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PATERNO & L...  
PROTHRO...  
CENTRE COUNTY, PA

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:**
- ) Letter to The Honorable John B.
- ) Leete re Postponement of
- ) January 5, 2015 hearing
- )
- ) **Filed on Behalf of:**
- ) National Collegiate Athletic
- ) Association, Mark Emmert,
- ) Edward Ray
- )
- ) **Counsel of Record for this**
- ) **Party:**
- ) Thomas W. Scott, Esquire
- ) Killian & Gephart, LLP
- ) 218 Pine Street
- ) P.O. Box 886
- ) Harrisburg, PA 17108-0886
- ) TEL: (717) 232-1851
- ) FAX: (717) 238-0592
- ) tscott@killiangephart.com
- ) PA I.D. Number: 15681
- )

555 Eleventh Street, N.W., Suite 1000  
Washington, D.C. 20004-1304  
Tel: +1.202.637.2200 Fax: +1.202.637.2201  
www.lw.com

# LATHAM & WATKINS LLP

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December 23, 2014

The Honorable John B. Leete  
Judge  
Court of Common Pleas  
for Centre County, Pennsylvania  
403 Centre County Courthouse  
Belleville, PA 16823

Re: *Estate of Paterno, et al. v. NCAA, Penn State (2013-2083)*

Dear Judge Leete:

On December 17, 2014, Defendant the National Collegiate Athletic Association ("NCAA"), Dr. Mark Emmert, and Dr. Ed Ray (collectively, the "NCAA Defendants") filed a motion to postpone the January 5, 2015 hearing that this Court scheduled in its order of December 10, 2014. The NCAA requested the postponement on the grounds that the trial in *Corman v. NCAA*, No. 1 MD 2013, before the Commonwealth Court of Pennsylvania, was scheduled to commence on January 6, 2015. Penn State concurred in the request for postponement, and plaintiffs did not oppose.

The NCAA wishes to notify the Court that, on December 18, 2014, the Commonwealth Court *sua sponte* rescheduled the trial to start on February 17, 2015. The order is attached. When the NCAA filed its December 17 motion for postponement in this case, it had no knowledge or expectation that the Commonwealth Court was considering rescheduling the trial in the *Corman* matter.

Notwithstanding the rescheduled trial date in *Corman*, the NCAA respectfully requests that the Court postpone the January 5, 2015 hearing date, as originally requested in the NCAA's December 17 motion. The Commonwealth Court's decision to move the trial has required counsel to readjust their schedules accordingly, including moving a long-planned family vacation. The only practicable time to reschedule that vacation would be early January 2015. Therefore, if it would not be inconvenient for this Court, the NCAA continues to request that the January 5, 2015 hearing date be rescheduled for any time after January 20, 2015. Penn State concurs in this request. Counsel for the Paterno Estate has communicated to the NCAA that the Estate does not oppose the request, and counsel for other plaintiffs concur in this request.

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Given the upcoming holidays and currently-scheduled hearing date, the parties would respectfully request that the court notify the parties of its decision (or serve a copy of its order) by email, if convenient.

The NCAA apologizes for any inconvenience the timing of this request may cause, and we thank the Court for its consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Everett C. Johnson Jr.", written in a cursive style.

Everett C. Johnson Jr.  
of LATHAM & WATKINS LLP

cc: All counsel of record (with enclosure)

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Jake Corman, in his official capacity as :  
Senator from the 34th Senatorial :  
District of Pennsylvania and Chair :  
of the Senate Committee on :  
Appropriations; and Robert M. :  
McCord, in his official capacity as :  
Treasurer of the Commonwealth of :  
Pennsylvania, :  
Plaintiffs :

v. :

The National Collegiate Athletic :  
Association, :  
Defendant :

v. :

Pennsylvania State University, :  
Defendant :

No. 1 M.D. 2013

ORDER

AND NOW, this 18<sup>th</sup> day of December, 2014, in light of Plaintiffs Senator Jake Corman and Treasurer Robert M. McCord's (collectively, Plaintiffs) filing of their Second Motion for *In Camera* Review (Second Motion) on December 5, 2014, the National Collegiate Athletic Association's (NCAA) filing of its Memorandum in Opposition to Second Motion on December 16, 2014, Plaintiffs' filing of their Reply in Further Support of Second Motion on December 17, 2014, this Court's issuance of its Memorandum and Order granting the Second Motion on December 18, 2014, the time element necessary for this Court to properly review the

documents, and to give the parties ample time to consider this Court's forthcoming rulings regarding its *in camera* review:

It is hereby ORDERED, that the trial is rescheduled to February 17, 2015. A pretrial conference will be held on February 3, 2015, at 10:00 a.m., in a designated conference room in the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania 17120. Attendance at the pretrial conference shall be limited to the attorneys of record.

