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18 *Poulter, Peter Uihlein, and LIV Golf Inc.*

19 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
20 SAN JOSE DIVISION

21 PHIL MICKELSON, TALOR GOOCH,  
HUDSON SWAFFORD, MATT JONES,  
22 BRYSON DECHAMBEAU, IAN POULTER,  
PETER UIHLEIN, and LIV GOLF INC.

23 Plaintiffs,

24 v.

25 PGA TOUR, INC.,

26 Defendant.  
27  
28

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CASE NO. 5:22-cv-04486-BLF  
**AMENDED COMPLAINT**  
**JURY TRIAL DEMANDED**

1 With knowledge as to their own conduct and on information and belief as to all other matters,  
2 Plaintiffs Phil Mickelson, Talor Gooch, Hudson Swafford, Matt Jones, Bryson DeChambeau, Ian  
3 Poulter, Peter Uihlein, and LIV Golf Inc. (“LIV Golf”) (collectively, “Plaintiffs”) allege:

#### 4 INTRODUCTION

5 1. The PGA Tour, Inc. (sometimes “the Tour”) began when Jack Nicklaus, Arnold Palmer,  
6 and other elite golfers in the 1960s determined the PGA of America was not compensating them their  
7 market value; they split off the Players Tournament Division and formed the Tour, a tax-exempt entity  
8 organized ostensibly to “promote the common interests of professional tournament golfers.” From that  
9 seemingly laudable origin, the Tour has evolved into an entrenched monopolist with a vice-grip on  
10 professional golf. As the Tour’s monopoly power has grown, it has employed its dominance to craft  
11 an arsenal of anticompetitive restraints to protect its long-standing monopoly. Now, threatened by the  
12 entry of LIV Golf, and opposed to its founding mission, the Tour has ventured to harm the careers and  
13 livelihoods of any golfers, including Plaintiffs Phil Mickelson, Talor Gooch, Hudson Swafford, Matt  
14 Jones, Bryson DeChambeau, Ian Poulter, and Peter Uihlein (“Player Plaintiffs”), who have the temerity  
15 to defy the Tour and play in tournaments sponsored by the new entrant. The Tour has done so to crush  
16 nascent competition before it threatens the Tour’s monopoly.

17 2. Before LIV Golf’s entry, golfers who sold their services in the elite professional golf  
18 services market had no meaningful option but to play on the Tour if they wanted to pursue their  
19 profession at the highest levels. This provided the Tour with enormous power over the players,  
20 including the ability to force players into restrictive terms that foreclose them from playing in  
21 competing events and the ability to suppress player compensation below competitive levels. Members  
22 of the Tour receive a lower percentage of the Tour’s revenues than professional athletes in other major  
23 sports, even though the Tour is a tax-exempt non-profit corporation and other major sports leagues are  
24 for-profit enterprises. This control has also given the Tour the power to impose restrictions on  
25 players—who are independent contractors but are denied independence by the Tour—that make it risky  
26 and costly for players to affiliate with another promoter and prohibitively difficult for any would-be  
27 entrant to challenge the Tour’s monopoly. And, in its response to LIV Golf’s competitive challenge,  
28 the Tour has exercised this power by punishing the players to choke off the supply of elite professional

1 golfers—an essential input to LIV Golf’s competitive challenge—and cement its dominance over the  
2 sport. The Tour’s monopoly power has also allowed it to weaken golf itself, by its failure to innovate  
3 and broaden the game’s appeal and bring the game into the 21st century.

4 3. As part of its orchestrated plan to defeat competition, the Tour has threatened lifetime  
5 bans on players who play in even a single LIV Golf event. It has backed up these threats by imposing  
6 unprecedented suspensions on players (including the Player Plaintiffs) that threaten irreparable harm  
7 to the players and their ability to pursue their profession. It has threatened sponsors, vendors,  
8 broadcasters, and agents to coerce players to abandon opportunities to play in LIV Golf events. And it  
9 has orchestrated a group boycott with the European Tour,<sup>1</sup> which is unlawful under either the *per se*  
10 rule or the Rule of Reason, to amplify the Tour’s anticompetitive attacks and foreclose LIV Golf from  
11 having access to players. The PGA Tour also has leaned on other entities in the so-called golf  
12 “ecosystem,” including certain entities that put on golf’s “Majors,” to do its bidding in its effort to  
13 maximize the threats and harm to any golfer who defies the Tour’s monopsonistic requirements and  
14 plays in LIV Golf events.

15 4. The Tour’s unlawful strategy has been both harmful to the players and harmful to LIV  
16 Golf in threatening its otherwise-promising launch. For example, the Tour’s conduct caused LIV Golf  
17 to cancel its 2022 business plan to launch its full competing League. LIV Golf was not deterred,  
18 however, and it changed its 2022 strategy and launched a smaller version of its concept—the LIV Golf  
19 Invitational Series—with no League, no franchises, no broadcast deal, fewer elite players, and fewer  
20 tournaments. Some players (including Player Plaintiffs) were interested nonetheless. So, in response,  
21 the Tour ratcheted up its strategy and doubled-down on its efforts to punish Plaintiffs and to protect its  
22 monopoly. The Tour (1) enforced its unlawful player restrictions that deny players (including Player  
23 Plaintiffs) the ability to sell their services to others, (2) imposed lengthy suspensions on players for  
24 exercising their right as independent contractors to play in a competing promoter’s events, and (3)

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<sup>1</sup> The European Tour recently changed its name to DP World Tour, but, because it was called  
European Tour for most of the time period relevant to this case and in most of the relevant  
documents, it is referred to herein as the European Tour for consistency and clarity.

