La. Const. art. 1, § 22. It is imperative to players and institutions across the State, then, that they can (and should) listen to court orders, and do so without fear of later punishment. If reprisal outside the court system cuts against those individuals who exercised and protected their rights within it, there is, in fact, no meaningful remedy from our courts.

Ultimately, the State has an interest in college sports rules that are fair, consistent, and predictable—ones capable of being followed by athletes, coaches, and institutions who don’t have to choose between contempt charges or conference sanctions.

ARGUMENT

I. THE NCAA’S CHANGING RULES HAVE LEFT STUDENT-ATHLETES TO MAKE IRREVERSIBLE DECISIONS AGAINST A MOVING TARGET.

Plaintiffs entered college in 2022 expecting to be treated fairly as compared to all other athletes they competed against. They subsequently confronted changes to the rules governing their fifth season of competition while their eligibility was ongoing. The NCAA first treated these athletes as ineligible, later provided a pathway for an additional year of eligibility, and then again changed course. That incessant back-and-forth made compliance with, and reliance on, NCAA rules near impossible.

By the time the rules changed again, some Plaintiffs had already graduated, pursued professional opportunities, entered into professional contracts, or otherwise moved forward with their lives based upon the understanding that their college careers had ended. Others did not enter the transfer portal because, under the rules then in effect, doing so would have served little practical purpose. But all operated

¹ *Louisiana Gov. calls to fix ‘broken’ college athletics in op-ed*, Sports and Business Journal, perma.cc/HK84-NCX7 (Dec. 26, 2025).

under the rules set by the NCAA as written, because “[t]he NCAA ... controls the market for college athletes.” *NCAA v. Alston*, 594 U.S. 69, 109 (2021) (Kavanaugh, J., concurring). NCAA often exerts that control, too, without any opportunity for players to obtain relief from an unbiased decisionmaker.

There is a basic unfairness in requiring an individual to make a consequential (and often life-changing) decision based upon one set of mandatory rules, only to change those rules after the decision has been made. Of course, not every rule change is impermissible, nor is every athlete affected by a rule change necessarily entitled to the relief he seeks. But fair administration of a regulatory system requires *some* consideration of reliance, and a streamlined access to a just and open court system in cases where that reliance is taken advantage of. *See* La. Const. art. 1, § 22.

A student-athlete cannot go back in time and decline a professional opportunity because the NCAA or a court later decided that he could have another season of college eligibility. A graduate cannot simply “undo” the decision to enter the workforce. And an athlete who reasonably understood that he was finished with college football cannot recreate the recruiting, transfer, or roster opportunities that existed months earlier. Those are the significant, real-world stakes behind what might otherwise look like a basic dispute about eligibility rules.

II. THIS UNCERTAINTY PUTS LOUISIANA’S PUBLIC UNIVERSITIES IN AN UNFAIR POSITION.

The predicament described above is not limited to the athletes alone. Louisiana’s public universities operate within the same NCAA-“control[led] market,” *Alston*, 594 U.S. at 109 (Kavanaugh, J., concurring), and thus must make decisions against that ever-moving target of NCAA rules. They recruit players, allocate scholarships, construct rosters, hire coaches, schedule competitions, and make substantial financial commitments based upon assumptions about who will and will not be eligible to compete. But those institutions are now caught between competing—and seemingly immovable—directives.

This Court’s August 28 temporary restraining order directs Defendants to refrain from enforcing certain eligibility restrictions against Plaintiffs during the 2026–27 season and requires that the transfer portal be opened to Plaintiffs for a specified period. The NCAA and SEC, meanwhile, have taken positions that expose member institutions to substantial consequences if they permit athletes to compete in circumstances the governing organizations have deemed impermissible. The SEC has announced severe penalties, including suspension of a head coach, loss of conference voting privileges, and a fine equal to 50% of a school’s annual sports budget. That leaves a public university in an extraordinary predicament.

“By joining the NCAA, each member agrees to abide by and to enforce [its] rules.” *NCAA v. Tarkanian*, 488 U.S. 179, 183 (1988). But the NCAA’s “ability to accomplish its goals” and the benefit member-schools derive from the relationship “depend[] to a substantial degree on the creation of nationally uniform rules under which teams can compete on an equal basis.” *NCAA v. Miller*, 795 F. Supp. 1476, 1484 (D. Nev. 1992), *aff’d*, 10 F.3d 633 (9th Cir. 1993). Recognizing the importance of uniformity from the NCAA perspective, courts in this State typically do not interfere in NCAA rule determinations “except in cases when the affairs and proceedings have not been conducted fairly and honestly, ... or when the action complained of is capricious, arbitrary, or unjustly discriminatory.” *Jones v. NCAA*, 96-2205 (La. 9/12/96), 679 So. 2d 381, 382. That unfairness is present in spades here.

