Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-1430-I

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION — MOVANT

v.

ON MOTION FOR INTERLOCUTORY RELIEF
ARISING FROM JEFFERSON CIRCUIT COURT
ACTION NO. 26-CI-007009

LEVAVIUM WELLS, III; ALEX AFARI, JR.; OLIVIA ALBERT; JUSTIN ALLEN; CARDELL BAILEY; JALYN BROWN; KAYDEN CAMPBELL; THOMAS CASTELLANOS; SKYY CLARK; DAVION CUNNINGHAM; REGAN DANCER; KATIE FICHTNER; ALBERT VARGAS FRITO; JOSIE GILVIN; AIDAN HADAWAY; ZOE HAMMOND; SOPHIE HARLAN; DAMONI HARRISON; GARRETT HELSEL; CLAUDIA HOFMEISTER; D'ANGELO HUTCHINSON; JAVON JACKSON; FRED KING; ORLANDO LOVEJOY; JABARI MACK; MACKAVELLI MALOTUMAU; MARK MITCHELL; CAZEEM MOORE; JAWAUN NORTHINGTON; DONOVAN ODAY; EMMANUEL OKORAFOR; ALICE OTIS; KRISTINA PAEGLE; KALIB PERRY; — RESPONDENTS

COLIN PORTER; REESE RAGLAND;
LEVI SANDIDGE; BILLY SMITH;
RYLEN SU'A-FILO; SETH TRIMBLE;
SANIAH TYLER; JAYLEN WESTER;
AND MACY WHISENAND

ORDER
DENYING EMERGENCY RELIEF

* * * * * *

This matter is before the Court on a motion filed by Movant, the National Collegiate Athletic Association (NCAA), for emergency relief pursuant to RAP[1] 20(D). Pursuant to that rule, the Court has elected to address the NCAA's motion without a response and determines that the motion must be denied.

The underlying case involves a determination of the eligibility of Respondents, who are collegiate student-athletes, to participate in additional athletic competitions organized by the NCAA. The case was previously before this Court in a recent action, No. 2026-CA-1107-I. In that action, this Court issued an Order on October 2, 2026, granting the NCAA's motion for relief under RAP 20(B). Specifically, a panel of this Court concluded that the Jefferson Circuit Court had improperly issued a temporary injunction (which it styled as a "temporary restraining order") and dissolved the injunction.

Thereafter, the Jefferson Circuit Court conducted an evidentiary

[1] Kentucky Rules of Appellate Procedure.

hearing on October 14, 2026, and issued a new temporary injunction by Opinion and Order entered October 16, 2026. This Opinion and Order temporarily enjoined the NCAA from enforcing its bylaws or other rules which prevented Respondents from participating in an additional season of their respective sports due to having (1) completed four seasons of competition, (2) not entered the NCAA transfer portal, or (3) signed a professional contract and/or played a sport professionally (provided that the contract is terminated and money received is returned within seven days).

The NCAA has now moved this Court for interlocutory relief from the October 16 temporary injunction under RAP 20(B) and for emergency relief under RAP 20(D). In its RAP 20(D) motion, the NCAA argues that it will be irreparably harmed if this Court does not grant emergency relief pending the Court's resolution of its RAP 20(B) motion. The NCAA contends that even with expedited review, "a small handful of regular season wins" can significantly affect the NCAA and all competing schools. It asserts that allowing Respondents to compete while this Court resolves the RAP 20(B) motion will give their respective schools an unfair competitive advantage which cannot be effectively undone if the injunction is ultimately dissolved and Respondents are thus ruled ineligible.

To be entitled to emergency relief under RAP 20(D), a movant must show that it "will suffer irreparable injury before a motion under [RAP 20(B)] will

be considered by a panel of the Court of Appeals[.]" The alleged harm must be "something of a ruinous nature [] or incalculable damage to the applicant." *Robertson v. Burdette*, 397 S.W.3d 886, 891 (Ky. 2013) (internal quotation marks, citations, and emphasis omitted).

In the prior action before this Court, the NCAA also moved for emergency relief under RAP 20(D). We issued an Order on September 4, 2026, denying the RAP 20(D) motion, in part noting that because RAP 20(B) motions have a 10-day response period, any alleged irreparable injury must also be imminent to warrant emergency relief under RAP 20(D). Here, as in the first action, the NCAA has not shown that there is an imminent, ruinous, and incalculable injury that will befall it if this Court does not grant a stay of the injunction. Moreover, it behooves no one for Respondents' eligibility status to flip-flop repeatedly as our courts work through the underlying issues.

The Court further notes that the NCAA did not seek review by the Supreme Court of Kentucky of our September 4, 2026, Order denying their RAP 20(D) motion. *See* RAP 20(F)(5). This fact cuts against the NCAA's assertion that the underlying issues are sufficiently urgent to grant RAP 20(D) relief in this instance.

Finally, as we stated in our September 4, 2026, Order in the previous action, the issues presented herein are better suited to be addressed by a three-

Judge panel in its consideration of the underlying RAP 20(B) motion.

Accordingly, having considered the motion for emergency relief, the Court ORDERS that the motion be, and it is hereby, DENIED. Nothing herein shall be construed as the Court's taking any position on the merits of the underlying RAP 20(B) motion, which will be submitted to a three-Judge panel of this Court pursuant to RAP 20(B)(5).

This Order shall not be reconsidered. RAP 20(E). The Clerk of this Court is DIRECTED to EMAIL a copy of this Order to counsel of record and Hon. Brian C. Edwards in addition to conventional service.

ENTERED: October 30, 2026



HON. SARA WALTER COMBS
JUDGE, COURT OF APPEALS