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The Master Bedroom Takes Over the House

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The Return Of the Deadheads

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The Sports Fans Who Cry Foul—and Call Their Lawyers

By Randy Maniloff

Professional sports is America's No. 1 passion. Suing people is a close second. So it should come as no surprise that a few days after the so-called Fight of the Century, between Floyd Mayweather and Manny Pacquiao, some viewers, disgruntled that the fight lacked drama, stepped into the ring themselves. Ding.

At least five lawsuits reportedly have been filed against various parties involved in the fight, including Mr. Pacquiao, some of his advisers, the fight's promoter and telecasters, for their alleged failure to disclose until right before the fight that Mr. Pacquiao had an injured shoulder. As you would expect, the plaintiffs hope to make their cases class actions. Their claims are for various types of fraudulent conduct.

The suits against Mr. Pacquiao and company are not the first time that spectators have turned to courts seeking relief for injustices that they believe have befallen them. Based on how these other matches have gone, the Pacquiao plaintiffs should be knocked out. When it comes to suits by fans for unfulfilled expectations, courts have generally said—for good reason—game over. One rationale is that a ticket holder to a sporting event simply possesses a license to enter and view whatever transpires on the field of play. No más.

Nonetheless, all it takes to sue in America is imagination and the filing fee. There is no shortage of stories about courts finding ways to dole out money to seemingly undeserving people, or of defendants willing to settle cases to avoid the risks of litigation, particularly class actions. None of this is lost on the Pacquiao plaintiffs. And some of these cases have been filed in the left-leaning Ninth Circuit Court of Appeals. The plaintiffs' attorneys must be thinking: Why not roll the dice?

But consider a few examples in which courts have ruled that a spectator's place is in his seat.

In 2000, a New York appeals court dismissed a suit by fans who paid to see the fight between Mike Tyson and Evander Holyfield that ended in disqualification when Mr. Tyson bit off a piece of Mr. Holyfield's ear. The fans

claimed that they were entitled to view a "legitimate heavyweight title fight," one that ended either in an actual or technical knockout or a decision after 12 rounds. The fans wanted their money back because the fight ended with a disqualification in round three. The court did not sympathize, holding that the plaintiffs received what they paid for—the right to view whatever event transpired.

In 2007, the Seventh Circuit Court of Appeals held that spectators who attended an automobile race could not maintain claims on account of the withdrawal of 14 drivers before the race started. The court concluded that while a six-car race may be less rich, interesting or challenging, the plaintiffs couldn't claim that no race occurred.

In 2010, the Third Circuit Court of Appeals held that a Jets season ticket holder could not maintain fraud and racketeering claims against the New England Patriots and head coach Bill Belichick for the surreptitious videotaping of Jets' coaches and players. In rejecting the fan's claim for damages for so-called Spygate, the court held

Manny Pacquiao didn't let on that his shoulder was injured? Ring the bell to start the class-action suits.

that the season ticket holder held no legal right, interest or injury. The court concluded: "At best, he possessed nothing more than a contractual right to a seat from which to watch an NFL game between the Jets and the Patriots, and this right was clearly honored."

The fans lost, but the offenders did

not go unpunished. Mr. Tyson paid a large fine and had his boxing license revoked for a year. The Patriots paid a fine and lost a first-round draft pick. If Mr. Pacquiao is found to have broken rules he will pay a high price.

The NFL recently concluded that it is more probable than not that New England Patriots personnel participated in a deliberate effort to deflate footballs used in last season's AFC Championship Game against the Indianapolis Colts. While the Colts surely would not have won the game even with properly inflated footballs, it is easy to see why their fans are upset. But not every injustice can have a legal remedy. For Colts fans, redress needs to be limited to wishing nothing good—ever—for the Patriots.

Sports fans, myself included, are a passionate bunch. And our emotional investment is often accompanied by a financial one. The Mayweather-Pacquiao bout cost close to \$100 to watch on television—and at best it could have delivered 36 minutes of action. Some of the Pacquiao plaintiffs bet money on the contest. So it is easy to understand the desire for relief when fans believe that their investment was not protected.

But professional sports has long maintained a wall between fans and the action. Players play; fans watch. This separation must apply, even if a case can be made that financial interests were affected. Courts can do this by maintaining that a ticket holder to a sporting event simply possesses a license to enter and view whatever happens on the field of play. Only those wearing black and white stripes—not black robes—should throw yellow flags.

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