

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

LARRY KLAYMAN,

And Members of the Putative Class,

Plaintiffs,

v.

PGA TOUR

1 PGA TOUR Boulevard

Ponte Vedra Beach, FL 32082

And

DP WORLD TOUR

Wentworth Drive,

Virginia Water, Surrey, GU25 4LX GB

And

JOSEPH WILLIAM MONAHAN IV

1 PGA TOUR Boulevard

Ponte Vedra Beach, FL 32082

And

KEITH PELLE

Wentworth Drive,

Virginia Water, Surrey, GU25 4LX GB

And

TGC, LLC

d/b/a Golf Channel

1 Blachley Road

Stamford, CT, 06902

And

OFFICIAL WORLD GOLF RANKING

European Tour Building, Wentworth Drive,

Virginia Water, Surrey, GU25 4LX GB

Defendants

**Case No: 502022CA006587XXXXMB**

**AMENDED CLASS ACTION**

**COMPLAINT**

## **CLASS ACTION AMENDED COMPLAINT**

Plaintiff, LARRY KLAYMAN (“KLAYMAN”), individually, and on behalf of all others similarly situated (collectively “Plaintiffs”), hereby files this action against Defendants PGA TOUR, DP WORLD TOUR, JOSEPH WILLIAM MONAHAN IV (“MONOHAN”), and KEITH PELLELY (“PELLEY”), TGC, LLC D/B/A GOLF CHANNEL (“ASLO GOLF CHANNEL”) and OFFICIAL WORLD GOLF RANKING (“OWGR”) (hereinafter collectively “Defendants”) for violations of Sections 542.18 and 542.19 of the Florida Antitrust Act, Fla. Stat. §§ 542.18, 542.19, and for civil conspiracy. In support thereof, Plaintiffs allege as follows:

### **JURISDICTION AND VENUE**

1. This is an action for concerted refusal to deal, horizontal market division, monopolization, and attempt to monopolize in violation of Sections 542.18 and 542.19 of the Florida Antitrust Act, Fla. Stat. §§ 542.18, 542.19, and for civil conspiracy. This Court has subject matter jurisdiction over this action pursuant to Sections 542.22(1) and 542.23 of the Florida Antitrust Act, Fla. Stat. §§ 542.22(1), 542.23 and the amount in controversy between the parties is greater than \$30,000.00.

2. This Court has personal jurisdiction over Defendants PGA TOUR, DP WORLD TOUR, MONAHAN, PELLEY, TGC LLC and the OWGR as they have engaged in sufficient substantial contacts and committed unlawful, anticompetitive acts with and within this county and the state of Florida by virtue of the civil conspiracy by and between them have purposefully availed themselves of the benefits and protections of Florida law, such that the Defendants should reasonably anticipate being hailed into court here, and the exercise of jurisdiction over

PGA TOUR, DP WORLD TOUR, MONAHAN, PELLETT TGC LLC and OWGR would comport with due process requirements.

3. Venue for this action is properly in Palm Beach County, Florida, as: (i) Plaintiff KLAYMAN is a Florida citizen who resides in this county; (ii) Defendants PGA TOUR, DP WORLD TOUR, MONAHAN, PELLETT, TGC LLC and the OWGR, by and through the other Defendants which in large part act in concert with, comprise and/or are integral to and/or are members of OWGR, do substantial business in this county and Florida; and (iii) a substantial part of the events that give rise to Plaintiff KLAYMAN's claims occurred in this county and in the state of Florida.

#### **THE PARTIES**

4. Plaintiff KLAYMAN is a citizen and resident of Florida, is a spectator at PGA TOUR organized and sanctioned professional golf tournaments and is thus a consumer of Defendant PGA TOUR's product. As set forth in more detail in paragraph 27 below, Plaintiff KLAYMAN has purchased and plans to purchase spectator admission to PGA TOUR organized and sanctioned events hosted in Florida in 2022 and 2023, where he plans to see PGA Tour players and LIV Golf players compete in the events. Tickets have been purchased concerning Plaintiff Klayman for and to attend as a consumer the QBE Shootout at the Tiburon Golf Course in Naples, Florida for December 9-11; 2022, The Honda Classic at the PGA National Resort (The Champions Course), Palm Beach Gardens, Florida for February 23-26, 2023, and the Arnold Palmer Invitational at the Arnold Palmer Bay Club and Lodge, Orlando, Florida from March 2-5, 2023. Also, Plaintiff Klayman will purchase tickets once they come available online in the next few weeks to The Players Championship at TPC Sawgrass in Ponte Vedra Beach, Florida from March 9-12, 2023, and the Valspar Championship at the Innisbrook Resort

(Copperhead Course), Palm Harbor, Florida from March 16-19, 2023. Plaintiff Klayman is an avid golf fan, a low handicap golfer and a consumer of golf events such as those set forth herein, which he regularly attends in Florida, in and around the nation and overseas. He recently also attended a co-sanctioned and accredited DP WORLD TOUR and PGA TOUR event, the BMW PGA Championship, at Wentworth in England, which took place from September 8-11, 2022. At that event, LIV Golf players were disrespected, vilified, disparaged, mocked, treated poorly and discriminated against by Defendants PELLELY and the DP WORLD TOUR in conspiratorial collusion with the other Defendants, and most particularly their co-conspirators Defendants MONAHAN, PGA TOUR and the OWGR, which they both play a large role in directing and controlling. LIV Golf players were only permitted to compete by an order of an arbitration judge in the United Kingdom, who had stayed their fines and suspensions by the DP WORLD TOUR in an effort to block LIV Golf players and LIV Golf from entering the market and keep LIV players from earning crucial and essential Official World Golf Ranking (OWGR) points, consistent with their treatment by Defendant MONAHAN and the PGA TOUR, pending a final arbitration hearing and decision.

