
**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION
GENERAL CHANCERY SECTION**

ROBERTO AVILA,

Plaintiff,

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION,

Defendant.

Case Number: 2026 CH 07738

Calendar 15

Honorable William B. Sullivan,
Judge Presiding

**MEMORANDUM OPINION AND ORDER
DISMISSING FOR WANT OF PERSONAL JURISDICTION**

WILLIAM B. SULLIVAN, Circuit Judge:

This matter comes before the Court on the combined filing of Defendant National Collegiate Athletic Association ("NCAA"), filed August 25, 2026, that serves both as a response to Plaintiff Roberto Avila's ("Avila") Motion for a Preliminary Injunction and as a renewed Motion to Dismiss. The first part of that filing objects to this Court's jurisdiction over the NCAA's person under Section 2-301 of the Code of Civil Procedure, 735 ILCS 5/2-301. Plaintiff filed a combined response and reply on August 31, 2026. The Court permitted the NCAA to file a combined reply and sur-response, which it did on September 1, 2026. On September 2, 2026, the Court struck the evidentiary hearing on the preliminary injunction and retained argument on the jurisdictional objection alone. That argument was heard on September 3, 2026. For the reasons that follow, that objection is SUSTAINED.

This action is DISMISSED WITH PREJUDICE as to this forum and WITHOUT PREJUDICE to its assertion in any forum that may constitutionally exercise personal jurisdiction over the NCAA; the remainder of the Motion to Dismiss is NOT REACHED for want of jurisdiction; the Motion for a Preliminary Injunction is DENIED for want of jurisdiction; and the Court's prior orders of August 18, 2026, and August 21, 2026, are VACATED as void.

I. INTRODUCTION

In August, this Court wrote that the record was missing the one thing an order of this kind requires: a place for Mr. Avila to play. The papers named no institution at which he was enrolled, none to which he had applied, and none that had offered him a roster spot or a dollar. The Court denied a temporary restraining order and set the matter for an evidentiary hearing so that the question could be answered by witnesses rather than by inference.

Mr. Avila has now fully answered it. He has identified two Division I programs that he says are prepared to roster him if an injunction issues: Saint Louis University, which will pay him more than one million dollars, and the University of Mississippi, which will pay him more than two million. (Avila Decl. ¶¶ 19-21; Lloyd Supp. Decl. ¶¶ 11-14.) The declarations are specific. They name coaches. They name figures. They cure, or come a long way toward curing, a major deficiency that defeated the temporary restraining order. On August 27, 2026, Mr. Avila enrolled at Saint Louis University for the 2026-27 academic year, in the School for Professional Studies, pursuing a master's degree in Leadership and

Organizational Development. (Avila Supp. Decl. ¶ 3.) The deficiency this Court identified in August is cured.

They also decide this case, though not in the way anyone intended. Saint Louis University is in Missouri. The University of Mississippi is in Oxford, Mississippi. Mr. Avila is now enrolled at Saint Louis University, in Missouri. (Avila Supp. Decl. ¶ 3.) He has never been enrolled at an Illinois institution, and he has never played for one. (Avila Decl. ¶¶ 25-26.) The NCAA rule he challenges was adopted in June 2026 by a national legislative body whose members sit in every State; the declarant who cast a vote on it was, at the time, the athletic director of the University of New Hampshire. (Rich Decl. ¶¶ 5, 9.) The NCAA's national office is in Indianapolis. (Rich Decl. ¶ 8.) The only thing in this controversy that is located in Illinois is Mr. Avila himself.

That is not enough, and the reason it is not enough is a rule the United States Supreme Court has stated in nearly those words: "the plaintiff cannot be the only link between the defendant and the forum." *Walden v. Fiore*, 571 U.S. 277, 285 (2014).

The Court reaches this question, and only this question, because it must. The NCAA's filing raises three grounds: an objection to personal jurisdiction under Section 2-301, a motion to dismiss under Section 2-619(a)(3) and (a)(9), and an attack on the sufficiency of the Complaint under Section 2-615. A court presented with a combined motion of that kind must take the jurisdictional objection first, and if it sustains that objection it may go no further. *Ryburn v. People*, 349 Ill. App. 3d

990, 993-94 (4th Dist. 2004). The reason is not housekeeping. A court that lacks power over a defendant lacks power to do anything to that defendant—including dismissing the claims against it on the merits, which would extinguish in Illinois claims that another State was entitled to hear. *Id.* at 994.

Four conclusions drive the result, and the Court states them at the outset.

First, the NCAA has not waived its objection. It raised the objection in its first filing (the stricken Motion to Dismiss), then raised it properly in a combined motion the statute expressly authorizes; an appearance and an oral argument are not a “pleading or motion” within the meaning of Section 2-301(a-6); and both this Court’s August 18, 2026, Order and the Parties’ August 21, 2026, Agreed Order preserved the point in terms.

Second, Illinois has no general jurisdiction over the NCAA. An association with roughly 1,100 member institutions, of which some thirty-eight are in Illinois, is not “essentially at home” here, and a theory that would make it at home here would make it at home everywhere. That is precisely the reasoning the United States Supreme Court rejected in *Daimler* and the Illinois Supreme Court applied in *Aspen*.

Third, Illinois has no specific jurisdiction over the NCAA. The conduct complained of—the adoption of the age-based eligibility model in June 2026, and the decision not to extend it to athletes who had exhausted their seasons—did not occur in Illinois, was not aimed at Illinois, and has no connection to Illinois beyond the fact that the man it disappointed lives here. The NCAA’s Illinois member

institutions, its Illinois broadcasts, its Illinois revenue, and the single game Mr. Avila once played against Loyola University Chicago are contacts with this State. They are not contacts with *this case*. Under *Bristol-Myers*, forum contacts unrelated to the claim will not support specific jurisdiction “no matter how extensive they may be.” *Bristol-Myers Squibb Co. v. Superior Court of California*, 582 U.S. 255, 264 (2017). Plaintiff’s reply presses three answers to that conclusion: the “relate to” branch of *Ford*; a subsequent order of the same District of Colorado that decided *Keanaacina*, entered in *Wisne v. NCAA*; and the argument that the NCAA enforces its eligibility rules through Illinois member institutions and so cannot disclaim Illinois. The Court takes each of them up in Section V.C below. None supplies what is missing, which is a connection between this State and the decision this suit challenges.

Fourth, because the Court lacks power over the NCAA, it lacks power to enjoin it, to dismiss the claims against it on any other ground, or to have entered the orders it entered. The preliminary injunction is denied for want of jurisdiction and not on its merits. The August 18, 2026, and August 21, 2026, Orders are vacated as void. And the September 3, 2026, hearing having been stricken, no further hearing will be set, because there is nothing left for the Court to decide.

A word about what this Opinion does not do, because the distinction matters more here than in most cases. The Court does not hold that Mr. Avila’s claims are meritless. It does not hold that the NCAA’s line-drawing was sound. It does not reach the third-party beneficiary question, the pendency of the Colorado class

action, the sufficiency of any count, or any of the four preliminary injunction elements. It holds one thing only: that this controversy does not belong in this courthouse. Under Illinois Supreme Court Rule 273 and Section 2-301(b) of the Code, a dismissal on that ground is not an adjudication upon the merits, and this Order says so expressly so that no future court need guess.

Finally, a word about timing, because Mr. Avila is running a clock. His agent states that he must be enrolled by September 4, 2026, to be academically eligible at Ole Miss. (Lloyd Supp. Decl. ¶ 16.) The Court could have taken testimony it had no power to act upon and issued this ruling afterward. It has instead struck the evidentiary hearing, confined the September 3 setting to argument on the jurisdictional objection, and ruled immediately afterward. If Mr. Avila is to seek relief somewhere this Court cannot give it, the days remaining are worth more to him than a hearing on a motion this Court has no authority to grant.

II. BACKGROUND

The facts that follow are drawn from the Verified Complaint, the Parties' declarations, and the exhibits on file. Nothing recited here is a finding of fact. Section 2-301(b) of the Code provides that "[n]o determination of any issue of fact in connection with the objection is a determination of the merits of the case or any aspect thereof," 735 ILCS 5/2-301(b), and the Court intends none. This Section is included because the jurisdictional question cannot be evaluated without knowing what the controversy is, and because an opinion of this kind should be capable of being read on its own.

A. The Player

Roberto Avila grew up in Oak Forest, Illinois, and graduated from Oak Forest High School in 2022 as the school's all-time leading scorer. (Compl. ¶¶ 13-15, 23; Avila Decl. ¶¶ 3-4.) He enrolled at Indiana State University in the fall of 2022, was named to the Missouri Valley Conference All-Freshman Team, and as a sophomore helped his team to a 32-7 record. (Compl. ¶¶ 24-26.) When his head coach left Indiana State for Saint Louis University, Mr. Avila transferred and followed him. (Compl. ¶ 27; Avila Decl. ¶¶ 5-6.) In 2025-26, he was named Atlantic 10 Player of the Year and First Team All-Conference. Saint Louis reached the NCAA Tournament, defeated the University of Georgia in the first round, and lost in the second round to the University of Michigan, the eventual champion. (Compl. ¶ 28; Avila Decl. ¶ 7.)

He competed in four seasons of Division I basketball—2022-23 and 2023-24 at Indiana State, 2024-25 and 2025-26 at Saint Louis—and did not redshirt in any of them. (Compl. ¶ 30.) He graduated from Saint Louis University on May 14, 2026, with a bachelor's degree in Communications, and moved home to Oak Forest, where he lives with his parents and sister. (Compl. ¶ 16; Avila Decl. ¶¶ 10, 24.)

Mr. Avila was not selected in the 2026 NBA Draft, held June 23, 2026. (Avila Decl. ¶ 13.) His declaration states that he signed no declaration for the draft because he “was automatically eligible to be drafted in the 2026 NBA Draft,” participated in several pre-draft workouts, was not invited to the NBA Combine or

the G-League Elite Camp, signed no professional contract, and did not withdraw his eligibility from the NCAA. (Avila Decl. ¶¶ 13-15.)

B. The Eligibility Framework as It Stood

Four features of the NCAA's prior framework matter. First, the five-year clock: under Bylaw 12.6.1, a student-athlete had to complete his seasons of participation "within five calendar years from the beginning of the semester or quarter in which the student-athlete first registered," and the clock ran whether or not he competed. (Compl. ¶¶ 46, 54(a).) Second, seasons of competition: a season was charged whenever an athlete competed in any contest during an academic year, and athletes were limited to four. (Compl. ¶ 54(b).) Third, the redshirt: an athlete who sat out an entire season burned a year of the clock without burning a season of competition, and could thereby spread four seasons across five years. (Compl. ¶ 54(c).) Fourth, and as a consequence, the framework known as "Four-in-Five." (Compl. ¶ 54(d).)

The arithmetic of Mr. Avila's career under that framework is not disputed. He played four seasons and did not redshirt, and his seasons of competition were therefore exhausted at the conclusion of 2025-26. Plaintiff pleads it himself: "Under the old rules, according to the NCAA, Mr. Avila had exhausted his four seasons of competition." (Compl. ¶ 55.) He does not contend that the NCAA counted a season it should not have counted, that it denied him a hardship waiver he should have received, or that it misapplied any Bylaw to his individual circumstances. He has

never sought a waiver at all. His grievance is with the reach of the new rule, not with the application of the old one.

Mr. Avila states that throughout his career he competed against athletes playing in their fifth or sixth seasons—additional years that earlier classes obtained through COVID-19 eligibility waivers—and against at least one former professional whom the NCAA cleared to play. (Avila Decl. ¶¶ 8-9, 11.) He states that he reasonably expected he would receive a fifth season as well. (Avila Decl. ¶¶ 11-12.)

C. The Enforcement Bylaws

Two enforcement provisions figure in the relief sought and recur throughout this Opinion. Bylaw 12.9.4.2—the Rule of Restitution—permits the NCAA to impose penalties on an institution that fields an ineligible athlete under a court order later vacated, stayed, or reversed. (Compl. ¶¶ 57-58.) Legislation adopted April 1, 2026—the “Ghost Transfer” penalty—sanctions institutions that roster a student-athlete outside the designated transfer portal. (Compl. ¶ 59.) Mr. Avila did not enter the April 2026 portal while his eligibility remained unresolved. (Compl. ¶ 61.)

These two provisions supply Plaintiff’s explanation for a fact that recurs below: he states that no institution will commit to him before an injunction issues, because any school that rosters him risks punishment if the relief is later disturbed. (Avila Decl. ¶¶ 18, 22, 25.)

D. The June 2026 Legislation

In April 2026, the NCAA announced that it intended to permit five seasons of competition within the five-year window for all athletes. (Compl. ¶ 62.) On June 23, 2026, as emergency legislation, the Division I Cabinet adopted what the Association calls the “age-based eligibility model,” under which the five-year clock begins on the earlier of first full-time collegiate enrollment or the start of the academic year following the athlete’s nineteenth birthday, and within which an athlete may compete in five seasons. (Mem., Ex. I, Ex. 2 ¶¶ 3-5.) The rule change took effect for the academic year beginning August 1, 2026. (Mem., Ex. I, Ex. 2 ¶ 4.)

The NCAA’s position on retroactivity appears in Plaintiff’s own Exhibit I, and the Court quotes it because it frames the dispute exactly:

Student-athletes who exhausted their eligibility under the pre-existing Five-Year Rule are not able to now claim additional eligibility under the new age-based framework. In other words, student-athletes who completed their fourth season of eligibility pursuant to the previous rule are not able to claim eligibility for an additional year of competition under the new rule, because they already received all the eligibility they were promised under the rules they agreed to when they enrolled in college sports.

