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No. 26-CI-7009
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JEFFERSON CIRCUIT COURT
DIVISION 11
JUDGE BRIAN EDWARDS

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LEVAVIUM WELLS II, *ET AL.*

PLAINTIFFS

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION

DEFENDANT

THE NCAA'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before the Court on Plaintiffs' motion for a temporary injunction, on remand from the Kentucky Court of Appeals. Having considered the motion, the parties' briefing, the record, and the governing law, and pursuant to CR 65.04(5), the Court makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Plaintiffs are former Division I student-athletes who graduated from high school in 2022 and who competed in four seasons of intercollegiate competition over four years.
2. Defendant National Collegiate Athletic Association (the "NCAA") is a voluntary, unincorporated association whose employees work from its headquarters in Indianapolis, Indiana.
3. For decades, the NCAA's "Five-Year Rule" permitted Division I student-athletes to compete in up to four seasons of intercollegiate competition over a five-year period. On or about June 24, 2026, the NCAA Division I Cabinet adopted a new age-based eligibility model, effective August 1, 2026, under which student-athletes receive a five-

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year eligibility period beginning at the start of the academic year following their 19th birthday or upon full-time enrollment, whichever is earlier.

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4. The legislation the Cabinet unanimously adopted to implement the age-based eligibility model—Proposal 2026-44—was explicit that, for student-athletes who enrolled in college prior to August 1, 2026, the new model could only be applied to student-athletes with both seasons of competition and years of eligibility remaining under prior rules. (See NCAA, LSDBi, Proposal 2026-44,

<https://web3.ncaa.org/lstdbi/search/proposalView?id=109394>, NCAA Hrg. Ex. 2

(“**Effective Date.** August 1, 2026; may be applied to student-athletes with eligibility remaining (seasons and period of eligibility) who initially enrolled full time in any collegiate institution before August 1, 2026.”); see Report of June 23-24 DI Cabinet Meeting, https://ncaaorg.s3.amazonaws.com/committees/d1/cabinet/Jun2026D1Cabinet_Jun23Report.pdf, NCAA Hrg. Ex. 3 (reflecting unanimous adoption of Proposal 2026-44)).

5. Throughout the months of development of the age-based eligibility model, during which the Cabinet solicited and reviewed stakeholder feedback, the Cabinet and NCAA Board of Directors were markedly consistent that the new rules would not apply to student-athletes who had exhausted their eligibility under prior rules:

- On April 15, 2026, the Cabinet first announced that it was considering amending the eligibility rules to adopt an age-based eligibility concept, stating that it “did not take a formal position on the topic or the concept itself but did support NCAA staff continuing to discuss the idea with other stakeholders to gather additional feedback.” See Report of the NCAA Div. I Cabinet, April 14-15, 2026, https://ncaaorg.s3.amazonaws.com/committees/d1/cabinet/Apr2026D1Cabinet_Apr14Report.pdf, NCAA Hrg. Ex. 4; NCAA Staff, Governance Update, “DI Cabinet adopts changes to eligibility rules for prospects,” Apr. 15, 2026, <https://www.ncaa.org/news/media-center-di-cabinet-adopts-changes-to-eligibility-rules-for-prospects/>, NCAA Hrg. Ex. 5.

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- On April 27, 2026, the NCAA Board of Directors first announced the planned implementation concept for the age-based eligibility model. The Board indicated that one of the “key elements to be included in future changes” was that “existing rules” would remain in place “for student-athletes competing in the 2025-26 academic year; ***new rules are not expected to apply retroactively to student-athletes whose eligibility is or will be completed by the spring of 2026.***” See NCAA Staff, Governance Update, “DI Board of Directors directs Cabinet to advance age-based eligibility rules,” Apr. 27, 2026, <https://www.ncaa.org/news/media-center-di-board-of-directors-directs-cabinet-to-advance-age-based-eligibility-rules/>, NCAA Hrg. Ex. 6 (emphasis added); Report of the NCAA Division I Board of Directors, April 27, 2026, https://ncaaorg.s3.amazonaws.com/committees/d1/board/Apr2026D1BoD_Report.pdf, NCAA Hrg. Ex. 7.
- On May 22, 2026, the Cabinet published implementation guidance for how the new age-based eligibility rule was expected to apply, if passed:

	Which eligibility model applies?
Current student-athletes who initially enrolled full time at any collegiate institution (e.g., two-year, international, Division II/III) prior to the 2026-27 academic year.	
Student-athletes with eligibility remaining (time left in their period of eligibility and seasons of competition remaining).	Either the current rules OR new age-based model, whichever is most beneficial to the student-athlete. *Any waivers (e.g., extensions, hardship waivers, delayed enrollment) for current student-athletes based on the current legislation must be submitted no later than July 31, 2026, and will not be available for competition or extenuating circumstances occurring beyond the 2025-26 academic year.
Student-athletes who exhausted eligibility in 2025-26 (no time left in their period of eligibility and no seasons of competition remaining).	Current rules; no longer eligible.
Student-athletes who used final season of competition during 2025-26 but have time remaining in their period of eligibility.	Current rules; no longer eligible.

The report further reflects that “[a]s previously shared in the NCAA Division I Board of Directors April 27, 2026, meeting report the model ***will not apply retroactively to student-athletes whose eligibility is or will be completed by spring 2026.***” See Report of the NCAA Division I Cabinet May 22, 2026, https://ncaaorg.s3.amazonaws.com/committees/d1/cabinet/May2026D1Cabinet_Report.pdf, NCAA Hrg. Ex. 8 (emphasis added); NCAA Staff, Governance Update, “Division I Cabinet continues discussions of age-based collegiate eligibility model,” May 22, 2026, <https://www.ncaa.org/news/media-center-division-i-cabinet-continues-discussions-of-age-based-collegiate-eligibility-model/>, NCAA

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Hrg. Ex. 9 (explaining that for “Student-athletes whose fourth season of collegiate eligibility was completed by spring 2026” they would have “no additional eligibility”).

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- On June 5, 2026, the Cabinet again met to discuss the age-based eligibility model and published an updated implementation chart that contained the same guidance for student-athletes who had utilized four seasons of competition: they would be “no longer eligible.” See Report of the NCAA Division I Cabinet June 5, 2026, https://ncaaorg.s3.amazonaws.com/committees/d1/cabinet/Jun2026D1Cabinet_Report.pdf, NCAA Hrg. Ex. 10; NCAA Staff, Governance Update, “DI Cabinet modifies age-based eligibility concept,” June 5, 2026, <https://www.ncaa.org/news/media-center-di-cabinet-modifies-age-based-eligibility-concept/>, NCAA Hrg. Ex. 11.
- On June 24, 2026, the Cabinet adopted the age-based eligibility model through unanimous vote on Proposal 2026-44 (the “Legislation”). The Legislation itself, the Report from the meeting, and the corresponding governance update all indicate that the new rule would not apply to student-athletes who did not have seasons of competition or years of eligibility remaining under prior rules. See NCAA Hrg. Exs. 2–3; see also NCAA, “Division I adopts age-based eligibility model,” June 23, 2026, <https://www.ncaa.org/news/division-i-adopts-age-based-eligibility-model/>, NCAA Hrg. Ex. 12.

6. The Deposition Transcript of Jerry Vaughn, the Managing Director of DI Governance and Member Services at the NCAA, NCAA Hrg. Ex. 16, indicates that the NCAA DI Cabinet does not vote on the Manual as a whole; rather, “[t]hey vote[] on individual proposals, including the age-based eligibility model. Those proposal are the legislative actions that they take throughout the year, and then kind of the summary of those legislative changes shows up in the printed version in the manual.” *Id.* at 137:20–138:4. Mr. Vaughn further testified that “any trained compliance officer” would not just look to the Manual “in a vacuum” but also “at other supporting documentation, including the proposal that made any sort of legislative change, any interpretations or educational columns, or other resources specific to that change. . . . [I]n this specific case, I think the language in the proposal, specifically the effective date is, again, in my opinion pretty clear on how the rule change is intended to apply.” *Id.* at 138:20–139:12.

