

FANTASY COURT

SYLLABUS

NOAH *v.* COMMISSIONER

Original petition for declaratory relief and restoration of a wrongfully acquired player

No. 26-1531-1. Heard and decided September 30, 2026

The Ringer Fantasy Football Show, “Bears Break Eagles, Power Ranking Fantasy Buy-Low (and Sell-Low) Targets, and the End of ’80s Month,” at 1:05:25–1:10:08

Petitioner Noah participates in a family fantasy football league with his wife’s relatives, including nieces and nephews ranging in age from roughly 10 to 19. The league has perpetually struggled with younger members dropping good players and tilting competitive balance, so much so that an offseason discussion, facilitated by Petitioner’s brother-in-law (the Commissioner), contemplated expelling the children from the league; the league instead resolved that parents would assist the children in managing their teams. Following Week 1, the league’s youngest member, a 10-year-old, dropped Chris Olave. The Commissioner observed the transaction on Saturday morning and sent a message asking whether Olave should be returned to the child’s team—but posted the message exclusively through the ESPN Fantasy app’s internal messaging feature, which no league member has ever checked, rather than the league’s active group chat. After receiving no response, the Commissioner claimed Olave off waivers for his own team and has started him every week since. Petitioner contends the Commissioner deliberately chose the obscure channel so that no one would see the message while preserving a technical defense that he had ‘communicated’ with the league. Petitioner seeks a ruling on who is entitled to Chris Olave: the Commissioner, the child, or nobody.

Held: A Commissioner who solicits the league’s views through a channel he knows no one reads has not given notice, and he may not keep a player he claimed from a ten-year-old on the strength of the silence he engineered. Chris Olave returns to the child.

Syllabus

We held that notice from a commissioner, like notice from anyone else, must be given through a channel reasonably calculated to reach the people it concerns, and that a message posted to a feature no league member has ever opened is not notice but its costume. Because the Commissioner's own message conceded that the child's drop required league input, and because he then resolved the question himself in his own favor, his acquisition is self-dealing governed by *Rachel v. Commissioner* and *Denmark Team Owner v. Commissioner*. We distinguished the finality rule of *Noah v. Girlfriend*, which rests on league acquiescence: a league cannot acquiesce in a transaction it was prevented from noticing, and the finality clock does not run in favor of the person who concealed the question.

CHIEF JUSTICE HEIFETZ delivered the opinion of the Court, in which JUSTICE KELLY and JUSTICE HORLBECK joined. JUSTICE HORLBECK filed a concurring opinion.

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CHIEF JUSTICE HEIFETZ delivered the opinion of the Court, in which JUSTICE KELLY and JUSTICE HORLBECK joined. JUSTICE HORLBECK filed a concurring opinion.

Petitioner Noah has been here before. Two years ago he asked us to make his girlfriend return Puka Nacua to her nine-year-old nephew, and we told him, with some sympathy, to let this go. *Noah v. Girlfriend*, 24-0826-2 (2024). The girlfriend is now his wife, the league is now his in-laws', and the nieces and nephews, aged roughly ten to nineteen, are still dropping good players. We congratulate Petitioner on the marriage and regret to report that the league has not improved.

It did try. Over the offseason the league discussed expelling the children, in a conversation facilitated by Petitioner's brother-in-law, the Commissioner, who wanted them gone. The league declined and adopted instead the remedy we recommended in *Noah*: parents would help the kids manage their teams. Then Week 1 ended and the youngest member, aged ten, dropped Chris Olave. The Commissioner saw the transaction on Saturday morning, composed a message asking whether Olave should be returned to the child's team, and posted it in the ESPN Fantasy app's internal messaging feature, a button no member of this league has ever pressed. The league has an active group chat. He did not use it. When no one answered a message no one saw, he claimed Olave off waivers for himself and has started him every week since.

Petitioner asks who is entitled to Chris Olave: the Commissioner, the child, or nobody. We hold that the child is. A commissioner who iden-

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tifies a problem, asks the league about it in a place he knows the league will not look, and then treats the resulting silence as permission to take the player himself has neither communicated with his league nor dealt with it in good faith. Olave goes back.

I

The Commissioner's defense is that he asked. The league had notice, no one objected, and he then did what any manager may do with a player on waivers. The defense is technically accurate in every particular, which is the problem with it.

Notice is not a ritual. Its purpose is to reach the people whose interests it concerns, and a method of notice is judged by whether it is reasonably calculated to do that. See *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (holding that newspaper publication no beneficiary would read was not notice where their addresses were known). In *Isaac v. Commissioner*, 24-0858-1 (2024), we charged a manager with “constructive notice of any injury designation published through channels reasonably available to him before kickoff.” The rule runs both ways. A channel the league has never once opened is not reasonably available to it, and a commissioner who selects that channel because it is unread has not given notice. He has given himself an alibi.

We have seen this feature used this way before. In *In re Unsolicited Advances via Fantasy Football Application*, 24-0810-2 (2024), a coworker courted an engaged woman through the ESPN app's direct messages, and we found the choice of platform to be evidence of intent: “The platform choice provides plausible deniability and camouflage.” So here. Justice Kelly likened the Commissioner's message to a fax sent to a league without fax machines. We would add only that a notice sent by raven at least arrives. This one was addressed to a mailbox the Commissioner knew to be empty, and on the strength of its emptiness he acted.

