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NO. 26-CI-007009

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JEFFERSON CIRCUIT COURT
DIVISION ELEVEN (11)
JUDGE BRIAN EDWARDS
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LEVAVIUM WELLS II, DONOVAN
ODAY, D'ANGELO HUTCHINSON,
KAYDEN CAMPBELL, MARK
MITCHELL, JUSTIN ALLEN, FRED
KING, COLIN PORTER, ALBERT
VARGAS FRITO, JABARI MACK,
THOMAS CASTELLANOS, BILLY
SMITH, SKYY CLARK, SETH
TRIMBLE, REESE RAGLAND,
JAYLEN WESTER, RYLEN SU'A-
FILO, MACKAVELLI MALOTUMAU,
JOSIE GILVIN, JAWAUN
NORTHINGTON, CLAUDIA
HOFMEISTER, LEVI SANDIDGE,
MACY WHISENAND, CARDELL
BAILEY, DAMONI HARRISON,
EMMANUEL OKORAFOR, GARRETT
HELSEL, JALYN BROWN, JAVON
JACKSON, KATIE FICHTNER,
KRISTINA PAEGLE, ORLANDO
LOVEJOY, REGAN DANCER, OLIVIA
ALBERT, AIDAN HADAWAY,
CAZEEM MOORE, AND ZOE
HAMMOND

PLAINTIFFS

v. **THE *WELLS* PLAINTIFFS' MOTION TO MODIFY
TEMPORARY RESTRAINING ORDER
TO INCLUDE ADDITIONAL NAMED PLAINTIFFS**

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION

DEFENDANT

NOTICE OF HEARING

Please take notice that on August 31, 2026, at 10:45am in the Courtroom of the above Court, the Plaintiffs, by undersigned counsel, will make the following motion and tender the attached proposed order.

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MOTION TO MODIFY TEMPORARY RESTRAINING ORDER

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Come now the Plaintiffs, Levaviem Wells II, Donovan Oday, D'Angelo Hutchinson, Kayden Campbell, Mark Mitchell, Justin Allen, Fred King, Colin Porter, Albert Vargas Frito, Jabari Mack, Thomas Castellanos, Billy Smith, Skyy Clark, Seth Trimble, Reese Ragland, Jaylen Wester, Rylen Su'a-Filo, Mackavelli Malotumau, Josie Gilvin, Jawaun Northington, Claudia Hofmeister, Levi Sandidge, Macy Whisenand, Cardell Bailey, Damoni Harrison, Emmanuel Okorafor, Garrett Helsel, Jalyn Brown, Javon Jackson, Katie Fichtner, Kristina Paegle, Orlando Lovejoy, Regan Dancer, Olivia Albert, Aidan Hadaway, Cazeem Moore, and Zoe Hammond, by undersigned counsel, and hereby request that this court modify its August 21, 2026 Temporary Restraining Order by adding Plaintiffs Thomas Castellanos, Billy Smith, Skyy Clark, Seth Trimble, Reese Ragland, Jaylen Wester, Rylen Su'a-Filo, Mackavelli Malotumau, Josie Gilvin, Jawaun Northington, Claudia Hofmeister, Levi Sandidge, Macy Whisenand, Cardell Bailey, Damoni Harrison, Emmanuel Okorafor, Garrett Helsel, Jalyn Brown, Javon Jackson, Katie Fichtner, Kristina Paegle, Orlando Lovejoy, Regan Dancer, Olivia Albert, Aidan Hadaway, Cazeem Moore, and Zoe Hammond to this Court's Order and clarifying the Order applies to the NCAA and all those in active concern with it to prevent circumvention of this Court's Order and further injury to Plaintiff.¹

In further support of this motion, Plaintiffs state as follows:

*** **

This Court is well apprised of the basis of this action from previous briefings, a lengthy court hearing, and its Order issued on August 21, 2026. This Motion asks this Court to (1) add

¹ **NOTE:** This Motion is noticed for a hearing date with all parties and is not an *ex parte* motion for a restraining order. Accordingly, verification pages from each plaintiff are not required for this motion under CR 65.03(1), which only requires verification page by a plaintiff for an *ex parte* motion for a restraining order.

