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ORIGINAL

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

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

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 Motion for Entry of A
) Scheduling Order
)
) **Filed on Behalf of:**
) National Collegiate Athletic
) Association, Mark Emmert,
) Edward Ray
)
) **Counsel of Record for this
) Party:**
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FILED FOR RECORD
DEBRA C. JIMMEL
PROTHONOTARY
CENTRE COUNTY, PA

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

ORIGINAL

The ESTATE of JOSEPH PATERNO; and)
) Civil Division
 WILLIAM KENNEY and JOSEPH V. ("JAY"))
 PATERNO,) Docket No. 2013-2082
 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.)
)
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 CENTRE COUNTY, PA

JOINT MOTION FOR ENTRY OF A SCHEDULING ORDER

Pursuant to the Court’s request at the September 9, 2015 hearing that the parties jointly submit a case management schedule, if possible, the parties have conferred about proposed dates for the schedule. Subject to Plaintiffs’ conditions below, the parties were able to reach agreement on nearly all relevant dates. However, the parties were unable to reach agreement concerning three aspects of the case calendar: (1) the scope and timing of expert discovery; (2) the timing of any motions to exclude expert testimony; and (3) whether a schedule for briefing

motions in limine should be established now or after resolution of dispositive motions. The parties will submit, by Friday, October 16, 2015, brief statements of their respective positions on these outstanding issues for resolution by the Court.

With the exception of these outstanding issues, the parties have agreed to the dates set forth below. However, Plaintiffs have asserted the importance of obtaining access to the documents that Pepper Hamilton and Penn State University have been ordered to produce, but to which they have restricted access by designating them “Highly Confidential – Attorney’s Eyes Only.” Plaintiffs are reluctant to stipulate to a firm case management schedule until plaintiffs (not just their counsel) have access to documents that Pepper Hamilton and Penn State University have produced, or will later produce. Plaintiffs will, however, conditionally agree to a schedule that would become operative if the Court enters an order on or before November 30, 2015, which allows plaintiffs themselves access to documents that have been produced or are later produced by Pepper Hamilton and Penn State.

Although Defendant NCAA proposed a somewhat different schedule in its Motion for Entry of A Scheduling Order, it is agreeable to the following schedule. In addition, Defendants Emmert and Ray are agreeable to the following case management schedule:

End of fact discovery	Mon. 2/29/2016
Supplemental briefing on Personal Jurisdiction Motions	Mon. 2/29/2016
Plaintiffs’ expert disclosures	Wed. 3/30/2016
Opposition to Personal Jurisdiction Motions	Wed. 4/6/2016
Replies to Personal Jurisdiction Motions	Wed. 4/20/2016
Defendants’ expert disclosures	Fri. 4/29/2016
Plaintiffs’ rebuttal expert disclosures	Fri. 5/13/2016

Defendants' rebuttal expert disclosures (if necessary)	Fri. 5/27/2016
Dispositive motions & supporting briefs	Fri. 7/8/2016
Oppositions to dispositive motions	Fri. 8/5/2016
Replies in support of dispositive motions	Fri. 8/19/2016

If any or all of the Plaintiffs' claims remain following resolution of dispositive motions, a schedule can be established regarding, among other things: (1) briefing for a motion by Defendants to change the venue of the trial; (2) pre-trial conference and proceedings; and (3) trial.

Accordingly, the parties jointly move for entry of a proposed scheduling order that includes the agreed-upon dates set forth above, subject to (1) resolution of the outstanding issues addressed in the parties' forthcoming position statements, and (2) entry of an order on or before November 30, 2015 which grants plaintiffs access to documents that have been produced, or are later produced by Penn State University or Pepper Hamilton. A proposed order setting forth the agreed-upon dates accompanies this motion, and additional dates can be added to the schedule based on the court's resolution of the outstanding issues addressed in the parties' forthcoming position statements.

Date: October 9, 2015

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Thomas W. Scott, hereby certify that I am serving a copy the foregoing *Joint Motion for Entry of A Scheduling Order* on the following by First Class Mail and email:

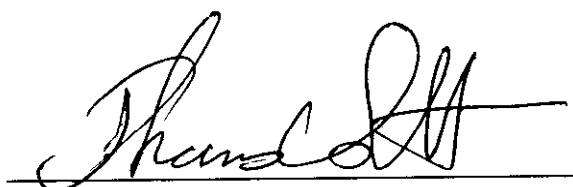
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Via FedEx Overnight Delivery
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