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# Case study: U.S. district court rules thoroughbred “claiming jail” regulations unconstitutional

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## Problem

Our client was a leading thoroughbred racehorse owner who buys horses at claiming races at thoroughbred racetracks throughout the country. His ability to race these horses was restricted by what are commonly referred to as “claiming jail” regulations, which in certain states require purchasers of claiming race horses to only race those horses, for a period of time, at the track from which they were purchased or at other tracks within that same state.

## Solution

After having unsuccessfully challenged Kentucky’s claiming jail regulations with another law firm, our client asked Frost Brown Todd (FBT) to represent him in challenging claiming jail regulations in Indiana. FBT’s trial team, led by [Barry Hunter](#), brought a constitutional claim under 42 U.S.C. §1983 against the Indiana Horse Racing Commission, contending that Indiana’s claiming jail regulations, which prohibit the owners of horses acquired at Indiana claiming races to race them in any other states, violated the U.S. Constitution’s Commerce Clause forbidding states from passing laws/regulations which discriminate against commerce in other states.

## Client Benefit

The U.S. District Court for the Northern District of Indiana entered judgment in our client’s favor, finding that Indiana claiming jail regulation was unconstitutional, striking the regulation and awarding our client the attorneys’ fees he incurred in bringing the action.

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