

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)

SPORT SQUAD, INC.,

Plaintiff,

v.

USA PICKLEBALL ASSOCIATION,

Defendant.

Case No. 8:24-cv-01712-PX

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant USA Pickleball respectfully gives notice to the Court to a recent decision of the United States District for the Southern District Florida in the action styled *Greg Matus v. Sport Squad d/b/a Joola*, Case No. 0:24-cv-60954-LEIBOWITZ. In an order dated December 17, 2024, attached hereto as Exhibit 1, the district court denied Sport Squad, Inc.’s motion to dismiss the *Matus* plaintiff’s consumer fraud and unjust enrichment claims, which concern the same subject matter as this case. The district court held that the consumer’s allegations against Sport Squad, Inc., as pleaded, amounted to a “deceptive act” by Sport Squad, Inc.:

Here, Matus properly pleads a deceptive act because, taking the complaint as true, Joola marketed and sold the Subject Paddles that bore the USAP stamp of approval even though the Subject Paddles were never submitted to USAP for testing. [See Am. Compl. ¶¶ 6, 7, 12, 28, 34]. A stamp from USAP on the Subject Paddles implies to the consumer that USAP certified the paddles, even though USAP had never certified the Subject Paddles. Marketing and selling the Subject Paddles as certified when they were not certified is likely to cause injury to a consumer who seeks to purchase paddles that USAP certified. Certainly, improperly labeling a product as certified by USAP causes a consumer who wants to purchase a USAP certified paddle to purchase a paddle they otherwise would not have purchased.

Order at 8. The court granted the motion to dismiss certain other claims on procedural grounds.

Dated: December 18, 2024

By: /s/ Philip D. Bartz

BRYAN CAVE LEIGHTON PAISNER LLP

Philip D. Bartz, Bar No. 12344
1155 F St. NW
Washington, DC 20004
Phone: (202) 508-6000
Fax: (202) 508-6200
philip.bartz@bclplaw.com

Jonathan B. Potts (*pro hac vice pending*)
One Metropolitan Square
211 N. Broadway, Suite 3600
St. Louis, MO 63102
Phone: (314) 259-2000
Fax: (314) 259-2020
jonathan.potts@bclplaw.com

Attorneys for Defendant USA Pickleball Association

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of December, 2024, a copy of the foregoing was served via the Court's electronic filing system on all counsel of record.

/s/Philip D. Bartz
Philip D. Bartz