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FIRM NEWS

Carl Kennedy Weighs In on Ninth Circuit's *Kalshi* Ruling and the Road to the Supreme Court

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As reported by *Front Office Sports*, Partner and Financial Markets and Regulation Co-Chair Carl Kennedy offered commentary on the Ninth Circuit's unanimous decision allowing Nevada to enforce its gambling laws against prediction-market platform Kalshi, a ruling that casts doubt on the industry's ability to offer sports-event contracts nationwide and that many observers view as accelerating a potential Supreme Court showdown. Carl, a former Commodity Futures Trading Commission (CFTC) lawyer, addressed the key question of whether the decision makes a Supreme Court fight inevitable, cautioning that while such a showdown has become "substantially more plausible," it is not yet guaranteed.

Writing in an analysis published the day of the ruling, Carl emphasized the procedural posture of the competing appellate decisions that have created a circuit split. "It's important to note that both decisions arise from preliminary-injunction proceedings, not final merit judgments," Carl wrote. "Thus, the Supreme Court may resolve the split now or wait for a more procedurally developed case." His measured take offers a useful counterpoint to the widespread expectation that the nation's highest court will soon step in to settle the legality of sports-event contracts.

"What Kalshi's Big Court Loss Means for Prediction Markets," *Front Office Sports*, August 30, 2026

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