(Mem., Ex. I, Ex. 2 ¶ 7.)

Plaintiff characterizes the same decision very differently: as a deliberate carve-out singling out athletes who graduated high school in 2022 and did not redshirt, leaving his class in “a void of [the NCAA’s] own creation.” (Compl. ¶¶ 8-9, 68-69.) Which characterization is the more accurate is a merits question. This Court does not resolve it, today or at all.

The record establishes one further point about how the legislation was made, and it proves decisive. The Division I Cabinet is a body of roughly twenty to twenty-five athletics directors, conference commissioners, faculty athletics representatives, and student-athletes drawn from across the national membership. (Rich Decl. ¶ 9.) “NCAA member institutions, not the NCAA national office, control the promulgation and enforcement of eligibility rules,” and “NCAA staff members do not vote on rules.” (Rich Decl. ¶ 8.) The declarant who participated in and voted on the June 2026 legislation held her Cabinet seat as the athletic director of the University of New Hampshire. (Rich Decl. ¶¶ 3, 5.)

E. The Claims and the Relief Sought

The Verified Complaint pleads four counts. Count I is captioned “Preliminary and Final Injunctive Relief.” Count II alleges breach of contract and of the implied covenant of good faith and fair dealing, resting on the theory that student-athletes are intended third-party beneficiaries of the NCAA Division I Manual. Count III alleges tortious interference with prospective economic advantage. Count IV seeks a declaration that the exclusion of the high school class of 2022 is void and unenforceable as against Illinois public policy, invoking the Student-Athlete Endorsement Rights Act, 110 ILCS 190/1 *et seq.*, and the Collegiate Athletic Association Compliance Enforcement Procedures Act, 110 ILCS 25/1 *et seq.* (Compl. ¶¶ 107-139.)

No antitrust claim is pled, under either the Sherman Act, 15 U.S.C. §§ 1–7, or the Illinois Antitrust Act, 740 ILCS 10/1 *et seq.*—a point of some significance, since

the theory that has succeeded for athletes elsewhere is a federal antitrust theory. The Court noted the absence in August and notes it again here only to describe the case, not to fault the pleading.

The prayer asks the Court to enjoin the NCAA from applying its seasons-of-competition rules to Mr. Avila; to enjoin it from applying roster limits in any manner that would foreclose his opportunity to compete; to enjoin enforcement of the Rule of Restitution and the Ghost Transfer penalty against him, against any institution that may roster him, and against any institution that may compete against him; and to direct the NCAA to certify him as eligible for the 2026-27 season. (Compl. ¶ 108; Mot. at 1-2.)

F. Chronology

Assembled from the Parties' papers, the sequence is this:

- Fall 2022—Mr. Avila first enrolls full time at Indiana State University; his five-year clock starts.
- Fall 2024—Mr. Avila begins his first season at Saint Louis University.
- March 2026—Mr. Avila plays his fourth and final season under the then existing rules for Saint Louis University; his four seasons of competition are exhausted.
- April 1, 2026—The “Ghost Transfer” legislation is adopted.
- April 2026—The NCAA announces intent to create the new 5-in-5 rule.
- May 14, 2026—Mr. Avila receives his bachelor’s degree and moves home to Oak Forest, Illinois.

- June 23, 2026—The Division I Cabinet adopts the age-based eligibility model. The NBA Draft is held the same day; Mr. Avila is not selected.
- August 1, 2026—The new model takes effect.
- August 12, 2026—Mr. Avila files this action, the Motion, and the Memorandum.
- August 18, 2026—The Court hears argument and denies a temporary restraining order.
- August 20, 2026—Mr. Avila files supplemental declarations identifying Saint Louis University and the University of Mississippi.
- August 21, 2026—The Court enters an Agreed Order accelerating the briefing schedule and evidentiary hearing regarding a preliminary injunction and sets argument on the jurisdictional issues.
- August 21, 2026—The United States Court of Appeals for the Tenth Circuit stays the preliminary injunction entered in *Wisne v. NCAA*.
- August 25, 2026—The NCAA files its combined response and renewed Motion to Dismiss.
- August 27, 2026—Mr. Avila enrolls at Saint Louis University for the 2026-27 academic year.
- August 31, 2026—Plaintiff files his combined reply and response, together with a Supplemental Declaration of Roberto Avila, a Declaration of Josh Schertz, and Exhibits 1 through 12. The Supplemental Declaration discloses the August 27 enrollment.

- September 1, 2026—The Court enters an Order permitting the NCAA, at its option, to file a combined reply and sur-response. The NCAA files that brief the same day at 8:44 p.m.
- September 2, 2026—The Court, acting *sua sponte*, strikes the September 3, 2026, evidentiary hearing on the preliminary injunction and retains argument on the Motion to Dismiss limited to personal jurisdiction only.
- September 3, 2026—The Court hears argument on the jurisdictional objection. September 4, 2026, was the enrollment deadline Plaintiff's agent had identified for the University of Mississippi (Lloyd Supp. Decl. ¶ 16); it was mooted by the August 27 enrollment at Saint Louis University.

One juxtaposition bears mention, because it recurs in the analysis below. On the day the NCAA legislated, Mr. Avila was not a student-athlete at a member institution. He was a graduate of one, living in Cook County, with a diploma and no roster spot. That is not a criticism of him; it is a description drawn entirely from his own papers. It matters here for a narrower reason than it mattered in August: the question now is not what he is, but where the NCAA is and where this dispute happened.

G. Procedural History

The procedural history matters to the waiver question, and the Court sets it out in full.

Mr. Avila filed his Verified Complaint, his Emergency Motion for a Temporary Restraining Order and Preliminary Injunction, and a supporting

Memorandum of Law on August 12, 2026. He noticed the Motion for presentment on August 18, 2026, as directed by the Court.

The NCAA filed an appearance. On the evening of August 17, 2026—after business hours, and the day before the hearing—counsel transmitted to chambers by email unfiled copies of a written response and of a Motion to Dismiss under Sections 2-301 and 2-619. The Court advised the Parties the following morning that neither would be entertained at the hearing. They had been submitted too late for the Court to review properly before a morning call that was extraordinarily busy with other matters, and they were not file-stamped copies. The Court heard oral argument as scheduled from all counsel on the Motion for the Issuance of a Temporary Restraining Order.

On August 18, 2026, the Court entered a Memorandum Opinion and Order denying the temporary restraining order, striking the original Lloyd Declaration as non-compliant with Section 1-109, striking the NCAA's tendered response and Motion to Dismiss without prejudice, setting an evidentiary hearing on the preliminary injunction for September 21, 2026, and directing Plaintiff to file a compliant supplemental declaration. That Order expressly reserved the jurisdictional question. It stated that the Court "neither reaches nor prejudges the question," that "nothing in this Opinion should be read as a finding that jurisdiction exists or does not," and that "nothing in this Opinion shall be construed to waive or prejudice any objection Defendant may preserve under 735 ILCS 5/2-301." (Aug. 18,

2026 Mem. Op. & Ord. at 42.) Its ordering paragraphs repeated the reservation: “No argument under 735 ILCS 5/2-301 is waived.” (Aug. 18, 2026 Mem. Op. & Ord. ¶ 4.)

On August 20, 2026, Plaintiff filed a declaration of his own and a corrected supplemental declaration of Duncan Lloyd, each certified under Section 1-109. These are the declarations that first identify Saint Louis University and Ole Miss.

On August 21, 2026, on Plaintiff’s emergency motion and by agreement of the Parties, the Court entered an Agreed Order accelerating the schedule. It vacated the September 21, 2026, hearing date, directed the NCAA to file a combined response and renewed Motion to Dismiss addressing the preliminary injunction factors, its argument under section 2-301, and its argument under section 2-619(a)(3) by August 25, 2026, and directed Plaintiff to file a combined reply and response by August 31, 2026. Paragraph 5 of that Order provided:

No argument under 735 ILCS 5/2-301 is waived, and nothing in this Order shall be construed as a waiver of any such argument by reason of Defendant’s combined filing, its participation in the briefing ordered herein, or its appearance at the hearing on August 18, 2026. The Court will hear argument on the Motion to Dismiss at the outset of the September 3, 2026, hearing.

(Aug. 21, 2026 Agreed Ord. ¶ 5.)

The NCAA filed its combined response and renewed Motion to Dismiss on August 25, 2026. Its first substantive section is captioned “Section 2-301 Motion to Dismiss.”

Plaintiff filed his combined reply in support of the Motion and response to the Motion to Dismiss on August 31, 2026. The filing is captioned Plaintiff’s Combined

Opposition to NCAA's Motion to Dismiss and Reply in Further Support of Motion for Preliminary Injunction. Section I of it responds to the Section 2-301 objection.

That Section advances four categories of Illinois contact: the thirty-eight Illinois member institutions, ten of them in Cook County; Mr. Avila's Illinois residence and the injury he says he suffers here; the NCAA's Illinois revenue from championships, media broadcasts, institutional dues, and revenue sharing; and the game Mr. Avila played against Loyola University Chicago in Cook County during the 2025-26 season. It argues that those contacts satisfy the "relate to" branch of *Ford Motor Co. v. Montana Eighth Judicial District Court*, 592 U.S. 351, 358 (2021), under the lenient standard described in *Russell v. SNFA*, 2013 IL 113909, ¶ 83. It argues that the NCAA may not use Illinois member institutions as the instrumentalities of its enforcement power and simultaneously disclaim a connection to this State. And it argues that *Keanaaina* is distinguishable, relying principally on a subsequent order of the same court in *Wisne v. NCAA*, No. 1:26-cv-03063-CNS-KAS (D. Colo.), and on a transcript of an oral ruling in *Kromah v. NCAA*, No. ESX-C-165-26 (N.J. Super. Ct. Ch. Div. July 30, 2026) (Pl.'s Combined Resp. & Reply, Ex. 7 at 108).

Filed with the reply were a Supplemental Declaration of Roberto Avila, a Declaration of Josh Schertz (the head men's basketball coach at Saint Louis University), and Exhibits 1 through 12. The Supplemental Declaration states that Mr. Avila enrolled at Saint Louis University on August 27, 2026. (Avila Supp. Decl. ¶ 3.) A separate section of the reply answers the eight questions this Court posed in

Section V of its August 18, 2026, Order. Plaintiff has not requested jurisdictional discovery under Illinois Supreme Court Rule 201(l), has not sought an evidentiary hearing on the objection, and has not disputed any statement in the Rich Declaration bearing on where the NCAA is, who adopted the challenged legislation, or where they sat when they adopted it.

Because the reply attached new matter—the Supplemental Declaration and the Schertz Declaration—that the NCAA had not had an opportunity to address, the Court entered an Order on September 1, 2026, permitting the NCAA at its option to file a combined reply in support of its Motion to Dismiss and sur-response in opposition to the preliminary injunction. The NCAA filed that brief the same evening. Section II of it addresses personal jurisdiction. It argues that Mr. Avila’s residence and the Loyola game are the unilateral acts of a plaintiff and a third party, *Hanson v. Denckla*, 357 U.S. 235, 253 (1958); that the Illinois member institutions and the Illinois revenue are “intuitively appealing but inconsistent with due process”; and that *Russell* itself illustrates the limit, because there the forum contacts and the injury were coextensive. It contends that Plaintiff alleges no connection between the challenged rule and any Illinois dollar or any Illinois institution’s vote.

On September 2, 2026, the Court entered an Order *sua sponte* striking the September 3, 2026, evidentiary hearing on the preliminary injunction and retaining the argument on the Motion to Dismiss limited to the issue of personal jurisdiction.

The Court heard that argument on September 3, 2026, at noon, in Courtroom 2410, with counsel for both Parties appearing in person.

The matter is fully briefed. The Court has read the Motion for a Preliminary Injunction, the NCAA's combined Response to that Motion and Motion to Dismiss, Avila's combined Reply to his Motion and Response to the NCAA's Motion to Dismiss, the Complaint, the exhibits (including all declarations), and has done *extensive* research into the law at issue. For the reasons set forth below, the Court decides it on the papers and the argument of counsel.

III. THE RECORD BEARING ON JURISDICTION

Nothing recited in this Section is a finding on the merits of any claim. Section 2-301(b) provides that "[n]o determination of any issue of fact in connection with the objection is a determination of the merits of the case or any aspect thereof." 735 ILCS 5/2-301(b). The Court describes the record it has been given on the jurisdictional question, and resolves conflicts in Plaintiff's favor, as it must. *Russell v. SNFA*, 2013 IL 113909, ¶ 28.

A. What the Complaint Alleges

Two paragraphs of the Verified Complaint address jurisdiction. The Court quotes them in full, because the disposition turns on what they do and do not say.

This Court has personal jurisdiction over Defendant NCAA. The NCAA has purposefully availed itself of the privilege of conducting activities within Illinois in connection with the claims asserted herein. The NCAA maintains thirty-eight (38) member institutions in Illinois, including ten (10) such member institutions in Cook County, Illinois, and engages in continuous and systematic activities in the state through the promulgation and enforcement of eligibility rules and bylaws governing Illinois student-athletes; Illinois member

institutions; athletic competitions; ticket and merchandise sales; television and media agreements; and other substantial revenue-generating activities. The NCAA derives revenue from dues paid by its Illinois member institutions, from championships and other events it sponsors in Illinois, and from television broadcasts originating in or broadcast into Illinois. Indeed, just last season, Mr. Avila played against Loyola Chicago in Cook County. The NCAA has also enacted and applies a revenue-sharing system that channels millions of dollars annually through Illinois institutions to Illinois resident student-athletes.