5. Defendant PGA TOUR is a non-profit company with its principal place of business in Ponte Vedra, Florida. Defendant PGA TOUR is the leading organizer of professional golf tournaments in the United States and has sanctioned 43 professional tournaments so far for its 2021-22 season, and many more in 2023 and beyond, including The Players Championship hosted at TPC Sawgrass in Ponte Vedra Beach, Florida, The Honda Classic in Palm Beach Gardens, Florida, the Arnold Palmer Invitational at Bay Hill located in Orlando, Florida and the other enumerated tournaments hosted in Florida, as well as other tournaments nationally and internationally.

6. Defendant Joseph William Monahan IV (also known as “Jay Monahan”) (hereinafter “MONAHAN”) is the PGA TOUR’s Commissioner and is a citizen of Florida who resides in Ponte Vedra, Florida.

7. Defendant DP WORLD TOUR, whose formal legal name is the PGA European Tour, is a corporate entity having its principal place of business in Virginia Water, Surrey, in the United Kingdom. The DP WORLD TOUR was once a separate entity and operation from Defendant PGA TOUR, and truly a competitor of the PGA Tour, but in the wake of COVID and around November 2020, the DP World Tour entered into a “strategic alliance,” with the PGA Tour to which the two corporate entities would co-sponsor the Scottish Open, along with the Barbasol Championship and the Barracuda Championship in the United States and well as collaborate and collude in a myriad of ways. In November of 2020, and at the time, it was reported that the DP World Tour (formerly The European Tour) had sold 30% of its broadcasting rights to the PGA Tour. In return, Jay Monahan, Commissioner of the PGA Tour, received a seat on the board of the European Tour. This was and is the beginning of the end for the European Tour. Just recently, on June 28, 2022, it was reported that the PGA Tour was going to increase its stake in the DP World Tour (European Tour) from 15% (not 30% as previously thought and reported) to 40%, and instead of a “strategic alliance” it was now called a joint venture partner. The PGA TOUR also subsidizes and infuses cash and other resources into the DP WORLD TOUR, making Defendant PGA TOUR effectively an owner of Defendant DP WORLD TOUR. Until this day, Defendant MONAHAN does not refer to the DP World Tour by its chosen name and biggest sponsor, DP World. He chooses to only refer to the DP World Tour as “The European Tour Group, ” but in reality, to further its anticompetitive acts and practices in restraint of trade, it is now effectively merged into the PGA Tour and effectively under its direction and

control, thus both doing substantial business in this county, Florida, nationally and internationally.

8. Defendant PELLELY is the DP WORLD TOUR's chief executive officer and is a Canadian citizen who resides at Virginia Water, Surrey, in the United Kingdom.

9. TGC LLC dba Golf Channel is a cable and internet broadcasting company owned by NBC Sports Group Division of NBC Universal, a subsidiary of Comcast, which is principally located in Stamford Connecticut, with offices and facilities in Florida. TGC LLC is incorporated in Delaware. TGC LLC owns broadcast rights to the Defendants the PGA TOUR and the DP WORLD TOUR and works in concert with them as their admitted partner.

10. OWGR is a company limited by guarantee, incorporated in the United Kingdom and located in Wentworth, England. The Official World Golf Rankings, aka OWGR, was designed and formed to award accurate, credible, and transparent world ranking points to accredited tournaments around the world, including in this county, Florida and the United States and internationally, in a fair and just manner. To date, in 2022, there have been a total of 371 "eligible" events across 23 "Eligible" Tours that have received OWGR points. OWGR world ranking points determine a player's world rank, their ability to qualify for Major Championships, World Golf Championships, and invitationals in this county, Florida, across the United States, Europe and around the world.. The OWGR dictates which golf leagues qualify and which tournaments qualify, which tournaments and leagues are accredited and can be awarded as well as how the OWGR world ranking points are distributed to a tournament's field. In addition and correspondingly, OWGR also decides which leagues and tournaments do not qualify or cannot receive OWGR Points, pending a vote from the OWGR Board. LIV Golf exclusion from the OWGR is a primary example of the anticompetitive implementation of this collusive and

conspiratorial market power of OWGR, which it has conspired to exercise in concert with the other Defendants.

11. Defendant MONAHAN, commissioner of the PGA Tour, as well as Keith Pelley, commissioner of the DP World Tour, both sit on the OWGR board as well as other key figures who represent the four governing bodies who host the Major Championships: The Masters, The R&A (Royal & Ancient), the USGA (United States Golfer's Association), and the PGA of America, all of whom substantially operate in this county, Florida, which is the golf capital of the United States, and vote on changes in the current ranking system, which leagues are accredited, how points are awarded to each player and tournament, especially elevated events such as the Major Championships including but not limited to the World Golf Championships as well as The Players Championship which is solely run by the PGA Tour.

