

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

TROYCE MANASSA, AUSTIN DASENT,  
and J'TA FREEMAN, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION; THE BOARD OF  
GOVERNORS OF THE NATIONAL  
COLLEGIATE ATHLETIC ASSOCIATION;  
and THE DIVISION I BOARD OF  
DIRECTORS OF THE NATIONAL  
COLLEGIATE ATHLETIC ASSOCIATION,

Defendants.

Case No. 1:20-cv-03172-RLY-MJD

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**DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' CLASS ACTION COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and, Local Rule 7-1, Defendants National Collegiate Athletic Association; the Board of Governors of the National Collegiate Athletic Association; and the Division I Board of Directors of the National Collegiate Athletic Association submit this Motion to Dismiss Plaintiffs' Class Action Complaint (the "Motion"). Contemporaneously with this Motion, Defendants submit their Memorandum in Support of the Motion to Dismiss Plaintiffs' Class Action Complaint (the "Memorandum in Support").

As discussed below and in the Memorandum in Support, the Complaint fails to state a claim for relief and Defendants are entitled to dismissal of the Complaint for the following reasons:

(A) Plaintiffs lack Constitutional standing to bring the claims asserted in the Complaint. Specifically, Plaintiffs have suffered no injury in fact, the injuries alleged by Plaintiffs Manassa

and Dasent are not redressable, Plaintiffs lack standing to seek injunctive relief because they do not and cannot allege any imminent harm, and any injuries to members of the putative classes cannot cure the named plaintiffs' lack of standing.

(B) Defendants the NCAA Board of Governors and the NCAA Division I Board of Directors do not have capacity to be sued.

(C) Plaintiffs' claims as asserted in the Complaint are untimely. The statute of limitations for Plaintiffs Manassa and Dasent's claims under 42 U.S.C. § 1985 have run, and despite Plaintiffs' assertions to the contrary, no exception supports tolling the limitations period.

(D) Plaintiffs' Complaint fails to state a claim for relief under 42 U.S.C. § 1981 because it does not plead loss of a contractual benefit or privilege, their factual allegations do not satisfy the "but-for" standard set forth in *Comcast Corp. v. Nat'l Ass'n of African Am.-Owned Media*, 589 U.S. \_\_\_, 140 S. Ct. 1009 (2020), and the Complaint does not plausibly plead purposeful discrimination.

(E) Plaintiffs' Complaint fails to state a claim for relief under 42 U.S.C. § 1985 because the intracorporate conspiracy doctrine bars a finding of the existence of a conspiracy among Defendants and because the facts as alleged do not plausibly plead discriminatory animus on the part of Defendants.

(F) Plaintiff Freeman fails to state a complaint under the D.C. Human Rights Act because, even assuming that she had suffered some disparate impact (which she has not), Defendants' actions were independently justified by a neutral, nondiscriminatory reason.

For all these reasons, and as further set forth in the Memorandum in Support, each of Plaintiffs' claims must be dismissed.

[Signature Page to Follow]

Respectfully submitted,

DATED: February 8, 2021

/s/ Victor D. Vital  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 8, 2021, a copy of the foregoing was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

/s/ Victor D. Vital