(Compl. ¶ 20 (emphasis in original).)

By enforcing its eligibility rules to bar Mr. Avila — an Illinois resident — from competing at Division I institutions, including potential Illinois institutions, the NCAA's conduct directly caused Mr. Avila to suffer harm in Illinois, including the loss of scholarship opportunities, NIL income, and revenue-sharing payments he would otherwise have earned.

(Compl. ¶ 21.)

Paragraph 20 is a catalogue of the NCAA's presence in Illinois. Paragraph 21 is an allegation that Mr. Avila feels the consequences of the NCAA's rules where he lives. Neither alleges an act by the NCAA, in Illinois or directed at Illinois, connected to the June 2026 legislation this suit challenges.

B. What Plaintiff's Evidence Shows

The declarations Plaintiff filed on August 20, 2026, are the fullest account of his circumstances in the record, and they are his own.

Mr. Avila states that multiple Division I programs have told him and his agent that they have open roster spots for him and want him for the 2026-27 season if he obtains injunctive relief, and that "[t]hese programs include, but are not limited to, Saint Louis University and the University of Mississippi ('Ole Miss')."

(Avila Decl. ¶ 19.) He states that Saint Louis University, through head coach Josh Schertz, will compensate him “over \$1 million,” and that Ole Miss, through assistant coach Brian Burg, will compensate him “over \$2 million.” (Avila Decl. ¶¶ 20-21; *accord* Lloyd Supp. Decl. ¶¶ 12, 14.) He states that other schools have expressed similar interest but that “no team is willing to enter into any firm agreement” absent relief. (Avila Decl. ¶ 22.) He states that he is “not currently enrolled at any institution for the 2026-27 academic year.” (Avila Decl. ¶ 25.) That is no longer the case. His Supplemental Declaration states that he enrolled at Saint Louis University on August 27, 2026, in the School for Professional Studies, pursuing a master’s degree in Leadership and Organizational Development. (Avila Supp. Decl. ¶ 3.) Saint Louis University is in Missouri. He states that he grew up in Oak Forest, lives there now with his parents and sister, and that his father works for the City of Oak Forest Public Works while his mother is a clerk at Four Seasons Heating and Air Conditioning. (Avila Decl. ¶ 24.) He states that he graduated from Saint Louis University on May 14, 2026. (Avila Decl. ¶¶ 10, 26.)

He states, further, that he believes himself to be a member of the class certified in *Wisne v. NCAA*, No. 1:26-cv-03063-CNS-KAS (D. Colo.), that he has not sought relief in that action, and that the court there enjoined the NCAA’s exclusion of the high school class of 2022 from the five-in-five rule. (Avila Decl. ¶ 18.) That injunction was stayed by the United States Court of Appeals for the Tenth Circuit on August 21, 2026—the day after Avila’s Declaration was sworn.

Mr. Lloyd states that Ole Miss has informed him that Mr. Avila “must be enrolled at Ole Miss by no later than September 4, 2026, to be academically-eligible for Ole Miss’ 2026-27 season.” (Lloyd Supp. Decl. ¶ 16.)

Two submissions accompanied the reply. Josh Schertz, the head men’s basketball coach at Saint Louis University, states that Saint Louis University wants Mr. Avila on its roster for the 2026-27 season, and that Mr. Avila is enrolled at Saint Louis University. (Schertz Decl. ¶¶ 11, 13.) Mr. Lloyd’s supplemental declaration is to the same effect regarding the University of Mississippi. (Lloyd Supp. Decl. ¶¶ 12, 14.) Neither declaration identifies an Illinois institution, an Illinois offer, or any communication between the NCAA and anyone in this State.

No Illinois institution appears anywhere in either declaration. No Illinois institution appears anywhere in the Complaint, the Memorandum, or the exhibits, except as an entry in the count of thirty-eight and as the opponent in a single road game. The reply and its twelve exhibits do not alter that. The two institutions they identify are in Missouri and Mississippi. The out-of-state orders they attach were entered in Louisiana, New York, Oklahoma, California, Tennessee, Arkansas, and New Jersey. The one Illinois decision among them, *Carsello*, concerns a different athlete at a different school, and the Court addresses it below.

C. What the NCAA’s Evidence Shows

The NCAA’s objection rests principally on the face of Plaintiff’s own papers, which Section 2-301(a) permits: an affidavit is required only “[u]nless the facts that

constitute the basis for the objection are apparent from papers already on file in the case.” 735 ILCS 5/2-301(a). The NCAA has nonetheless supplied a declaration.

Allison Rich, who served on the Division I Cabinet and participated in and voted on the June 2026 legislation at issue, states that the NCAA is “a voluntary, self-governing association of member colleges, universities, and athletic conferences” with approximately 1,100 member institutions and approximately 500,000 student-athletes across three divisions, of which Division I comprises roughly 350 institutions and more than 180,000 student-athletes in 26 sports. (Rich Decl. ¶ 6.) She states that “[e]ach division promulgates its own rules through an established legislative and governance process,” and that “[c]hanges to the rules require legislative action by the membership.” (Rich Decl. ¶ 7.) She states that “NCAA member institutions, not the NCAA national office, control the promulgation and enforcement of eligibility rules,” that “[t]he NCAA national office (***) employs approximately 500 people in Indianapolis,” and that “NCAA staff members do not vote on rules.” (Rich Decl. ¶ 8.) She describes the Division I Cabinet as a body of roughly twenty to twenty-five athletics directors, conference commissioners, faculty athletics representatives, and student-athletes. (Rich Decl. ¶ 9.) Ms. Rich held her Cabinet seat as the athletic director of the University of New Hampshire. (Rich Decl. ¶¶ 3, 5.)

Plaintiff has not contradicted any of this. He has not disputed that the NCAA’s national office is in Indianapolis, that the association is not incorporated or

headquartered in Illinois, or that eligibility legislation is adopted by a national membership body rather than by anyone in this State.

D. What is Not in the Record

It is as important to say what the record lacks. There is no allegation and no evidence that: the NCAA maintains an office, employees, property, or bank accounts in Illinois; that any part of the June 2026 legislation was drafted, debated, voted on, or announced in Illinois; that any NCAA decisionmaker acted from Illinois; that the NCAA communicated with Mr. Avila in Illinois about his eligibility; that Mr. Avila ever sought a waiver, so that the NCAA might have denied one in a communication directed into this State; that Mr. Avila was ever enrolled at, rostered by, or recruited by an Illinois member institution; or that any Illinois institution has offered him anything.

The absence of the last item is not a criticism. Mr. Avila explains it: no school will commit before an injunction issues, because of the Rule of Restitution and the Ghost Transfer penalty. (Avila Decl. ¶¶ 18, 22, 25.) The Court takes him at his word. But the explanation does not supply the fact, and it is the fact that jurisdiction requires.

Neither the reply nor the sur-response adds anything to these categories. No filing identifies an Illinois institution that has offered Mr. Avila anything, a communication between the NCAA and Mr. Avila in Illinois, or any Illinois participation in the June 2026 legislative process. Plaintiff has requested no

discovery and tendered no evidence on any contested jurisdictional fact. The record on the objection is closed, and it is the record the Parties have made.

IV. LEGAL STANDARD

The law regarding personal jurisdiction is taught in most law schools in the first month of a first-year law student's civil procedure class. It is revisited in preparation for the bar examination. This is not the first time this Court has encountered the topic; however, the Court sets out the governing law at some (excruciating) length following its exhaustive reappraisal and research.

The following comprehensive survey is warranted for three reasons. First, the objection is jurisdictional, and a court that proceeds without jurisdiction does not merely err—it acts without power. Second, the doctrine has moved considerably in the last fifteen years, and the older Illinois decisions must be read against *Goodyear*, *Daimler*, *Walden*, *Bristol-Myers*, and *Ford*. Third, the disposition turns on distinctions—between general and specific jurisdiction, between the defendant's contacts and the plaintiffs, between contacts that are extensive and contacts that are related—that are easy to state and easy to blur.

A. Section 2-301 and the Order in Which the Motion Must Be Decided

A party contesting an Illinois court's authority over its person proceeds under Section 2-301. The objection must be raised “[p]rior to the filing of any other pleading or motion” apart from the exceptions the statute identifies, and it is raised “by filing a motion to dismiss the entire proceeding or any cause of action involved in the proceeding or by filing a motion to quash service of process.” 735 ILCS

5/2-301(a). The motion “may be made singly or included with others in a combined motion, but the parts of a combined motion must be identified in the manner described in Section 2-619.1.” *Id.*; see 735 ILCS 5/2-619.1. An affidavit is required only where the facts supporting the objection are not apparent from papers already on file. 735 ILCS 5/2-301(a).

The 2000 amendments to the Illinois Code of Civil Procedure abolished the special appearance. A defendant no longer risks submitting to jurisdiction by joining a jurisdictional objection to a merits motion. What matters is sequence and content, not the label on an appearance. A party who files some other pleading or motion first “waives all objections to the court’s jurisdiction over the party’s person prospectively,” subject to enumerated exceptions. 735 ILCS 5/2-301(a-6); see *Ryburn*, 349 Ill. App. 3d at 993.

Two features of the statute govern how the Court must proceed. First, the Court must rule. “The court shall enter an appropriate order sustaining or overruling the objection.” 735 ILCS 5/2-301(b). Under the pre-2000 statute an order was required only if the objection was sustained; the present text requires one either way. *Ryburn*, 349 Ill. App. 3d at 993.

Second, the Court must rule on jurisdiction first. “It is essential to the validity of a judgment that the court have both jurisdiction of the subject matter of the litigation and jurisdiction over the parties.” *State Bank of Lake Zurich v. Thill*, 113 Ill. 2d 294, 308 (1986). Until a court has jurisdiction over a party, it has no power to act with respect to that party at all. *Ryburn*, 349 Ill. App. 3d at 993. Where

a defendant presents a combined motion joining a jurisdictional objection to an attack on the pleadings, “the trial court must address the jurisdictional issue first.” *Id.* at 994; accord *Oliver v. Kuriakos-Ciesil*, 2020 IL App (4th) 190250, ¶ 44; see also *Arrowsmith v. United Press International*, 320 F.2d 219, 221 (2d Cir. 1963) (“[L]ogic compel[s] initial consideration of the issue of jurisdiction over the defendant—a court without such jurisdiction lacks power to dismiss a complaint for failure to state a claim.”).

The sequence is not a formality, and the reason bears directly on the order entered today. A dismissal for want of personal jurisdiction is not an adjudication on the merits; a dismissal for failure to state a cause of action is. Compare Ill. S. Ct. R. 273 with *Ryburn*, 349 Ill. App. 3d at 994. A court that reaches the pleadings when it lacks power over the defendant does more than answer the wrong question. It risks extinguishing claims another forum is otherwise entitled to hear. *Ryburn*, 349 Ill. App. 3d at 994.

The same principle answers the preliminary injunction. An injunction is a command. A court without personal jurisdiction over a defendant has no authority to command it, and an order purporting to do so would be void. *Thill*, 113 Ill. 2d at 308; see *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 291 (1980) (“A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere.”). A court asked simultaneously to enjoin a defendant and to dismiss it under Section 2-301 must satisfy itself of its

jurisdiction before it enjoins anything. *Accord Keanaaina v. NCAA*, Civil Action No. 26-cv-01283-NYW-KAS, 2026 U.S. Dist. LEXIS 98145, at *2 (D. Colo. May 4, 2026).

B. Burden, Proof, and the Office of a Prima Facie Showing

The plaintiff bears the burden of establishing a *prima facie* basis for the exercise of personal jurisdiction over a nonresident defendant. *Russell*, 2013 IL 113909, ¶ 28; *Aspen American Insurance Co. v. Interstate Warehousing, Inc.*, 2017 IL 121281, ¶ 12; *Wiggen v. Wiggen*, 2011 IL App (2d) 100982, ¶ 20. The burden does not shift. It does not shift because the defendant is large, or because it has appeared, or because the plaintiff's claim is sympathetic. The limits on a court's personal jurisdiction exist to protect the defendant's due process rights, not to guarantee the plaintiff a place to litigate. *See Keanaaina*, 2026 U.S. Dist. LEXIS 98145, at *12.

In disposing of the objection, the Court "shall consider all matters apparent from the papers on file in the case, affidavits submitted by any party, and any evidence adduced upon contested issues of fact." 735 ILCS 5/2-301(b). Conflicts in the pleadings and supporting affidavits are resolved in the plaintiff's favor. *Russell*, 2013 IL 113909, ¶ 28; *Aspen*, 2017 IL 121281, ¶ 12. But that indulgence has a limit: "uncontradicted evidence offered by the defendant may defeat jurisdiction." *Aspen*, 2017 IL 121281, ¶ 12; *accord Russell*, 2013 IL 113909, ¶ 28.

A *prima facie* showing is a showing of *facts*. The requirement is not satisfied by the recitation of jurisdictional conclusions in a complaint. An allegation that a defendant "has purposefully availed itself of the privilege of conducting activities" in

Illinois “in connection with the claims asserted herein” states the legal test; it does not supply the facts that would satisfy it. Nor is it satisfied by cataloguing contacts in the abstract and asserting, without more, that the claims are connected to them. The plaintiff must identify the contacts, and must connect them to *this* suit. See *Bristol-Myers*, 582 U.S. at 264 (“What is needed is a connection between the forum and the specific claims at issue.”).

