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Original

FILED
SUPREME COURT
STATE OF OKLAHOMA

APR 24 2026

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

SELDEN JONES
CLERK

OWEN HEINECKE,)
)
 Plaintiff,)
)
 v.)
)
 NATIONAL COLLEGIATE ATHLETIC)
 ASSOCIATION,)
)
 Defendant.)

124021

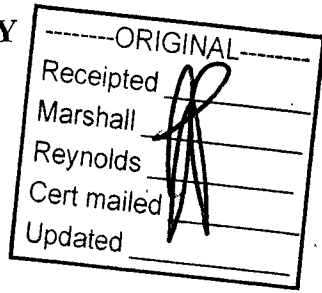
No. _____

PETITION IN ERROR

- PETITION IN ERROR
- AMENDED OR SUPPLEMENTAL PETITION
- CROSS PETITION
- COUNTER-PETITION
- DATE FIRST PETITION IN ERROR FILED:

TRIAL COURT HISTORY

COURT/TRIBUNAL: District Court
COUNTY: Cleveland
CASE NO.: CV-2026-743
JUDGE: Balkman, Thad
NATURE OF CASE: Civil Misc.; OTHER-NO DAMAGES
(e.g., Divorce, Personal Injury)



NAME OF PARTY OR PARTIES FILING THIS PETITION IN ERROR:

National Collegiate Athletic Association

THE APPEAL IS BROUGHT FROM: (Check one)

- Judgment, Decree or Final order of District Court.
- Appeal from order granting summary judgment or motion to dismiss (Accelerated procedure under Rule 1.36).
- Appeal from Revocation of Driver's License (Rule 1.21(b)).
- Final Order of Other Tribunal.
(Specify Corporation Commission, Insurance Department, Tax Commission, Court of Tax Review, Banking Board or Banking Commissioner, etc. _____)
- Interlocutory Order Appealable by Right.
- Other

II. TIMELINESS OF APPEAL

- 1. Date judgment, decree or order appealed was filed: April 17, 2026
- 2. Did the party appealing prepare the judgment, decree or order appealed? ___ Yes X No.
- 3. Date the certificate of service was filed in the trial court: N/A.
- 4. Does the judgment or order on appeal dispose of all claims by and against all parties?
 ___ Yes X No.
 If not, did district court direct entry of judgment in accordance with 12 O.S. § 994? ___ Yes X No.
 When was this done? _____
- 5. If the judgment or order is not a final disposition, is it appealable because it is an Interlocutory Order Appealable by Right? X Yes ___ No. Specific *statutory* basis for interlocutory order appealable by right: 12 O.S. §§952(b) & 993(A)(2)
- 6. If none of the above applies, what is the specific *statutory* basis for determining the judgment or order is appealable? _____
- 7. Were any post-trial motions filed? NA

Type	Date Filed	Date Disposed
- 8. This Petition is filed by: X Delivery to Clerk, or ___ Mailing to Clerk by U.S. Certified Mail, Return Receipt Requested, on (date)

III. RELATED OR PRIOR APPEALS

List all prior appeals involving same parties or same trial court proceeding:

List all related appeals involving same issues:

(Identify by Style, Appeal Number, Status, and Citation, if any. If none, so state.)

None

IV. SETTLEMENT CONFERENCE

Is appellant willing to participate in an attempted settlement of the appeal by predecisional conference under Rule 1.250? ___ Yes X No

V. RECORD ON APPEAL

- X A Transcript will be ordered.
- ___ No Transcript will be ordered because no record was made and/or no transcript will be necessary for this appeal
- ___ A Narrative Statement will be filed
- ___ Record is concurrently filed as required by Rule 1.34 (Driver's License Appeals, etc.) or Rule 1.36 (Summary judgments and motions to dismiss granted).

VI. JUDGMENT, DECREE OR ORDER APPEALED -- EXHIBIT "A"

(Attach as Exhibit "A" to the Petition in Error a certified copy of the judgment, decree or order from which the appeal is taken. If a post-trial motion extending appeal time under Rule 1.22 was filed, a certified copy of the order disposing of the motion must be attached also.)

VII. SUMMARY OF CASE -- EXHIBIT "B"

Attach as Exhibit "B" a brief summary of the case *not to exceed one 8 1/2"x 11" double spaced page.*

VIII. ISSUES TO BE RAISED ON APPEAL -- EXHIBIT "C"

Attach as Exhibit "C" the issues proposed to be raised. Include each point of law alleged as error. Avoid general statements such as "Judgment not supported by law."

