

FANTASY COURT

SYLLABUS

IN RE EXPANSION OF THE PLAYOFF TO TWENTY-FOUR
TEAMS

Sham petition for an advisory opinion, subsequently unmasked by the Chief Justice

No. 26-1543-3. Heard and decided October 21, 2026

The Ringer Fantasy Football Show, “‘MNF’ Reactions, Power Ranking What’s Aged the Best This NFL Season, a Robust Fantasy Court, and a LOT of Gold Bond,” at 1:09:55–1:21:42

Petitioner “Rich,” presented by the Chief Justice as the manager of a long-running, competitive, deep league, reported that his league originally crowned its champion by selecting the top two regular-season teams for a title game. Following persistent complaints about the selection process, the league expanded its playoff to four teams, which was well received, and then again to twelve teams, which drew mixed reviews but functioned. The league now proposes a twenty-four-team playoff, which members warn will ruin the league entirely. Upon examination, the Chief Justice conceded that the petition was a fabrication and that “Rich” is, in substance, the College Football Playoff committee, prompting the Court to consider the proposed twenty-four-team format alongside the broader decline of sporting products, the death of regional rivalries, the proposed expansion of March Madness, Talenti gelato, and the ride-share industry.

Held: A league that has expanded its playoff from two teams to four to twelve should not expand it to twenty-four, because a postseason that admits nearly every team replaces the regular season rather than resolving it. The petition, drafted by the Chief Justice, is dismissed as a sham and the question answered in Fan Court.

We dismissed the petition because its petitioner was invented by a member of this Court, and a tribunal that refuses relief to hypothetical children cannot grant it to a hypothetical league. Because the question is real and the Court was unanimous on the answer, we transferred

Syllabus

it to Fan Court and held that a playoff format has failed when (1) a regular-season loss stops costing anything, (2) the fixtures that carried the season's meaning are abolished to make room for the bracket, and (3) teams the regular season has already answered are asked again. We traced the format's adoption over near-universal objection to enshittification, which fantasy leagues resist because members can leave and sports do not because fans cannot.

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

Fantasy Court

No. 26-1543-3

IN RE EXPANSION OF THE PLAYOFF TO TWENTY-FOUR TEAMS

Sham petition for an advisory opinion, subsequently unmasked by the Chief Justice

[October 21, 2026]

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

Petitioner “Rich” runs, by his account, a deep and competitive league of long standing. For years it crowned its champion by sending the top two regular-season teams to a title game. Members complained about how the two were chosen, so the league expanded to four, which everyone liked. Members wanted more, so it expanded to twelve, which drew mixed reviews but worked. The league now proposes twenty-four. Rich reports that everyone is angry and that the format will ruin the league, and he asks whether it should be adopted.

Rich does not exist. When the author of this opinion observed, three expansions in, that “this is literally just college football,” the Chief Justice conceded that he had written the petition himself and that Rich is, in substance, the College Football Playoff committee. The Chief Justice represented that the petition arrived with the customary photograph. The Court has not seen it and does not order its production.

We dismiss the petition as a sham. But the question it smuggled in was argued at length, the Court is unanimous on the answer, and the answer is no. A league that has gone from two teams to four to twelve has reached the end of the road. Twenty-four is not an expansion of the playoff. It is the abolition of the regular season by other means.

Opinion of the Court

I

This Court does not issue advisory opinions, and it declines to be tricked into one. “Hypothetical children confer no relief.” *Isaac v. Commissioner*, 24-0858-1 (2024). Hypothetical leagues confer less. The federal courts long ago dismissed a suit whose nominal plaintiff had been recruited and financed by the defendant, see *United States v. Johnson*, 319 U.S. 302 (1943), and the defect here is of the same family: the petitioner was recruited and financed by the bench. Nor do we have any authority over the respondent. “We sit as a tribunal for fantasy football disputes, not as a court of general jurisdiction,” *Nicholas et al. v. Kyle Shanahan*, 24-0846-1 (2024), and a writ that does not reach an NFL head coach does not reach a selection committee that, as the Chief Justice took pains to establish, answers to no one.

Two things nonetheless persuade us to say what we think. The first is that the question is real even though Rich is not. Every league chooses a playoff size, and this Court has begun developing the law of what a postseason is for. See *In re Last Place Determination*, 25-1419-1 (2025). The second is candor. We recently declined to pretend that two interested Justices sat for any reason other than that “both Justices wanted to be here for this one.” *In re Blind Swap of the Third and Fourth Overall Rookie Picks*, 26-1478-1 (2026). The same is true today. So we dismiss the petition and transfer the question to Fan Court, “the ancillary jurisdiction this tribunal exercises over disputes about rooting rather than rostering.” *Adam v. Los Angeles Chargers*, 26-1539-2 (2026). Rich has no standing. Three people who watch college football do.

II

A regular season sorts teams. A playoff resolves the sort where it is imperfect: two one-loss teams with no common opponent, a champion of a conference nobody scheduled. Four teams corrected the committee at the margin. Twelve conceded that the margin was wide. Twenty-four does not correct the sort; it discards it. The poll ranks twenty-five teams. A twenty-four-team playoff is the poll with a bracket drawn on it, and excluding the twenty-fifth team is the regular season’s only remaining job.