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additional student athletes who are among the same class as those student athletes protected by the previous Temporary Restraining Order, (2) to reopen the transfer portal for these specific athletes for one week from the date of entry, and (3) to enjoin the NCAA and any others acting in concert with it, pursuant to CR 65.02(2), from obstructing the effect of this Court's temporary restraining order by limiting a player's eligibility based on the timing of their entry into the transfer portal.

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A. Additional student athletes in the First and Second Amended Complaints

Each one of the additional student athletes has a significant connection to the Commonwealth of Kentucky and will suffer irreparable harm if they are not granted relief immediately. This includes the following student athletes who were added to this action Plaintiff's First Amendment Complaint (filed August 14, 2026) and in Plaintiff's Second Amended (filed August 27, 2026):

1. Plaintiff **Thomas Castellanos** played football at the University of Central Florida during the 2022-2023 season, at Boston College during the 2023-2024 and 2024-2025 seasons, and at Florida State University during the 2025-2026 season. During his collegiate career, he competed in Kentucky against the University of Louisville. He competed against and alongside Gunnar Hansen, Darrell Jackson Jr., Richie Leonard IV who were in their fifth season of competition and Roydell Williams and Stefon Thompson, who were each in their sixth year. Plaintiff does not yet know where he would play if granted an additional season of eligibility. His ability to evaluate potential opportunities is presently limited by NCAA rules restricting his communications with other institutions and coaches regarding a potential transfer or additional season of competition. Plaintiff is currently enrolled at Florida State University, but they do not have any roster spots available, so he cannot play there this year.

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2. Plaintiff **Billy Smith** played basketball at Miami University in Oxford, Ohio in the 2022-23 season, at Bellarmine University in Louisville, Kentucky in the 2023-24 and 2024-25 seasons, and at the University of Tennessee at Chattanooga in the 2025-26 season. He competed for playing time against Mekhi Lairy, Bash Weiland, Dezmond McKinney, Dylan Branson, Alec Pfriem, Brennan Watkins, Jikari Johnson, who were in their fifth season of competition, and Garrett Tipton, who was in his sixth season. He is not sure where he will play if granted another year of eligibility and is having difficulty with his decision because NCAA rules currently prohibit him from speaking with any coaches other than his previous school even though he has graduated and been declared eligible.
3. Plaintiff **Sky Clark** played basketball at the University of Illinois in Champaign, Illinois in 2022-23, then at the University of Louisville in Louisville, Kentucky for 2023-24 seasons, and at the University of California, Los Angeles in Los Angeles, California for the 2024-25 and 2025-26 seasons. He competed for playing time against Jamar Brown, Matthew Mayer, and Dominick Harris, Sr., who were in their fifth seasons of competition. If he gets another year of eligibility, he may play at LSU, which has a roster spot available for him and has shown interest.
4. Plaintiff **Seth Trimble** played all four seasons of his college basketball career at the University of North Carolina from 2022-26. He competed for playing time against RJ Davis, Armando Bacot, Paxson Wojcik, Pete Nance, and Leaky Black, who were in their fifth seasons of competition, and Jae'Lyn Withers, Tyzhaun Claude, and Cormac Ryan, who were in their sixth seasons. If granted another year, he plans to play at the University of Louisville, which has shown interest and has a roster spot available. Plaintiff has been injured in Kentucky by playing against fifth and sixth year players in the two games against the

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University of Louisville.