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7. The Cabinet's intent was clear: it decided not to apply the new model retroactively to student-athletes whose eligibility had already been exhausted under prior rules. That distinction is in the Legislation that the Cabinet voted upon itself, as well as every communication in the record that the NCAA issued about the rule change from April 27, 2026 to the present. And, as was discussed in the cross-examination of Coach Dennis Gates, if any member institution was confused about the meaning of the age-based eligibility rule, the Manual provides a mechanism through which member institutions could seek an interpretation of the rule from the NCAA. *See* NCAA Hrg. Ex. 1, Bylaw 9.3.1.2.1.

8. Additionally, the new age-based eligibility rule, as reflected in Bylaw 12.6 of the Manual, indicates that it was effective August 1, 2026. *See* 2026-27 NCAA Division I Manual, Bylaw 12.6, NCAA Hrg. Ex. 1. There is no indication in the Manual or any other source that the NCAA membership intended that the Bylaw would apply retroactively.

9. The Bylaws indicate that the most up-to-date version of NCAA legislation is available on the NCAA's Legislative Services Database for the Internet (LSDBi). *Id.* at p. ix. The version of Bylaw 12.6 on the LSDBi cross-references Proposal 2026-44. *See* NCAA Hrg. Ex. 15.

10. Under the terms of the Manual, "[o]nly a student-athlete who meets the governing athletics eligibility legislation" is eligible for competition. *See* 2026-27 NCAA Division I Manual, Bylaw 12.01.1, NCAA Hrg. Ex. 1.

11. The Cabinet had reason to enact the Legislation prospectively: all student-athletes who exhausted their eligibility under prior rules received exactly the period of eligibility

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they were promised under each set of rules that governed their full period of eligibility; while student-athletes who had eligibility remaining or were entering college made their decisions about where to attend based on their expectations of roster spots and playing time that would be available to them, which were informed by existing roster composition. *See* Aff. Geof Silver ¶ 21, NCAA Hrg. Ex. 13; Conf. Comm'r Decl. ¶¶ 8–9, NCAA Hrg. Ex. 14; Decl. Alison Rich ¶¶ 32–35, NCAA Hrg. Ex. 17. Allowing all student-athletes who had exhausted their four seasons of competition within four years to return to college sports would interject potentially tens-of-thousands of additional persons into the pool of eligible student-athletes into competition, after enrollment and recruitment decisions had already been made, disrupting the expectations and opportunities available to student-athletes with eligibility remaining and those entering college for the first time. *Id.*

12. As Daniel Hennes testified, the implementation of the new rule leaves all student-athletes' circumstances unchanged for the 2026-27 academic year from their status under the prior rules; all student-athletes with eligibility remaining under the old rules are still eligible, and all student-athletes who exhausted their eligibility under the old rules remain ineligible. Effects of the rule change will not be felt until the 2027-28 academic year, which will be the first time any student-athlete has the opportunity to compete in a fifth season of competition without a waiver.

13. Plaintiffs are former Division I student-athletes who graduated from high school in 2022 and completed four seasons of intercollegiate competition over four years. They do not challenge the new eligibility model in the abstract; they ask this Court to order the NCAA to apply the 2026-27 rules to them retroactively so that they may compete in the

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2026-27 season and to reopen the transfer portal. They assert two claims: breach of contract and violation of the Kentucky Consumer Protection Act (“KCPA”).

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14. On August 21, 2026, this Court entered an order, styled as a temporary restraining order, granting that relief. The NCAA sought relief under RAP 20.

15. On October 2, 2026, the Kentucky Court of Appeals held that the order was in substance a temporary injunction, dissolved it, and held that the NCAA’s 2026-27 age-based eligibility rules do not apply retroactively to Plaintiffs. The Court of Appeals further held that the injunction had been improperly entered without an evidentiary hearing or sufficient evidence.

