

CommLawBlog Scorecard of Pending Image Rights Cases (as of August, 2010)

Case Name	Court	Plaintiff Type	Defendant Type	Causes of Action	Status
C.B.C. Distribution and Marketing v. Major League Baseball Advanced Media, L.P. and The Major League Baseball Players Association	U.S.C.A. (8 th Cir.)	Fantasy Sports Company	Sports League (and associated marketing arm)	State Right of Publicity (statutory and common law)	Ruling in Favor of C.B.C on 10/16/2007
C.B.S. Interactive, Inc. v. National Football League Players Association, Inc. and National Football League Players Incorporated	U.S.D.C. (D. Minn)	Fantasy Sports Company	Sports League (and associated marketing arm)	State Right of Publicity (statutory and common law)	Ruling in Favor of C.B.S. on 4/28/2009
John Frederick Dryer, James Lawrence Marshall, Joseph Michael Senser, Elvin Lamont Bethea, Dante Anthony Pastorini, and Edward Alvin White v. National Football League	U.S.D.C. (D. Minn.)	Retired NFL players	Sports League (and associated production company)	Federal False Endorsement Claim; State Law Right of Publicity (several statutes and common law) State Unjust Enrichment Claims	Pending

CommLawBlog Scorecard
of Pending Image Rights Cases
Page 2

Herb Adderley v. National Football League Players Association	U.S.D.C. (N.D. Cal.)	Retired NFL Players	Sports League (and associated players association)	Breach of Contract	Jury Awarded \$28 million to the class of players which later led to a settlement before appeal
James "Jim" Brown v. Electronic Arts, Inc.	U.S.D.C. (C.D. Cal.)	Retired NFL player	Video Game Maker	Federal Unfair Competition (False Endorsement); State Law right of Publicity (California statutory and common law); State Unlawful Business Practices	Ruling in Favor of EA on 9/23/2009
Michael E. Davis a/k/a Tony Davis v. Electronic Arts, Inc.	U.S.D.C. (N.D. Cal.)	Retired NFL Players	Video Game Maker	State Law Right of Publicity (statutory and common law); Unjust Enrichment	Filed on 7/29/2010
Samuel Michael Keller v. Electronic Arts, Inc., National Collegiate Athletics Association and Collegiate Licensing Company	U.S.D.C. (N.D. Cal.)	Former College Football Players	Video Game Maker and NCAA	State Right of Publicity (statutory and common law) State Breach of Contract, State Unjust Enrichment	Defendants' Motion to Dismiss Denied on 2/08/2010

CommLawBlog Scorecard
of Pending Image Rights Cases
Page 3

Edward O'Bannon and Craig Newsome v. National Collegiate Athletic Association and Collegiate Licensing Company	U.S.D.C. (N.D. Cal.)	Former College Basketball Players	NCAA	Federal Antitrust and State Unjust Enrichment	Defendants' Motion to Dismiss Granted in Part and Denied in Part on 2/08/2010; case combined with <i>Keller</i> case
Ryan Hart and Troy Taylor v. Electronic Arts	Superior Court of New Jersey	Former College Football Players	Video Game Maker	State Right of Publicity (statutory and common law)	Pending