

ORIGINAL



IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

ESTATE of JOSEPH PATERNO;  
 AL CLEMENS, member of the Board of Trustees of  
 Pennsylvania State University;  
 and  
 WILLIAM KENNEY and JOSEPH V. (“JAY”) PATERNO,  
 former football coaches at Pennsylvania State  
 University  
 Plaintiffs,  
 v.  
 NATIONAL COLLEGIATE ATHLETIC  
 ASSOCIATION  
 (“NCAA”),  
 MARK EMMERT, individually and as President of the  
 NCAA, and  
 EDWARD RAY, individually and as former Chairman  
 of  
 the Executive committee of the NCAA,  
 Defendants,  
 and  
 THE PENNSYLVANIA STATE UNIVERSITY,  
 Nominal Defendant.

) **Docket No.:** 2013-2082  
 )  
 ) **Type of Case:**  
 ) Declaratory Judgment Injunction  
 ) Breach of Contract  
 ) Tortious Interference with  
 ) Contract  
 ) Defamation  
 ) Commercial Disparagement  
 ) Conspiracy  
 )  
 ) **Type of Pleading:**  
 ) Joint Stipulation Regarding the  
 ) NCAA Defendants’ Response to  
 ) Plaintiffs’ Amended Complaint  
 )  
 ) **Filed on Behalf of:**  
 ) National Collegiate Athletic  
 ) Association, Mark Emmert,  
 ) Edward Ray  
 )  
 ) **Counsel of Record for this  
 ) Party:**  
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 ) PA I.D. Number: 15681

2014 SEP 23 PM 4:18  
 DEBRA C. JENSEL  
 PROTHONOTARY  
 CENTRE COUNTY, PA

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY,  
PENNSYLVANIA

ESTATE of JOSEPH PATERNO; )  
 )  
AL CLEMENS, member of the )  
Board of Trustees of Pennsylvania State University; )  
WILLIAM KENNEY and JOSEPH V. ("JAY") PATERNO, )  
former football coaches at Pennsylvania State University, )  
 )  
Plaintiffs, )

v. )

THE NATIONAL COLLEGIATE ATHLETIC )  
ASSOCIATION ("NCAA"), MARK EMMERT, )  
individually and as President of the NCAA, and )  
EDWARD RAY, individually and as former Chairman )  
of the Executive Committee of the NCAA, )  
 )  
Defendants, )

and )

THE PENNSYLVANIA STATE UNIVERSITY, )  
 )  
Nominal Defendant. )

Civil Division

Docket No. 2013-2082

2014 SEP 23 PM 4:18  
DEBRA C. JENSEN  
PROTHONOTARY  
CENTRE COUNTY, PA

**JOINT STIPULATION REGARDING THE NCAA DEFENDANTS'  
RESPONSE TO PLAINTIFFS' AMENDED COMPLAINT**

Whereas, on September 11, 2014, this Court entered an Opinion and Order sustaining, in part, and overruling, in part, Defendant National Collegiate Athletic Association ("NCAA"), Mark Emmert, and Edward Ray's (collectively, the "NCAA Defendants") Preliminary Objections to Plaintiffs' February 5, 2014 First Amended Complaint (the "First Amended Complaint");

Whereas, the Court sustained The Pennsylvania State University's ("Penn State") preliminary objection to the First Amended Complaint based on Insufficient Specificity With Respect To Counts, Plaintiffs, and Relief Sought for All Counts and All Plaintiffs, as well as other objections that the Court held "can properly be categorized as a 'subset' of the overall objection to lack of specificity for all counts";

Whereas, the Court granted Plaintiffs leave to file a Second Amended Complaint "alleging the actions of each defendant giving rise to each count along with the corresponding relief requested," within thirty days of the date of the Opinion and Order, which is October 13, 2014, and Plaintiffs presently intend to file such a Second Amended Complaint;

Therefore, the Parties, by and through undersigned counsel, agree and jointly stipulate as follows:

1. The NCAA Defendants need not answer the First Amended Complaint, and instead shall respond to the Second Amended Complaint by the same date Penn State responds to the Second Amended Complaint, whether pursuant to the time set forth in the Pennsylvania Rules of Civil Procedure or by stipulation of the Parties.<sup>1</sup>

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Defendants Dr. Emmert and Dr. Ray also raised preliminary objections based on a lack of personal jurisdiction. Those preliminary objections have not been resolved, and Defendants Emmert and Ray continue to preserve and assert them. The Parties have agreed that any

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**AGREED TO BY:**

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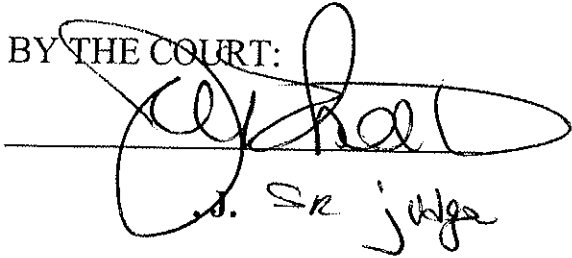
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lack of personal jurisdiction will be deferred until discovery adequate to resolve them has been completed.

Date: September 29, 2014

SO ORDERED.

BY THE COURT:

  
\_\_\_\_\_  
J. SR judge

DEBRA C. JENSEL  
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CENTRE CAMPBELL, PA

2014 OCT -2 AM 11:46

## CERTIFICATE OF SERVICE

I, Thomas W. Scott, hereby certify that I am serving the foregoing Joint Stipulation Regarding the NCAA Defendants' Response to Plaintiffs' Amended Complaint, by First Class Mail and email to:

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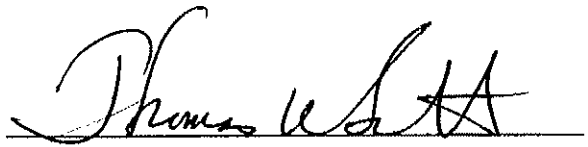
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*Counsel for The Pennsylvania State  
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*Via FedEx Overnight Delivery*  
The Honorable John B. Leete  
Senior Judge, Specially Presiding  
Potter County Courthouse, Room 30  
One East Second Street  
Coudersport, PA 16915

Dated: September 23, 2014

A handwritten signature in black ink, appearing to read "Thomas W. Scott", written over a horizontal line.

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