

Sports MVP: Covington & Burling's Derek Ludwin

By Kali Hays

Law360, New York (December 21, 2016, 2:59 PM EST) -- After a year that saw Covington & Burling LLP partner Derek Ludwin defend such marquee names in sports as the U.S. Olympic Committee, the San Francisco 49ers and the National Football League in individual antitrust challenges, it's no wonder that he landed among Law360's 2016 Sports MVPs.

As a partner based in Covington & Burling's Washington, D.C., headquarters, Ludwin's practice focuses on high-stakes private and federal antitrust litigation and government investigations, leaving many of the biggest players in the sports industry to call often on his talents and experience when facing tough antitrust allegations. But his experience with transactions, licensing and regulatory compliance has also made Ludwin a "constant behind-the-scenes counselor" to various sports leagues and clubs, according to the firm.

A big, public win came for Ludwin this year while defending the U.S. Olympic Committee against an antitrust challenge to its longtime ban on on-field athlete advertising, which Olympic runner Nick Symmonds, through his company Run Gum, attempted to argue unfairly restricted athletes' rights to earn sponsorship revenue.

Ludwin characterized this suit as "particularly rewarding" and "the highlight" of his professional year, not simply because an Oregon judge handed the USOC a win in rejecting Symmonds' suit, but because the committee looms so large in the minds of American fans of the Olympics.

"This is an organization that a lot of us grew up following. It's the organization that puts together Team USA and that's important for all of us," Ludwin told Law360. "This was a fundamental challenge to the USOC's operations, to their ability to put together Team USA and it was a privilege — not a word I use lightly — to represent them."

As for his representation of the San Francisco 49ers against a proposed class action alleging the team's revised ticketing policy improperly restrained the resale market for its tickets, Ludwin remained mum on what exactly caused the named plaintiff to seek dismissal with prejudice of his complaint instead of responding to defense counsel's dismissal motion.



However, Ludwin admitted that he felt the defense's argument of a single team's tickets being unable to represent a relevant market was "particularly strong" in this case, and he and the defense team "were not at all surprised that the case went away."

But one of Ludwin's most high-profile clients in 2016 was the NFL, which he represents in a number of antitrust cases that are sure to stretch well into 2017.

One such case is multidistrict litigation over the league's television broadcasting arrangements with DirecTV concerning NFL Sunday Ticket package, which a slew of commercial subscriber plaintiffs claim block competition by inflating prices for certain games.

In another case, Ludwin represented the NFL in a challenge to its trademark as included in an exclusive licensing deal with Reebok by a proposed class of apparel consumers alleging the deal violated antitrust laws. After more than four years of litigation, that suit ended in November with final approval of a \$4.75 million settlement.

While Ludwin sees plenty of continued litigation keeping him busy in 2017, he's also "confident that more will appear."

"These cases tend to build on themselves ... [and] I think the trend is pretty clear, which is this is an industry that has attracted attention and that's not going to change in the near term."

--Additional reporting by Kat Greene, Zachary Zaggar, Fola Akinnibi and Eric Kroh. Editing by Jack Karp.