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

GEORGE SCOTT PATERNO, As duly appointed representative of the ESTATE of JOSEPH PATERNO;

and

RYAN McCOMBIE, ANTHONY LUNBRANO, AL CLEMENS, PETER KHOURY, and ADAM TALIAFERRO, Members of the Board of Trustees of Pennsylvania State University;

and

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

and

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

Docket No. 2013-2082

Type of Case:

Type of Pleading:
MOTION FOR A PROTECTIVE ORDER

Filed on Behalf of:
NON-PARTY, JOHN DOE 150

Counsel of Record for this Party:

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ASSOCIATION ("NCAA");	)
	)
and	)
	)
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.	)

MOTION FOR A PROTECTIVE ORDER OF NON-PARTY, JOHN DOE 150

Pursuant to Rules 234.4, 4011, and 4012 of the Pennsylvania Rules of Civil Procedure, Non-Party, John Doe 150, by and through his undersigned counsel, respectfully asks this Court to issue an appropriate Protective Order limiting the scope of any deposition of John Doe 150, a victim of childhood sexual abuse. Such a Protective Order is necessary to ensure that John Doe 150's significant privacy, confidentiality, and anonymity interests are maintained. A proposed Protective Order is submitted with this Motion. In support of this Motion, John Doe 150 avers as follows, and incorporates by reference the accompanying Memorandum of Law:

1. John Doe 150 is an adult male who was sexually assaulted when he was a 14-year-old boy by Jerry Sandusky, a football coach with Pennsylvania State University ("Penn State") in the 1970s, while Doe attended a football camp at Penn State University.

2. Counsel for the parties in this case have indicated a desire to take the oral deposition of John Doe 150.

3. In connection with the litigation between Penn State and its insurers, *Pennsylvania Manufacturers' Association Insurance Company v. The Pennsylvania State University et al.*, No. 120704126 (Phila. C.C.P.), John Doe 150 was deposed previously on October 13, 2014. That deposition took place after John Doe 150 and Penn State had entered into a confidential settlement agreement resolving claims against Penn State by John Doe 150 arising out of sexual abuse by Jerry Sandusky. Because the deposition took place *after* John Doe had already entered into the settlement agreement with Penn State, there can be no question concerning John Doe 150's motivation or incentive to be anything other than completely honest and forthcoming in his testimony.

4. In that deposition, John Doe 150 testified under oath and at length concerning, among other things, his background, the abuse by Jerry Sandusky, and his reporting of the abuse to Coach Joseph Paterno and Penn State.

5. Forcing John Doe 150 to sit through yet another deposition is not only duplicative, unnecessary, and unduly burdensome, but it would force this victim of childhood sexual abuse to, **again**, re-live the trauma of his abuse. Moreover, Doe recently lost a very close family member, and his emotional state is currently very fragile.

6. Such a deposition would also threaten John Doe 150's substantial privacy, confidentiality, and anonymity interests. Like many victims of childhood sexual abuse, John Doe 150 has kept the fact of his abuse secret from even those who are closest to him. Indeed, the General Assembly has recognized that protecting the identities of childhood sexual abuse is of paramount importance. *See, e.g.*, 42 Pa. C.S. § 5988 ("Notwithstanding any other provision of law

to the contrary, in a prosecution involving a minor victim of sexual or physical abuse, the name of the minor victim shall not be disclosed by officers or employees of the court to the public, and any records revealing the name of the minor victim shall not be open to public inspection.").

7. In order to address these concerns, counsel for John Doe 150 wanted to reach an agreement with counsel for the parties in this litigation that would have provided them with whatever evidence they contend they need concerning John Doe 150's testimony. For example, John Doe 150 was willing to provide an affidavit in lieu of a deposition, answers to interrogatories, or to provide any other reasonable accommodation to provide information reasonably necessary for the parties in this litigation. However, in conferring with counsel for another non-party in a situation similar to John Doe 150, Doe's counsel was advised that counsel in this case were unwilling to agree to anything other than a deposition. Accordingly, John Doe is left with no choice but seek appropriate relief from the Court.

8. Rule 4012 of the Pennsylvania Rules of Civil Procedure provides, in pertinent part, that "[u]pon motion by a party or by the person from whom discovery or deposition is sought, and for good cause shown, the court may make any order which justice requires to protect a party or person from unreasonable annoyance, embarrassment, oppression, burden or expense." Pa.R.C.P. 4012(a). Rule 234.4(b) contains the same language with respect to third-party subpoenas in particular. Additionally, Rule 4011 provides that "[n]o discovery . . . shall be permitted which . . . would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent or any person or party." Pa.R.C.P. 4011(b).