16. The matter returned to this Court on Plaintiffs’ renewed motion, and the Court held an evidentiary hearing.

17. On the question of retroactivity, the record before the Court is materially unchanged from the record before the Court of Appeals.

18. Whether any individual Plaintiff faces irreparable harm turns on that Plaintiff’s own circumstances—including whether a roster spot is available to the Plaintiff, where (if anywhere) the Plaintiff would compete, and how much eligibility, if any, the Plaintiff has remaining. These circumstances vary from Plaintiff to Plaintiff.

19. The rules Plaintiffs seek to set aside affect the opportunities of more than 180,000 Division I student-athletes. Collegiate competition is generally zero-sum: each added player generally takes a roster spot, playing time, or revenue-sharing dollars from someone else. Member institutions and current student-athletes made roster, retention, and recruitment decisions for the 2026-27 academic year in reliance on the prior rules.

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20. At the hearing, testimony of multiple witnesses confirmed that the litigation surrounding the age-based eligibility rule, not any conduct of the NCAA, has led to chaos and confusion. The record reflects that the NCAA has been consistent that its new rule does not confer new eligibility upon student-athletes who exhausted their eligibility under the old rules. As Coach Pat Kelsey testified, the inability of the NCAA to enforce its rules has caused chaos. That is not for lack of trying—the Court takes judicial notice that the NCAA has defended the rule at issue in courts throughout the country. But only after courts began granting injunctive relief to student-athletes similarly situated to Plaintiffs did the University of Louisville, with the support of its compliance office, seek to recruit and obtain eligibility for student-athletes it knew were ineligible under the NCAA's rules.

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21. The uncertainty fostered by the litigation environment has been a significant stressor for student-athletes. As Sophie Harlan testified, receiving an injunction from the United States District Court for the District of Colorado, only for it to be stayed by the Tenth Circuit, and then later receiving a TRO from this Court, only for it to be dissolved by the Kentucky Court of Appeals, has been a major stressor.

CONCLUSIONS OF LAW

1. A temporary injunction is an extraordinary equitable remedy, and the bar for obtaining one is high. *Zeitz v. Kulkarni*, 698 S.W.3d 709, 712 (Ky. App. 2024); *Maupin v. Stansbury*, 575 S.W.2d 695, 698 (Ky. App. 1978).
2. Under CR 65.04(1), a movant must clearly show: (a) immediate and irreparable injury; (b) that the balance of the equities favors relief; and (c) a substantial question on the merits—that is, a substantial possibility that the movant will ultimately prevail. All three requirements must be met; the absence of any one defeats the motion. *Maupin*, 575

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S.W.2d at 699; *Cameron v. EMW Women’s Surgical Ctr., P.S.C.*, 664 S.W.3d 633, 660 (Ky. 2023).

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Even if the Court Finds that Plaintiffs Have Enforcement Rights Under the Manual, Plaintiffs Cannot Establish a Substantial Question on the Merits of Their Claims Under Kentucky Law on This Record

3. The Kentucky Court of Appeals and the Kentucky Supreme Court have settled the legal framework that applies in cases, like this one, where a plaintiff’s suit seeks court intervention into a voluntary athletic association’s ability to self-govern. *See NCAA v. Lasege*, 53 S.W.3d 77 (Ky. 2001); *Ky. High Sch. Athletic Ass’n v. Hopkins Cnty. Bd. of Educ.*, 552 S.W.2d 685 (Ky. App. 1977) (“*Hopkins Cnty.*”).

4. Under Kentucky law, “[a]s a general rule, courts will not interfere with the internal affairs of voluntary associations.” *Hopkins Cnty.*, 552 S.W.2d at 687. “In the absence of mistake, fraud, collusion or arbitrariness, the decisions of the governing body of an association will be accepted by the courts as conclusive.” *Id.* “In general, the members of such associations should be allowed to ‘paddle their own canoe’ without unwarranted interference from the courts.” *Lasege*, 53 S.W.3d at 83 (citation omitted).

