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Proskauer Secures Unanimous Jury Defense Win on Behalf of MLS in Antitrust Suit Brought by NASL

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10-person Jury Took Approximately 90 Minutes to Find in Favor of MLS and U.S. Soccer

Ruling has Widespread Implications for Broader Sports Landscape in the U.S.

NEW YORK, February 5, 2025 – Leading international law firm Proskauer announced that it secured a unanimous victory on behalf of its client Major League Soccer ("MLS") in an antitrust suit brought by the North American Soccer League ("NASL") against MLS and co-defendant, U.S. Soccer Federation ("U.S. Soccer"), which claimed that U.S. Soccer conspired with MLS to exclude NASL from Division I and Division II professional soccer and to monopolize those claimed markets. Following a three-week trial, a 10-person jury in the Eastern District of New York delivered a full defense verdict after approximately 90 minutes of deliberation, rejecting NASL's proposed relevant market definition as a threshold issue.

In a suit originally filed in 2017, NASL claimed that MLS and U.S. Soccer engaged in an antitrust conspiracy to ensure that MLS would be the sole Division I soccer league in the United States, and further alleged that MLS is an illegal monopoly in violation of the Sherman Act. Following years of fact and expert discovery, trial began on January 13, 2025. The trial featured several high-profile witnesses, including MLS Commissioner Don Garber, sports owner Clark Hunt and former NBA great Carmelo Anthony.

MLS and U.S. Soccer were able to present their defense-in-chief to the jury in less than one day. Having had certain key witnesses testify during the plaintiff's case, MLS and U.S. Soccer called no live witnesses and instead played video testimony from various former NASL owners and executives that bolstered the defense. Opposing counsel, however, took more than two weeks to put on their case.

At closing, counsel for MLS and U.S. Soccer highlighted that its clients had not conspired in any respect regarding NASL, that had NASL failed to provide any direct evidence of the alleged conspiracy (leading NASL counsel to admit in court that its alleged evidence was wholly “circumstantial”), and that NASL's failures were of the league's own making. The defense also reminded the jury of NASL's relationship with Traffic Sports USA, the league’s largest investor, and executive Aaron Davidson, its former acting CEO and Chairman of the Board, who pled guilty to racketeering, conspiracy and wire fraud in connection with the FIFA bribery scandal. During his video testimony, Mr. Davidson repeatedly invoked the Fifth Amendment when asked questions about a number of topics concerning the NASL. The closings also focused on the substantial evidence that MLS was faced with significant competitive challenges that extend to global soccer and other major American sports – including with respect to investors – thus supporting a market definition far broader than the one advanced by NASL.

Ultimately, the jury rejected NASL’s proposed relevant market in answering the first four questions presented to it, and returned a unanimous verdict for MLS and U.S. Soccer. The ruling is a significant victory for the broader sports landscape in the U.S., reaffirming the roles MLS and U.S. Soccer play in helping grow soccer as a sport and standing as an exemplar that plaintiffs who challenge leagues will not be successful based on unsupported allegations.

The Proskauer team representing MLS was led by partners Brad Ruskin and Kevin Perra (Sports, Litigation). It also included partners Colin Kass and Keisha-Ann Gray, senior counsel Scott Eggers and associates Adam Farbiarz, Tara Brailey, Jake Butwin, Genesis Sanchez Tavarez and Perry Kumagai (Litigation).

Proskauer acted as counsel for MLS. Latham & Watkins represented co-defendant U.S. Soccer.

About Proskauer

The world’s leading organizations and global players choose Proskauer to represent them when they need it the most. With 800+ lawyers in key financial centers around the world, we are known for our pragmatic and commercial approach. Proskauer is the place to turn when a matter is complex, innovative and game-changing. We work seamlessly across practices, industries and jurisdictions with asset managers, private equity and venture capital firms, Fortune 500 and FTSE companies, major sports leagues, entertainment industry legends and other industry-redefining companies.

Proskauer has a full-service litigation practice with extensive trial experience in virtually every major forum across the globe. We take a collaborative approach to representing defendants and plaintiffs, multinationals, middle-market and small-cap businesses, financial institutions, partnerships and individuals, with one thing in mind – driving successful outcomes for our clients.

Recent successful representations include a landmark victory for Sanderson Farms in a $7 billion broiler chicken antitrust conspiracy case; a decisive victory for Gilead Sciences, Inc. in a $3.6 billion antitrust case; a victory for Shamrock Capital Advisors in a high-profile $1 billion lawsuit brought by the founders and other minority shareholders of FanDuel; and representing Monsanto in a case brought by multiple plaintiffs who claimed Roundup caused their non-Hodgkin’s lymphoma.

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