9. "The 'good cause' standard 'strikes an appropriate balance between competing interests, including a litigant's privacy interests (however they may be defined) ... and the court's obligations to administer justice efficiently and prevent abuse of the discovery process.'" *Shearer v. Hafer*, --- A.3d ---, 2016 WL 910146, at *5 (Pa. Super. Mar. 9, 2016). John Doe 150 respectfully submits that good cause for a Protective Order exists here because John Doe 150 has shown that: (1) the deposition sought would impose an undue burden on a non-party since it would be duplicative of the testimony he has already given; (2) it would subject him to "unreasonable annoyance [and] embarrassment" due to the sensitive and traumatic nature of the testimony involved; and (3) such a deposition, in the absence of proper safeguards, could threaten his legitimate privacy, confidentiality, and anonymity interests.

10. Subsections (2) and (3) of Rule 4012 provide, respectively, that the Court may order that "deposition shall be only on specified terms and conditions" and that "the discovery or deposition shall be only by a method of discovery or deposition other than that selected by the party seeking discovery or deposition." Pa.R.C.P. 4012(a)(2)-(3).

11. John Doe 150 respectfully submits that, if the deposition is to proceed, it should be in accordance with the procedure for depositions by written interrogatories set forth in Rule 4004, rather than an oral deposition. Such a deposition in an appropriate means to ensure that discovery is "of the least burdensome and intrusive kind possible." *Cooper v. Schoffstall*, 588 Pa. 505, 525, 905 A.2d 482, 495 (2006).

12. In the alternative, if John Doe 150 is required to sit for an additional oral deposition, such a deposition should be strictly limited. Rule 4012 provides that the Court may

order "that certain matters shall not be inquired into" and "that the scope of discovery or deposition shall be limited." Pa.R.C.P. 4012(a)(4)-(5). In order to protect John Doe 150 from the "unreasonable annoyance, embarrassment, oppression, burden or expense," of having to testify yet again on the exact same painful and difficult subject matter about which he has already testified, it is necessary for the Court to enter a Protective Order limiting the scope of any deposition to issues not already covered by his previous deposition and to limit the time period for which he may be questioned. Counsel may mark the previous deposition as an Exhibit, ask Doe 150 a single question to confirm that his prior testimony is accurate, and proceed to ask him questions that are relevant to this case, if any, that were not already addressed by his prior testimony.

13. Additionally, regardless of whether the deposition takes place pursuant to written interrogatories, or as an oral deposition, the Court should take all necessary steps to ensure that John Doe 150's privacy, confidentiality, and anonymity interests are maintained and protected.

14. John Doe 150 is not a party to this action. His testimony is, for all practical purposes, collateral to the issues that appear to be before the Court. The dispute in question is between the Paterno Estate and the N.C.A.A. There is no claim that the N.C.A.A. sanctioned Penn State because of anything John Doe 150 said or did. In fact, Penn State and the N.C.A.A. entered into their Consent Agreement approximately a year before John Doe 150 asserted any claim. He will suffer inconvenience and harassment if his deposition goes forward, and his privacy rights are threatened by any Order that would result, directly or indirectly, in the disclosure of his identity.

15. In its May 16, 2016 Order directing Penn State to approach victims in the Sandusky matter to ascertain their willingness to take part in discovery in this matter, the Court stated that it would "take all necessary steps to protect the confidentiality and anonymity of any such persons." *See* Exhibit "A." To the extent a deposition is allowed to proceed, Petitioner requests that steps be taken to prevent undue inconvenience and harassment, and to otherwise protect his privacy rights. John Doe 150 also requests that any oral deposition the Court may order take place at a date, time, and location convenient to him.

16. Dissemination of Petitioner's identity would not only undermine his privacy interests, but would signal to the public that victims of sexual abuse cannot count on the protection of the Courts.

17. If this Court holds that Petitioner must be deposed, the following steps are required to maintain John Doe 150's privacy, confidentiality, and anonymity, which should be incorporated into a Protective Order governing such a deposition:

a. Attendance at the deposition shall be limited to counsel for the parties, the witness, counsel for the witness, and the court reporter; and the time and location of the deposition shall be maintained in confidence and shall only be disclosed to such persons and their respective support staff members.

b. The deposition shall be designated and maintained as "Highly Confidential – Attorneys' Eyes Only – Information" under the Stipulated Protective Order signed November 11, 2014.

c. During the deposition, no examiner may refer to the witness's actual name, but shall refer to him only as "John Doe 150."

d. Should a person inadvertently refer to the witness by his actual name, the Court reporter shall transcribe "John Doe 150" in lieu of his actual name.

e. In any pleading, hearing, trial, or other court appearance, or any other matter of public record, counsel and the parties may only refer to the witness as "John Doe 150."

f. Should any counsel or party breach the terms of this Protective Order, they will be held in Contempt of Court and subject to sanctions.

g. Any oral deposition should be conducted on a date and time convenient to the witness, and at a location convenient to the witness as well.