Two further points about the record. The Parties have a right to discovery on the issue of personal jurisdiction, Ill. S. Ct. R. 201(l), though such discovery is warranted only on a showing that what is sought is “relevant to the subject matter” of the jurisdictional question, Ill. S. Ct. R. 201(b)(1); see *Aspen*, 2017 IL 121281, ¶ 8 n.1. And where material facts bearing on jurisdiction are genuinely contested, Section 2-301(b) contemplates that the Court may receive “evidence adduced upon contested issues of fact.” A plaintiff who neither seeks such discovery nor tenders such evidence must live with the record he has made. See *Aspen*, 2017 IL 121281, ¶¶ 8-9.

C. The Long-Arm Statute

Section 2-209 has three operative parts. Subsection (a) enumerates fourteen acts—among them “[t]he transaction of any business within this State” and “[t]he commission of a tortious act within this State”—and provides that a person who does any of them submits to jurisdiction “as to any cause of action arising from the doing of any of such acts.” 735 ILCS 5/2-209(a), (a)(1), (a)(2). Subsection (f) reinforces the limitation: “Only causes of action arising from acts enumerated

herein may be asserted against a defendant in an action in which jurisdiction over him or her is based upon subsection (a).” 735 ILCS 5/2-209(f). Subsection (b) sets out bases for general jurisdiction, including against a person “doing business within this State.” 735 ILCS 5/2-209(b)(4). Subsection (c), the catch-all added effective September 7, 1989, permits jurisdiction “on any other basis now or hereafter permitted by the Illinois Constitution and the Constitution of the United States.” 735 ILCS 5/2-209(c).

Because the catch-all is “an independent basis for exercising personal jurisdiction,” it “effectively collapses the jurisdictional inquiry into the single issue of whether a defendant’s Illinois contacts are sufficient to satisfy federal and Illinois due process.” *Russell*, 2013 IL 113909, ¶ 30; accord *Soria v. Chrysler Canada, Inc.*, 2011 IL App (2d) 101236, ¶ 16; *Morgan, Lewis & Bockius LLP v. City of East Chicago*, 401 Ill. App. 3d 947, 952 (1st Dist. 2010); *Bell v. Don Prudhomme Racing, Inc.*, 405 Ill. App. 3d 223, 229 (4th Dist. 2010). The two-step approach of *Rollins v. Ellwood*, 141 Ill. 2d 244, 275 (1990), is no longer necessary where subsection (c) is invoked. *Russell*, 2013 IL 113909, ¶ 30.

Illinois due process supplies a nominally separate inquiry: jurisdiction may be exercised “only when it is fair, just, and reasonable to require a nonresident defendant to defend an action in Illinois, considering the quality and nature of the defendant’s acts [that] occur[red] in Illinois or [that] affect[ed] interests located in Illinois.” *Rollins*, 141 Ill. 2d at 275. In the decades since *Rollins*, no Illinois decision has identified a case in which federal due process would permit jurisdiction that

Illinois due process forbids. *Russell*, 2013 IL 113909, ¶ 32; see *Keller v. Henderson*, 359 Ill. App. 3d 605, 620 (2d Dist. 2005); *Soria*, 2011 IL App (2d) 101236, ¶ 39. Where no party contends the Illinois clause affords greater protection, no separate state constitutional analysis is required. *Russell*, 2013 IL 113909, ¶ 33.

One further point, and *Aspen* resolves it. A plaintiff may not circumvent the constitutional inquiry by invoking subsection (b)(4)'s "doing business" language. "In light of *Daimler*, subsection (b)(4) cannot constitutionally be applied to establish general jurisdiction where (***) there is no evidence that defendant's contacts with Illinois have rendered it 'essentially at home' in this state." *Aspen*, 2017 IL 121281, ¶ 21. Nor does registration to do business, or the appointment of a registered agent, constitute consent to general jurisdiction. *Id.* ¶¶ 22-26.

D. Due Process: Two Categories

"The Due Process Clause of the Fourteenth Amendment sets the outer boundaries of a state tribunal's authority to proceed against a defendant." *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 923 (2011); see *Russell*, 2013 IL 113909, ¶ 34; see also *Pennoyer v. Neff*, 95 U.S. 714, 733 (1878). The canonical formulation remains *International Shoe*: a State may subject a nonresident to judgment *in personam* only if the defendant has "certain minimum contacts with [the forum] such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.'" *International Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945) (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940)); accord *Wiles v. Morita Iron Works Co.*, 125 Ill. 2d 144, 150 (1988). The relationship

must be such that it is “reasonable (***) to require the corporation to defend the particular suit which is brought there.” *International Shoe*, 326 U.S. at 317. Minimum contacts is “the threshold issue in any personal jurisdiction challenge in Illinois.” *Russell*, 2013 IL 113909, ¶ 36; *accord Wiles*, 125 Ill. 2d at 161.

The doctrine serves two ends. It “protects the defendant against the burdens of litigating in a distant or inconvenient forum,” and it “acts to ensure that the States, through their courts, do not reach out beyond the limits imposed on them by their status as coequal sovereigns in a federal system.” *World-Wide Volkswagen*, 444 U.S. at 291-92. The second is not a makeweight. One State’s sovereign power to try a suit may preclude sister States from exercising their like authority, *id.* at 293, and at times “the Due Process Clause, acting as an instrument of interstate federalism, may sometimes act to divest the State of its power to render a valid judgment,” *id.* at 294; *see Bristol-Myers*, 582 U.S. at 263.

International Shoe produced two categories of jurisdiction:

Specific jurisdiction—sometimes called case-linked jurisdiction—“is case-specific,” and exists “when the plaintiff’s cause of action arises out of or relates to the defendant’s contacts with the forum state.” *Aspen*, 2017 IL 121281, ¶ 14 (*citing Russell*, 2013 IL 113909, ¶ 40, and *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985)).

General jurisdiction—sometimes called all-purpose jurisdiction—“is all-purpose,” and where it exists “the plaintiff may pursue a claim against the defendant even if the conduct of the defendant that is being challenged occurred

entirely outside the forum state.” *Aspen*, 2017 IL 121281, ¶ 14 (citing *Goodyear*, 564 U.S. at 924). It extends to “any and all claims.” *Goodyear*, 564 U.S. at 919.

The categories must be kept distinct. In *Goodyear*, the United States Supreme Court reversed a state court whose analysis “elided the essential difference between case-specific and all-purpose (general) jurisdiction.” 564 U.S. at 927. Contacts sufficient to support specific jurisdiction as to a related claim do not thereby confer general jurisdiction as to unrelated ones; “ties serving to bolster the exercise of specific jurisdiction do not warrant a determination that, based on those ties, the forum has *general* jurisdiction over a defendant.” *Id.* (emphasis in original). As *International Shoe* instructed, a corporation’s “continuous activity of some sorts within a state is not enough to support the demand that the corporation be amenable to suits unrelated to that activity.” 326 U.S. at 318; see *Daimler AG v. Bauman*, 571 U.S. 117, 132 (2014); *Bristol-Myers*, 582 U.S. at 264; see also *Borden Chemicals & Plastics, L.P. v. Zehnder*, 312 Ill. App. 3d 35, 41-42 (1st Dist. 2000) (describing the distinction in the course of a due process nexus analysis).

E. General Jurisdiction: “Essentially at Home”

A court may assert general jurisdiction over a foreign corporation “to hear any and all claims against [it] when [its] affiliations with the State are so ‘continuous and systematic’ as to render [it] essentially at home in the forum State.” *Goodyear*, 564 U.S. at 919; *Daimler*, 571 U.S. at 127; *Aspen*, 2017 IL 121281, ¶ 16.

Daimler is emphatic that the inquiry is not a measurement of volume. The question “is not whether a foreign corporation’s in-forum contacts can be said to be

in some sense ‘continuous and systematic,’ it is whether that corporation’s ‘affiliations with the State are so “continuous and systematic” as to render [it] essentially at home in the forum State.’” 571 U.S. at 138-39 (*quoting Goodyear*, 564 U.S. at 919). A test permitting general jurisdiction “in every State in which a corporation ‘engages in a substantial, continuous, and systematic course of business’” is “unacceptably grasping.” *Id.* at 138; *see Aspen*, 2017 IL 121281, ¶ 16. Only a select set of affiliations will expose a defendant to jurisdiction that sweeping. *Daimler*, 571 U.S. at 137; *see Bristol-Myers*, 582 U.S. at 262.

The paradigm all-purpose forums for a corporation are its place of incorporation and its principal place of business. *Daimler*, 571 U.S. at 137; *Aspen*, 2017 IL 121281, ¶ 17. These are not exclusive: in an “exceptional case,” operations elsewhere “may be so substantial and of such a nature as to render the corporation at home in that State.” *Daimler*, 571 U.S. at 139 n.19. The illustration is *Perkins*, where a Philippine mining company relocated its operations to Ohio during the Japanese occupation, making Ohio the center of its wartime activities and effectively a surrogate for its head office. *See Perkins v. Benguet Consolidated Mining Co.*, 342 U.S. 437, 447-48 (1952); *Aspen*, 2017 IL 121281, ¶ 17. That is the measure of the exception. It is not met by showing that a defendant does substantial business in the forum.

Illinois applies this standard without dilution. In *Aspen*, the defendant operated a warehouse in Joliet, had been registered to do business in Illinois since 1988, and did not dispute that it was doing business here. 2017 IL 121281, ¶¶ 6, 8.

The Illinois Supreme Court held that this “falls far short of showing that Illinois is a surrogate home for defendant,” reasoning that “if the operation of the warehouse was sufficient, in itself, to establish general jurisdiction, then defendant would also be at home in all the other states where its warehouses are located.” *Id.* ¶ 19. The United States Supreme Court “has expressly rejected this reasoning”: “[a] corporation that operates in many places can scarcely be deemed at home in all of them.” *Id.* (quoting *Daimler*, 571 U.S. at 139 n.20); see also *BNSF Railway Co. v. Tyrrell*, 581 U.S. 402, 414 (2017); *Kipp v. Ski Enterprise Corp. of Wisconsin, Inc.*, 783 F.3d 695, 698 (7th Cir. 2015) (*Daimler* “raised the bar”); *Monkton Insurance Services, Ltd. v. Ritter*, 768 F.3d 429, 432 (5th Cir. 2014) (it is “incredibly difficult to establish general jurisdiction in a forum other than the place of incorporation or principal place of business”). To subject a defendant to general jurisdiction on such a showing “would (***) deny it due process of law.” *Aspen*, 2017 IL 121281, ¶ 20.

The same standard governed in Illinois before *Daimler*, in substance if not in phrasing. General jurisdiction requires systematic business activity carried on “not casually or occasionally, but with a fair measure of permanence and continuity”—essentially, that “the foreign corporation has taken up residence in Illinois.” *Morgan, Lewis*, 401 Ill. App. 3d at 953; *Russell*, 2013 IL 113909, ¶ 36. “[T]he standard for finding general jurisdiction is very high.” *Russell*, 2013 IL 113909, ¶ 36.

Certain contacts, however extensive, do not do the work. Mere purchases in the forum, “even if occurring at regular intervals, are not enough to warrant a

State's assertion of *in personam* jurisdiction over a nonresident corporation in a cause of action not related to those purchase transactions." *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 418 (1984). The distribution of products into the forum may bolster specific jurisdiction but does not create general jurisdiction. *Goodyear*, 564 U.S. at 927. And the plaintiff's own residence in the forum is irrelevant to the general jurisdiction inquiry: "[g]eneral jurisdiction to adjudicate has in [United States] practice never been based on the plaintiff's relationship to the forum." *Id.* at 929 n.5 (internal quotation marks omitted).

Finally, the "at home" test is not confined to corporations. Courts have routinely applied *Daimler* to unincorporated associations, adapting the paradigm bases to the entity's form. *See Keanaaina*, 2026 U.S. Dist. LEXIS 98145, at *9-10 & n.3 (collecting authorities, including *Frank v. PNK (Lake Charles) L.L.C.*, 947 F.3d 331, 337 n.10 (5th Cir. 2020) and *Benedict v. Manfred*, No. 23-cv-01563-DDD-KAS, 2024 U.S. Dist. LEXIS 250792, at *5 (D. Colo. May 20, 2024) ("Though unincorporated associations are in many ways distinct from corporations, they are not so different that subjecting them to suit anywhere they have members, a far lower bar than substantial, continuous and systematic courses of business, would not run afoul of [the principles underlying *Daimler*].").

F. Specific Jurisdiction

Under federal due process, an Illinois court has specific jurisdiction over a nonresident defendant when three things are shown: "(1) the defendant had minimum contacts with Illinois such that it was fairly warned that it may be haled

into an Illinois court; (2) the action arose out of or was related to the defendant's contacts with Illinois; and (3) it is reasonable to require the defendant to litigate in Illinois." *Soria*, 2011 IL App (2d) 101236, ¶ 18 (citing *Morgan, Lewis*, 401 Ill. App. 3d at 954); accord *Keller*, 359 Ill. App. 3d at 613; see *Burger King*, 471 U.S. at 471-78. The showing is conjunctive. A plaintiff who fails at any step fails altogether.

1. Purposeful Availment

"[I]t is essential in each case that there be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws." *Hanson v. Denckla*, 357 U.S. 235, 253 (1958); *Burger King*, 471 U.S. at 474-75; *Russell*, 2013 IL 113909, ¶ 42. The requirement is one of reciprocity: when a company "exercises the privilege of conducting activities within a state" and thereby "enjoys the benefits and protection of the laws of that state," it may be required to answer for obligations arising out of or connected with those activities. *International Shoe*, 326 U.S. at 319; see *Koplin v. Thomas, Haab & Botts*, 73 Ill. App. 2d 242, 255 (1st Dist. 1966).