12. For instance, if LIV Golf applies for accreditation to OWGR, which it has but which has been effectively denied, it must be approved by the board, and two if not more voting members such as Defendant MONAHAN (Commissioner of the PGA Tour) and Defendant PELLEY (Commissioner of DP World Tour) have major conflicts of interest and have kept LIV Golf from entering the relevant market. By not recusing themselves from voting on LIV Golf's ability to receive OWGR points, they are committing anti-competitive behavior and practices. They see LIV Golf as an "existential threat" and a major potential competitor and want to keep monopolistic control over the relevant market and the players who drive this relevant market. OWGR's willingness to conspire, collude and act in concert as joint tortfeasors with all of the Defendants to carry out the PGA Tour's agenda to keep LIV Golf from receiving world ranking points effects all tournaments, players, sponsors and future competitions played in this county, Florida, nationally and all over the world.

13. Furthermore, OWGR has allowed, conspired and colluded with the PGA Tour to infiltrate and change the OWGR system by way of the “new” system that was coincidentally rolled out on August 8, 2022, and put into effect August 15<sup>th</sup>, 2022. This is evident from reports from the PGA Tour, DP World Tour, as well as OWGR that there have been major talks and frequent discussions regarding the awarding of world ranking points with and for the PGA Tour and points allocated and awarded to other tours. The OWGR’s new system was first proposed to the OWGR by the PGA Tour in 2012 via Mark Broadie’s study, “Are the Official World Golf Rankings Biased?” This was a means for the PGA Tour to infiltrate and collude with the OWGR system, and with their newfound “strategic alliance” formed with the DP World Tour in November 2020 and it gave Defendants more leverage to exercise their power and create more monopolistic control. The new anticompetitive Official World Golf Ranking System was designed by the PGA Tour’s very own, Mark Broadie, who is credited with creating the “strokes gained” statistic often used in golf.

14. OWGR conspired with and acted in concert with the PGA Tour to create a new system that effectively takes away 33% and 66% of the DP World Tour and Asian Tour world ranking points respectively. The only tour unequivocally unaffected by the new system is the PGA Tour. This new system is dictating to the relevant market that one will never be a top player in the world unless you play on the PGA Tour, and the OWGR conspired and acted in concert with the Defendants to allow this to happen, and even more, adding insult to the antitrust consumer injury, has backed the PGA Tour and colluded with the PGA and DP World Tour to keep LIV Golf players from receiving world ranking points, which they need to qualify for major tournaments in particular, as well as to obtain exemptions. It is thus imperative that the OWGR be hailed into this Florida court to account for its anticompetitive behavior and acts alongside



the other Defendants, which whom they have conspired and acted in concert with as joint tortfeasors, to the detriment of consumers, tournaments, players, and others who are damaged by implementing a system that rewards one tour and its players at the expense of every other tour and their players in this county, Florida, nationally and internationally. Thus, OWGR and its members, which include the PGA Tour and the DP World Tour, have major conflicts of interest in deciding LIV Golf players ability to receive crucial OWGR points. OWGR world ranking points also effect players' contracts, their ability to gain sponsorship agreements, notoriety and reputations and good will, not to mention their ability to qualify for the most prestigious events in this country, Florida, nationally and internationally, and for the best players in the world to appear and compete in the Major Championships. This damages consumers, as they are unable to get the benefit of their bargain in purchasing tickets to golfing events to see LIV players, as many do not qualify to participate in events due to not having world ranking points or enough world ranking points.

15. OWGR is currently governed by seven key board members, five of whom reside and do substantial business in this county, Florida and United States, such as PGA Commissioner Defendant MONAHAN, all whom conspire and act in concert as joint tortfeasors with and thus work closely in concert with the PGA Tour and the OWGR: Thus, the OWGR is largely comprised of and controlled by the other Defendants, including TGC LLC, which is the admitted partner of the PGA TOUR as disclosed recently by PGA Tour commissioner and Defendant MONAHAN. Defendants, conspiring and acting in concert, have implemented a discriminatory system to award world ranking points for professional golfers, upon which participation in major golf tournaments depend. Not coincidentally, officials of the Defendants PGA Tour and DP Word Tour also sit on OWGR's board of directors and have, as alleged

herein, conspired, and colluded with all of the other Defendants to deny world ranking points to LIV players, in order that they will not qualify to play in major golf championships and PGA TOUR and other golfing events in this county, Florida, nationally and internationally. Even after LIV Golf recently entered into a joint venture partnership with the Mena Tour -- where LIV Golf events are co-sanctioned by the Mena Tour and vice versa and are thus one and the same -- the Mena Tour having been approved by OWGR for its players to qualify and be accorded world ranking points for tournaments which are structured similarly to LIV Golf events with 54 hole competition, LIV Golf players have been denied world ranking points, evidencing the anticompetitive conspiratorial collusion and anticompetitive conduct of all of the Defendants, as set forth herein.

### **CLASS REPRESENTATION ALLEGATIONS**

9. Pursuant to Rule 1.220(b) subdivisions (1)(A), (2), and (3) of the Florida Rules of Civil Procedure, Fla. R. Civ. P. 1.220(b)(1)(A), (2), and (3), Plaintiff KLAYMAN's claims are maintainable on behalf of a class of Florida residents who, after June 9, 2022, have purchased and/or will purchase spectator admission to professional golf tournaments organized and sanctioned by Defendant PGA Tour.

