

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

GEORGE SCOTT PATERNO,
as duly appointed representative of the
ESTATE and FAMILY of JOSEPH PATERNO;

RYAN McCOMBIE, ANTHONY LUBRANO,
AL CLEMENS, and ADAM TALIAFERRO, members of the
Board of Trustees of Pennsylvania State University;

PETER BORDI, TERRY ENGELDER, SPENCER NILES,
and JOHN O'DONNELL, members of
the faculty of Pennsylvania State University;

WILLIAM KENNEY and JOSEPH V. ("JAY") PATERNO,
former football coaches at Pennsylvania State University; and

ANTHONY ADAMS, GERALD CADOGAN, SHAMAR
FINNEY, JUSTIN KURPEIKIS, RICHARD GARDNER,
JOSH GAINES, PATRICK MAUTI, ANWAR PHILLIPS,
and MICHAEL ROBINSON, former football players of
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.

Civil Division

Docket No. 2013-2082

DEORA C. LIMEL
PROTHONOTARY
CENTRE COUNTY, PA

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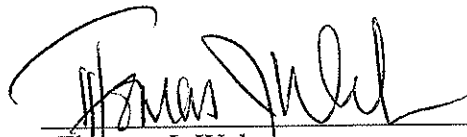
FILED FOR RECORD

**CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA TO MAYER BROWN
LLP PURSUANT TO RULE 4009.22**

As a prerequisite to service of a subpoena for documents and things to Mayer Brown LLP pursuant to Rule 4009.22, Plaintiff George Scott Paterno, as duly appointed representative of the Estate and Family of Joseph Paterno ("Paterno"), certifies that:

- (1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) no objection to the subpoena has been received, and
- (4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Dated this 12th day of March, 2014.



Thomas J. Weber
GOLDBERG KATZMAN, P.C.
4250 Crums Mill Road, Suite 301
P. O. Box 6991
Harrisburg, PA 17112
Telephone: (717) 234-4161

Wick Sollers
L. Joseph Loveland
Mark A. Jensen
Ashley C. Parrish
KING & SPALDING LLP
1700 Pennsylvania Avenue, NW
Washington, DC 20006
Telephone: (202) 737-0500

*Counsel for Plaintiff George Scott Paterno, as duly
appointed representative of the Estate and Family
of Joseph Paterno*

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

GEORGE SCOTT PATERNO,)
as duly appointed representative of the)
ESTATE and FAMILY of JOSEPH PATERNO;)
)
RYAN McCOMBIE, ANTHONY LUBRANO,) Civil Division
AL CLEMENS, and ADAM TALIAFERRO, members of the)
Board of Trustees of Pennsylvania State University;) Docket No. 2013-2082
)
PETER BORDI, TERRY ENGELDER, SPENCER NILES,)
and JOHN O'DONNELL, members of)
the faculty of Pennsylvania State University;)
)
WILLIAM KENNEY and JOSEPH V. ("JAY") PATERNO,)
former football coaches at Pennsylvania State University; and)
)
ANTHONY ADAMS, GERALD CADOGAN, SHAMAR)
FINNEY, JUSTIN KURPEIKIS, RICHARD GARDNER,)
JOSH GAINES, PATRICK MAUTI, ANWAR PHILLIPS,)
and MICHAEL ROBINSON, former football players of)
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.)

**NOTICE TO DEFENDANTS BY PLAINTIFF GEORGE SCOTT PATERNO AS DULY
APPOINTED REPRESENTATIVE OF THE ESTATE AND FAMILY OF JOSEPH
PATERNO OF INTENT TO SERVE A SUBPOENA TO MAYER BROWN LLP TO
PRODUCE DOCUMENTS PURSUANT TO RULE 4009.21**

Plaintiff George Scott Paterno, as duly appointed representative of the Estate and Family
of Joseph Paterno ("Paterno"), by and through the undersigned counsel, intends to serve a

subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Dated this 4th day of February, 2014.