Purposeful availment protects a defendant "from being haled into a jurisdiction based on random or attenuated contacts or the unilateral activity of a third party." *Russell*, 2013 IL 113909, ¶ 42; see *Burger King*, 471 U.S. at 475; *Hanson*, 357 U.S. at 253 ("The unilateral activity of those who claim some relationship with a nonresident defendant cannot satisfy the requirement of contact with the forum State."); *Helicopteros*, 466 U.S. at 417. The point is notice: a defendant must have "fair warning" that an activity may subject it to a foreign

sovereign's jurisdiction, *Burger King*, 471 U.S. at 472, so that it "should reasonably anticipate being haled into court there" and may "structure [its] primary conduct" accordingly, *World-Wide Volkswagen*, 444 U.S. at 297.

Walden fixes the reference point of the inquiry, and it is the point on which many jurisdictional arguments founder. "[T]he plaintiff cannot be the only link between the defendant and the forum." *Walden*, 571 U.S. at 285. The minimum contacts analysis "looks to the defendant's contacts with the forum State itself, not the defendant's contacts with persons who reside there." *Id.* "[I]t is *the defendant's conduct* that must form the necessary connection with the forum State that is the basis for its jurisdiction over [the defendant]." *Id.* A plaintiff's own contacts cannot drive the analysis, *id.* at 289, and "[d]ue process requires that a defendant be haled into court in a forum State based on his own affiliation with the State, not based on (***) 'random, fortuitous, or attenuated' contacts," *id.* at 286 (*quoting Burger King*, 471 U.S. at 475). So too, "a defendant's relationship with a plaintiff or third party, standing alone, is an insufficient basis for jurisdiction." *Id.*; *Bristol-Myers*, 582 U.S. at 264-65. It follows that a defendant does not purposefully avail itself of a forum merely because the plaintiff lives there and feels the consequences of its conduct there. *Walden*, 571 U.S. at 284-86, 290.

That principle constrains, without abolishing, the "effects" test of *Calder v. Jones*, 465 U.S. 783 (1984). *Calder* held a Florida reporter and editor subject to jurisdiction in California where the allegedly libelous article was drawn from California sources, concerned the California activities of a California resident,

circulated most heavily in California, and inflicted the brunt of its harm there—so that “California is the focal point both of the story and of the harm suffered.” *Id.* at 788-89. The defendants were “not charged with mere untargeted negligence”; their “intentional, and allegedly tortious, actions were expressly aimed at California,” and they were “primary participants in an alleged wrongdoing intentionally directed at a California resident.” *Id.* at 789-90. *Calder* is a case about conduct aimed at the forum, not about injury felt in it. See *Walden*, 571 U.S. at 287-88; *Goodyear*, 564 U.S. at 929 n.5.

2. Relatedness

Even where a defendant has purposefully availed itself of the forum, the forum may exercise jurisdiction only over certain claims. The plaintiff’s claims “must aris[e] out of or relat[e] to the defendant’s contacts with the forum.” *Bristol-Myers*, 582 U.S. at 262 (quoting *Daimler*, 571 U.S. at 127); see *Burger King*, 471 U.S. at 472; *Helicopteros*, 466 U.S. at 414. Put otherwise, “there must be ‘an affiliation between the forum and the underlying controversy, principally, [an] activity or an occurrence that takes place in the forum State and is therefore subject to the State’s regulation.’” *Bristol-Myers*, 582 U.S. at 262 (quoting *Goodyear*, 564 U.S. at 919). What is required is a relationship among the defendant, the forum, and the litigation—“the essential foundation” of *in personam* jurisdiction. *Helicopteros*, 466 U.S. at 414 (internal quotation marks omitted); see *Calder*, 465 U.S. at 788 (quoting *Shaffer v. Heitner*, 433 U.S. 186, 204 (1977)). For this reason, “specific jurisdiction is confined to adjudication of issues deriving from, or connected

with, the very controversy that establishes jurisdiction.” *Goodyear*, 564 U.S. at 919 (internal quotation marks omitted).

Ford clarified that the standard is not one of strict causation. The governing formulation is disjunctive, and the half that follows the word “or” contemplates that some relationships will support jurisdiction without a causal showing. *Ford Motor Co. v. Montana Eighth Judicial District Court*, 592 U.S. 351, 362 (2021). But *Ford* was equally clear about the limits: “That does not mean anything goes. In the sphere of specific jurisdiction, the phrase ‘relate to’ incorporates real limits, as it must to adequately protect defendants foreign to a forum.” *Id.* Illinois courts had reached a similar accommodation. “[T]he ‘arising from’ requirement is subject to a ‘lenient standard,’” *Russell*, 2013 IL 113909, ¶ 83 (quoting *Schneider v. Hardesty*, 669 F.3d 693, 703 (6th Cir. 2012)); under Section 2-209 the phrase “requires only that the plaintiff’s claim be one which lies in the wake of the commercial activities by which the defendant submitted to the jurisdiction of Illinois courts,” *Koplin*, 73 Ill. App. 2d at 253; see *Soria*, 2011 IL App (2d) 101236, ¶ 34.

Lenient is not the same as absent, and *Bristol-Myers* supplies the outer boundary. Forum contacts unrelated to the plaintiff’s claim will not support specific jurisdiction “no matter how extensive they may be.” *Bristol-Myers*, 582 U.S. at 264. There, the defendant sold the drug at issue in California, maintained five research and laboratory facilities and some 250 sales representatives there, ran a state-government advocacy office in Sacramento, sold nearly 187 million Plavix pills in the State for more than \$900 million, contracted with a California distributor,

and was simultaneously defending identical claims brought by California residents. *Id.* at 258-59, 267-68. None of it sufficed, because the nonresident plaintiffs had not been prescribed, had not obtained, had not ingested, and had not been injured by the drug in California. *Id.* at 264-65. The California Supreme Court's contrary "sliding scale approach"—under which extensive unrelated contacts relaxed the required connection—"resembles a loose and spurious form of general jurisdiction" and finds "no support" in the United States Supreme Court's cases. *Id.* at 264. "What is needed—and what is missing here—is a connection between the forum and the specific claims at issue." *Id.* at 265.

3. Reasonableness

Where minimum contacts and relatedness are established, the Court must still consider whether the exercise of jurisdiction comports with "fair play and substantial justice." *Burger King*, 471 U.S. at 476; *Asahi Metal Industry Co. v. Superior Court of California*, 480 U.S. 102, 113 (1987); *Russell*, 2013 IL 113909, ¶ 87. The factors are: (1) the burden imposed on the defendant; (2) the forum State's interest in resolving the dispute; (3) the plaintiff's interest in obtaining relief; and (4) the interests of the other affected forums in the efficient judicial resolution of the dispute and in the advancement of substantive social policies. *Russell*, 2013 IL 113909, ¶ 87 (citing *Wiles*, 125 Ill. 2d at 152, and *Asahi*, 480 U.S. at 113); accord *Soria*, 2011 IL App (2d) 101236, ¶ 36; *World-Wide Volkswagen*, 444 U.S. at 292. Reasonableness is a backstop, not a substitute: it is reached *only after* minimum

contacts are found, and it cannot supply contacts that are missing. *Russell*, 2013 IL 113909, ¶ 87; *Wiles*, 125 Ill. 2d at 161-62.¹

V. ANALYSIS

The Court now moves to analyze whether it has personal jurisdiction over the NCAA. For the reasons that follow, the Court finds that it does not.

A. The Objection Was Preserved and Has Not Been Waived

The Court takes waiver first, because if the objection were waived nothing else would matter.

Section 2-301(a-6) provides that a party waives its objection prospectively by “filing any other pleading or motion prior to the filing of a motion objecting to the court’s jurisdiction.” The operative word is *filing*. The NCAA’s first filing of any kind in this case, apart from an appearance, was its stricken Motion to Dismiss. It was stricken without prejudice to being brought in a combined motion/response. That combined filing was made of record on August 25, 2026. Its first substantive section is the Section 2-301 objection. It was raised at the first available opportunity.

An appearance is not a pleading or a motion. The 2000 amendments abolished the special appearance precisely so that a defendant need not choose between contesting jurisdiction and showing up. *See Ryburn*, 349 Ill. App. 3d at 993 (the amendment was intended “to prevent a defendant from accidentally waiving

¹ The stream-of-commerce line of authority—*World-Wide Volkswagen*, 444 U.S. at 297-98; *Asahi*, 480 U.S. at 112 (opinion of O’Connor, J.); *J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 181-82 (2011); and, in Illinois, *Gray v. American Radiator & Standard Sanitary Corp.*, 22 Ill. 2d 432, 441-43 (1961), *Wiles*, 125 Ill. 2d at 156-57, and *Russell*, 2013 IL 113909, ¶¶ 43-62—addresses a distinct problem: when a manufacturer’s placement of a product into commerce elsewhere supports jurisdiction where the product later causes injury. No product is at issue here, and the Court does not analyze that branch of the doctrine.

any objection to personal jurisdiction”). A rule that treated the filing of an appearance as consent would restore the trap the legislature removed.

On August 18, 2026, counsel for the NCAA argued orally in opposition to the motion requesting a temporary restraining order. Oral argument is not a filing, and Section 2-301(a-6) speaks only of filings. The Court invited that argument; it would be a strange rule that permitted a court to manufacture its own jurisdiction by asking a defendant to speak. In any event, this Court’s August 18, 2026, Order provided that “nothing in this Opinion shall be construed to waive or prejudice any objection Defendant may preserve under 735 ILCS 5/2-301,” and its ordering paragraphs stated that “[n]o argument under 735 ILCS 5/2-301 is waived.” (Aug. 18, 2026 Mem. Op. & Ord. at 42 & ¶ 4.)

Plaintiff proposed the Order of August 21, 2026, and agreed to its terms. Paragraph 5 provides that “[n]o argument under 735 ILCS 5/2-301 is waived, and nothing in this Order shall be construed as a waiver of any such argument by reason of Defendant’s combined filing, its participation in the briefing ordered herein, or its appearance at the hearing on August 18, 2026.” A party who negotiates and obtains a non-waiver clause cannot later urge the waiver the clause disclaims.

That the NCAA’s August 25, 2026, filing also responded to the preliminary injunction motion and advanced other grounds for dismissal changes nothing. Section 2-301(a) states that the objection “may be made singly or included with others in a combined motion,” and Section 2-619.1 supplies the mechanism. *See*

Ryburn, 349 Ill. App. 3d at 993-94 (describing the current statute as permitting exactly this). Indeed, the NCAA filed the combined document because this Court, in the Agreed Order, directed it to. A defendant does not forfeit a jurisdictional objection by complying with a scheduling order that expressly preserves it.

The response and motion to dismiss transmitted to chambers on the evening of August 17, 2026, were stricken and were not considered. (Aug. 18, 2026 Mem. Op. & Ord. at 42 n.7 & ¶ 4.) The Court notes in addition that those materials themselves raised the Section 2-301 objection.

The objection is preserved. The Court proceeds to its merits.

B. Illinois Has No General Jurisdiction Over the NCAA

The Complaint pleads the vocabulary of general jurisdiction—“continuous and systematic activities,” dues, broadcasts, championships, revenue. (Compl. ¶ 20.) The Court therefore addresses the question on its merits.

The inquiry is not whether the NCAA has contacts with Illinois. It plainly does. The inquiry is whether its “affiliations with the State are so ‘continuous and systematic’ as to render [it] essentially at home” here. *Goodyear*, 564 U.S. at 919 (quoting *International Shoe*, 326 U.S. at 317); *Aspen*, 2017 IL 121281, ¶ 16.

It is not. The NCAA is a voluntary association whose national office is in Indianapolis, where it employs roughly 500 people. (Rich Decl. ¶ 8.) It is not incorporated in Illinois, headquartered in Illinois, or alleged to maintain any office, employee, or asset in Illinois. Plaintiff does not contend otherwise, and *Aspen*

instructs that uncontradicted evidence of this kind defeats the claim. 2017 IL 121281, ¶ 12.

What Plaintiff offers instead is a headcount: thirty-eight member institutions in Illinois, ten of them in Cook County. (Compl. ¶ 20.) Against a membership of approximately 1,100 institutions (Rich Decl. ¶ 6), that is something under 3.5%. The District of Colorado, confronting fifteen Colorado members out of the same 1,100, was “skeptical that the NCAA is *uniquely* at home in Colorado due to the fact that 1.3% of its member institutions are located in this state.” *Keanaaina*, 2026 U.S. Dist. LEXIS 98145, at *10 n.4. Three and a half percent is a larger number, but it is the same argument.

And it is an argument that proves far too much. If thirty-eight Illinois members make the NCAA at home in Illinois, then fifteen Colorado members make it at home in Colorado, fifty-eight California members make it at home in California, *see Aldrich v. National Collegiate Athletic Ass’n*, 484 F. Supp. 3d 779, 791-93 (N.D. Cal. 2020), and the Association is at home in all fifty States. Taken to its logical conclusion, Plaintiff’s position “would render the NCAA subject to the general personal jurisdiction of *every single state in the country*.” *Keanaaina*, 2026 U.S. Dist. LEXIS 98145, at *9 (emphasis in original); *accord Doe v. NCAA*, No. 22-cv-01559-LB, 2023 LX 125111, at *25-27 (N.D. Cal. Jan. 4, 2023).