10. Plaintiff KLAYMAN has asserted, in his individual capacity and on behalf of the proposed plaintiff class, claims for concerted refusal to deal, horizontal market division, monopolization, attempt to monopolize the relevant market, and civil conspiracy, those claims being set forth in the First through Fifth Causes of Action below. The questions of law and fact relating to those claims are common to the claims of Plaintiff KLAYMAN and the claims of each member of the proposed class, and include, *e.g.*, issues relating to the illegality under Florida antitrust law of: (i) Defendants' agreement to suspend professional golfers who

participate in professional golf tournaments organized by LIV Golf Investments; (ii) Defendant PGA TOUR and Defendant DP WORLD TOUR's agreement to divide between them the United States, European, and world markets for organizing, sanctioning, and offering spectators admission to professional golf tournaments; (iii) definition of the relevant product and geographic market for purposes of the First through Fourth Causes of Action set forth below; (iv) Defendant PGA TOUR's monopoly power in the relevant market; (v) Defendant PGA TOUR's monopolization and attempt to monopolize the relevant market; (vi) Defendants' civil conspiracy and the overt acts undertaken by the Defendants in furtherance of their civil conspiracy; and (vii) the antitrust injury suffered by Florida citizens and residents who, after June 9, 2022, have purchased or will purchase spectator admission at professional golf tournaments organized and sanctioned by Defendant PGA TOUR. Additional factual and legal issues which are common to the claims of Plaintiff KLAYMAN and the claims of each member of the proposed class relate to the appropriate injunctive relief needed to terminate the Defendants' illegal conduct.

11. Plaintiff KLAYMAN's claims against the Defendants are typical of the claims of each member of the proposed class. Plaintiff KLAYMAN, along with all members of the proposed class, have been similarly affected by the conspiracy among the Defendants' which has resulted in a concerted refusal to deal and horizontal division of markets, Defendant PGA TOUR's monopolization and attempt to monopolize the United States market for organizing, sanctioning, and offering spectators admission to professional golf tournaments, and Defendants' civil conspiracy. All proposed members of the class have suffered the same harm as Plaintiff KLAYMAN, *i.e.*, after June 9, 2022, paying supracompetitive prices for spectator admission to professional golf tournaments hosted in this country, Florida and elsewhere in the United States,

as well as being denied the opportunity reap the benefit as consumers who have purchased tickets to PGA Tour and other golfing events in this county and throughout Florida, to enjoy and see professional golfers from LIV Golf, play at these events.

12. On information and belief, the proposed class numbers in the thousands, such that separate joinder of each class member is impracticable.

13. Plaintiff KLAYMAN defines the proposed class as Florida citizens and residents who, after June 9, 2022, have purchased and/or will purchase spectator admission to professional golf tournaments organized and sanctioned by Defendant PGA TOUR.

14. As an attorney appearing *pro se* who is represented in this action by experienced plaintiff's counsel, Plaintiff KLAYMAN,, who himself has significant knowledge of and expertise concerning the game of golf and with clients in the golf industry, of which he also is a part, will fairly and adequately protect and represent the interests of each member of the class.

15. Certification of this case as a class action pursuant to Florida Rule of Civil Procedure 1.220(b), subdivisions (1)(A), (2), and (3), is supported by the facts and circumstances set forth in paragraphs 10-14 above and in the Background and Facts and First through Fifth Causes of Action set forth below.

**BACKGROUND AND FACTS PERTAINING TO FLORIDA  
ANTITRUST VIOLATIONS AND CIVIL CONSPIRACY**

16. LIV Golf Investments (“LIV Golf”) is a professional golf tour operating company which is financially backed by the Public Investment Fund of Saudi Arabia. LIV Golf has its principal place of business in West Palm Beach, Florida, and is seeking to compete against Defendants PGA TOUR and DP WORLD TOUR in this county, Florida, the nationally and internationally.

17. LIV Golf held its inaugural professional golf tournament from June 9-11, 2022 at the Centurion Club in Hertfordshire, England. Later events in 2022 were held from June 30-July 2, 2022 at Pumpkin Ridge Golf Club in Portland, Oregon; July 1-3, 2022 at Trump National Golf Club Bedminster, New Jersey; September 2-4, 2022, at The International, Boston, Massachusetts; September 16-18, 2022, at Rich Harvest Farms, Chicago, Illinois; October 7-9, 2022, at the Stonehill Golf Club, Bangkok, Thailand; October 14-16, 2022, at the Royal Greens Golf Club, Jeddah, Saudi Arabia, including a recent season finale at the Trump National Doral, Florida, from October 28-30, 2022. Fourteen LIV Golf events are planned for 2023 in Florida, nationally and internationally.

18. On or around June 9, 2022, Defendant PGA TOUR announced the suspension, in collusion with the other Defendants, and in particular the Defendant DP WORLD TOUR and its commissioner Defendant PELLEY, of 17 PGA TOUR professional golfers who were participating in the LIV Golf's inaugural tournament. Since then many more prominent golf professionals have joined the LIV Golf.

19. Defendant DP WORLD TOUR has entered into a strategic alliance – which both Defendant PGA TOUR and DP WORLD TOUR describe as a partnership with Defendant PGA TOUR – pursuant to which, as 2022 examples of their collusion, had co-sanctioned two professional golf tournaments in the United States – *i.e.*, the Barbasol Championship, which was played in July 2022 in Nicholasville, Kentucky, and the Barracuda Championship, which was played in July 2022 in Truckee, California.

20. On June 24, 2022, Defendant DP WORLD TOUR announced that it was fining each of the DP WORLD TOUR professional golfers who participated in the LIV TOUR's inaugural golf tournament in the amount of approximately \$125,000 and banned them from the

upcoming Scottish Open, as well as the Barbasol Championship and the Barracuda Championship, with more sanctions to follow for any other golfer who joined the LIV Golf tour in the future. An arbitrator later found against the DP WORLD TOUR and stayed these sanctions, pending a final arbitration hearing and later decision. This hearing is currently scheduled to take place in February, 2023, in London, England.