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5. Plaintiff **Reese Ragland** is a resident of the Commonwealth of Kentucky. Ragland enrolled at Tulane University in August 2022 as a three-sport, full-scholarship student-athlete in indoor track, outdoor track, and cross country. She competed for four years in indoor track and in cross country at Tulane, but did not compete in outdoor track during her fourth year, and therefore retains a year of eligibility remaining in that discipline. Ragland graduated from Tulane in May 2026 and, in August 2026, enrolled as a graduate student at the University of Delaware on a full athletic scholarship covering indoor track, outdoor track, and cross country. On August 21, 2026, Delaware's compliance office notified Ragland that, because the *Wisne v. NCAA* injunction had been stayed, she could not compete in cross country or indoor track and could no longer practice with the cross-country team. Ragland's first cross country meet of the season is scheduled for Friday, September 4, 2026, and absent immediate relief she will lose the opportunity to compete in that meet and in the season that follows.
6. Plaintiff **Jawaun Northington** played football for Murray State University from 2022-25, where he was a standout running back. Northington is a graduate of Louisville's DuPont Manual High School in Jefferson County in the class of 2022. At Murray State, Northington competed alongside fifth year players on the team. Murray State begins its 2026-27 football season on August 27, 2026, with a game against Eastern Illinois, in which Northington cannot play. The NCAA's conduct in denying Plaintiff a fifth season of eligibility directly injures Plaintiff within this State. If he gets another year of eligibility, he plans to return for the remainder of the season at Murray State for the 2026 season and has already enrolled.
7. Plaintiff **Jaylen Wester** played football at Florida Atlantic University in the 2022-23 season,

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at the University of Colorado in the 2024 season, and at Western Kentucky University in the 2025 season. He competed for playing time against Nikhai Hill-Green, Casey Thompson, Shilo Sanders, Lajohntay Wester, and Moussa Barry, each of whom was in his fifth season of competition. If granted another year, he intends to remain at Western Kentucky University for the 2026-27 season. Plaintiff plays for Western Kentucky University, located in Kentucky, and the NCAA's conduct in denying Plaintiff a fifth season of eligibility directly injures Plaintiff within this State.

8. Plaintiff **Rylen Su'a-Filo** played football at Western Kentucky University. He competed for playing time against Zach Strand and Maverick McIvor, each of whom was in his fifth season of competition. If granted another year, he intends to remain at Western Kentucky University for the 2026-27 season. Plaintiff plays for Western Kentucky University, located in Kentucky, and the NCAA's conduct in denying Plaintiff a fifth season of eligibility directly injures Plaintiff within this State.
9. Plaintiff **Mackavelli Malotumau** played football for Utah Tech in the 2022 season and for the University of Nevada from 2023-2024. He played football for Western Kentucky University in the 2025 season. At each school, he played alongside fifth-and-sixth year players. The NCAA's conduct in denying Plaintiff a fifth season of eligibility directly injures Plaintiff within this State. If he gets another year of eligibility, he plans to play football at Western Kentucky University and has already enrolled.
10. Plaintiff **Josie Gilvin** played women's basketball at Western Kentucky University from 2022-26. She is a 2022 graduate of Sacred Heart Academy in Louisville, Jefferson County, Kentucky and remains a Kentucky resident. At Western, she played alongside fifth year players. If she gets another year of eligibility, she plans to play women's basketball at

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Western Kentucky University and has already enrolled.

11. Plaintiff **Claudia Hofmeister** played women's golf at Delaware State University from 2022-24. She has since played women's golf at Morehead State University in Rowan County, Kentucky from 2024-26 and has already enrolled. At golf tournaments, she competed against fifth year players. If she gets another year of eligibility, she plans to play women's golf at Morehead State University in Kentucky and has already enrolled. Her first golf tournament, should she be granted eligibility, will be Labor Day weekend.
12. Plaintiff **Macy Whisenand** rowed with the University of Louisville women's rowing team from 2022-2026. In her freshman year, she rowed alongside fifth year rowers. If she gets another year of eligibility, she plans to continue rowing with the University of Louisville and has already enrolled.
13. Plaintiff **Levi Sandidge** swam for the University of Kentucky's swim team from 2022-26. While on UK's swim team, he swam alongside—and against—numerous swimmers in their fifth year of eligibility. If he gets another year of eligibility, he plans to swim for the University of Kentucky and has already enrolled.
14. Plaintiff **Cardell Bailey** played basketball at a non-NCAA junior college in the 2022-23 and 2023-24 seasons, then at the University of Maryland Eastern Shore in the 2024-25 season, and at the University of Southern Indiana in the 2025-26 season. He competed for playing time against Evan Johnson, Jalen Ware, and Lawrence Foreman, each of whom was in his fifth season of competition. Bailey played two seasons at a non-NCAA junior college. If the NCAA treated junior college competition as it treats professional basketball, his first seasons would not have counted against his season of competition limit and he would be eligible for the 2026-27 season. Plaintiff has been injured in Kentucky by playing against fifth and sixth