5. Kentucky courts have recognized three categories of claims implicating athletic associations’ bylaws: those facially challenging the validity of a rule, those challenging the association’s interpretation of that rule, and those challenging the application of a rule whose meaning is not in question in an adjudicative proceeding. *See Hopkins Cnty.*, 552 S.W.2d at 687; *Lasege*, 53 S.W.3d at 83–84. Each category of challenge has a different standard of review the trial court must apply.

6. Under the first category—when a plaintiff asserts a facial challenge to an association’s bylaw—the role for courts is limited. “Voluntary associations may adopt

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reasonable bylaws and rules which will be deemed valid and binding upon the members of the association ***unless the bylaw or rule violates some law or public policy.***” *Hopkins*

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Cnty., 552 S.W.2d at 687 (emphasis added). “It is not the responsibility of the courts to inquire into the expediency, practicability or wisdom of the bylaws and regulations of voluntary associations.” *Id.*

7. Under the second category—when a plaintiff challenges the association’s interpretation of its rules—the court still must afford significant deference to the voluntary association; “courts will not substitute their interpretation of the bylaws of a voluntary association for the interpretation placed upon those bylaws by the voluntary association itself so long as that interpretation is fair and reasonable.” *Id.*

8. Under the third category—when a plaintiff does not challenge the bylaw itself or its interpretation, but rather argues that the association has misapplied the bylaw in an adjudicative proceeding—“[c]laimants will generally demonstrate potential injuries which justify injunctive relief only when they can show a substantial probability that the athletic association’s ruling was arbitrary and capricious. . . . [A] ruling is arbitrary and capricious . . . only when it is unsupported by substantial evidence.” *Lasege*, 53 S.W.3d at 83, 85.

9. The Court addresses the foregoing modes of challenging voluntary association rules in reverse order.

10. The third category of challenge does not apply here. Plaintiffs here contend that the new age-based eligibility model is unfair to them, or that the NCAA has not correctly interpreted its own legislation. They have not argued, nor is there proof in the record, that the NCAA has enforced the new rule through any administrative proceeding in

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which it heard evidence. The arbitrary and capricious standard articulated in *Lasege* therefore does not apply.

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11. Relief under the second category—challenging an association’s interpretation of its own bylaw as unreasonable—is unavailable in light of the Court of Appeals’ ruling dissolving this Court’s Temporary Restraining Order. In its Order, the Court of Appeals explained that the NCAA’s Bylaws are its “Legislation” and that Kentucky’s presumption against retroactivity therefore controls as a rule of construction. *See Wells v. NCAA*, No. 2026-CA-1107-I (Ky. App. Oct. 2, 2026) (“COA Order”), at 19–21. The Court of Appeals held that, under the presumption against retroactivity, “the purported latest version of Bylaw 12.6 (assuming it is operative) **does not apply to respondents**[.]” *Id.* at 21 (emphasis added). Given that the Court of Appeals has held that the NCAA’s interpretation of its governing legislation is not only reasonable, but the most natural reading of the age-based eligibility rule, this Court is bound to follow the Court of Appeals. Under the law-of-the-case doctrine, a legal question decided by an appellate court will not be determined differently on remand, and this Court must strictly follow the mandate of the appellate court. *Inman v. Inman*, 648 S.W.2d 847, 849 (Ky. 1982); *see also Renshaw v. Cook*, 129 Ky. 347, 111 S.W. 377, 383 (1908).