21. Based on their apparent concerted conspiratorial conduct and Defendants PGA TOUR and DP WORLD TOUR (through Defendants MONAHAN and PELLELY), conspiring with TGC LLC and OWGR, whose board members have included both Monahan and Pelley and now on information and belief surrogates and agents of Defendants MONAHAN, PELLELY, PGA TOUR AND DP WORLD TOUR, have expressly or tacitly agreed to suspend PGA TOUR and DP WORLD TOUR professional golfers who have participated in LIV Golf's professional golf tournaments.

22. Even though Defendant PGA TOUR has announced its suspension of golfers who play in LIV Golf events, some professional golfers who have played in PGA TOUR events in the United States and are dissatisfied with Defendant PGA TOUR's anticompetitive practices have decided to play in LIV Golf tournaments, including some well-known and/or highly-ranked PGA TOUR players (*e.g.*, Phil Mickelson, Brooks Koepka, Dustin Johnson, Bryson DeChambeau, Patrick Reed, Kevin Na, Charl Schwartzel, Ian Poulter, Lee Westwood, and Sergio Garcia and an ever growing list of other world class players). More are expected to join the LIV Golf.

23. Notwithstanding the defection of tens of PGA TOUR players to LIV Golf, Defendant PGA TOUR's suspension of LIV Golf participants has had and will continue to have the anticompetitive effects of deterring many PGA TOUR professional golfers from playing in LIV Golf events and retarding LIV Golf's efforts to compete against Defendants PGA TOUR

and DP WORLD TOUR. The anti-competitive damage and harm done by suspensions and fines, and the discriminatory denial of world ranking points by the PGA TOUR and DP WORLD TOUR OWGR, are being compounded by defamatory, falsely injurious, and tortious illegal conduct by Defendant TGC LL, the admitted partner of the PGA Tour, and its hosts and analysts, who continuously broadcast and reap large profits in this county, Florida, nationally and internationally, that LIV and its players are cavorting with and are effectively murderers and terrorists by playing professional golf and accepting blood money to play professional golf from LIV Golf, which is financed by the Saudi Investment Fund. This is intended to make LIV Golf and its players “radioactive lepers,” depriving them and LIV Golf of networks who will broadcast their events, also scaring away sponsors, many of whom have dropped or will now not contract with LIV Golf players as a result, and reducing the market value of LIV players and LIV Golf, endangering the safety of LIV players and their families, as well as effectively shaming and threatening consumers not to attend LIV Golf events for fear as being branded as persons who would aid and abet murderers, acceptors of blood money and terrorists, as well as subjected to persons who might cause violence to LIV Golf and its players as a result of TGC LLC’s having trashed LIV Golf players as murderers, acceptors of blood money and enablers of terrorists, meaning the Saudis. Indeed, Defendants, and in particular Defendants MONAHAN, PELLY, PGA TOUR, DP WORLD TOUR AND THC LLC consistently call LIV Golf not by its name, but instead the Saudi Tour. This indicia of illegal conduct is closely coordinated by and with the Defendants PGA TOUR, DP WORLD TOUR, their commissioners MONAHAN and PELLEY and on information and belief the OWGR, the latter of which furthers this anticompetitive conduct by conspiring, through its conflicted board of director members, such as Defendants MONAHAN and PELLEY and/or their surrogates and agents, by denying world

ranking points to LIV Golf players. Thus, there is a collusive, coordinated effort to destroy LIV Golf and its players in their infancy, thus depriving Plaintiff KLAYMAN as a consumer and other members of the putative plaintiff class, from reaping the full benefit of their having purchased tickets, attending and enjoying PGA Tour events in this county, Florida, nationally and internationally. Further, by restraining trade and competition, this has the effect of raising prices to purchase PGA TOUR events, as without competition from LIV Golf, this has driven and will drive PGA TOUR tickets and concession prices higher, also harming consumers who attend and participate in PGA TOUR events. Black letter law accords standing to sue for antitrust relief and remedies to Plaintiff KLAYMAN and the putative class of consumers under these circumstances. See e.g. *Farina v. UPS (In re EVIC Class Action Litig.)*, 2002 U.S. Dist. LEXIS 14049 (S.D. N.Y. 2002); *Reilly v. Hearst Corp.*, 107 F. Supp. 2d 1192 (N.D. Cal. 2000), which are examples of a myriad of case precedent which acknowledge the antitrust standing of consumers to seek remedial relief from anticompetitive conduct among the states and the United States as a whole.

24. The relevant product market for the causes of action set forth below is the market for organizing, sanctioning, and offering spectators admission to professional golf tournaments.

25. The relevant geographic market for the causes of action set forth below is the United States.

26. On information and belief, Defendant PGA TOUR (including its subsidiaries) sanctions substantially more than 90 percent of the professional golf tournaments in Florida and the United States and with its subsidiaries is the dominant organizer of professional tournament golf in the United States. On information and belief, Defendant PGA TOUR thereby has



monopoly power in the United States market for organizing, sanctioning, and offering spectators admission to professional golf tournaments.

27. As set forth above Plaintiff KLAYMAN has purchased spectator admission to three PGA TOUR-organized and sanctioned events in this country and in Florida for 2023 and will purchase more as they come online. Plaintiff KLAYMAN is thereby representative of a class of plaintiffs who are citizens and residents of Florida and have purchased admission to PGA TOUR organized and sanctioned professional golf tournaments which are hosted in this county Florida and/or in other states outside of Florida.