That is the reasoning *Daimler* called “unacceptably grasping,” 571 U.S. at 138, and the reasoning the Illinois Supreme Court rejected in *Aspen*. There, a warehouse in Joliet and nearly thirty years of registration were not enough, because

“if the operation of the warehouse was sufficient, in itself, to establish general jurisdiction, then defendant would also be at home in all the other states where its warehouses are located.” *Aspen*, 2017 IL 121281, ¶ 19. “[A] corporation that operates in many places can scarcely be deemed at home in all of them.” *Id.* (quoting *Daimler*, 571 U.S. at 139 n.20). A national athletic association with members in every State is the paradigm of an entity that operates in many places.

The remaining allegations fare no better. Dues from Illinois institutions, championships held in Illinois, broadcasts into Illinois, ticket and merchandise revenue, and a revenue-sharing system that routes money through Illinois schools describe commerce, not residence. *Helicopteros* held that “mere purchases, even if occurring at regular intervals,” will not support general jurisdiction, 466 U.S. at 418; *Goodyear* held that the flow of a defendant’s products into a State “may bolster an affiliation germane to *specific* jurisdiction” but does not create general jurisdiction, 564 U.S. at 927 (emphasis in original); and *Aspen* held that doing business in Illinois, standing alone, cannot satisfy subsection (b)(4) after *Daimler*, 2017 IL 121281, ¶ 21. Under the pre-*Daimler* Illinois formulation the result is the same: nothing in this record suggests the NCAA “has taken up residence in Illinois.” *Morgan, Lewis*, 401 Ill. App. 3d at 953.

Nor is this an “exceptional case” within *Daimler* footnote 19. *Perkins* involved a corporation whose entire operation had relocated to the forum. 342 U.S. at 447-48. The NCAA’s Illinois presence is a fraction of a national enterprise directed from Indianapolis by a membership scattered across the country.

One point of doctrine deserves a sentence, since the NCAA is an association rather than a corporation and the *Daimler* paradigms speak of incorporation and principal place of business. Courts have consistently applied the “at home” test to unincorporated entities, adapting the paradigm bases to the entity’s form. See *Keanaaina*, 2026 U.S. Dist. LEXIS 98145, at *9-10 & n.3 (collecting cases); *Frank v. PNK (Lake Charles) L.L.C.*, 947 F.3d 331, 337 n.10 (5th Cir. 2020). The Court sees no reason for a different rule, and Plaintiff proposes none. If anything, the concern *Daimler* identified applies with greater force to a membership organization: an entity defined by its members would, on a membership theory, be at home wherever it has one.

There is no general jurisdiction over the NCAA in Illinois.

C. Illinois Has No Specific Jurisdiction Over the NCAA

Specific jurisdiction is the whole of Plaintiff’s case, and it requires him to connect the NCAA’s Illinois contacts to *this* controversy. He has not.

1. *The Conduct Complained of Did Not Occur in Illinois and Was Not Directed at Illinois*

The first task is to identify the controversy. This one is not obscure; Plaintiff pleads it. The Complaint challenges the NCAA’s adoption, on June 23, 2026, of the age-based eligibility model, and its decision not to extend that model to athletes who had already exhausted their seasons of competition under the prior rule. (Compl. ¶¶ 8, 62, 68.) Every count is directed at that decision. Plaintiff does not contend that the old rule was misapplied to him; he says the opposite. (Compl. ¶ 55.)

Where did that decision happen? The record answers: in a national legislative process. The Division I Cabinet, a body of roughly twenty to twenty-five athletics directors, conference commissioners, faculty representatives, and student-athletes drawn from across the membership, adopted the legislation. (Rich Decl. ¶¶ 5, 9.) “NCAA member institutions, not the NCAA national office, control the promulgation and enforcement of eligibility rules.” (Rich Decl. ¶ 8.) The declarant who voted on it held her seat as the athletic director of a university in New Hampshire. (Rich Decl. ¶¶ 3, 5.)

There is no allegation and no evidence that any part of that process occurred in Illinois, that any Illinois institution or representative cast a decisive vote, that the rule was drafted or announced here, or that it singles out Illinois or Illinois athletes for any treatment. It applies to every athlete in the high school class of 2022, wherever situated. Mr. Avila’s own declaration confirms the point: he describes athletes in his position obtaining relief in Louisiana, New York, Oklahoma, California, and Tennessee. (Avila Decl. ¶¶ 16-17.) A rule of national application, adopted by a national body, is not conduct directed at Illinois.

2. The NCAA’s Illinois Contacts Are Unrelated to This Claim

Plaintiff’s catalogue in paragraph 20 of the Complaint is a catalogue of unrelated contacts, and *Bristol-Myers* is directly on point.

Bristol-Myers Squibb sold the very drug at issue in California, employed hundreds of Californians, ran five research facilities and a government-advocacy office there, took in more than \$900 million from California sales of that drug, and

contracted with a California distributor to move it nationally. *Bristol-Myers*, 582 U.S. at 258-59, 268. The United States Supreme Court held that California courts lacked specific jurisdiction over the nonresident plaintiffs' claims, because those plaintiffs had not been prescribed, had not obtained, had not ingested, and had not been injured by the drug there. *Id.* at 264-65. "When there is no such connection, specific jurisdiction is lacking regardless of the extent of a defendant's unconnected activities in the State." *Id.* at 264.

The NCAA's Illinois activities are of the same character and, if anything, more attenuated. Its Illinois member institutions did not adopt the challenged rule; the membership as a whole did. Its Illinois broadcasts, championships, and merchandise revenue have nothing to do with the seasons-of-competition framework. Its revenue-sharing system is a mechanism for paying athletes through the institutions at which they are enrolled; Mr. Avila is now enrolled at Saint Louis University, and any payment reaching him through that system would be made in Missouri. (Avila Supp. Decl. ¶ 3; Schertz Decl. ¶¶ 11, 13.) Each is a contact with Illinois. None is a contact with this controversy. Unrelated contacts do not support specific jurisdiction "no matter how extensive they may be," and a rule that lets volume substitute for connection would be "a loose and spurious form of general jurisdiction." *Bristol-Myers*, 582 U.S. at 264.

The Loyola University Chicago game deserves separate mention, because it is the one concrete in-Illinois event the Complaint identifies. (Compl. ¶ 20.) Mr. Avila played one road game in Cook County last season as a Saint Louis University

player. That game is not the subject of any count. No claim arises out of it, relates to it, or would be different if it had been played in St. Louis. It is the sort of single, unrelated occurrence that cannot bear the weight placed on it. *See Helicopteros*, 466 U.S. at 416-18. The reply adds a gloss: that Mr. Avila was forced to play against players in their fifth or sixth seasons here in Illinois. The gloss does not change the analysis. Who his opponents were, and how many seasons they had played, are facts about the NCAA's treatment of other athletes at other institutions. They are not an act by the NCAA in Illinois out of which this claim arises, and Mr. Avila does not sue over that game.

The NCAA's sur-response sharpens the point with *Russell* itself, and the observation is a fair one. In *Russell* the forum contacts and the injury were coextensive. The defendant manufactured custom-made parts, knowingly channeled them into Illinois, and the fatal Illinois injury arose from those very parts. 2013 IL 113909, ¶ 74. The lenient standard Plaintiff invokes was applied to contacts that produced the injury sued upon.

Nothing of that kind is alleged here. Plaintiff does not allege that the age-based eligibility model was drafted, proposed, or voted upon by the thirty-eight Illinois member institutions. He does not allege that any dollar of Illinois dues, ticket revenue, broadcast revenue, championship revenue, or revenue-sharing income was generated by the rule he challenges, or would be affected by its repeal. The Illinois revenue he invokes is real and it is substantial. It is also untethered to

the operative facts. Unless the relatedness requirement is to be read out of the doctrine entirely, contacts of that character cannot supply it.

3. *Plaintiff's Residence and the Harm He Feels Here
Cannot Supply the Connection*

What remains, once the unrelated contacts are set aside, is paragraph 21: because Mr. Avila is an Illinois resident, the NCAA's rule "directly caused" him to "suffer harm in Illinois." (Compl. ¶ 21.)

Walden forecloses that theory in no uncertain terms. "[T]he plaintiff cannot be the only link between the defendant and the forum." *Walden*, 571 U.S. at 285. The analysis "looks to the defendant's contacts with the forum State itself, not the defendant's contacts with persons who reside there." *Id.* "Due process requires that a defendant be haled into court in a forum State based on his own affiliation with the State." *Id.* at 286. In *Walden* itself, Nevada plaintiffs who suffered "foreseeable harm in Nevada" from a search conducted in Georgia could not sue in Nevada, because "the relevant conduct occurred entirely in Georgia" and "the mere fact that [this] conduct affected plaintiffs with connections to the forum State d[id] not suffice to authorize jurisdiction." *Bristol-Myers*, 582 U.S. at 265 (quoting *Walden*, 571 U.S. at 289, 291).

This case is *Walden* with a different disappointment. The relevant conduct—the June 2026 legislation—occurred in the NCAA's national governance process. Mr. Avila felt its consequences at his parents' house in Oak Forest because that is where he happened to move after graduating from a university in Missouri.

Had he moved to Indiana, or stayed in St. Louis, the rule and its effect on him would have been identical. That is the definition of a fortuitous connection.

Nor does *Calder* help. *Calder* requires conduct “expressly aimed at” the forum, directed at a resident whom the defendant knew would bear “the brunt of that injury” there, with the forum as “the focal point both of the story and of the harm suffered.” 465 U.S. at 788-90. The NCAA did not aim anything at Illinois. It legislated for a national membership. There is no allegation that it knew or cared where Mr. Avila lived, that it communicated with him here, or that it made any individualized determination about him at all—indeed, he has never sought a waiver. A plaintiff’s forum residence “may strengthen the case for the exercise of specific jurisdiction” where an out-of-forum act causes in-forum injury, but it does not itself supply a contact. *Goodyear*, 564 U.S. at 929 n.5. Here, there is nothing for it to strengthen.

4. The Schools Plaintiff Has Identified Are in Missouri and Mississippi

The supplemental declarations put the point beyond argument, and the Court says plainly that it does not fault Plaintiff for filing them. He filed them because this Court asked him to. They are candid, specific, and responsive.

They establish that the two institutions prepared to roster Mr. Avila are Saint Louis University and the University of Mississippi. (Avila Decl. ¶¶ 19-21; Lloyd Supp. Decl. ¶¶ 11-14.) The compensation he stands to lose—more than one million dollars from the former, more than two million from the latter—would be paid in Missouri or in Mississippi, respectively. (Avila Decl. ¶¶ 20-21.) The graduate

programs he would hypothetically enroll in are at those institutions. (Avila Decl. ¶ 23.) The enrollment deadline that makes this matter urgent is Ole Miss's. (Lloyd Supp. Decl. ¶ 16.) "Other schools have expressed similar interest," but none is named, and none is alleged to be in Illinois. (Avila Decl. ¶ 22.)

The Complaint had alleged that the NCAA's rule barred Mr. Avila "from competing at Division I institutions, including potential Illinois institutions." (Compl. ¶ 21.) The evidence now identifies the institutions, and none of them is in this State. A plaintiff's stated willingness to consider an Illinois school, unsupported by any Illinois school, is not a contact of the defendant with Illinois. It is a contact of the plaintiff with his own preferences.

The record on this question has changed three times. The changes are worth setting out in order, because the answer has never once pointed to Illinois.

At the first stage, on August 12, 2026, there was no school at all. The Complaint, the Motion, and the Memorandum named no institution at which Mr. Avila was enrolled, none to which he had applied, and none that had offered him a roster spot or a dollar. That absence is part of the reason why the temporary restraining order was denied.

At the second stage, on August 20, 2026, there were two schools. The supplemental declarations named Saint Louis University and the University of Mississippi as programs prepared to roster Mr. Avila if an injunction issued, and attached a figure to each. (Avila Decl. ¶¶ 19-21; Lloyd Supp. Decl. ¶¶ 11-14.) He

remained enrolled nowhere, and stated that any enrollment was “necessarily dependent upon” his eligibility. (Avila Decl. ¶ 25.)

At the third stage, disclosed on August 31, 2026, there is an actual enrollment. Mr. Avila enrolled at Saint Louis University on August 27, 2026. (Avila Supp. Decl. ¶ 3.) He is a student there now.

The Court records the sequence without criticism. The second and third stages exist because this Court asked for them, and Plaintiff answered. But the jurisdictional significance is identical at every stage. When the record contained no school, it contained no Illinois school. When it contained two, they were in Missouri and Mississippi. Now that it contains an enrollment, the enrollment is in Missouri. Three times the facts have moved, and each time they have moved further from this forum rather than nearer to it. The enrollment makes no difference to the question this Court must decide—not because it is unimportant, but because there is nothing about it that is Illinois.

The Court observes the resulting shape of this controversy without satisfaction. A resident of Cook County asks an Illinois court to order an Indianapolis association to permit him to play basketball in Missouri or Mississippi under a rule adopted by a national body voting from States across the Union. Illinois is where the plaintiff sleeps. It is not where anything else in this case happened.

5. *Ford Does Not Supply the Missing Connection*

Plaintiff's principal answer is *Ford*. He is right that *Ford* rejected a requirement of strict causation, right that the "relate to" half of the standard does independent work, and right that Illinois describes the requirement as a lenient one. *Ford*, 592 U.S. at 362; *Russell*, 2013 IL 113909, ¶ 83.