  
ANNE E. COVEY, Judge

**Certified from the Record**

**DEC 18 2014**

**And Order Exit**

## **CERTIFICATE OF SERVICE**

I, Thomas W. Scott, hereby certify that I am serving the foregoing document, by First Class Mail and email to:

Thomas J. Weber, Esquire  
GOLDBERG KATZMAN, P.C.  
4250 Crums Mill Road, Suite 301  
P.O. Box 6991  
Harrisburg, PA 17112  
Telephone: (717) 234-4161  
Email: [tjw@goldbergkatzman.com](mailto:tjw@goldbergkatzman.com)

Wick Sollers, Esquire  
L. Joseph Loveland, Esquire  
Mark A. Jensen, Esquire  
Patricia L. Maher, Esquire  
Ashley C. Parrish, Esquire  
KING & SPALDING LLP  
1700 Pennsylvania Avenue, NW  
Washington, DC 20006  
Telephone: (202) 737-0500  
Email: [wsollers@kslaw.com](mailto:wsollers@kslaw.com)  
[jloveland@kslaw.com](mailto:jloveland@kslaw.com)  
[mjensen@kslaw.com](mailto:mjensen@kslaw.com)  
[pmaher@kslaw.com](mailto:pmaher@kslaw.com)  
[aparrish@kslaw.com](mailto:aparrish@kslaw.com)

Paul V. Kelly, Esquire  
John J. Commisso, Esquire  
JACKSON LEWIS P.C.  
75 Park Plaza  
Boston, MA 02116  
Telephone: (617) 367-0025  
Email: [Paul.Kelly@jacksonlewis.com](mailto:Paul.Kelly@jacksonlewis.com)  
[John.Commisso@jacksonlewis.com](mailto:John.Commisso@jacksonlewis.com)

*Counsel for Plaintiffs*

Daniel I. Booker, Esquire  
Jack B. Cobetto, Esquire  
Donna M. Doblack, Esquire  
William J. Sheridan, Esquire  
REED SMITH LLP  
Reed Smith Centre  
225 Fifth Avenue, Suite 1200  
Pittsburgh, PA 15222  
Telephone: (412) 288-3131  
Email: [dbooker@reedsmith.com](mailto:dbooker@reedsmith.com)  
[jacobetto@reedsmith.com](mailto:jcobetto@reedsmith.com)  
[ddoblack@reedsmith.com](mailto:ddoblack@reedsmith.com)  
[wsheridan@reedsmith.com](mailto:wsheridan@reedsmith.com)

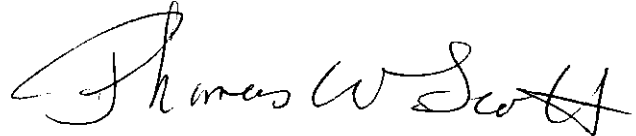
Michael T. Scott, Esquire  
REED SMITH LLP  
Three Logan Square  
Suite 3100  
1717 Arch Street  
Philadelphia, PA 19103  
Telephone: (215) 851-8100  
Email: [msscott@reedsmith.com](mailto:msscott@reedsmith.com)

Joseph P. Green, Esquire  
LEE, GREEN & REITER, INC.  
115 East High Street  
P.O. Box 179  
Bellefonte, PA 16823-0179  
Telephone: (814) 355-4769  
Email: [jgreen@lmgrlaw.com](mailto:jgreen@lmgrlaw.com)

*Counsel for The Pennsylvania State  
University*

*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: December 23, 2014

A handwritten signature in black ink that reads "Thomas W. Scott". The signature is fluid and cursive, with a large initial "T" and "S".

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Thomas W. Scott  
KILLIAN & GEPHART, LLP  
218 Pine Street  
P.O. Box 886  
Harrisburg, PA 17108-0886  
Telephone: (717) 232-1851  
Email: [tscott@killiangephart.com](mailto:tscott@killiangephart.com)

*Counsel for Defendants the NCAA,  
Dr. Emmert, and Dr. Ray*