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year players in the games against Morehead State University and Murray State University.

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15. Plaintiff **Damoni Harrison** played basketball at Tallahassee Community College, a non-NCAA junior college, in the 2022-23 and 2023-24 seasons, at the University of Southern Indiana in the 2024-25 season, and at the University of North Carolina at Charlotte in the 2025-26 season. He competed for playing time against Kuluel Mading and Ethan Butler, who were in their fifth seasons of competition, and Kylan Blackmon, who was in his sixth season. Harrison played two seasons at a non-NCAA junior college. If the NCAA treated junior college competition as it treats professional basketball, his first season would not have counted against his season of competition limit and he would be eligible for the 2026-27 season. Plaintiff has been injured in Kentucky by playing against fifth and sixth year players in the games against Bellarmine University and Morehead State University.
16. Plaintiff **Emmanuel Okorafor** played basketball at the University of Louisville in Louisville, Kentucky in the 2022-23 and 2023-24 seasons, then transferred to Seton Hall University for the 2024-25 season, and to Wichita State University for the 2025-26 season. He competed for playing time against Mike Gray Jr., Dylan Addae-Wusu, Chaunce Jenkins, and Yacine Toumi, who were in their fifth seasons of competition, and Zan Payne, who was in his sixth season. Plaintiff played for the University of Louisville, located in Kentucky, and the NCAA's conduct in denying Plaintiff a fifth season of eligibility directly injures Plaintiff within this State.
17. Plaintiff **Garrett Helsel** played baseball at Southern Illinois University from 2022-25, then at Xavier University in the 2025-26 season. He was selected in the MLB Draft League. He competed for playing time against Taylor Brininga, John Stallcup, Nick Terrell, Luke Hammond, Evan Vassilou, and Cooper Robinson, each of whom was in his fifth season of

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competition, and Nick Boyle, who was in his sixth season. If granted another year, he intends to remain at Xavier University for the 2026-27 season. Plaintiff has been injured in Kentucky by playing against fifth and sixth year players in three games against Morehead State University and one against the University of Louisville.

18. Plaintiff **Jalyn Brown** played basketball at the University of Louisville in Louisville, Kentucky in the 2022-23 season, then transferred to Arizona State University for the 2023-24 and 2024-25 seasons, and to Michigan State University for the 2025-26 season. She competed for playing time against Morgan Jones, Christlyn Carr, Makasa Robinson, Kateri Pool, and Jazion Jackson, each of whom was in her fifth season of competition. Plaintiff played for the University of Louisville, located in Kentucky, and the NCAA's conduct in denying Plaintiff a fifth season of eligibility directly injures Plaintiff within this State.
19. Plaintiff **Javon Jackson** played basketball at Southern Nazarene University, an NCAA Division II institution, in the 2022-23 season, at Utah State University in the 2023-24 season, at the University of Illinois Chicago in the 2024-25 season, and at Murray State University in Murray, Kentucky in the 2025-26 season. He competed for playing time against Manny Dixon, Adokiye Iyaye, Darius Brown II, Ian Martinez, Max Agbonkpolo, Tyem Freeman, Joshua Reaves, Koby Jeffries, JJ Traynor, and Mason Miller, each of whom was in his fifth season of competition. Plaintiff played for Murray State University, located in Kentucky, and the NCAA's conduct in denying Plaintiff a fifth season of eligibility directly injures Plaintiff within this State.
20. Plaintiff **Katie Fichtner** played all four seasons of her college field hockey career at Ohio State University from 2022-26. She competed for playing time against Emma Goldean, Sarah Richards, Maya Walker, Makenna Webster, Delaney Lawler, and Leanne Bough, each of

