

**National Football League Players Association v.
Pro-Football, Inc., D/B/A Washington Redskins, et al.**

79 F.3d 1215 (D.C. Cir. 1996)

Authored by Iliana Nieto

The National Football League Players Association ("NFLPA") brought suit to enforce an arbitration award and enjoin the Washington Redskins from using players who had not paid either union dues or service fees required by the collective bargaining agreement. The District Court denied the relief sought, declared the arbitration award unenforceable, and held the arbitration award erroneously applied District of Columbia law where Virginia law should have governed. By the time the Court of Appeals heard the case, the last game of the 1993-94 professional football season for which NFLPA had sought the suspension of Redskin players had been played. NFLPA sought no other relief. At this time the Redskins moved to dismiss for mootness. The Court of Appeals granted this motion and held the mootness was caused by the passage of time and ordered a vacatur of the judgment of the District Court. Pro-Football filed motion for rehearing. The Court of Appeals vacated a portion of the prior original judgment of the District Court and held the mootness occurred by the voluntary act of the losing party.

Civil cases which have become moot are reversed or vacated and remanded with a direction to dismiss. A vacatur, however, is not applied where the party seeking relief from the judgment below caused the mootness by voluntary action. A party who has caused the mootness by voluntary action forfeits its legal remedy and thereby surrenders its claim to the equitable remedy of vacatur.

Under the original prayer for relief, although the concern was the ability of resisting players to participate in the last game of the season, the players who had not been paying agency dues would have been suspended until all overdue union dues or service fees had been paid. This suspension would extend into subsequent seasons if needed. Additionally, in the Court of Appeal's prior opinion, prayer for relief did not remain because NFLPA expressly abandoned any prayer for relief beyond the 1993-94 season. Therefore, the court should not have ordered the vacatur of the District Court judgment.

The Court of Appeals re-adopted and reaffirmed the original judgment as to mootness, except its ordered vacatur of the District Court judgment. The appeal of the NFLPA was dismissed, and the judgment of the District Court allowed to stand.