But *Ford* said in the same breath that the phrase "incorporates real limits, as it must to adequately protect defendants foreign to a forum," and that a relaxed causal requirement "does not mean anything goes." *Ford*, 592 U.S. at 362. What supplied the connection in *Ford* was the character of the defendant's forum conduct. *Ford* had "systematically served a market in Montana and Minnesota for the very vehicles that the plaintiffs allege malfunctioned and injured them in those States"; it advertised those models there, sold them there, serviced them there, and cultivated a resale market and a parts supply for them there. *Id.* at 355, 365. The plaintiffs were forum residents injured in the forum by the very product the defendant had worked to put on forum roads. That is why the Court found "a strong 'relationship among the defendant, the forum, and the litigation.'" *Id.* at 365 (*citing Helicopteros*, 466 U.S. at 414).

Nothing of that kind is present here. The NCAA cultivated no Illinois market for the June 2026 legislation. It did not sell that legislation, advertise it, or service it, in Illinois or anywhere else. It adopted a rule of general application through a national body, and the rule fell upon the high school class of 2022 in every State at the same moment. Mr. Avila was not injured by an NCAA activity directed into

Illinois. He was injured by a national rule while he happened to be living here. *Ford* addressed how closely forum conduct must be tied to forum injury. It did not dispense with the requirement of forum conduct.

Read as Plaintiff reads it, *Ford* would dissolve the very distinction *Ford* took care to preserve. A rule of nationwide application reaches every State. If reaching a State were enough to relate a claim to it, then every athlete touched by the June 2026 legislation could sue the NCAA at home, in all fifty States, and specific jurisdiction would have become the general jurisdiction *Daimler* confined. *Bristol-Myers* names that result and rejects it: an approach under which extensive forum activity relaxes the required connection “resembles a loose and spurious form of general jurisdiction.” 582 U.S. at 264.

6. *The Two Colorado Orders: Keanaaina and Wisne*

Plaintiff's most substantial argument is that this Court's reliance on *Keanaaina* is misplaced, because the same court reached the opposite conclusion, as to the same rule, in *Wisne*. The argument deserves a direct answer, and the Court gives one.

Three preliminary observations. First, neither order binds this Court. Both are orders of the United States District Court for the District of Colorado applying Colorado's long-arm statute; they are persuasive authority and nothing more, and this Court has cited *Keanaaina* for its reasoning rather than for its authority. Second, the *Wisne* order is not in this record. Plaintiff quotes two sentences of it, and the Court has the quotation and the docket number. (Pl.'s Combined Resp. &

Reply at 2 (quoting *Wisne v. NCAA*, No. 1:26-cv-03063-CNS-KAS (D. Colo. July 31, 2026), Dkt. No. 38, at 10).) Third, the injunction entered in *Wisne* has been stayed. (No. 26-1309, Dkt. No. 28 (10th Cir. Aug. 21, 2026).)

On the substance, the passage Plaintiff quotes rests on two facts: that the plaintiff lived in Colorado, and that the challenged rule “has, and will, reach colleges and universities nationwide, including colleges and universities in Colorado.” Taking that reasoning as Plaintiff presents it, this Court respectfully cannot adopt it. The first fact is the plaintiff’s own contact, and *Walden* holds that “the plaintiff cannot be the only link between the defendant and the forum.” 571 U.S. at 285. The second fact is true of every State in the Union. A rationale that a nationwide rule reaches the forum, and therefore relates to the forum, is a rationale available in Alaska and in Florida and in each of the forty-eight States between. It does not identify a connection between *this* forum and *this* controversy. It identifies the absence of any forum that is not connected.

There is also a difference between the two cases that the reply does not address. *Wisne* is a certified class action under Federal Rule of Civil Procedure 23(b)(2) brought on behalf of athletes nationwide, and such a class necessarily includes athletes enrolled at Colorado institutions. This case is one man’s suit, and this record identifies no Illinois institution connected to him in any way. Whatever the reach of a nationwide class claim, it does not follow that a single athlete may sue wherever he happens to live.

The Court does not rest on that distinction, and it will not pretend the two orders sit comfortably together. Judges have divided on whether the NCAA may be sued in an athlete's home State over a rule adopted nationally, and the division is not frivolous on either side. This Court's conclusion is the one it understands *Walden* and *Bristol-Myers* to require, on the record made here.

One consequence of Plaintiff's own argument deserves mention, because it cuts in favor of the disposition entered today rather than against it. Plaintiff tells this Court that a federal court in Colorado has held that it possesses specific jurisdiction over the NCAA on claims challenging this very exclusion. If that is so, a forum stands open to him, and this Court neither blesses nor forecloses it. The dismissal entered today is without prejudice for precisely that reason.

7. *Kromah and the Out-of-State Orders*

Plaintiff attaches a transcript of an oral ruling from the Chancery Division of the New Jersey Superior Court in *Kromah*, in which that court found the NCAA subject to jurisdiction because it is "actively involved in the State of New Jersey," because there are "[l]arge NCAA schools in the state of New Jersey," because "millions of dollars of NCAA money" are there, and because the NCAA "enforces its rules against not only the student athletes, but the institutions in the State of New Jersey." (Pl.'s Combined Resp. & Reply, Ex. 7 at 108.)

The Court has read the passage, and it is entitled to respect. But it is an oral ruling of a trial court of another State, applying that State's long-arm statute, on a record this Court has not seen. And the reasoning quoted is a catalogue of the

defendant's forum activity—schools, money, enforcement—without a link between that activity and the individual plaintiff's claim. Under the Fourteenth Amendment that is the reasoning *Bristol-Myers* rejected: forum contacts unrelated to the claim will not support specific jurisdiction no matter how extensive they may be. 582 U.S. at 264. If the same contacts are offered instead to show that the NCAA is at home in the forum, *Daimler* and *Aspen* foreclose the argument.

The remaining orders Plaintiff attaches—from Louisiana, New York, Oklahoma, California, Tennessee, and Arkansas—are temporary restraining orders and an order denying a stay. None is shown to have addressed personal jurisdiction, and Plaintiff does not contend otherwise. That six courts have granted relief on the merits is a fact about the merits. It says nothing about whether this Court has the power to reach them.

8. *Enforcement Through Illinois Member Institutions*

Plaintiff's remaining argument is his strongest, and the Court treats it as such. He says that the NCAA enforces the challenged rule through its member institutions; that Bylaw 12.9.1 obliges those institutions to withhold ineligible athletes; that the Rule of Restitution and the Ghost Transfer penalty give that obligation teeth; that thirty-eight of those institutions are in Illinois; and that the NCAA cannot use Illinois schools as the instruments of its authority and then deny a connection to Illinois.

Stated at that level of generality, the argument has real force. It fails here for a narrow and factual reason: on this record the NCAA has not enforced anything through any Illinois institution as to Mr. Avila.

No Illinois member institution has offered Mr. Avila a roster spot. None has sought to roster him. None has been directed to withhold him, threatened with the Rule of Restitution on his account, or made the subject of any communication from the NCAA about him. Bylaw 12.9.1 obliges an institution to withhold an ineligible athlete from competition, and there is no Illinois institution as to which that obligation has been triggered, because there is no Illinois institution that has him rostered or enrolled. An instrumentality theory requires an instrument. Plaintiff has identified two, and they are in Missouri and Mississippi.

Besides, the argument carries the same defect as the others. If a nationwide rule enforced through member institutions created specific jurisdiction wherever a member institution sits, the NCAA could be sued over its eligibility rules in all fifty States by any athlete residing in any of them. That is general jurisdiction wearing a different label, and *Bristol-Myers* forbids it. 582 U.S. at 264.

Carsello illustrates the difference, and the Court cites it for that purpose alone. Jackson Carsello resided in Evanston, Illinois. He had been a student at Northwestern University, an Illinois member institution, and the starting center on its football team. And he sought an order permitting him to return to Northwestern to compete. *Carsello v. NCAA*, No. 2026 CH 04037 (Cir. Ct. Cook County July 1, 2026) (Cohen, J.) (Pl.'s Combined Resp. & Reply, Ex. 11 at 1-2). Whatever else may

be said of that case—and this Court says nothing else about it, including nothing about whether jurisdiction was raised or decided there—its plaintiff was an Illinois athlete at an Illinois institution whose eligibility to compete in Illinois was the thing at stake. Mr. Avila is an Illinois resident, enrolled in Missouri, who asks to compete in Missouri. The distinction is not a technicality. It is the entire content of the requirement that a claim relate to the forum.

9. *What Would Have Made a Difference*

Because the Court is conscious that this ruling turns on facts rather than on any deficiency in counsel's advocacy, it states what a different record might have looked like. Specific jurisdiction would present a materially different question if the NCAA had denied Mr. Avila an individualized waiver through a process conducted with or communicated to him in Illinois; if he were enrolled at or rostered by an Illinois member institution whose participation the challenged rule forecloses; if the Rule of Restitution or the Ghost Transfer penalty had been invoked or threatened against a named Illinois institution; or if the challenged legislation singled out Illinois athletes or Illinois schools. Any one of those would supply a narrower analysis regarding an "activity or an occurrence that takes place in the forum State." *Bristol-Myers*, 582 U.S. at 262. None of those is present in the facts in this record. The Court makes no finding that any of those facts (individually or jointly) would have changed the outcome here, just that the analysis would be narrower.

10. Reasonableness Not Reached

Because minimum contacts and relatedness both fail, the Court does not reach the reasonableness factors. Reasonableness is a check on jurisdiction that otherwise exists; it cannot manufacture contacts that are absent. *Russell*, 2013 IL 113909, ¶ 87; *Wiles*, 125 Ill. 2d at 161-62.

D. Conclusion on Jurisdiction

Plaintiff has not carried his burden of making a *prima facie* showing that this Court may exercise personal jurisdiction over the NCAA, under either branch of the doctrine. To exercise it on this record would “offend traditional notions of fair play and substantial justice,” *International Shoe*, 326 U.S. at 316, deny the NCAA due process of law, *Aspen*, 2017 IL 121281, ¶ 20, and thereby violate the Fourteenth Amendment to the United States Constitution, *Pennoyer*, 95 U.S. at 733. That is not something this Court is able or willing to do. The objection under Section 2-301 is SUSTAINED.

VI. WHAT THE COURT DOES NOT DECIDE

The Court’s authority is now exhausted, and it is important to be precise about what that means.

The Section 2-619(a)(3) and (a)(9) motion is not reached. The NCAA argues that this action should be dismissed because the Colorado class action seeks the same equitable relief and alternatively that Plaintiff lacks standing to sue. Those arguments may have force. The Court does not evaluate them, and nothing in this Opinion should be read as a view on the pendency, scope, or effect of *Wisne v.*

NCAA, on whether Mr. Avila is a member of the class certified there, or on whether Mr. Avila has standing in this forum or any other to bring his claims.

Plaintiff's reply argues that the standing objection has been "factually mooted" by his enrollment at Saint Louis University. The NCAA's sur-response argues the contrary: that Mr. Avila swore on August 20, 2026, that his enrollment was "necessarily dependent upon" his eligibility, that his counsel repeated that representation in open court on August 21, and that he may not now convert a voluntary enrollment into the basis for the relief he seeks. It invokes *Finley v. Kesling*, 105 Ill. App. 3d 1, 9 (1st Dist. 1982), and *Department of Transportation v. Coe*, 112 Ill. App. 3d 506, 507 (4th Dist. 1983).

The Court does not reach the dispute. It is directed at standing and at the equities of an injunction, and this Court has power to decide neither. The Court notes only, and for completeness, that the disagreement would not change the jurisdictional result whichever way it came out. Credited, the enrollment places Mr. Avila at a Missouri institution. Disregarded, the record returns to its August 20 condition, in which the only institutions identified were in Missouri and in Mississippi. Neither version of the record contains an Illinois contact, and the objection under Section 2-301 would be sustained on either one.

The reply also directs the Court to *Carsello v. NCAA*, No. 2026 CH 04037 (Cir. Ct. Cook County July 1, 2026), a decision of another judge of this Division, and observes that the NCAA did not cite it. The Court has read *Carsello* and has referred to it above for a single jurisdictional purpose. It expresses no view on

whether *Carsello* was correctly decided, on whether it governs any question in this case, or on the suggestion that it should have been cited. A court that lacks power over a party ought not make findings about that party's briefing on questions it has no authority to reach.

Finally, Plaintiff has answered the eight questions this Court posed in Section V of its August 18, 2026, Order. The Court has read the answers and is grateful for them. Two of them—his enrollment, and the institutions prepared to roster him—bear on jurisdiction and are addressed above. The remainder go to the merits and to the form of relief, and the Court does not reach them.

The attack on the sufficiency of the Complaint under Section 2-615 is not reached. This matters more than the Parties may appreciate. Had the Court dismissed for failure to state a cause of action, that dismissal would have operated as an adjudication upon the merits under Rule 273 and could have barred these claims elsewhere. *Ryburn*, 349 Ill. App. 3d at 994. A court without jurisdiction over the defendant has no business creating that consequence, and this Court does not.

The merits of the preliminary injunction are not reached. The Court expresses no view on the four elements, on the status quo, on the balance of hardships, or on any question it identified in Section V of its August 18, 2026, Order. Those questions remain open for whatever court, if any, may properly answer them.

Nothing in this Opinion is a finding on the merits of any claim. Section 2-301(b) says so as a matter of law: “No determination of any issue of fact in

connection with the objection is a determination of the merits of the case or any aspect thereof.” 735 ILCS 5/2-301(b).

The Motion for a Preliminary Injunction is accordingly DENIED, and denied for one reason only: this Court lacks the power to grant it. An injunction is a command, and this Court may not command the NCAA. *Thill*, 113 Ill. 2d at 308; *World-Wide Volkswagen*, 444 U.S. at 291. The denial is jurisdictional. It is not a ruling that Mr. Avila is not entitled to an injunction, and it should not be cited as one.

