STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF PICKENS	)	
Tristan Smith, Plaintiff, v. National Collegiate Athletic Association, Defendant.	)	CIVIL ACTION NO. 2026-CP-39-00073 ORDER GRANTING TEMPORARY INJUNCTION

In the instant matter, the National Collegiate Athletic Association ("NCAA") denied Tristan Smith's legislative relief waiver for the 2026-2027 football season, counting his junior college years at Hutchinson Community College (Fall 2022 to Spring 2024) against the NCAA's Five-Year Rule. Mr. Smith asserts the NCAA's denial of his waiver is a misapplication of its Bylaws; arguing the NCAA has selectively granted eligibility waivers to other similarly situated athletes who, like Mr. Smith, competed at junior college ("JUCO") institutions before enrolling in a NCAA Division I program. Based on the NCAA's previous granting of waivers, Mr. Smith claims the NCAA's decision is unreasoned and the hallmark of capricious and arbitrary treatment.

As a result, Mr. Smith filed this action asserting several causes of action against the NCAA, primarily: 1) tortious interference with prospective business relations, and 2) breach of contract based on an implied third-party beneficiary claim; and requested this Court enter this temporary restraining order and injunction.

In South Carolina, a temporary restraining order and injunction are appropriate when: (1) the plaintiff will suffer immediate and irreparable harm absent relief; (2) the plaintiff is likely to succeed on the merits; and (3) no adequate remedy at law exists. *See County of Richland v. Simpkins, 348 S.C. 664, 560 S.E.2d 902 (Ct. App. 2002); Compton v. SC Dep't of Corr., 392 S.C.*

361, 709 S.E.2d 639 (2011). South Carolina Courts recognize that granting a request for a temporary restraining order and preliminary injunction is an extraordinary equitable remedy designed to preserve the status quo and prevent permanent harm before a final adjudication on the merits of any case. *See Scratch Golf Co. v. Dunes W. Residential Golf Props., Inc., 361 S.C. 117, 121, 603 S.E.2d 905, 907 (2004); Zabinski v. Bright Acres Assocs., 346 S.C. 580, 601, 553 S.E.2d 110, 121 (2001).* Movants are required to make a showing of urgency and a clear demonstration that the injury cannot be remedied at a later date. *See County of Richland v. Simpkins, 348 S.C.644, 560 S.E.2d 902 902 (Ct. App. 2002).* Our Courts recognize that equitable intervention is appropriate when administrative remedies are exhausted or when pursuing further administrative review would be futile. *See Robinson v. S.C. Dep't of Emp. & Workforce, 443 S.C. 63, 902 S.E. 2d 41 (2024).*

In support of Mr. Smith's claims, he directs this Court's attention to the eligibility waivers granted to Malik Benson and Diego Pavia. The NCAA granted the eligibility waiver for both individuals. Mr. Benson's case is nearly identical to the present case. Mr. Benson also attended Hutchinson Community College, and like Mr. Smith, had two JUCO years counted by the NCAA. Nevertheless, the NCAA granted Mr. Benson the waiver and he was permitted to compete for the University of Oregon. The only material distinction the Court can identify between Mr. Benson's case, and the instant matter is that Mr. Smith's final Division I season falls in 2025-26 rather than 2024-25.

Courts nationwide have recognized that the loss of a season of athletic participation is a form of irreparable harm because it destroys a time-limited opportunity that no later remedy can recreate. *See State of Ohio v. Nat'l Collegiate Athletic Ass'n*, No. 1:23-cv-00100 (N.D.W. Va. Dec. 7, 2023)(cited as the hallmark case opining on the immediacy of the harm of losing even a single game.). Courts have consistently held that the loss of a season constitutes irreparable harm

especially where NIL earnings are tied directly to participation. *Id*. In the instant case, if Mr. Smith is prohibited from participating in the upcoming football season at Clemson University, Mr. Smith would lose personal development, experience, and professional prospects. As the district court found in the most recent decision issued on June 8, 2026 in the matter of *Sorsby vs. NCAA*, DC-2026-CV-0791, the irreparable harm includes, but is not limited to, benefits from the coaching staff, trainers and being a member of a Division I college; and being able to make an informed decision as to whether to enter the 2026 NFL Supplemental Draft.

While this Court has concerns regarding Mr. Smith's likelihood of success on the merits of his claims, the standard for assessing the likelihood of success on the merits does not require the applicant to prove their case conclusively. Rather, "when seeking a preliminary injunction, the plaintiff need not prove an absolute legal right; the plaintiff need only present 'a fair question to raise as to the existence of such a right'" Levine *v. Spartanburg Regional Services Dist., Inc*., 367 S.C. 458, 626 S.E.2d 38 (2005). The determination of whether an injunction should be granted "should not be based on the merits of the underlying case except insofar as the merits may assist the trial court in determining whether a prima facie showing has been made. *Id.* Here, Mr. Smith has demonstrated to the Court's satisfaction a fair question to raise the existence of such a right under an implied third-party beneficiary contract theory.

Moreover, public interest supports fair competition and equitable treatment of college athletes. Especially those athletes who have overcome academic challenges to excel at the Division I level. There is no adequate remedy at law in this matter as Mr. Smith's loss of his final year of participating in this season cannot be remedied monetarily.

Finally, equity dictates granting Mr. Smith's request herein. *See* Robinson v. Est. of Harris, 389 S.C. 360, 371, 698 S.E.2d 801, 807 (2010)(citing *Jones v. Leagan,* 384 S.C. 1, 19, 681 S.E.2d

6, 16 (Ct.App.2009)(stating Courts have the inherent power to do all things reasonably necessary to ensure that just results are reached to the fullest extent possible.). Cases such as these must be determined on a case-by-case basis. Under these specific facts and circumstances, granting a temporary restraining order and injunction ensures a just result.

Based on the foregoing,

IT IS ORDERED:

1. The NCAA is restrained and enjoined from enforcing, applying, or attempting to enforce the November 14, 2025, denial of Mr. Smith's waiver declaring him ineligible to compete in the 2026 – 2027 football season of competition at Clemson University;
2. The NCAA is restrained and enjoined from threatening, initiating, or imposing any penalty, sanction, or adverse eligibility determination against Mr. Smith or Clemson University, its coaches, athletes, or staff, for allowing Mr. Smith to participate in games of competition;
3. The NCAA is restrained and enjoined from enforcing or attempting to enforce the NCAA Rule of Restitution (Bylaw 12.9.4.2) in connection with this Order;
4. The NCAA shall declare Mr. Smith immediately eligible for competition during the 2026 – 2027 season; and

This Order is effective immediately upon the posting of a surety bond in the amount of $5,000.00 with the Clerk of Court and shall continue in full force and effect until a full trial on the merits or further order of this Court.

IT IS SO ORDERED.

[JUDGE'S ELECTRONIC SIGNATURE TO FOLLOW]

Pickens Common Pleas

Case Caption: Tristan Smith VS National Collegiate Athletic Association

Case Number: 2026CP3900073

Type: Order/Other

So Ordered

Jessica A. Salvini