

CLIENT ALERT

Spurned St. Louis Rams Fans Sue L.A.-Bound Team for Deceptive Marketing

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Four St. Louis Rams fans filed a putative class action complaint against the Rams after the NFL approved the team's relocation to Los Angeles. The fans allege that owner Stan Kroenke and others misled Missouri fans who bought tickets, merchandise, and concessions under the (mistaken) impression that the Rams' future was in St. Louis. Under the Missouri Merchandising Practices Act (MPA) –the basis for the plaintiffs' suit – it is unlawful for a person to use "any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact" in connection with the sale of merchandise in Missouri.

How exactly did Kroenke and Co. violate the MPA? The plaintiffs cite a series of press statements from the team wherein Kroenke and others promised that "[their] entire focus is on building a winner in and for St. Louis" and expressed expectations that the Rams' future "will be right here in St. Louis." According to plaintiffs, "[i]n marketing and selling [] tickets and merchandise and concessions to [plaintiffs], Defendants engaged in deception in that they conveyed information ... regarding the future location of the Rams that had the tendency or capacity to mislead [and] created a false impression regarding the future location of the Rams." The plaintiffs claim that, but for the Rams' misrepresentations, they would not have purchased (or spent as much money on) tickets and merchandise. The aggrieved fans seek, in addition to attorneys' fees and costs, damages in the amount they paid for subject tickets and merchandise.

Whether the lawsuit will gain steam as the Rams prepare for their return to Los Angeles in fall 2016 remains to be seen. If so, the San Diego Chargers and Oakland Raiders may want to consider the implications of consumer protection statutes on their marketing activities before they try to follow the Rams to L.A.

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