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whom was in her fifth season of competition. If granted another year, she intends to remain at Ohio State University for the 2026-27 season. Plaintiff has been injured in Kentucky by playing against fifth and sixth year players in games against the University of Louisville and against Bellarmine University.

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21. Plaintiff **Kristina Paegle** played all four seasons of her collegiate swimming career at Indiana University from 2022-26. She competed for playing time against Brendan Burns, Ashley Turak, Tomer Frankel, Jassen Yep, Van Mathias, Maggie Wallace, Mackenzie Looze, Mikey Calvillo, and Gavin Wight, each of whom was in her fifth season of competition. If granted another year, she intends to remain at Indiana University for the 2026-27 season. Plaintiff has been injured in Kentucky by playing against fifth and sixth year players in the following games: two competitions against the University of Kentucky and two competitions against the University of Louisville.
22. Plaintiff **Orlando Lovejoy** played basketball at Eastern Michigan University in the 2022-23 and 2023-24 seasons, then at the University of Detroit Mercy for the 2024-25 and 2025-26 seasons. He competed for playing time against Legend Geeter, Jared Lary, John McGriff, and Derek Ballard Jr., who were in their fifth seasons of competition, and Emmanuel Kuac, who was in his sixth season. If granted another year, he might play at the University of Wisconsin-Green Bay, the University of the Pacific, or Rice University, all of which have shown interest and have a roster spot available. Plaintiff has been injured in Kentucky by playing against fifth and sixth year players in three games against Northern Kentucky University.
23. Plaintiff **Regan Dancer** played all four seasons of her college soccer career at Xavier University from 2022-26. She competed for playing time against Maddie Reid, Fiona Ski,

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Giulia Giovinazzi, Grace Menser, Ashley Bowles, and Molly McLaughlin, each of whom was in her fifth season of competition. If granted another year, she intends to remain at Xavier

University for the 2026-27 season. Plaintiff has been injured in Kentucky by playing against fifth and sixth year players in the following games: a game against Eastern Kentucky University, two games against the University of Kentucky, a game against Northern Kentucky University, three games against the University of Louisville, a game against Murray State University, and a game against Western Kentucky University.

24. Plaintiff **Olivia Albert** played all four seasons of her college soccer career at Indiana University from 2022-26. Plaintiff played with and against fifth and sixth year players throughout her college career. Plaintiff has been injured in Kentucky by playing against fifth and sixth year players in games against Bellarmine University and the University of Louisville.
25. Plaintiff **Aidan Hadaway** played all four seasons of his college basketball career at Ohio University from 2022-26. Plaintiff played with and against fifth and sixth year players throughout his college career. Plaintiff has been injured in Kentucky by playing against fifth and sixth year players in a game against the University of Louisville.
26. Plaintiff **Cazeem Moore** played football at Elon University in the 2022-23, 2023-24, and 2024-25 seasons, then transferred to the University of Virginia for the 2025-26 season. Plaintiff played with and against fifth and sixth year players throughout his college career. Plaintiff has been injured in Kentucky by playing against fifth and sixth year players in a game against the University of Louisville.
27. Plaintiff **Zoe Hammond** played all four seasons of her collegiate tennis career at the University of Kentucky from 2022-26. She competed for playing time against Maialen

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Morante and Elizabeth Stevens, each of whom was in her fifth season of competition. If granted another year, she might play at Oklahoma State University or another NCAA Division I institution. Plaintiff played for the University of Kentucky, located in Kentucky, and the NCAA's conduct in denying Plaintiff a fifth season of eligibility directly injures Plaintiff within this State.

