STATE OF NORTH CAROLINA COUNTY OF ORANGE CAMERON FENS, Plaintiff, v. NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, Defendant.	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION File No. 26CV_____-670 **PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiff Cameron Fens moves under Rule 65 of the North Carolina Rules of Civil Procedure and N.C. Gen. Stat. §§ 1-485 and 1-493 for a temporary restraining order and preliminary injunction against Defendant National Collegiate Athletic Association. This motion is supported by the Verified Complaint, the Affidavit of Michael Malone, the Affidavit of Carroll P. Jones III, M.D., and the accompanying memorandum of law. A proposed temporary restraining order is attached.

1. Cameron Fens is a graduate student on the UNC men's basketball team. The NCAA is keeping him off the court in his final season. It is wrong to do so on two independent grounds.

2. First, since August 1, 2026, NCAA Bylaw 12.6 has measured eligibility in five years, and it now provides that a player's "period of eligibility for practice and competition shall be limited to five academic years." This is Fens's fifth year. The NCAA has excluded him anyway, relying on two documents never codified in the

bylaw. An exclusion the NCAA never wrote into its rules cannot keep him on the bench.

3. Second, even under the old four-season limit, Fens should be playing. He broke his foot in the seventh game of his 2024–25 season at the University of South Dakota. Misdiagnosed as a soft-tissue injury, the break went undetected for eight weeks while he kept playing. The NCAA's own guidelines name "medical misdiagnosis" as an extraordinary circumstance that can justify relief. Yet NCAA staff denied Fens a hardship waiver without addressing the misdiagnosis.

4. Without injunctive relief, Fens loses games from his last college season that no judgment can return. UNC has already played four games without him, more than ten percent of its regular season, and each game is played only once. Last season he was named First Team All-Summit League; this season, against an Atlantic Coast Conference schedule that includes Kentucky, Arkansas, and Duke, is his last chance at this level to show NBA teams that a seven-footer from the Summit League can hold his own against high-major size. Fens seeks no damages, and no award of money could give him back those games or that chance.

5. The equities favor Fens. If he is wrongly kept off the court, he loses his last season. If he is wrongly allowed to play, the NCAA's injury is slight by comparison. No UNC player loses a roster spot, and other fifth-year players are already competing this season. An Indiana court barred the NCAA from keeping ninety-seven of them out of competition, and the Indiana Court of Appeals declined to stay that order. Six teams on UNC's schedule, including NC State, Louisville,

Wake Forest, and Miami, are playing seven fifth-year players, each of whom UNC's head coach understands to be competing under a court order. Playing Fens would put him on the same footing as the players UNC will face. No security, or at most a nominal amount, is needed.

6. The Verified Complaint and the supporting affidavits establish these facts, and the accompanying memorandum sets out the argument in full.

7. Counsel for Fens certifies under Rule 65(b) that he gave the NCAA notice of this motion on November 16, 2026, by a letter sent by email at 5:02 p.m. to Scott Bearby, the NCAA's Senior Vice President and Chief Legal Officer, and Greg Pottorff, its Vice President and General Counsel, stating that, unless the NCAA confirmed Fens's eligibility by 2:00 p.m. on November 18, he would move that afternoon for a temporary restraining order and ask that it be heard on November 19. With this filing, he is emailing this motion and its supporting papers to the same recipients. As of this filing, the NCAA has not given that confirmation.

8. Good cause exists under Rule 65(b) to extend the temporary restraining order for a like period. Because of the Court's schedule during the week of November 23, 2026, which includes the Thanksgiving holidays, the motion for a preliminary injunction may not be heard before the order's first ten days run, and UNC plays Arkansas on December 1. Without an extension, the restraint could lapse while that motion is pending.

RELIEF REQUESTED

Fens asks the Court to:

(a) enter a temporary restraining order, expiring ten days after entry and extended for a like period for good cause under Rule 65(b), that prohibits the NCAA, and those in active concert or participation with it who receive actual notice of the order, from:

(i) treating or declaring Fens ineligible to participate, practice, or compete in the 2026–27 season, or rejecting, refusing, or overturning UNC's certification of his eligibility, on the ground that the 2024–25 season counts as one of his four seasons of competition;

(ii) doing any of those things on the ground that he competed in four seasons under the four-season limit of former Bylaw 12.6, whether the NCAA relies on that former bylaw, on the "Effective Date" note to NCAA Division I Proposal 2026-44, or on the June 5, 2026 report of the NCAA Division I Cabinet; and

(iii) taking any action against UNC, its coaches, or its staff under Bylaw 12.9.4.2 or any other rule, or vacating or striking Fens's individual records and performances or UNC's team records or performances, at any time because of his practice or competition while any order entered in this action was in effect;

(b) set Fens's motion for a preliminary injunction for hearing at the earliest possible time;

(c) after notice and a hearing, enter a preliminary injunction on the First through Third and Fifth Causes of Action that:

(i) requires the NCAA to file with the Court, within one day after it is released, any decision on USD's appeal to the Subcommittee in Fens's case, NCAA Case No. 1263004, and provides that, to support dissolution under clause (ii), a decision must be in writing and must (1) state whether the NCAA accepts the misdiagnosis asserted in UNC's statement that USD submitted with its appeal, and why; (2) apply the NCAA's guidelines, including the guideline that names medical misdiagnosis as an extraordinary circumstance, and its June 10, 2025, staff decision in NCAA Case No. 1240764, considering the totality of the circumstances presented in the materials in Case No. 1263004 and other applicable case precedent; and (3) decide the misdiagnosis question on the medical evidence, without treating USD's July 14 "No" or its athletics director's November 9 letter as resolving the issues presented;

(ii) continues the restraint in paragraph (a)(i) until final judgment, whether or not the Subcommittee decides USD's appeal in the meantime, unless the Court dissolves or modifies it on the NCAA's motion showing that

the Subcommittee has issued a final decision that meets requirements (1) through (3) of clause (i);

(iii) continues the restraint in paragraph (a)(iii) until final judgment;

(d) after notice and a hearing, enter a preliminary injunction on the Fourth Cause of Action, independently of paragraph (c), that continues the restraints in paragraph (a)(ii) and (iii) until final judgment;

(e) dispense with security or, alternatively, set it at $1; and

(f) grant such other relief as the Court deems just and proper.

Dated: November 18, 2026

Respectfully submitted,

WOMBLE BOND DICKINSON (US) LLP

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CERTIFICATE OF SERVICE

I certify that on November 18, 2026, I served the foregoing motion, the Verified Complaint and its exhibits, the Affidavit of Michael Malone, the Affidavit of Carroll P. Jones III, M.D., and the proposed temporary restraining order on Defendant National Collegiate Athletic Association by email to Scott Bearby, Esq., Chief Legal Officer (sbearby@ncaa.org), and Greg Pottorff, Esq., Vice President and General Counsel (gpottorff@ncaa.org), and by first-class mail, postage prepaid, addressed to National Collegiate Athletic Association, c/o Scott Bearby, Chief Legal Officer, 700 W. Washington St., P.O. Box 6222, Indianapolis, IN 46206-6222.

/s/ Samuel B. Hartzell
Samuel B. Hartzell