A school should not have to ask whether complying with a court order will cause it to violate the rules of its athletic conference. A coach should not have to decide whether putting an eligible athlete on the field could jeopardize his career. And a public institution should not have to choose between obeying the judicial process and protecting the financial resources entrusted to it by the people of Louisiana. Whatever ultimately happens on the merits in the slew of cases on this issue across the country, that is simply not a fair way to administer the rules, and our public universities and their students deserve better.

III. CLEAR AND CONSISTENT RULES SERVE EVERYONE INVOLVED.

The State's interest ultimately comes down to a simple proposition: The rules of the game should not change in ways that leave the players unable to know what game they are playing. The NCAA's regulatory structure necessarily requires institutions and athletes to rely upon eligibility determinations. Without that reliance, recruiting becomes uncertain, roster construction becomes unstable, scholarships become difficult to administer, and student-athletes cannot make informed decisions about their education and careers.

The problem, of course, is not limited to Louisiana and its own athletes: "This is a national crisis, not a local one."² There are athletes on all sides of this dispute who have made decisions based upon the ever-changing rules they were given. There are athletes seeking another opportunity to play. There are athletes who have occupied roster spots based upon the rules in place when they were recruited. There are schools that have filled their rosters and allocated scholarships. There are coaches who have made employment and recruiting decisions based upon eligibility determinations. There are universities that must somehow prepare to compete under whatever rules ultimately govern them. And, if that were not enough, some of these athletes have already or will take the field in just a few short days, creating an urgency that consistent rule application could have avoided.

The State does not suggest that the rules governing collegiate athletics can never change. But those rules are promulgated and enforced against young people and schools making decisions about real life that have real, irreparable consequences. The conference's reliance-be-damned response is not a lawful answer. Plaintiffs here, like others similarly situated, often need access to and relief via the court system to set things right. More, they need to be able to rely on a court's decision on these issues without fear of reprisal in the future.

² *Id.*, *supra* n.1.

These principles are particularly important for public universities. Louisiana’s public institutions are responsible for stewarding public resources while complying with the rules imposed upon them. They should be able to know what conduct is permitted and what conduct will expose them to institutional or individual penalties. And they should be able to rely upon judicial orders without simultaneously being placed at risk by another authority. Otherwise, our schools risk “spending themselves into insolvency.”³ The State therefore has a substantial interest in ensuring that the ultimate resolution of this dispute—via a fair and unbiased decisionmaker—produces a system that is not only legally sound, but equitable, administrable, and consistent for the people and institutions required to operate within it.

The Court’s task here therefore implicates more than the question of whether a particular eligibility rule should exist. It implicates how justice is administered when the rules governing a person’s eligibility have flip-flopped-and-flipped-again after that person has already ordered his life around them. The best course is one that considers the circumstances of all those who must live under the rules—including the athletes who seek relief, the athletes who relied on the prior rules, and the public institutions that must implement whatever rules result.

CONCLUSION

The State respectfully requests the Court grant its motion for leave to file this amicus brief, and consider these broader interests in determining the appropriate relief in this matter.

Dated: September 2, 2026

Respectfully submitted,

ELIZABETH B. MURRILL
Attorney General

/s/ Caitlin Huettemann
Zachary Faircloth (LSBA #39875)
Principal Deputy Solicitor General
Caitlin Huettemann (LSBA #40402)
Assistant Solicitor General

OFFICE OF THE ATTORNEY GENERAL

³ *Id.*, *supra* n.1.

1885 N. 3rd Street
Baton Rouge, Louisiana 70802
Telephone: (225) 326-6000
Facsimile: (225) 326-6098
FairclothZ@ag.louisiana.gov
HuettemannC@ag.louisiana.gov
Counsel for State of Louisiana

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above and foregoing has this date been served upon all parties to this proceeding by email or by mailing same to each by First Class United States mail, properly addressed and postage paid, on this 2nd day of September, 2026.

/s/ Caitlin Huettemann
CAITLIN HUETTEMANN (LSBA #40402)