Many of these student athletes are presently enrolled at their respective institutions and were anticipating participating in collegiate athletics based on the nationwide injunction in *Wisne v NCAA*, (the “Colorado Order”)². However, the Colorado Order dealt with a sperate anti-trust issue, did not address other limitations preventing Plaintiffs from having a meaningful ability to find roster spots for the upcoming year, and the Colorado Order—which was appealed—is presently being held in abeyance and is no longer in effect nationwide. Thus, it affords these athletes no reliable remedy and the only mechanism to protect them from immediate, irreparable harm, is to add their names to the Court’s previous Temporary Restraining Order and to set an injunctive hearing in the future.

B. Reopening of the transfer portal and restraining the NCAA and “those acting in concert with it” is necessary for these student athletes to obtain consistent and sufficient relief.

Most athletes from the Class of 2022—including many of the Plaintiffs—did not enter the transfer portal at the end of their respective seasons because they had no eligibility left at that time. As a result, despite the Colorado Order, the vast majority of Class of 2022 athletes nationwide are only able to return to their current schools and are deprived of their right to attend a different school following their college graduations. Even worse, many of those schools have no roster spots available and cannot take the athletes back.

² See Ex. 3 to Plaintiff’s Motion for TRO, filed on August 12, 2026, *Wisne v. NCAA*, Case No. 1:26-cv-03063-CNS-KAS, United States District Court for the District of Colorado, July 31, 2026 Order Granting Preliminary Injunction.

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Likewise, the NCAA refused to provide any relief to players who signed professional contracts during the time period the NCAA deemed them ineligible:

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Third, the professional participation rules and rules regarding agents also remain in effect. Those rules were not before the judge. As a general matter, individuals who leave college sports to pursue professional opportunities are ineligible to return. Schools seeking to roster such players are expected to comply with all NCAA rules.³

The NCAA is doing everything it can to prevent the Colorado Order from having any meaningful effect and running the clock out until the start of the school year. Coaches at other schools are currently prohibited from even speaking to Plaintiffs about roster spots. In fact, the NCAA has sent a letter to all schools threatening to punish them through imposition of the “ghost transfer” rule applicable to rostering any athlete who did not enter the transfer portal: “If a team elects to roster such student-athletes [including Plaintiffs], the team's head coach will be suspended for 50% of the season and the athletic department will be fined. Schools are expected to self-apply these penalties and if they do not, additional penalties follow.”⁴

Since the filing of this action and this Court’s August 21 Order, the NCAA and others acting in concert with it, including the Southeastern Conference (“the SEC”), have further endeavored to circumvent this Court’s order and cause additional injury to student athletes. The SEC and Greg Sankey, as Commissioner of the SEC, are person acting in concert or participation with the NCAA on eligibility issues. Specifically, in approximately half a dozen filing around the country opposing athletes’ requests for injunctive relief, including this one, the NCAA filed a “Declaration of Conference Commissioners,” which included among its signatories Greg Sankey,

³ See Ex. 8 to Plaintiff’s Motion for TRO, filed on August 12, 2026, Letter from Scott Bearby, NCAA General Counsel.

⁴ *Id.*

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Commissioner of the SEC. Declaration of Conference Commissioners (the “Declaration”). At the NCAA’s request, Mr. Sankey and the SEC stated, in pertinent part:

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“We submit this declaration in support of the NCAA’s Opposition to Plaintiffs’ Motion for Preliminary Injunction and in support of the NCAA’s recent change to its eligibility rules on June 23, 2026.” (Ex. 1 at 1)

“Representatives from our Conferences were heavily involved in the DI Cabinet’s extensive process for developing and thinking through the age-based Model.”

The Declaration provides definitive proof that the SEC is a person “acting in concert or participation with” the NCAA on eligibility issues and participated in nationwide litigation on this topic on behalf of the NCAA.