For these reasons, and those set forth more fully in the accompanying Memorandum of Law, John Doe 150 respectfully requests that this Court issue an appropriate Protective Order in the form attached hereto either limiting Doe 150's deposition to a deposition by written interrogatories or by limiting the scope of the deposition and protecting his privacy, confidentiality, and anonymity.

Respectfully submitted,

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Dated June 21, 2016

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

GEORGE SCOTT PATERNO, As duly appointed representative of the ESTATE of JOSEPH PATERNO; and RYAN McCOMBIE, ANTHONY LUNBRANO, AL CLEMENS, PETER KHOURY, and ADAM TALIAFERRO, Members of the Board of Trustees of Pennsylvania State University; and PETER BORDI, TERRY ENGELDE, SPENCER NILES, and JOHN O'DONNELL, members of the faculty of Pennsylvania State University; and 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");	Docket No. 2013-2082 Type of Case: Type of Pleading: **MOTION FOR A PROTECTIVE ORDER** Filed on Behalf of: **NON-PARTY, JOHN DOE 150** Counsel of Record for this Party: Slade H. McLaughlin Attorney ID No.: 36653 Paul A. Lauricella Attorney ID No.: 45768 **McLAUGHLIN & LAURICELLA, P.C.** One Commerce Square 2005 Market Street, Suite 2300 Philadelphia, PA 19103 Email: shm@best-lawyers.com pal@best-lawyers.com Phone: (215) 568-1510 Fax: (215) 568-4170 Michael J. Boni Attorney ID No.: 52983 **BONI & ZACK LLC** 15 St. Asaphs Road Bala Cynwyd, PA 19004 Email: mboni@bonizack.com Phone: (610) 822-0200 Fax: (610) 822-0206

and	)
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.	)

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR A PROTECTIVE ORDER OF NON-PARTY, JOHN DOE 150

Pursuant to Rules 234.4, 4011, and 4012 of the Pennsylvania Rules of Civil Procedure, Non-Party, John Doe 150, by and through his undersigned counsel, respectfully asks this Court to issue an appropriate Protective Order limiting the scope of any deposition of John Doe 150, a victim of childhood sexual abuse. Such a Protective Order is necessary to: (1) employ the least burdensome procedure of obtaining relevant testimony from John Doe 150 in a manner that is as minimally oppressive as possible and preclusive of his having to re-live the profound trauma he experienced at the hands of Jerry Sandusky; and (2) ensure that John Doe 150's significant privacy, confidentiality, and anonymity interests are fully protected.

I. INTRODUCTION

John Doe 150 is not a party to this litigation, and has no interest in the outcome of the litigation. He is being dragged into this dispute, against his will, and is being asked to re-live the most horrific and difficult moments of his life. John Doe 150 was sexually assaulted by Jerry Sandusky, an assistant football coach at The Pennsylvania State University ("Penn State"), forty years ago. He has done his best to put the trauma of those events behind him and move forward

with his life. In October 2014, he was forced to re-live those events once more when he was required to give oral deposition testimony in connection with the litigation between Penn State and its insurers, a copy of which is available to be produced to the Court for *in camera* review. That deposition took place *after* John Doe 150 and Penn State entered into a confidential settlement agreement resolving claims against Penn State by John Doe 150 arising out of Sandusky's sexual abuse. Moreover, John Doe 150 asserted his claims and gave his deposition ***after*** the N.C.A.A. had sanctioned Penn State and engaged in the actions that are the subject of the instant litigation. Accordingly, John Joe 150's deposition testimony is unquestionably ***collateral*** to the issues currently before this Court.

Having apparently learned of John Doe 150's prior sworn testimony under oath in connection with opinions issued by the Judge presiding over the insurance dispute case, and news accounts of that litigation, the parties to this litigation now seek to depose John Doe 150. There is, however, no need to force John Doe to endure having to give such testimony yet again. The transcript of that prior testimony is available, and the parties to this case can review what John Doe 150 has already testified to, under oath, concerning his sexual abuse by Jerry Sandusky and his reporting of the abuse to Coach Joseph Paterno and Penn State.

To the extent the parties to this litigation can demonstrate any need for additional testimony, over and above what has already been provided, any deposition should be strictly limited, in scope and time, and must be narrowly focused. This Court has the power to issue an Order that justice requires to protect any person from "unreasonable annoyance, embarrassment, oppression, burden or expense." Pa. R.C.P. 234.4(b), 4012(a). John Doe 150 respectfully requests that the Court exercise that power to issue an appropriate Protective Order, either limiting the deposition to a deposition pursuant to written interrogatories, or limiting the scope of

an oral deposition to questions only about issues that have not already been covered by his prior deposition.

