

**IN THE COURT OF COMMON PLEAS
OF CENTRE COUNTY, PENNSYLVANIA**

The ESTATE of JOSEPH PATERNO;
AL CLEMENS, a 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.

CIVIL DIVISION

Docket No. 2013-2082

**CONCISE STATEMENT OF
MATTERS COMPLAINED
OF ON APPEAL**

Filed on Behalf of:
The Pennsylvania State
University

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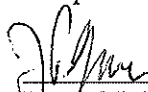
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assistance in a legal matter to Penn State; (c) Penn State waived the attorney-client privilege by producing (or authorizing the Freeh Firm or Freeh Group International to produce) protected communications to one or more third parties; and (d) the appropriate scope of any subject-matter waiver of the attorney-client privilege that may have occurred are the four divisions outlined in the Scope of Engagement, namely: (i) failures that occurred in the reporting process; (ii) the cause for those failures; (iii) who had knowledge of the allegations of sexual abuse; and (iv) how those allegations were handled by the Trustees, PSU administrators, coaches and other staff.

2. Penn State contends that the Court erred when it overruled Penn State's objection to the issuance of the subpoena to Pepper Hamilton on the ground that plaintiffs are seeking documents that are protected from disclosure by the attorney work product doctrine, including the Court's conclusions that: (a) Penn State lacks standing to assert the attorney work product doctrine; (b) the protection of the attorney work product doctrine is not available unless the requests are made in connection with the litigation for which the material was prepared; and (c) the Scope of Engagement did not contemplate legal advice or legal services in conjunction with the case at bar.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 4th day of November, 2014, a true and correct copy of the foregoing Concise Statement of Matters Complained of on Appeal was served upon the following counsel via United States mail, first class, postage prepaid:

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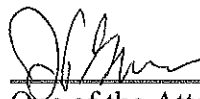
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A handwritten signature in black ink, appearing to be 'J. M.', positioned above a horizontal line.

One of the Attorneys for
The Pennsylvania State University