As the NCAA continued to lose court cases across the country, the SEC began looking for ways to circumvent court orders by creating draconian penalties under: (1) SEC rules derivative of the enjoined NCAA rules; and (2) creating new SEC rules to replace the mirror image NCAA rules enjoined by courts, all to prevent members of the Class of 2022 from returning to college.

On August 24, 2026, the SEC put out a statement saying, “Individuals who choose to leave college athletics, sign professional playing contracts, and compete professionally should not then be permitted to return to college competition.”⁵ None of the Plaintiffs in this case “cho[se] to leave college athletics.” Rather: (1) the NCAA told them they were out of eligibility; then (2) then on April 15, 2026, the NCAA announced it was reversing its rules in a way that would give them an additional year of eligibility; then (3) on or around April 27, 2026, the NCAA reversed itself again to exclude Plaintiffs from competition. The NCAA passed its final rule unfairly excluding Plaintiffs in late June 2026. Unsurprisingly, Plaintiffs moved on with their lives given their exclusion from the NCAA.

⁵ https://www.espn.com/college-football/story/_/id/49716985/pro-athletes-not-return-college-competition.

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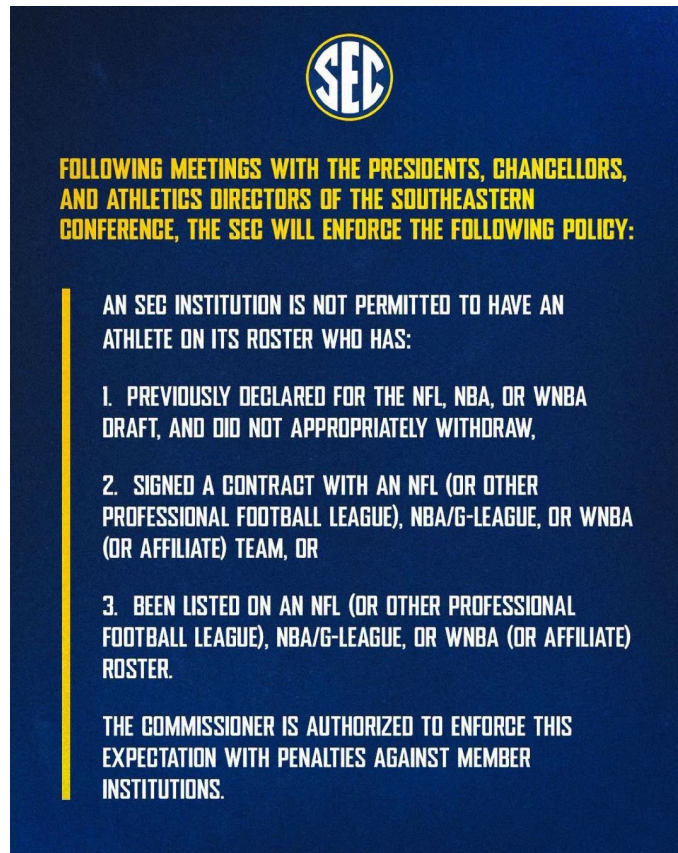
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On August 25, 2026, the SEC changed its position on athletes who signed professional contracts. Rather than focusing on players who “chose” to leave college athletics, the SEC issued a statement attempting to stop all players who signed professional football or basketball contracts—including some Plaintiffs—from playing college sports:

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Point 2 from the SEC is directly in violation of order from courts around the country—including this Court—and was created in direct response to court order precluding the NCAA from enforcing its rules against the Class of 2022, who had no choice but to move on with their lives after the NCAA declared them ineligible and refused to include them in the fifth year rule change.