12. A facial challenge—the first category—is not viable under the proof in the record or claims asserted. Regarding Plaintiffs’ facial challenge to their exclusion from the new age-based eligibility rule, there is no proof in the record to support a substantial question on the merits. Plaintiffs have not presented any proof that the rule itself is illegal or against public policy. Plaintiffs ground their challenge in the premise that their exclusion from the new rule is unfair. But even if the Court agreed with the premise, it is not

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sufficient, as a matter of law, to claim that the rule is unfair; subjective unfairness does not make a rule illegal. Rather, it is for the NCAA—not the Court—to evaluate the

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“wisdom” of its own rule. *Hopkins*, 552 S.W.2d at 687. And this Court lacks the authority to declare the public policy of the Commonwealth, which is a power confined solely to the General Assembly. *Caneyville Vol. Fire Dep’t v. Green Motorcycle Salvage, Inc.*, 286 S.W.3d 790, 807 (Ky. 2009) (“Shaping public policy is the exclusive domain of the General Assembly. We have held that the establishment of public policy is granted to the legislature alone.” (cleaned up)).

13. For these reasons, even if the Manual were a contract which student-athletes had third-party beneficiary standing to enforce, Kentucky law does not empower this Court to grant an injunction because, on this record, Plaintiffs have not demonstrated a substantial question on the merits. As Coach Kelsey’s testimony reflects, the NCAA needs to be able to enforce its eligibility rules to “stop the chaos.” Kentucky’s doctrine of non-interference permits the NCAA that latitude so long as its rules are not illegal or against the express public policy of the state, have been interpreted in a manner to which they are reasonably susceptible, and their application in particular cases is not against the weight of the evidence. The answer to one court enjoining the NCAA is not a cascade of like injunctions; it is for courts to follow the law and stay their hand unless an exception to voluntary association deference applies. No one court has exclusive jurisdiction over all NCAA eligibility disputes. But for consistent application of the rules to be possible, one entity must have the ability to regulate college sports on consistent terms. The members of the NCAA—who have enacted the NCAA’s rules—have decided that entity *is the* NCAA. On this record, the law requires this Court to defer to the NCAA.

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**Irrespective of Voluntary Association Deference,
Plaintiffs' Contract Claim Fails on Its Merits**

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14. Independently, Plaintiffs' breach-of-contract claim fails as a matter of Kentucky contract law. Only a party or an intended beneficiary—and, among intended beneficiaries, only a donee or a creditor beneficiary—may enforce a contract under Kentucky law, and Plaintiffs are neither. *Ping v. Beverly Enters., Inc.*, 376 S.W.3d 581, 595 (Ky. 2012); *Phoenix Am. Adm'rs, LLC v. Lee*, 670 S.W.3d 832, 839 (Ky. 2023); *Presnell Constr. Managers, Inc. v. EH Constr., LLC*, 134 S.W.3d 575, 579 (Ky. 2004); *Sexton v. Taylor Cnty.*, 692 S.W.2d 808, 810 (Ky. App. 1985). The Court of Appeals' holding forecloses any argument that the NCAA intended for the new rules to apply to Plaintiffs.

15. Even if Plaintiffs' claims were evaluated under ordinary contract principles, and even if they were intended third-party beneficiaries, Plaintiffs received the full measure of eligibility every version of the Manual promised them—four seasons over five years—and the implied covenant of good faith and fair dealing cannot override the NCAA's express right to amend its own rules. *J.S. v. Berla*, 456 S.W.3d 19, 25 (Ky. App. 2015); *Farmers Bank & Tr. Co. of Georgetown v. Willmott Hardwoods, Inc.*, 171 S.W.3d 4, 11 (Ky. 2005). Nor can a general commitment to fairness in the Manual trump the express terms of the Manual that governed Plaintiffs' athletic careers: a limit to four seasons of competition. *Siler v. White Star Coal Co.*, 190 Ky. 7, 11 (Ct. App. 1920).

No Proof in the Record Supports Plaintiffs' KCPA Claim

16. In addition, Plaintiffs have failed to prove a substantial question on the merits of their Kentucky Consumer Protection Act claim.

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(a) The KCPA protects only a person who purchases or leases goods or services primarily for personal, family, or household purposes, and a claim lies only against the entity from whom the good or service at issue was purchased. *Skilcraft Sheetmetal, Inc. v. Ky. Mach., Inc.*, 836 S.W.2d 907, 909 (Ky. App. 1992); KRS 367.220; KRS 367.170; *Keaton v. G.C. Williams Funeral Home, Inc.*, 436 S.W.3d 538, 546 (Ky. App. 2013).