VII. THE PRIOR ORDERS ARE VACATED AS VOID

If this Court never had power over the NCAA, it never had power to enter orders binding the NCAA. “It is essential to the validity of a judgment that the court have both jurisdiction of the subject matter of the litigation and jurisdiction over the parties.” *Thill*, 113 Ill. 2d at 308. “A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere.” *World-Wide Volkswagen*, 444 U.S. at 291. Stated affirmatively for present purposes: “until [a] court has personal jurisdiction over a party, it has no power to act with respect to that party.” *Ryburn*, 349 Ill. App. 3d at 993.

Two orders in this case commanded the NCAA to do things. The Memorandum Opinion and Order of August 18, 2026, struck its tendered filings, set a hearing at which it was required to appear, and directed the course of the litigation. The Agreed Order of August 21, 2026, directed it to file a combined response and renewed motion by a date certain, capped the length of that filing,

required it to exchange witness and exhibit lists, required it to tender courtesy copies, and required its counsel and witnesses to appear in person in Courtroom 2410 on September 3, 2026. Those are commands. This Court had no authority to issue them.

Both Orders are VACATED as void. Four qualifications keep the vacatur from doing more work than it should.

First, the vacatur does not unsettle this Court's authority to have decided the jurisdictional question itself. Every court possesses the power to determine whether it has power; that determination is not an exercise of jurisdiction over the defendant but a precondition to it. Section 2-301(b) commands this Court to "enter an appropriate order sustaining or overruling the objection," and it could not obey that command without a procedure for receiving the objection. The vacatur therefore does not disturb the fact that the Section 2-301 question was presented, briefed, and decided, nor does it disturb this Opinion.

Second, the vacatur creates no exposure under NCAA Bylaw 12.9.4.2. The Rule of Restitution, by the account in the Complaint, permits the Association to penalize an institution that fields an ineligible athlete "under a court order later vacated, stayed, or reversed." (Compl. ¶¶ 57-58.) No order in this case ever declared Mr. Avila eligible, enjoined the NCAA, or permitted any institution to roster him. There is nothing to restore, because nothing was ever taken. No institution acted in reliance on anything this Court did, and the Court states so expressly so that the point is not left to inference.

Third, the vacatur does not extend to the Orders of September 1 and September 2, 2026, and the Court says so expressly. The first permitted the NCAA, at its option, to answer new matter. The second struck an evidentiary hearing and retained argument on the objection itself. Neither commanded the NCAA to do anything touching the merits of this controversy. Each did nothing but structure this Court's determination of whether it had power at all, and a direction to appear and be heard on the question of jurisdiction is an incident of deciding that question rather than an exercise of jurisdiction over the defendant. For the reason given above—that every court possesses the authority to determine its own authority—those two Orders are not void, and they stand.

Fourth, the vacatur is not a criticism of anyone, least of all of counsel who negotiated the August 21, 2026, Agreed Order in good faith and under real time pressure. The NCAA preserved its objection in that Order and has now prevailed on it. The consequence follows from the jurisdictional holding, not from anyone's conduct.

VIII. THE FORM OF THE DISMISSAL

Illinois has no analogue to 28 U.S.C. § 1631, which permits a federal court lacking jurisdiction to transfer an action to a court where it could have been brought. *Cf. Keanaaina*, 2026 U.S. Dist. LEXIS 98145, at *13 n.6 (declining a *sua sponte* transfer analysis and observing that a plaintiff who refiles “may select the forum that he believes is jurisdictionally proper”). The choice of forum belongs to Mr. Avila. This Court neither selects it nor forecloses any of them.

The dismissal is therefore entered in two parts, and the Court explains both.

This matter is DISMISSED WITH PREJUDICE as to this forum. This action is over in the Circuit Court of Cook County. The defect is not one an amended complaint could cure, because no pleading can manufacture contacts a defendant does not have. The Order disposes of the entire proceeding as against the sole defendant, fixes the Parties' rights as to this Court, and is final and appealable.

This matter is DISMISSED WITHOUT PREJUDICE to the assertion of the same claims in any forum that may constitutionally exercise personal jurisdiction over the NCAA. That is not a courtesy; it is what the law provides. Illinois Supreme Court Rule 273 states that "[u]nless the order of dismissal or a statute of this State otherwise specifies, an involuntary dismissal of an action, *other than a dismissal for lack of jurisdiction*, for improper venue, or for failure to join an indispensable party, operates as an adjudication upon the merits." (emphasis added). A dismissal for want of personal jurisdiction falls outside that default and carries no preclusive effect on the merits. *Ryburn*, 349 Ill. App. 3d at 994. Section 2-301(b) is to the same effect. Because Rule 273 permits an order of dismissal to "otherwise specif[y]," this Order says so expressly, so that no court that may be asked to hear these claims hereafter need speculate about what this one decided.²

² The Court notes, without deciding anything, the practical consequence of the sequence it is required to follow. Had it reached and granted the Section 2-615 branch of the motion, Rule 273 would have made that dismissal an adjudication upon the merits, and Mr. Avila might have carried that judgment with him to every other forum. The rule requiring courts to take jurisdiction first exists to prevent exactly that. *Ryburn*, 349 Ill. App. 3d at 994.

IX. THE SEPTEMBER 3, 2026, PROCEEDINGS

The Agreed Order of August 21, 2026, set an evidentiary hearing on the preliminary injunction for Thursday, September 3, 2026, and provided that the Court would hear argument on the Motion to Dismiss at its outset. Two later Orders altered that setting, and the Court explains both.

On September 1, 2026, the Court entered an Order permitting the NCAA, at its option, to file a combined reply in support of its Motion to Dismiss and sur-response in opposition to the preliminary injunction. The reason was fairness rather than indulgence. Plaintiff's August 31 filing attached new matter—a Supplemental Declaration disclosing an enrollment that had occurred four days earlier, and a Declaration of a head coach who had not previously appeared in the record—and the NCAA had not had an opportunity to address any of it. That Order provided that the September 3 setting stood.

On September 2, 2026, the Court entered an Order *sua sponte* striking the evidentiary hearing on the preliminary injunction and retaining argument on the Motion to Dismiss limited to the issue of personal jurisdiction. Three reasons supported that course, and each has been borne out.

The first is the sequence this Opinion has already described. A court presented with a combined motion must decide the jurisdictional objection before it does anything else, and until it does, it has no power to enter the injunction the evidentiary hearing would have supported. *Ryburn*, 349 Ill. App. 3d at 993-94; *Thill*,

113 Ill. 2d at 308. An evidentiary hearing conducted before that question is answered is a hearing that may turn out to have been conducted without authority.

The second is cost. An evidentiary hearing would have compelled witnesses to travel and counsel to prepare, and a head coach to leave his team in the second week of practice, all to develop a record upon which no order could rest if the objection were sustained. Those witnesses has agreed to come. (Lloyd Supp. Decl. ¶ 13; Schertz Decl. ¶ 2.) The Court is grateful for that willingness and declined to spend it prematurely.

The third is that the urgency which had compressed this schedule had dissolved. The September 3 date was set because Mr. Avila's agent had stated that he must be enrolled by September 4, 2026, to be academically eligible at Ole Miss. (Lloyd Supp. Decl. ¶ 16.) The August 27 enrollment at Saint Louis University mooted that deadline. Whatever else the enrollment did, it removed the reason this Court had been proceeding at the pace it was.

What the Court did not do was dispense with argument. Oral argument in a bench proceeding "is a privilege, not a right, and is accorded to the parties by the court in its discretion." *Parkway Bank & Trust Co. v. Meseljevic*, 406 Ill. App. 3d 435, 441 (1st Dist. 2010). The Court exercised that discretion in favor of hearing counsel. The objection, if sustained, ends this case in this forum; a question of that consequence ought not to be resolved on the papers alone when the Parties are available and the date is already set.

The Court accordingly heard argument on September 3, 2026, at noon, in Courtroom 2410 of the Richard J. Daley Center, with counsel for both Parties present in person. The argument was confined to personal jurisdiction, as the September 2 Order directed. The Court has considered it along with the briefs.

Nothing further remains to be heard. Because the objection is sustained, the contingency described in paragraph 3 of the September 2, 2026, Order—the setting of a new evidentiary hearing date in the event the objection were overruled—does not arise, and that paragraph is moot. Insofar as any subpoenas were issued to compel witnesses to testify, or individuals to produce documents or other evidence, at the stricken evidentiary hearing, any and all such subpoenas are QUASHED for want of jurisdiction.

X. CONCLUSION

In August, this Court wrote that Mr. Avila had asked it to order him onto a court it could not locate. He has now located it. There are two, in fact: one in St. Louis and one in Oxford, Mississippi. And he has since enrolled at the first of them. (Avila Supp. Decl. ¶ 3.)

That answer was meant to save this case, and in a different courthouse it may yet (the Court expresses no view on whether that fact makes a temporary restraining order or preliminary injunction more or less likely in another forum). Here it does the opposite, because the question this Court must ask first is not whether Mr. Avila should play but whether this Court has any authority over the association that says he may not. The answer is no. The rule was made in a national

process directed from Indianapolis. The potential season at stake would be played in Missouri. The money would be paid there. The only piece of this dispute located in Illinois is Mr. Avila himself—and a plaintiff cannot be the only link between a defendant and a forum.

This is not a ruling that Mr. Avila loses. It is a ruling that he cannot win here—that this Court is not the referee, whatever it may think of the call. Courts in other States have heard these claims and several have granted relief. Plaintiff reports six more such orders entered since this Court denied a temporary restraining order, in Louisiana, New York, Oklahoma, California, Tennessee, and Arkansas. A federal court in Colorado, by Mr. Avila's own account, may already have entered an injunction that covers him, although that injunction has since been stayed. Those courts may or may not be right. This Court has no occasion to say, and no authority to add to the tally.

The clock Mr. Avila is running is real, and it is short. He is enrolled, the season is upon him, and every day this Court holds a case it cannot decide is a day he cannot spend in some other forum that might be able to. The Court has ruled as promptly as full briefing and argument allowed. The days remaining are his. The Court hopes he spends them well.

For the foregoing reasons, the NCAA's objection to personal jurisdiction under 735 ILCS 5/2-301 is SUSTAINED and this action is DISMISSED.

THEREFORE, FOR THE AFOREMENTIONED REASONS THE COURT HEREBY ORDERS AS FOLLOWS:

- (1) Defendant's Motion to Dismiss pursuant to 735 ILCS 5/2-301 is GRANTED. Defendant's objection to this Court's jurisdiction over its person is SUSTAINED.
- (2) This action is DISMISSED in its entirety for want of personal jurisdiction over Defendant. The dismissal is WITH PREJUDICE as to this forum and WITHOUT PREJUDICE to the assertion of the same claims in any forum that may constitutionally exercise personal jurisdiction over Defendant.
- (3) This Order is NOT an adjudication upon the merits within the meaning of Illinois Supreme Court Rule 273, and no determination of fact made in connection with the objection is a determination of the merits of this case or any aspect thereof. 735 ILCS 5/2-301(b). This Order SHALL NOT be given preclusive effect as to the merits of any claim in any forum.
- (4) Plaintiff's Motion for a Preliminary Injunction is DENIED for want of jurisdiction to grant the relief requested. The denial is jurisdictional only, and the Court expresses no view on any element of the requested relief.
- (5) The Court does NOT REACH, and expresses no view upon, Defendant's motion under 735 ILCS 5/2-619(a)(3) or (a)(9), Defendant's challenge to the legal sufficiency of the Complaint under 735 ILCS 5/2-615, or the merits of any claim or defense.
- (6) The Court's Memorandum Opinion and Order of August 18, 2026, and the Agreed Order of August 21, 2026, are VACATED as void for want of personal jurisdiction over Defendant. This paragraph does not disturb the Court's authority to determine its own jurisdiction or this Memorandum Opinion and Order. The Orders of September 1, 2026, and September 2, 2026, are NOT vacated and STAND, each having done nothing more than structure this Court's determination of its own authority. For the avoidance of doubt, no order entered in this action at any time declared Plaintiff eligible for competition, enjoined Defendant, or authorized any institution to roster Plaintiff.
- (7) The September 3, 2026, evidentiary hearing on Plaintiff's request for a preliminary injunction having been STRICKEN by this Court's Order of September 2, 2026, and argument on Defendant's Motion to Dismiss limited to the issue of personal jurisdiction having been HEARD on September 3, 2026, no further hearing is required or will be set. Paragraph 3 of the September 2, 2026, Order, which contemplated the setting of a new

evidentiary hearing date in the event the objection to personal jurisdiction were overruled, is MOOT.

- (8) Insofar as any subpoenas were issued to compel witnesses to testify or for individuals to produce any documents or other evidence at the stricken September 3, 2026, evidentiary hearing or continued to a future evidentiary hearing, any and all such subpoenas are QUASHED for want of jurisdiction. All witnesses and court reporters are EXCUSED.
- (9) The initial case management conference previously set for October 13, 2026, is STRICKEN.
- (10) All other pending dates and deadlines in this matter are STRICKEN and all other pending motions are DENIED AS MOOT.
- (11) The question of security under 735 ILCS 5/11-103 is MOOT.
- (12) The Clerk's Office is directed to mark this case as DISPOSED.
- (13) This is a FINAL and APPEALABLE Order.

IT IS SO ORDERED.

Date: September 3, 2026

ENTERED:



Honorable William B. Sullivan
Cook County Circuit Judge

ORDER PREPARED BY THE COURT
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