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II

The message matters for a second reason. It is an admission. Before the Commissioner touched Olave, he had concluded that the drop might warrant reversal and that the decision was the league's to make, not his. He was right on both counts. The league had just resolved, with his participation, to supervise the children's rosters; a ten-year-old dropping Chris Olave a week later is precisely the event that resolution was meant to catch.

Having put the question to the league, the Commissioner could not then answer it himself in his own favor. That is the rule of *Rachel v. Commissioner*, 26-1485-1 (2026), where a commissioner switched on a scoring setting after his own matchup had closed: "No one may judge his own cause." A commissioner whose interest has materialized must abstain or put the matter to the league, and that means putting it somewhere the league can find it. The Commissioner performed that step in pantomime, then resolved the question the way a man resolves questions when he is confident no one else is in the room.

The offseason completes the picture. The Commissioner wanted the children expelled. He lost. Within a week of the season's start, a child's mistake put a starting receiver on the wire, and the man who had argued that children could not be trusted with rosters helped himself to the proceeds of that very incapacity. Commissioners owe "heightened duties of transparency, particularly when their conduct creates appearances of conflict." *Andrew v. Commissioner*, 24-0830-1 (2024). Taking a starting receiver from a ten-year-old by means of a notice designed not to be read sits comfortably beside the conduct we condemned in *Denmark Team Owner v. Commissioner*, 25-0717-2 (2025), where a commissioner drafted an absent member's requested players for himself. Justice Kelly, who wrote *Ryan v. His Brother*, 24-0814-1 (2024), observed at argument that this is taking candy from a baby. In *Ryan* the candy was Ken Walker. Here it is Chris Olave. The doctrine has not changed.

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III

Two objections remain. The first is timing. In *Noah* we denied relief because multiple weeks had passed: once the league has “run another play,” the transactions behind it are final. The Commissioner will say the play has been run. It has, but not by the league. The finality rule of *Noah* rests on acquiescence: a membership that saw the transaction and let it stand. Acquiescence requires knowledge, and the only person who knew that the Olave drop had been flagged for league review was the person who flagged it in invisible ink. The clock ran against Petitioner in *Noah* because he waited. Here no one waited; no one was told. A party who conceals the question cannot claim the benefit of the deadline for answering it. That is ordinary equitable tolling. The Commissioner’s weeks with Olave stand as scored. The player does not.

The second objection is Justice Kelly’s: how did no one else claim Chris Olave? Any adult in this league could have put in a claim and did not. That is fair, and it may bear on a case in which an ordinary manager, owing no fiduciary duty and having sent no message at all, quietly claims a child’s mistake. We reserve that question; Justice Horlbeck would answer it today and writes separately. It is enough for us that this claimant was the Commissioner, that he knew what he was looking at, and that he said so, in the one place he could be sure it would not be heard.

* * *

Petitioner offers a third option, “nobody,” and we decline it. Forfeiting Olave to the waiver wire would punish the child for the Commissioner’s conduct and reward whichever adult reads this opinion fastest. Chris Olave shall be restored to the ten-year-old’s roster before Week 4, and the child’s parents shall supervise that roster as the league already agreed they would. The Commissioner may replace Olave with any free agent he likes, provided he finds one the ordinary way.

Whether the Commissioner chose the messages button for the reason Petitioner suspects, so that no one would see it but he could later say he sent it, we need not decide. The message accomplishes that either way,

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and fiduciaries are judged by what their conduct does. A commissioner who wonders whether he has communicated with his league may ask himself one question. Would he have been comfortable sending the same message to the group chat? If not, he already knows why.

Petition granted. Chris Olave shall be restored to the child's roster.

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JUSTICE HORLBECK, concurring.

I join the Court's opinion in full. The Commissioner sent a message in a bottle and then treated the tide as a vote. He should own up to it, and the Court has told him so. I write separately because the Court reserves a question I would answer, and because this league is on its second appearance before us for the same reason.

The Court rests on the Commissioner's fiduciary status, and the outcome follows from that alone. But I would not have it turn on who pressed the claim button. It does not matter who got Chris Olave. It is worse that the Commissioner did it, but had Petitioner's wife or the child's grandfather claimed him instead, the child would be no less ten years old and the drop no less a mistake the league had just promised to catch. The rule I would state is this: a league that admits children must choose. It may exclude them, which is what *Noah v. Girlfriend* recommended and what I still recommend: "You don't play fantasy with kids. That's the rule." Or it may keep them and protect them, by supervision that actually occurs, by an undroppable list, or by a standing rule that a child's dropped starter is offered back before it reaches waivers. What a league may not do is neither. A league that keeps the kids and leaves their rosters open to the first adult who notices has not adopted a policy. It has adopted a harvest, and it should not be surprised when the harvest arrives in Week 2.

Under that rule, this league's failure to deliver the supervision it promised would make the Olave drop reversible against any claimant,

HORLBECK, J., concurring

commissioner or not, on prompt objection. The Court need not go that far today, and I do not fault it for stopping where the facts allow. But *Noah* gave this league five recommendations two years ago, and the record suggests it read them the way it reads the ESPN messages button. I would rather the next petition from this family not concern a different receiver.