



IN THE COURT OF COMMON PLEAS
OF CENTRE COUNTY, PENNSYLVANIA

The ESTATE of JOSEPH PATERNO; 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.

CIVIL DIVISION

Docket No. 2013-2082

CONSENT MOTION FOR
LEAVE TO FILE
PRIVILEGE LOG UNDER
SEAL

Filed on Behalf of:

Non-Parties The Pennsylvania
State University and Pepper
Hamilton LLP

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FILED FOR RECORD

2016 JUN -7 AM 11:56

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

The ESTATE of JOSEPH PATERNO; 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

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Docket No. 2013-2082

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**CONSENT MOTION FOR LEAVE TO FILE PRIVILEGE LOG UNDER SEAL**

Non-parties The Pennsylvania State University (“Penn State” or “the University”) and Pepper Hamilton LLP, with the consent of counsel for Plaintiffs and counsel for Defendants, respectfully ask this Court for leave to file a privilege log under seal. IN support of this motion, Penn State and Pepper Hamilton aver as follows:


1. In furtherance of the Superior Court’s April 16, 2016, order and the parties’ agreed-upon protocol for implementing that order, Penn State and Pepper Hamilton have filed a joint memorandum of law in support of their privilege claims. Consistent with the agreed-upon protocol, the undersigned also are providing this Court with exemplars of documents for which one or more privileges are claimed for *in camera* review, and have prepared a privilege log describing each of those documents.

2. The privilege log contains sensitive, non-public information, including names of certain individuals who were interviewed by the law firm of Freeh Sporkin & Sullivan in the course of the investigation. Accordingly, Penn State and Pepper Hamilton are producing the privilege log to the parties pursuant to the terms of the Stipulated Protective Order at issue in this case, and by this motion, are respectfully requesting leave to file that privilege log with the Court under seal.

3. Counsel for Plaintiffs (Trish Maher) and counsel for Defendants (Brian Kowalski) have stated in writing that they consent to the relief sought by this motion.

For all of the reasons set forth above, Penn State and Pepper Hamilton respectfully request that this Court enter the proposed Order that is submitted herewith.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on this 6<sup>th</sup> day of June, 2016, a true and correct copy of the foregoing CONSENT MOTION FOR LEAVE TO FILE PRIVILEGE LOG UNDER SEAL was served upon the following counsel via United States mail, first class, postage prepaid:

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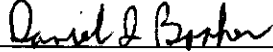
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