IX. NAME OF COUNSEL OR PARTY, IF PRO SE

ATTORNEYS FOR APPELLANT

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DATE: April 24, 2026

Respectfully submitted,

**RHODES, HIERONYMUS, JONES, TUCKER
& GABLE, P.L.L.C.**

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X. CERTIFICATE OF MAILING TO ALL PARTIES AND
COURT CLERK

I hereby certify that a true and correct copy of the Petition in Error was mailed this 24th day of April, 2026 by depositing it in the U.S. Mail, postage prepaid or by electronic mail to.

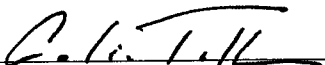
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I further certify that a copy of the Petition in Error was mailed to, or filed in, the Office of
Cleveland County Court Clerk on the
(District Court Clerk or Other Tribunal)

24th day of April, 2026.



IN THE DISTRICT COURT OF CLEVELAND COUNTY, STATE OF OKLAHOMA

OWEN HEINECKE,

MICHAEL LAUDERDALE, WOODY GLASS
MARY QUINN COOPER

STATE OF OKLAHOMA }
CLEVELAND COUNTY }
FILED Plaintiff(s)

Attorney(s) for Plaintiff(s)

Case No. CV-2026-743 TB

-- VS -- APR 17 2025

Case No.

NCAA,

In the office of the
Court Clerk MARYLYN WILLIAMS
Defendant(s)

TAYLOR ASKEW, DAVID ZEITLIN, COLIN TUCKER

Attorney(s) for Defendant(s)

SUMMARY ORDER

Date: April 16, 2026 Court Reporter PG Judge: TB

Evidentiary hearing conducted on Plaintiff's Motion for Preliminary Injunction. After review of the written briefs, testimony of witnesses, and oral presentations by counsel, the Court finds Plaintiff has met his burden by clear and convincing evidence that (1) he is likely to prevail upon the merits of his claims; (2) he will suffer irreparable harm unless the injunction is issued; (3) the irreparable harm suffered by him outweighs any harm to the NCAA; and (4) it is in the public interest. Plaintiff's Motion for Preliminary Injunction is granted. Counsel for Plaintiff will prepare and submit a final journal entry.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT AND COMPLETE COPY OF THE INSTRUMENT HEREWITH SET OUT AS IT APPEARS ON RECORD IN THE COURT CLERK'S OFFICE OF CLEVELAND COUNTY, OKLAHOMA. WITNESS MY HAND AND SEAL THIS 16th DAY OF APRIL, 2026
Marilyn Williams, COURT CLERK
BY: [Signature] DEPUTY

JUDGE

EXHIBIT

tabbles

A

STATEMENT OF THE CASE – EXHIBIT B

The University of Oklahoma (“OU”) requested a waiver of NCAA Bylaw 12.6—the “Five-Year Rule”—on behalf of Owen Heinecke (“Plaintiff”), contending he did not compete in collegiate football during 2021-22 due to circumstances beyond his control because he chose to play lacrosse at Ohio State and was not offered a football tryout.

The NCAA denied the request, finding OU had not demonstrated circumstances beyond Plaintiff’s control. The Eligibility Subcommittee denied OU’s appeal on February 19, 2026. Plaintiff sued on March 23, 2026, asserting breach of contract as a third-party beneficiary of the Bylaws and asking the Court to reweigh the evidence.

Plaintiff sought a mandatory preliminary injunction compelling the NCAA to waive Bylaw 12.6 and grant him additional eligibility—altering the status quo. Assuming *arguendo* he has standing, Oklahoma precedent required arbitrary-and-capricious review. Bylaw 12.6.1.7.2(a) expressly provides that a student-athlete who decides not to participate at an institution sponsoring his sport has not lost an opportunity due to circumstances beyond his control. Plaintiff had football opportunities in 2021-22 but chose lacrosse—a decision within his control.

On April 16, 2026, the district court erroneously granted Mr. Heinecke his requested injunctive relief. Respectfully, the NCAA applied its rules to the letter. Plaintiff’s evidence at the hearing primarily addressed character and athletic skills—neither disputed—not his entitlement to mandatory relief. The only evidence properly considered is OU’s original submissions. The district court erred by concluding he met his burden by “clear and convincing” evidence. It substituted its judgment for the NCAA’s.

ISSUES ON APPEAL – EXHIBIT C

1. Mr. Heinecke is not a third-party beneficiary of the Bylaws of the NCAA.
2. Mr. Heinecke did not establish by clear and convincing evidence that the NCAA's application of its Bylaws was arbitrary and capricious as to the University of Oklahoma's application for waiver and subsequent appeal on his behalf.
3. The NCAA established that its application of its Bylaws was in conformity with those Bylaws.
4. Mr. Heinecke failed to establish by clear and convincing evidence that he will suffer irreparable harm absent an injunction.
5. The balance of the equities and the public interest weigh in favor of denying injunctive relief.