

# No. 15-1280

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## UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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JON JONES, GINA CARANO, FRANKIE EDGAR, MATT HAMILL, BRIAN STANN,  
ZUFFA, LLC, DBA ULTIMATE FIGHTING CHAMPIONSHIP, DANIELLE HOBEIKA,  
BETH HURRE, DONNA HURRE, STEVE KARDIAN, JOSEPH LOZITO, ERIK OWINGS,  
CHRIS REITZ, JENNIFER SANTIAGO, DON LILLY, SHANNON MILLER,  
*Plaintiffs-Appellants,*

v.

ERIC T. SCHNEIDERMAN, in his Official Capacity as Attorney General of the State  
of New York, DENNIS ROSEN, in his Official Capacity as Commissioner and  
Chairman of the New York State Liquor Authority, JEANIQUE GREENE, in her  
Official Capacity as Commissioner of the New York State Liquor Authority,  
*Defendants-Appellees.*

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On Appeal from the United States District Court for the  
Southern District of New York, No. 1:11-cv-08215

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### BRIEF FOR PLAINTIFFS-APPELLANTS

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## INTRODUCTION

Mixed martial arts (“MMA”) is a sport that combines elements of multiple martial arts, both ancient and modern. Over the past 15 years, the sport has grown enormously in popularity, while shedding the brutality that sometimes characterized its early days. It now boasts a following and a safety record that is the envy of sports such as boxing and other forms of martial arts. MMA is practiced in gyms in all 50 states, and live professional MMA matches and exhibitions are legal in all but one.

The outlier—the only state in the Union to ban live professional MMA events—is New York. To be clear, it is perfectly legal in New York to engage in the underlying conduct that constitutes MMA. Indeed, thousands of New Yorkers engage in MMA training, sparring, and fighting every day, with absolutely no oversight from the state. But if those same activities are performed or exhibited before an audience for compensation, that is a different story: New York—and New York alone—flatly prohibits professional MMA matches and exhibitions. In other words, New York has not banned some particularly dangerous conduct and in the process incidentally affected what can be exhibited before the public. Instead, New York has taken otherwise perfectly legal conduct and banned only its performance before an audience. That narrow focus on the communicative aspects of MMA is no accident. The legislature targeted “any professional match or



The balance of the brief has been eliminated for this sample. For a copy of the complete brief please call our office. Thank you.