

# Kluwer Copyright Blog

## Copyright case: Canada Hockey, L.L.C. v. Marquardt, USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Wednesday, May 11th, 2022

The district court's rejection of the employee's qualified immunity arguments on summary judgment was nonappealable.

The U.S. Court of Appeals in New Orleans lacked jurisdiction to hear an appeal of a district court's summary judgment ruling finding that material facts precluded deciding as a matter of law the validity of a qualified immunity defense asserted by Texas A&M's Athletic Department Media Relations Director Brad Marquardt in his efforts to fend off copyright infringement claims brought by an author of a book about the University's 12th Man tradition. Because Marquardt did not raise any legal issues concerning the materiality of the disputed factual issues, the collateral order doctrine did not apply. The appellate court previously affirmed the district court's dismissal of the author's copyright and DMCA claims against the Athletic Department on sovereign immunity grounds, leaving the claims against Marquardt pending (Canada Hockey, L.L.C. v. Marquardt, January 26, 2022, Graves, J.).

Case date: 26 January 2022

Case number: No. 20-20530

Court: United States Court of Appeals, First Circuit

A full summary of this case has been published on [Kluwer IP Law](#).

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