Thomas J. Weber
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L. Joseph Loveland
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1700 Pennsylvania Avenue, NW
Washington, DC 20006
Telephone: (202) 737-0500

*Counsel for Plaintiff George Scott Paterno, as duly
appointed representative of the Estate and Family
of Joseph Paterno*

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

GEORGE SCOTT PATERNO, as duly appointed representative of the ESTATE and FAMILY of JOSEPH PATERNO; et al.,
Plaintiff/Petitioner
v.
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION ("NCAA"), et al.,
Defendant/Respondent

No. _____

SUBPOENA IN A CIVIL MATTER
(For Testimony and/or Documents)

To: Mayer Brown LLP
71 S. Wacker Drive
Chicago, IL 60606

- 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable _____ in Room _____, Illinois on _____, at _____ m.
2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: _____ in Room _____, Illinois on _____, at _____ m.
3. YOU ARE COMMANDED to mail the following documents in your possession or control to Meredith D. Schacht, Esq. at Neal, Gerber & Eisenberg, 2 North LaSalle Street, Suite 1700, Chicago, IL 60602-3801, on or before March 26, 2014, at _____ m. (THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.): See Exhibit A, attached.

Description continued on attached page(s). Exhibit A

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

Notice to Deponent:

1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: _____

Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by _____ (Name of Recording Device Operator)

3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. 013739 Pro Se 99500

Name: Meredith D. Schacht, Esq.

Issued by: _____ Signature

Atty. for: George Scott Paterno, as duly appointed representative of the Estate and Family of Joseph Paterno

Address: Neal, Gerber & Eisenberg, 2 North LaSalle Street, Suite 1700

Attorney

City/State/Zip: Chicago, IL 60602-3801

Clerk of Court

Telephone: (312) 269-8000

Date: _____, 2014

I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to _____ by certified mail, return receipt requested (Receipt # _____) on _____.

I paid the witness \$ _____ for witness and mileage fees.

I served this subpoena by handing a copy to _____ on _____.

I paid the witness \$ _____ for witness and mileage fees.

(Signature of Server)

(Print Name)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

EXHIBIT A

Records and Documents from Mayer Brown LLP ("Mayer Brown").

DEFINITIONS

Notwithstanding any definition set forth below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under Pa. R.C.P. No. 4009.21-27. As used in these Requests, the following terms are to be interpreted in accordance with these definitions:

1. "You," "your," "yours," and "Mayer Brown" shall refer to the law firm Mayer Brown LLP ("Mayer Brown"), to which these Requests are directed, as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of Mayer Brown.

2. "Plaintiff" shall refer to Plaintiff George Scott Paterno, as duly appointed representative of the Estate and Family of Joseph Paterno, as well as any person acting, authorized to act, or purporting to act on behalf of the Plaintiff.

3. "Communication" means the transmittal of information by any means, and shall mean and be deemed to refer to any writing or oral conversation, including, but not limited to, telephone conversations, conversations in meetings, letters, memoranda, notes, or electronic communications.

4. "Document" is defined as broadly as possible to include anything stored in any medium, including but not limited to, all written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, of every type and description that is in your possession, control, or custody, or of which you have knowledge, including but not limited to, correspondence; memoranda; transcriptions of any conversation or testimony; tapes; stenographic or hand-written notes; studies; publications; books; diaries; phone records; logs; instant messaging (public and private IM); electronic mail (email), including but not limited to, server-based email,

web-based email (i.e. gmail.com, yahoo.com, hotmail.com), dial up email, email attachments, deleted email, and email stored on hard drives or portable media; voicemail; information stored on social media and social networking sites; information created or received with the use of PDAs or smartphones; information stored in a cloud environment; text messages; information stored on removable hard drives, thumb drives, flash drives, CDs, DVDs, disks and other portable media; pamphlets; pictures (drawings and photographs); films; images; microfilms; recordings (including any analog, digital, electromagnetic, optical, phonographic, or other media of audio and/or visual recordings); maps; reports; recommendations; surveys; appraisals; charts; minutes; statistical computations; spreadsheets; telegrams; telex messages; listings of telephone calls; calendars; datebooks; books of account; ledgers; expense records; accounts payable; accounts receivable; presentations; analyses; computer records, data compilations and/or databases; every draft of each such document; every copy of each such document where the original is not in your possession, custody or control; and every copy of each such document where such copy is not an identical copy of an original, or other copy, or where such copy contains any commentary or notation whatsoever that does not appear on the original or other copy. "Document" includes any electronically stored information ("ESI").

5. "Evidence, reflect, or relate to" means in the broadest sense and includes documents and things alluding to, responding to, concerning, connected with, commenting on, in respect of, about, regarding, discussing, evidencing, contradicting, showing, describing, reflecting, analyzing and/or constituting the subject matter of the request.

