

October 6, 2006

**STATEMENT OF ATTORNEY GENERAL WAYNE STENEHJEM
- UND lawsuit against NCAA filed today -**

Earlier this summer the ND Board of Higher Education voted unanimously to authorize a lawsuit against the National Collegiate Athletic Association (NCAA) for its improper attempted enactment of a policy that prohibits the University of North Dakota (UND) from continuing the long standing use of the "Fighting Sioux" nickname.

This morning that lawsuit was filed in the Grand Forks County District Court (case 06-C-1333), on grounds of breach of contract, breach of the covenant of good faith and fair dealing that is inherent in every contract, and unlawful restraint of trade.

It is our position that the NCAA, through its Executive Committee has applied the Native American imagery policy, and exceptions to it, in an arbitrary and capricious manner. The NCAA is a monopoly. Any institution that wants to compete in collegiate athletics has no real choice but to join. The NCAA's action in imposing this rule, with the resulting sanctions, places UND in an impossible economic predicament, in violation of the state's anti-trust law.

The state will seek:

1. A determination that the policy violates the law;
2. First, a preliminary, and then a permanent injunction against the application of the policy; and
3. Money damages, including costs and attorney fees.

The Defendant (NCAA) will be served today.

Court Documents:

###

[Complaint](#)

[Motion-Preliminary Injunction](#)

[Memorandum Prelim Injunction](#)

[Notice of Motion](#)

[Summons](#)