28. As a result of Defendants' conspiratorial and concerted conduct, Plaintiff KLAYMAN and the proposed plaintiff class of similarly-situated Florida residents have suffered damages greater than \$30,000 in *toto*, accounting for the supracompetitive prices paid by KLAYMAN and the plaintiff class for admission to PGA-organized tournaments in Florida, as well as other harm and damage as alleged herein, such as their inability to reap the benefit of seeing and enjoying as consumer spectators all professional golfers, including those of and from LIV Golf play in PGA TOUR events in this county, Florida, and nationally. As professional golfers are independent contractors, except for the suspensions, fines and other anticompetitive acts complained of herein, they have never before been shut out of playing on different tours and major world championships, as well as earning crucial world ranking points afforded by Defendant OWGR.

**FIRST CAUSE OF ACTION**  
***Concerted Refusal to Deal***

29. Plaintiff KLAYMAN re-alleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint as if fully set forth herein.

30. On information and belief, Defendant PGA TOUR (through Defendant MONAHAN and others), has agreed with Defendant DP WORLD TOUR (through Defendant PELLEY and others), conspiring with TGC LLC and the OWGR, to suspend professional golfers who have participated in LIV Golf tournaments (hereinafter “LIV professional golfers”) and exclude LIV professional golfers from participating in the professional golf tournaments Defendants PGA TOUR and DP WORLD TOUR organize and sanction in their respective geographic markets. The purpose and effect of this concerted refusal to deal is to discourage skilled, popular professional golfers from participating in LIV Golf tournaments and to thereby prevent LIV Golf from competing effectively against Defendants PGA TOUR and DP WORLD TOUR and foreclose LIV Golf from entering this county, Florida, the United States and European and other world golf markets for organizing, sanctioning, and offering spectators admission to professional golf tournaments.

31. The relevant product market for this cause of action is the market for organizing, sanctioning, and offering spectators admission to professional golf tournaments.

32. The relevant geographic market for this cause of action is the United States.

33. On information and belief, Defendant PGA TOUR (including its subsidiaries) sanctions substantially more than 90 percent of the professional golf tournaments in the United States and with its subsidiaries is the dominant organizer of professional tournament golf in the United States. Defendant PGA TOUR thereby has monopoly power in the United States market for organizing, sanctioning, and offering spectators admission to professional golf tournaments.

34. Defendant PGA TOUR’s exercise of its monopoly power as the dominant organizer of professional golf tournaments in the United States and its agreement with Defendant DP WORLD TOUR, in conspiracy with the other Defendants, to suspend participants in LIV

Golf tournaments have the purpose and effect of discouraging and even precluding PGA TOUR professional golfers from participating in LIV Golf tournaments in the United States and worldwide. Defendant PGA TOUR's abuse of its monopoly power and its agreement with DP WORLD TOUR to suspend participants in LIV Golf tournaments thereby retards LIV Golf's ability to organize and sanction professional golf tournaments in this county, Florida, the United States and worldwide and has the anticompetitive purposes and effects of maintaining Defendant PGA TOUR's monopoly power in this country, Florida, the United States and preventing competition from LIV Golf in the sale of admission to tournament spectators, including Plaintiff KLAYMAN, the proposed plaintiff class, and other fans of professional golf in the United States.

35. Defendants' concerted refusal to deal with PGA TOUR professional golfers who participate in LIV Golf tournaments lacks any procompetitive effects or justifications and thereby violates Section 542.18 of the Florida Antitrust Act, Fla. Stat. § 542.18, whether it is viewed under a rule of reason or a per se analysis.

36. Defendants' concerted refusal to deal with PGA TOUR professional golfers who participate in LIV Golf tournaments has caused Plaintiff KLAYMAN and the proposed plaintiff class to suffer antitrust injury, that is, injury of the type the Florida antitrust laws are intended to prevent, by maintaining supracompetitive prices for spectator admission to PGA TOUR-organized and sanctioned golf tournaments in this county, Florida, and the United States, as well as the other consumer damage and harm as set forth herein in paragraph 23 of this Class Action Complaint and elsewhere.

**SECOND CAUSE OF ACTION**  
***Market Division***

37. Plaintiff KLAYMAN re-alleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint as if fully set forth herein.

38. On information and belief, Defendants PGA TOUR and DP WORLD TOUR, in conspiracy with the other Defendants, are engaged in a horizontal agreement between them (implemented by Defendants MONAHAN and PELLELY) to retard entry by and exclude competition from LIV Golf in the United States and European markets for organizing, sanctioning, and offering spectators admission to professional golf tournaments.

39. The Defendants' horizontal division of markets has been effectuated by their concerted refusal to deal set forth in the First Cause of Action above.

40. The relevant product market for this cause of action is organizing, sanctioning, and offering spectators admission to professional golf tournaments.

41. The relevant geographic market for this cause of action is the United States.

42. The horizontal division of markets by Defendants PGA TOUR and DP WORLD TOUR has the purpose and effect of retarding entry by and excluding competition from LIV Golf in this county, Florida, the United States and European and world markets for organizing, sanctioning, and offering spectators admission to professional golf tournaments.

43. Defendant PGA TOUR's participation in the above-described horizontal division of markets has the purpose and effect of enabling Defendant PGA TOUR to preserve and maintain its dominant position in this county, Florida, and thus the United States market for organizing, sanctioning, and offering spectators admission to professional golf tournaments.