6. "Person" means any natural person or any business, corporation, public corporation, municipal corporation, state government, local government, agency, partnership, group, association, or other organization, and also includes all of the person's representatives.

7. "Penn State" shall refer to employees, administrators, and personnel of The Pennsylvania State University, as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of Penn State.

8. "Joe Paterno" or "Paterno" shall refer to former Penn State head football coach Joseph ("Joe") V. Paterno, as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of Joe Paterno.

9. "Jerry Sandusky" or "Sandusky" shall refer to former Penn State assistant football coach Gerald A. Sandusky, as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of Gerald A. Sandusky.

10. "NCAA" shall refer to Defendant NCAA, as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of the NCAA.

11. "Mark Emmert" or "Emmert" shall refer to the President of the NCAA, Mark Emmert, as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of Mark Emmert.

12. "Edward Ray" or "Ray" shall refer to the former Chairman of the NCAA's Executive Committee, Edward Ray, as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of Edward Ray.

13. The "Freeh Firm" refers to the law firm of Freeh, Sporkin & Sullivan, LLP (and any successor entity), as well as attorneys, investigators, or employees of any other firms that aided or worked with the Freeh Firm on the Freeh investigation, as defined *infra*.

14. The "Freeh investigation" shall refer to the investigation conducted by the Freeh Firm into the alleged failure of certain Penn State personnel to respond to and report certain allegations against Sandusky.

15. The "Freeh Report" shall refer to the report issued by the Freeh Firm on July 12, 2012, including all footnotes, exhibits, drafts, or other notes related to that Report.

16. The "NCAA investigation" shall refer to any investigation or evaluation of Penn State undertaken by the NCAA following Defendant Emmert's assertion of NCAA jurisdiction over matters related to Sandusky and Penn State in November 2011.

17. The "Consent Decree" shall refer to the document titled the "Binding Consent Decree Imposed by the National Collegiate Athletic Association and Accepted by The Pennsylvania State University," released on July 23, 2012, as well as all footnotes, exhibits, drafts, and other notes related to the Consent Decree.

18. The "NCAA's Operating Bylaws and Administrative Bylaws," "Operating Bylaws," or "Administrative Bylaws," shall refer to the operating policies, procedures, guidelines, and rules set forth in the 2011-2012 NCAA Division I Manual, Compl. Ex. A.

19. The "Big Ten Conference" or "Big Ten" shall refer to the Big Ten Athletic Conference as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of the Big Ten Athletic Conference.

INSTRUCTIONS

The following instructions are applicable throughout these Requests and are incorporated into each individual Request:

1. These instructions and definitions should be construed to require responses based upon the knowledge of, and information available to, the responding party, Mayer Brown, as well as its agents, representatives, and, unless privileged, attorneys and accountants.

2. These Requests are continuing in character, so as to require that supplemental responses be served promptly if additional or different information is obtained with respect to any Request.

3. No part of a Request should be left unanswered merely because an objection is interposed to another part of the Request. If a partial or incomplete response is provided, the responding party shall state that the response is partial or incomplete.

4. All objections shall be set forth with specificity and shall include a brief statement of the grounds for such objections.

5. Each Request shall be read to be inclusive rather than exclusive. Accordingly, the words "and" as well as "or" shall be construed disjunctively or conjunctively as necessary, in order to bring within the scope of each Request all information that might otherwise be construed to be outside its scope. "Including" shall be construed to mean "including, without any limitation." The word "all" includes "any" and vice versa. The past tense shall include the present tense so as to make the request inclusive rather than exclusive. The singular shall include the plural and vice versa. The masculine includes the feminine and vice versa.

6. Where a claim of privilege is asserted in objecting to any Request or part thereof, and documents or information is not provided on the basis of such assertion:

A. In asserting the privilege, the responding party shall, in the objection to the

Request, or part thereof, identify with specificity the nature of the privilege (including work product) that is being claimed; and

B. The following information should be provided in the objection, if known or reasonably available, unless divulging such information would cause disclosure of the allegedly privileged information:

(1) For documents:

- a. the type of document;
- b. the general subject matter of the document;
- c. the date of the document; and such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.

7. If, in responding to these Requests, you encounter any ambiguity when construing a Request, instruction, or definition, your response shall set forth the matter deemed ambiguous and the construction used in answering.