Then, a few hours later, the SEC announced an intention to enforce its interconference transfer rule – a rule purely derivation of the NCAA’s transfer portal rules, which had already been enjoined by at least ten courts around the country. Specifically, the SEC rule requires players to

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enter the transfer portal “during their sport’s regular transfer window” as set by NCAA rules. Of course, as many courts have recognized in enjoining the NCAA transfer rules for the Class of 2022, there would be no reason for a player to enter the transfer portal during the “regular transfer portal window” when the NCAA had declared them ineligible at that time. The SEC recognizes that its eligibility rules

Paradoxically, the SEC’s announcement means that two players from the Class of 2022 transferring from one SEC school (Missouri) will be treated very differently. Jevon Porter, who entered the transfer portal in April even though he had no eligibility (likely on advance of an agent), currently has eligibility under an order from a California court and could transfer within the SEC if he chose to do so. Meanwhile, Mark Mitchell, who did not enter the portal because he reasonably believed he would not have eligibility did not, received eligibility from this Court – including an order precluding the NCAA from enforcing its transfer rules – yet the SEC claims he cannot transfer within the conference.

And the new penalties announced by the SEC for violation of either rule (after courts had already entered injunctions against the mirror image NCAA rules) are incredibly draconian:

- Half-season suspension for head coaches;
- SEC voting privileges revoked on business matters for the school in violation of the rule;
- A fine of 50% of the school sport’s annual budget;
- The right to levy other penalties by Greg Sankey and/or other SEC presidents/chancellors if necessary.⁶

These draconian penalties have the effect of making it impossible for Plaintiffs to play for any SEC school in the 2026-27 year despite court orders enjoining NCAA rules that are a mirror image of the new rules created by the SEC this week. Of course, Greg Sankey, the SEC

⁶ <https://www.on3.com/teams/kentucky-wildcats/news/sec-finalizes-harsh-penalties-for-rostering-former-pros/>.

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Commissioner, previously told all of its conference members (that are also NCAA member schools) that its rules only remain in place until “unless and until otherwise advised by the NCAA, the Conference, or a court order.” That means either the NCAA has failed to advise the SEC that, as a person working in concert with the NCAA, it cannot enforce its rules that mirror NCAA rules enjoined by courts, or the SEC is ignoring the NCAA’s directive. Significantly, in his statement to member schools on the new draconian penalties, Sankey appears to have removed any reference to either the NCAA or court orders, in a likely attempt to avoid the SEC’s obvious liability under both state and federal contract, trade practice, and antitrust laws for conspiring with the NCAA to prohibit athletes from competing in 2026-27.

Notably, Kentucky’s civil rules allows courts to issue restraining orders that restrain not only parties to the action but also those “in active concert or participation” with them. CR 65.02(2) Additionally, Kentucky law allows courts to hold third parties in contempt whose actions circumvent a temporary restraining order or injunction. *See, e.g., White v. Sullivan*, 667 S.W.2d 385, 386 (Ky. Ct. App. 1983); *Howlett v. Ky. Bd. of Dentistry*, 823 S.W.2d 461, 461 (Ky. Ct. App. 1991). Plaintiffs are not seeking to hold the SEC in contempt in order to bring it in as a party; However, plaintiffs asked that this court make clear that its restraining order applies both to defendant NCAA as well as to those in active concert with it, which would include the SEC.

C. Verified petitions are unnecessary at the TRO stage where the Defendant has notice

The need for a verification or affidavit from an applicant is unnecessary when applying for a temporary restraining order under CR 65.03 if the adverse party is on notice of the motion. Here, the NCAA is a party to this action, receives service, and is aware of this Motion. Accordingly, verification pages are not necessary from the additional Plaintiffs to this action.

CONCLUSION

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For these reasons, and for the reasons set forth in the *Wells* Plaintiffs' prior briefing, Plaintiffs respectfully request this Court grant similar relief to the additional student athletes named in the *Wells* Plaintiffs' First and Second Amended Complaints.

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Respectfully submitted,

/s/ Kirk A. Laughlin

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CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2026, a true and accurate courtesy copy of the foregoing was filed with the Court's e-Filing system, with notice sent out to all counsel of record:

/s/ Kirk A. Laughlin

Counsel for Plaintiff