1 ramped up its threats targeting Player Plaintiffs and others. The Tour has likewise threatened and  
2 blacklisted numerous other third parties with whom LIV Golf has sought to contract, in its effort to  
3 defeat LIV Golf's entry and entrench its monopoly.

4 5. The Tour's conduct serves no purpose other than to cause harm to players and LIV Golf,  
5 and foreclose the entry of the most meaningful competitive threat the Tour has ever faced. Banning  
6 Player Plaintiffs and other top professional golfers from its own events degrades the Tour's strength of  
7 field and diminishes the quality of the product that it offers to golf fans by depriving them from seeing  
8 many top golfers participate in Tour events. The only conceivable benefit to the Tour from degrading  
9 its own product in this manner is the destruction of competition. Indeed, the Tour has conceded its  
10 anticompetitive purpose in attacking and injuring the players. When the Tour adjusted its rules to  
11 render them more effective in defeating competitive entry, a memorandum authored by PGA Tour  
12 Commissioner Jay Monahan made clear that the rule change was expressly designed to enable the Tour  
13 to foreclose competition. And when the Tour imposed unprecedented punishments on the players for  
14 playing in LIV Golf events, the Tour explained to the players that it was doing so precisely because  
15 LIV Golf is attempting to compete with the Tour.

16 6. Player Plaintiffs have devoted the bulk of their professional careers to growing the PGA  
17 Tour. Yet the Tour has repaid them of late with suspensions, punishments, threats, and disparagement  
18 for merely playing professional golf for another promoter and embracing competition for their services.  
19 The Tour has denied them income-earning opportunities, attacked their goodwill and reputation,  
20 interfered with their businesses, attacked their business partners, threatened them with multiple  
21 punishments—including threats to deny them from participating in golf's marquee events, even when  
22 they have earned placement or exemptions to participate in those tournaments—and unlawfully  
23 prevented them from exercising their independent contractor rights. And, at every step, the Tour has  
24 repeatedly admitted that it has done this to destroy nascent competition.

25 7. The Tour long stood alone as the only tour anywhere in the world that features the best  
26 golfers in the world. The PGA Tour Commissioner Jay Monahan boasted on June 22, 2022 that the  
27 "Tour is doing everything it possibly can . . . [to] mak[e] certain that the best players in the world are  
28 competing on the best Tour in the world, the PGA Tour." The Tour has ensured that remains the case

1 through its anticompetitive PGA Tour Player Regulations. First, the Tour’s Conflicting Events  
2 Regulation prohibits its members from participating “in any other golf tournament or event” in North  
3 America, without exception, if a Tour-sanctioned event is scheduled in the same week, regardless of  
4 whether the players would otherwise have any plans to participate in the Tour’s sanctioned event. The  
5 Tour has a sanctioned event almost every week of the year, hence the Conflicting Event Regulation  
6 effectively prohibits Tour members from playing in any non-Tour golf event in North America. The  
7 effect is both a naked restraint on competition and a reduction in output, as Tour members are  
8 foreclosed from playing anywhere else when they are not playing in Tour events. For international  
9 tours or events, a player may request up to three exemptions a year, but the Tour Commissioner has  
10 complete discretion whether to grant these exemptions, something he has refused to do for each of the  
11 LIV Golf events. The Conflicting Events Regulation thus invests the leader of the incumbent  
12 monopolist with unbridled discretion to foreclose players from participating in any competing events.  
13 And while the Tour has historically granted releases to players that allow them to compete in other  
14 events throughout the world, Tour Commissioner Monahan has taken a different stance regarding LIV  
15 Golf, denying event releases even for LIV Golf events overseas. As Commissioner Monahan admitted,  
16 he has departed from past practice in prohibiting members from participating in LIV Golf events  
17 outside North America *because* LIV Golf plans to compete with the Tour. And he has enforced the  
18 Conflicting Events Regulation to deny players permission to participate in LIV Golf events in North  
19 America *because* LIV Golf’s North American events compete with the Tour.

20 8. Second, the Tour uses its Media Rights Regulation as an additional means of foreclosing  
21 players from participating in competing events. This regulation prohibits any members from appearing  
22 in any “golf program” (“any golf contest, exhibition or play”) that takes place “*anywhere in the world*”  
23 and is shown on any media of any type. It is fundamental for any organizer of elite-level professional  
24 golf tournaments to broadcast the tournament on television and other media, yet the Tour contends no  
25 PGA Tour members may participate in any such televised non-Tour golf event anywhere in the world.  
26 This broad prohibition is no accident, as the PGA Tour specifically broadened this provision to prevent  
27 competitive entry of leagues such as LIV Golf. The provision serves no procompetitive purpose nor  
28 benefits consumers, but rather restricts output and forecloses competition, as it prevents all Tour

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