44. Defendants' horizontal market division scheme is a per se violation of Section 542.18 of the Florida Antitrust Act, Fla. Stat. § 542.18.

45. Defendants' horizontal market division scheme has caused Plaintiff KLAYMAN and the proposed plaintiff class to suffer antitrust injury, that is, injury of the type the Florida antitrust laws are intended to prevent, by maintaining supracompetitive prices for spectator admission to PGA TOUR organized and sanctioned golf tournaments in this county, Florida, and thus the United States, in addition to the harm and damage as set forth in paragraph 23 of this Class Action Complaint.

**THIRD CAUSE OF ACTION**  
***Monopolization***

46. Plaintiff KLAYMAN re-alleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint as if fully set forth herein.

47. The relevant product market for this cause of action is organizing, sanctioning, and offering spectators admission to professional golf tournaments.

48. The relevant geographic market for this cause of action is the United States.

49. Defendant PGA TOUR (including its subsidiaries) sanctions substantially more than 90 percent of the professional golf tournaments in the United States and with its subsidiaries is the dominant organizer of professional tournament golf in the United States. Defendant PGA TOUR thereby has monopoly power in the United States market for organizing, sanctioning, and offering spectators admission to professional golf tournaments.

50. Defendant PGA TOUR thereby has the power to maintain and increase, if not inflate, the price of spectator admission at professional golf tournaments in the United States free of competition from other golf tournament organizing and sanctioning organizations.

51. By the concerted refusal to deal and horizontal market division scheme described in First and Second Causes of Action above, Defendants PGA TOUR and MONAHAN, acting in concert with the other Defendants as joint tortfeasors, seek to retard entry by and exclude

competition from LIV Golf and preserve and maintain Defendant PGA TOUR's monopoly power over organizing, sanctioning, and offering spectators admission to professional golf tournaments in the United States. Defendant PGA TOUR is thereby monopolizing the market for organizing, sanctioning, and offering spectators admission to professional golf tournaments in the United States in violation of Section 542.19 of Florida's Antitrust Act, Fla. Stat. § 542.19.

52. Even without an agreement between Defendant PGA TOUR and Defendant DP WORLD TOUR, in conspiracy with the other Defendants, to suspend PGA TOUR professional golfers who participate in LIV Golf tournaments, and even without a horizontal agreement between those Defendants to divide the United States and European and world markets between them, that is to say, even if Defendant PGA TOUR acted unilaterally in adopting a policy and practice of suspending professional golfers who participate in LIV Golf tournaments, it would have the purposes and effects of retarding entry by and excluding competition from LIV Golf and preserving and maintaining Defendant PGA TOUR's monopoly power. Even a unilateral suspension of professional golfers who participate in LIV Golf tournaments – by preserving and maintaining Defendant PGA TOUR's monopoly power – is exclusionary and anticompetitive and would be unlawful monopolization in violation of Section 542.19 of the Florida Antitrust Act, Fla. Stat. § 542.19.

53. Defendants PGA TOUR's monopolization, conspiring and acting in concert with the other Defendants as joint tortfeasors, of the United States market for organizing, sanctioning, and offering spectators admission to professional golf tournaments has caused Plaintiff KLAYMAN and the proposed plaintiff class to suffer antitrust injury, that is, injury of the type the Florida antitrust laws are intended to prevent, by maintaining supracompetitive prices for

spectator admission to PGA organized and sanctioned golf tournaments in the United States, as well as the other harm and damage as set forth in paragraph 23 of this Class Action Complaint.

**FOURTH CAUSE OF ACTION**  
*Attempt to Monopolize*

54. Plaintiff KLAYMAN re-alleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint as if fully set forth herein.

55. The relevant product market for this cause of action is organizing, sanctioning, and offering spectators admission to professional golf tournaments.

56. The relevant geographic market for this cause of action is the United States.

57. Defendant PGA TOUR (including its subsidiaries) sanctions substantially more than 90 percent of the professional golf tournaments in the United States and with its subsidiaries is the dominant organizer of professional tournament golf in the United States. Defendant PGA TOUR thereby has monopoly power in the United States market for organizing, sanctioning, and offering spectators admission to professional golf tournaments.

58. Defendant PGA TOUR thereby has the power to maintain and increase, if not inflate, the price of spectator admission at professional golf tournaments in the United States free of competition from other golf tournament organizing and sanctioning organizations.

59. By the concerted refusal to deal and horizontal market division scheme described in First and Second Causes of Action above, Defendants PGA TOUR and MONAHAN, conspiring and acting in concert with the other Defendants as joint tortfeasors, seek to retard entry by and exclude competition from LIV Golf and preserve and maintain Defendant PGA TOUR's monopoly power over the organizing, sanctioning, and offering spectators admission to professional golf tournaments in the United States.

60. With its dominant market share and existing monopoly power, and by its conduct as set forth in the First and Second Causes of Action above, Defendant PGA TOUR is dangerously likely to succeed in its efforts to exclude LIV Golf and all other competition from the United States market for organizing, sanctioning, and offering spectators admission to professional golf tournaments and to succeed in preserving and maintaining its monopoly power in the relevant market.

61. Defendant PGA TOUR is thereby attempting to monopolize the United States market for organizing, sanctioning, and offering spectators admission to professional golf in violation of Section 542.19 of Florida's Antitrust Act, Fla. Stat. § 542.19.