(b) Plaintiffs did not purchase any good or service from the NCAA, and their asserted object—additional compensation and career development—is not a personal, family, or household purpose. *Suhail v. Univ. of the Cumberlands*, 107 F. Supp. 3d 748, 759 (E.D. Ky. 2015). And, to the extent they purchased a good or service from anyone in connection with their collegiate athletic participation, those purchases run between Plaintiffs and their schools—not the NCAA.

(c) Moreover, the Court of Appeals' retroactivity holding independently forecloses the claim, because applying the 2026-27 rules prospectively, exactly as written, is neither unfair nor deceptive.

While Some Plaintiffs Have Made a Showing of Irreparable Harm, the Balance of Equities and Public Interest Weigh in the NCAA's Favor

17. Independent of the merits, irreparable injury is a mandatory prerequisite to the issuance of any injunction, and it must be shown by evidence; the injury must be actual, not remote or speculative. *Cameron v. EMW Women's Surgical Ctr., P.S.C.*, 664 S.W.3d 633, 660 (Ky. 2023); *Norsworthy v. Ky. Bd. of Med. Licensure*, 330 S.W.3d 58, 62 (Ky. 2009); *Maupin v. Stansbury*, 575 S.W.2d 695, 699 (Ky. App. 1978); CR 65.04(1). Whether a given Plaintiff faces irreparable injury is an individualized inquiry that depends on that Plaintiff's particular circumstances. The Court heard evidence from

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some but not all of the Plaintiffs and cannot, on this record, draw any conclusion regarding irreparable harm as to the Plaintiffs from whom it has not heard.

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18. The balance of the equities and the public interest weigh against the injunction. The Court of Appeals has already resolved the status-quo component of the equities in the NCAA's favor. It held that permitting the high-school class of 2022 to play a fifth season—the very relief Plaintiffs seek—“would disrupt the status quo,” and that “there is no merit to their argument that not giving them a fifth season would disrupt the status quo.” COA Order at 7, 21. The relief Plaintiffs seek would disrupt the settled roster, playing-time, and revenue-sharing expectations of more than 180,000 Division I student-athletes, in a setting that is generally zero-sum. *W. Virginia v. B.P.J.*, 146 S. Ct. 2356, 2381 (2026); *Coley v. NCAA*, 792 F. Supp. 3d 634, 648 (E.D.N.C. 2025). Further, the NCAA has a substantial interest in enforcing its own eligibility regulations, and the competitors of teams who roster student-athletes ineligible under the NCAA's rules have a substantial interest in all NCAA members abiding by the rules which they have agreed to follow, without which the integrity of athletic competition is impossible to achieve. *Lasege*, 53 S.W.3d at 86. While the Court does not discount Plaintiffs' interest in this case, the interest in fair competition for all outweighs the harm to several dozen individual student-athletes who received the full period of eligibility they were promised under each set of rules that governed their athletic careers.

19. The Court is mindful of the stress and frustration the Plaintiffs have experienced as a result of the uncertainty surrounding their eligibility. But the proof at the hearing indicated that the NCAA did not create confusion by sending mixed messages about Plaintiffs' eligibility status for the upcoming year. The confusion has been created not by

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the NCAA's communications, but by inconsistent court rulings. While the Court may want to grant Plaintiffs additional eligibility, if the law does not permit that result, it does Plaintiffs no favor for them to obtain a third, brief temporary period of eligibility only for the Court of Appeals to again disrupt it through a stay and/or merits ruling. This Court is bound to apply the law, even if the Court wishes for a different result.

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20. Because Plaintiffs have not satisfied all of the factors necessary to obtain a temporary injunction, the motion must be denied.

ORDER

For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiffs' and Intervening Plaintiffs' motion for a temporary injunction is DENIED.

This the _____ day of _____, 2026.

JUDGE, JEFFERSON CIRCUIT COURT

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