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## Calif. Judge To Rose Bowl, Pasadena: Why Are You Fighting?

By **Lauren Berg**

Law360 (May 14, 2021, 7:51 PM EDT) -- A California federal judge asked Pasadena and the organization behind the Rose Bowl Game during a hearing Friday why they are in court fighting over who has control of the famous annual college football game, asking if the century-old partners could resolve the issue on their own.

During a remote hearing over the city's motions to toss the suit, U.S. District Judge André Birotte Jr. asked the Pasadena Tournament of Roses Association to explain what relief it hopes to win from the court, pointing out that the parties don't dispute that the organization owns the trademark associated with the Rose Bowl Game.

A. John P. Mancini of Mayer Brown LLP, an attorney representing the organization, told the judge there is a dispute over whether Pasadena has the right to block the organization from moving the football game to another location during a force majeure event, like the coronavirus pandemic. The organization contends it had a right to move last year's game to Texas because of social distancing constraints in California.

In response to Judge Birotte's query as to why the organization is making trademark claims now, Mancini said Pasadena improperly used the Rose Bowl mark in an Instagram post and that the city's mayor claimed in an interview with The New York Times in January that the city "shares a trademark on the name of the game" and that the game "belongs" to the city.

Mancini said the organization is also concerned that, if there is another force majeure event that could disrupt the game, the city will try to claim it has the right to decide if the game should be played in another location.

The city is confusing people into thinking it co-owns the Rose Bowl Game, Mancini said.

Turning to get Pasadena's side of the story, Judge Birotte asked Kent R. Raygor of Sheppard Mullin Richter & Hampton LLP, an attorney for the city, what all the fuss is about if the city agrees it doesn't own the Rose Bowl mark.

"Sometimes these civil cases seem like two millionaires standing outside of a McDonald's fighting over the price of a cheeseburger," Judge Birotte quipped. "You acknowledge that you don't own these rights, why are you fighting?"

Raygor said the lawsuit should be tossed because it centers on one Instagram post and one statement that Pasadena's mayor made in a news article, with the rest based on future hypotheticals. He said the lawsuit is unnecessary and that the parties should be talking to each other outside of court.

Mancini replied that the association intends to work with the city, but said it needs the court's help to resolve the city's claim that the game can't be called the Rose Bowl if it's played outside of Pasadena.

Judge Birotte said he would take the matter under submission and would make a decision in the coming weeks.

Counsel for the city declined to comment Friday. Counsel for the association did not immediately respond to a request for comment.

The association **in February sued** Pasadena for trademark infringement, alleging the city falsely asserts that it co-owns the Rose Bowl trademark and can bar the organization from hosting the game outside of Pasadena.

The college football Rose Bowl game is an annual tradition dating back over 100 years in Pasadena, along with its associated New Year's Day parade. The city and association have a number of agreements outlining their cooperation on the events, including a master license agreement, according to the association.

In 2021, however, the game took place outside of Pasadena for the first time since 1942. According to the suit, the College Football Playoff Committee invoked a force majeure under its agreement with the association, which resulted in the relocation of the Jan. 1 game to AT&T Stadium in Arlington, Texas.

California forbade large public gatherings, including in-person fan and family attendance at the Rose Bowl game, and medical experts advised that travel to Southern California was not safe due to the high numbers of COVID-19 infections in the area, the association said.

Pasadena in March **moved to toss** the suit, leading the association to amend its complaint and **scrap an accusation of slander**. Pasadena filed another motion to dismiss in April and the organization protested, arguing the **suit is necessary** to stop the city's "campaign of wrongfully claiming and representing and using the tournament's property as its own."

The association is represented by John Nadolenco, A. John P. Mancini, Jonathan W. Thomas and C. Mitchell Hendy of Mayer Brown LLP.

Pasadena is represented by Kent R. Raygor, Jonathan D. Moss, Valerie E. Alter and Paul A. Bost of Sheppard Mullin Richter & Hampton LLP and Michele Beal Bagneris and Theresa E. Fuentes of the Pasadena City Attorney's Office.

The case is Pasadena Tournament of Roses Association v. City of Pasadena, case number 2:21-cv-01051, in the U.S. District Court for the Central District of California.

--Additional reporting by Craig Clough, Bill Donahue and Zachary Zagger. Editing by Marygrace Murphy.