62. Even without an agreement between Defendant PGA TOUR and Defendant DP WORLD TOUR, in conspiracy with the other Defendants, to suspend PGA TOUR professional golfers who participate in LIV Golf tournaments, and even without a horizontal agreement between those Defendants to divide the United States, European, and world markets between them, that is to say, even if Defendant PGA TOUR acted unilaterally in adopting a policy and practice of suspending professional golfers who participate in LIV Golf tournaments, it would have the purposes and effects of retarding entry by and excluding competition from LIV Golf and preserving and maintaining Defendant PGA TOUR's monopoly power. Thus, even a unilateral suspension by Defendant PGA TOUR of professional golfers who participate in LIV Golf tournaments would be exclusionary, anticompetitive, and dangerously likely to succeed in preserving and maintaining Defendant PGA TOUR's monopoly power. For these reasons, even without engaging in concerted action with Defendant DP WORLD TOUR and the other Defendants as joint tortfeasors MONAHAN and PELLE, Defendant PGA TOUR is engaged in



an unlawful attempt to monopolize the relevant market in violation of Section 542.19 of the Florida Antitrust Act, Fla. Stat. § 542.19.

63. Defendants PGA TOUR's attempt to monopolize the United States market for organizing, sanctioning, and offering spectators admission to professional golf tournaments has caused Plaintiff KLAYMAN and the proposed plaintiff class to suffer antitrust injury, that is, injury of the type the Florida antitrust laws are intended to prevent, by maintaining supracompetitive prices for spectator admission to PGA organized and sanctioned golf tournaments in the United States, as well as the other harm and damage as set forth in paragraph 23 of this Class Action Complaint.

#### **FIFTH CAUSE OF ACTION**

##### *Civil Conspiracy*

64. Plaintiff KLAYMAN re-alleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint as if fully set forth herein.

65. Defendants PGA TOUR, DP WORLD TOUR, MONAHAN, PELLEY, TGC LLC and the OWGR have engaged in a civil conspiracy and acted in concert with each other as joint tortfeasors in order to (i) refuse to deal with professional golfers who participate in LIV Golf tournaments; (ii) divide between Defendants PGA TOUR and DP WORLD TOUR their respective United States and European and world markets for organizing, sanctioning, and offering spectators admission to professional golf tournaments; (iii) enable and facilitate Defendant PGA TOUR's monopolization of the United States market for organizing, sanctioning, and offering spectators admission to professional golf tournaments; and (iv) enable and facilitate Defendant PGA TOUR's attempt to monopolize the United States market for

organizing, sanctioning, and offering spectators admission to professional golf tournaments, all as set forth in the Background and Facts and the First through Fourth Causes of action above.

66. These are unlawful acts, and the Defendants have done these unlawful acts using unlawful means.

67. The Defendants have performed overt acts in furtherance of this civil conspiracy, as set forth in the Background and Facts and the First through Fourth Causes of Action above.

68. Plaintiff KLAYMAN and the proposed plaintiff class have been damaged as a result of the overt acts performed in furtherance of Defendants' civil conspiracy described above.

## **ANTITRUST INJURY AND DAMAGES**

69. Defendants' concerted refusal to deal, horizontal market division, monopolization, and attempt to monopolize described in the First through Fourth Causes of Action above and the civil conspiracy described in the Fifth Cause of Action above have caused Plaintiff KLAYMAN and the proposed plaintiff class to suffer antitrust injury, that is, injury of the type the Florida antitrust laws are intended to prevent, by maintaining supracompetitive prices for spectator admission to PGA TOUR organized and sanctioned golf tournaments in the United States, as well as the other harm and damage as set forth in paragraph 23 of this Class Action Complaint.

70. This action seeks actual and compensatory damages, in an amount to be determined, but in any event greater than \$30,000.00 in an amount to be determined by the jury, for the harm caused to Plaintiff KLAYMAN and the proposed plaintiff class by Defendants' violations (as set forth in the First through Fourth Causes of Action above) of Sections 542.18 and 542.19 of the Florida Antitrust Act, Fla. Stat. §§ 542.18, 542.19, and by Defendants' civil conspiracy (as set forth in the Fifth Cause of Action above), said actual and compensatory damages to be trebled pursuant to Section 542.22(1) of the Florida Antitrust Act, Fla. Stat. § 542.22(1).

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff KLAYMAN, in his individual capacity, and on behalf of the proposed plaintiff class, prays for judgment against Defendants, jointly and severally, as follows:

A. Pursuant to Section 542.22 of the Florida Antitrust Act, Fla. Stat. § 542.22, awarding to Plaintiff KLAYMAN and the proposed plaintiff class actual and compensatory damages in an amount to be determined, but in any event greater than \$30,000.00 in an amount

to be determined by the jury, such actual and compensatory damages to be trebled in accordance with Section 542.22 of the Florida Antitrust Act, Fla. Stat. § 542.22.

B. Pursuant to Section 542.23 of the Florida Antitrust Act, Fla Stat. § 542.23, entry of preliminary and permanent injunctive relief prohibiting the Defendants from continuing the unlawful conduct set forth in the First through Fifth Causes of Action above and prohibiting their continued violation of the Florida Antitrust Act.

C. Pursuant to Section 542.22 and 542.23 of the Florida Antitrust Act, Fla Stat. §§ 542.22, 542.23, awarding Plaintiff KLAYMAN and the proposed plaintiff class the cost of suit, including reasonable attorneys' fees.

**PLAINTIFF DEMANDS TRIAL BY JURY ON ALL CLAIMS SO TRIABLE.**

Dated: November 4, 2022

Respectfully submitted,

/s/ Larry Klayman

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the Putative Class*