Opinion of the Court

We hold that a playoff format has failed when (1) a regular-season loss stops costing anything; (2) the fixtures that carried the season's meaning are abolished to make room for the bracket; and (3) teams the regular season has already answered are asked again. The proposal fails all three. On the first, one loss used to be a catastrophe; now three do not matter. On the second, the conference title game is already a fixture a rational coach would rather lose with his starters rested than win with them hurt, and the new format is expected to eliminate it outright. Worse are the rivalries. A two-win Iowa State team that beats Iowa has bought 364 days of standing in the grocery store next to people who went to Iowa, and that is a season. Pitt and West Virginia no longer play each other at all. A postseason that grows by eating the games people cared about has not added anything. On the third, a 7-5 team could make this field. The regular season asked that team twelve questions and it got five wrong. There is nothing left to find out.

The fantasy application follows. Six playoff teams in a twelve-team league is the customary ceiling, and our toilet bowl jurisprudence depends on it: *Last Place Determination* assumed four non-playoff teams with a verdict to play out. A league in which everyone makes the playoffs has no toilet bowl, no last place, and nothing for Week 14 to decide. The rule is that a playoff should be large enough to catch the regular season's mistakes and small enough that the regular season can still make them.

III

That leaves why a league would do this over the objection of nearly everyone it serves. Which sporting product is improving? Not basketball. Not college basketball. Not professional football, now played on Wednesdays, Fridays, Thanksgiving Eve, and Black Friday, under more flags than ever. Baseball, possibly, on the strength of one World Series. The answer the Chief Justice and the author reached in the same breath is enshittification: every year the product gets a little worse and the margin a little wider, in the hope that nobody at home notices. The chocolate on the pretzel becomes "chocolate-flavored coating." The question put to the fan is not whether he likes it. It is whether he is really going to stop watching.

Opinion of the Court

Fantasy law has an answer, and it is the reason our leagues have been spared. Leagues are “fundamentally voluntary associations.” *Commissioner v. Ex-Brother-in-Law*, 22-1175-1 (2022). A commissioner who degrades the product loses members, and the threat of exit keeps him honest. The mechanism fails where there is no alternative, which is the fan’s position exactly. A person who wants good gelato can pay forty percent more at the shop that makes it by hand. A person who wants college football has one place to get it. A product with no substitute is a product nobody has to keep good. That is how a format gets adopted against the wishes of nearly everyone who will consume it, and why we decline to treat their opposition as noise. In a fantasy league it would be dispositive. In a sport it is the only signal the league still receives, and the league has stopped reading it.

We take judicial notice of one further fact. March Madness is the one perfect sporting event. The Court was unanimous: “They nailed it.” The proposal to expand it to seventy-six teams, adding a Tuesday and Wednesday round for which, as Justice Kelly noted, the public has been clamoring, is governed by this opinion. A perfect thing cannot be improved by doubling it. It can only be made twice as large.

* * *

The petition is dismissed. The question is answered in Fan Court: a league that has gone from two to four to twelve should stop. Rich is admonished, to the extent he can be reached.

Petition dismissed.

Fantasy Court

No. 26-1543-3

IN RE EXPANSION OF THE PLAYOFF TO TWENTY-FOUR TEAMS

Sham petition for an advisory opinion, subsequently unmasked by the Chief Justice

[October 21, 2026]

JUSTICE KELLY, concurring in the judgment.

I agree that the petition is a sham and that it should be dismissed. I would stop there. Two weeks ago I declined to join an “official stance” on auto-sub because I did not think this Court should have one, *New Dads v. Commissioner*, 26-1535-1 (2026) (Kelly, J., concurring in the judgment), and I think it even less about the College Football Playoff, over which we have less authority still. Fan Court exists to declare the rights of a fan who asked. Nobody asked here except the Chief Justice, and he knew the answer when he typed the question.

Two observations, since the Court has reached the merits. First, its rule proves more than it means to. The NFL plays on Wednesdays and Fridays, expanded its playoff, throws more flags than ever, and is still growing, like a disease. Expansion and ruin are not the same thing. The Court’s three factors should be read as a test for what the regular season still decides, not as a holding that bigger is worse, and I would not join the latter.

Second, remedy. The leagues’ question is whether you are really going to stop watching. I have said for five seasons that the answer to a member who holds the league hostage is to let him make good on the threat, because “The league will survive without them.” *In re Rishawn Holmes Accidental Drop Controversy*, 21-1246-1 (2021). The principle runs the other way too. A sport that asks whether its fans will leave is calling their bluff, and the only ruling that reaches it is the one fans issue with the remote. This Court cannot issue it, and I observe that none of us intends

KELLY, J., concurring in the judgment

to. Someone told me recently that a shelf of unread books is not a to-do list but a menu. The top-25 poll is a menu. The committee has decided to order everything on it. I concur in the judgment.