8. All documents that are responsive, in whole or in part, to any portion or clause of any paragraph of any Request shall be produced in their entirety.

9. Where any item contains marking(s) not appearing in the original, or drafts are altered from the original, then all such items must be considered as separate documents and identified and produced as such.

10. Unless otherwise specified in a particular Request, the time periods covered by these Requests is January 1, 2011 to the present.

DOCUMENT REQUESTS

Request No. 1:

Please produce all documents that evidence, reflect or relate to collaboration on gathering and sharing information between Mayer Brown and the NCAA, including all notes or records of telephone calls, memos, emails, letters, or other forms of communication, relating to the NCAA investigation or the Freeh investigation.

Request No. 2:

Please produce all documents that evidence, reflect, or relate in any way to communications between Mayer Brown and Penn State, including all notes or records of telephone calls, memos, emails, letters, or other forms of communication, relating to the NCAA investigation or the Freeh investigation.

Request No. 3:

Please produce all documents that evidence, reflect, or relate to communications between Mayer Brown and the Freeh Firm, including all notes or records of telephone calls, memos, emails, letters, or other forms of communication, relating to the NCAA investigation or the Freeh investigation.

Request No. 4:

Please produce all documents that evidence, reflect, or relate to communications between Mayer Brown and any person other than a representative of the Big Ten Conference relating to the NCAA investigation, including, but not limited to including all notes or records of telephone calls, memos, emails, letters, or other forms of communication, relating to the NCAA investigation or the Freeh investigation.

Request No. 5:

Please produce all documents that evidence, reflect, or relate to communications between Mayer Brown and any person other than a representative of the Big Ten Conference relating to the Freeh investigation, including all notes or records of telephone calls, emails, letters, or other forms of communication regarding the Freeh investigation.

Request No. 6 :

Please produce all documents that evidence, reflect, or relate in any way to the Consent Decree, including all drafts of the Consent Decree, all documents reflecting communications regarding any draft of the Consent Decree, and all notes or records of telephone calls, memos, emails, letters, or other forms of communication regarding the Consent Decree.

Request No. 7:

Please produce all documents that evidence, reflect, or relate to communications to or from Emmert or Ray (or communications on which either of them was copied or received as a forwarded message) regarding the Executive Committee resolution authorizing sanctions against Penn State.

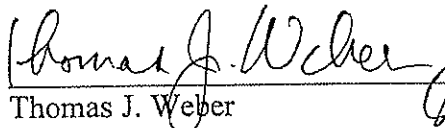
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE TO DEFENDANTS BY PLAINTIFF GEORGE SCOTT PATERNO AS DULY APPOINTED REPRESENTATIVE OF THE ESTATE AND FAMILY OF JOSEPH PATERNO OF INTENT TO SERVE A SUBPOENA TO MAYER BROWN LLP TO PRODUCE DOCUMENTS PURSUANT TO RULE 4009.21 was served this 4th day of February, 2014 by first class mail and email to the following:

Thomas W. Scott
Killian & Gephart
218 Pine Street
P.O. Box 886
Harrisburg, PA 17108-0886
Email: tscott@killiangephart.com

Everett C. Johnson, Jr.
Lori Alvino Mc Gill
Latham & Watkins LLP
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Washington, D.C. 20004-1304
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*Counsel for Plaintiff George Scott Paterno, as duly
appointed representative of the Estate and Family of
Joseph Paterno*

CERTIFICATE OF SERVICE

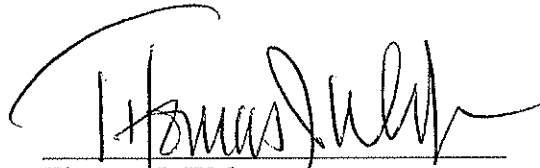
I HEREBY CERTIFY that a true and correct copy of the foregoing **CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA TO MAYER BROWN LLP** PURSUANT TO RULE 4009.22 was served this 12th day of March, 2014 by first class mail and email to the following:

Thomas W. Scott
Killian & Gephart
218 Pine Street
P.O. Box 886
Harrisburg, PA 17108-0886
Email: tscott@killiangephart.com

Everett C. Johnson, Jr.
Lori Alvino McGill
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*Counsel for Plaintiff George Scott Paterno, as duly
appointed representative of the Estate and Family
of Joseph Paterno*