Additionally, in its May 16, 2016 Order directing Penn State to approach victims in the Sandusky matter to ascertain their willingness to take part in discovery in this matter, the Court stated that it would "take all necessary steps to protect the confidentiality and anonymity of any such persons." *See* Exhibit "A." In order to fulfill that directive, a Protective Order covering John Doe 150's deposition should also fully protect his anonymity by, *inter alia*, providing that no one shall refer to him on the record by his actual name.

II. PROCEDURAL HISTORY OF THE CASE

As a complete stranger and non-party to this litigation, John Doe 150 lacks familiarity with the procedural history of this case. John Doe 150 generally understands this action to be a dispute between the Estate of Joseph Paterno, former head football coach at Penn State, and Jay Paterno and William Kenney, former assistant football coaches, against the NCAA and related individuals. Plaintiffs allege that statements in a July 2012 Consent Decree between the NCAA and Penn State related to an investigation into sexual abuse by Jerry Sandusky are defamatory and have caused them economic harm. To Petitioner's knowledge, there is no claim that John Doe 150's claims, declarations, or testimony contributed, to any extent, to any of the injuries claimed by the plaintiffs herein. In fact, the Consent Decree that is the subject of this action was entered ***before*** John Doe 150 asserted any claim, and two years before he was deposed. Accordingly, anything claimed or uttered by Petitioner can only be considered collateral to the issues currently before this Court.

Counsel for the parties in this case have indicated a desire to take the oral deposition of John Doe 150. Counsel for John Doe 150 wanted to reach an agreement with counsel for the

parties in this litigation that would have provided them with whatever reasonable information they need concerning John Doe 150's sexual abuse and the reporting of that abuse to Coach Paterno. For example, John Doe 150 was willing to provide an affidavit in lieu of a deposition, answers to interrogatories, or to provide any other accommodation to provide information reasonably necessary to the parties in this litigation. However, in conferring with counsel for another non-party in a situation similar to John Doe 150, Doe's counsel was advised that counsel in this case were unwilling to agree to anything other than a deposition. Accordingly, John Doe is left with no choice but seek appropriate relief from the Court.

III. STATEMENT OF FACTS

John Doe 150 is an adult male who was sexually assaulted when he was a 14-year-old boy by Jerry Sandusky, a football coach at Penn State in the 1970s, while he attended a football camp at Penn State. Doe 150 asserted a claim against Penn State in 2013, long after Penn State and the N.C.A.A. entered into the Consent Decree that is at issue in this litigation. Accordingly, nothing that John Doe 150 said or did contributed, in any way, to any of the damages claimed by the plaintiffs herein.

In connection with the litigation between Penn State and its insurers, *Pennsylvania Manufacturers' Association Insurance Company v. The Pennsylvania State University et al.*, No. 120704126 (Phila. C.C.P.), John Doe 150 was deposed on October 13, 2014. A copy of the deposition transcript is available for *in camera* review by the Court. That deposition took place ***after*** John Doe 150 and Penn State entered into a confidential settlement agreement resolving claims against Penn State by John Doe 150 arising out of Jerry Sandusky's sexual abuse. Because the deposition took place after John Doe had already entered into the settlement agreement with Penn State, John Doe 150 had no motivation or incentive to be anything other

than completely honest and forthcoming in his testimony. In that deposition, John Doe 150 testified under oath and at length concerning, among other things, his background, his abuse by Jerry Sandusky, and his reporting of the abuse to Coach Paterno and Penn State.

IV. STATEMENT OF QUESTIONS INVOLVED

1. Where a childhood sexual abuse victim who is not a party to this litigation has already been deposed in earlier litigation, should the Court issue a Protective Order protecting the witnesses from unreasonable annoyance, embarrassment, oppression, burden, or expense by either limiting the deposition in this case to a deposition by written interrogatories or limiting the scope of an oral deposition to issues not already addressed at the earlier deposition?

   Suggested Answer: **Yes.**

2. Where a childhood sexual abuse victim has a heightened interest in maintaining his privacy, confidentiality, and anonymity, should the Court issue a Protective Order preventing his identity from being disclosed in connection with any such deposition, affidavit, or deposition by written interrogatories?

   Suggested Answer: **Yes.**

V. ARGUMENT

This Court should exercise its power to prevent John Doe 150 from having to endure another deposition to testify **again** about the horrific acts that have already been covered by his prior testimony. Rule 4012 of the Pennsylvania Rules of Civil Procedure provides, in pertinent part, that "[u]pon motion by a party or by the person from whom discovery or deposition is sought, and for good cause shown, the court may make any order which justice requires to protect a party or person from unreasonable annoyance, embarrassment, oppression, burden or expense." Pa.R.C.P. 4012(a). Rule 234.4(b) contains the same language with respect to third-party subpoenas in particular. Additionally, Rule 4011 provides that "[n]o discovery . . . shall be permitted which . . . would cause unreasonable annoyance, embarrassment, oppression, burden

or expense to the deponent or any person or party." Pa.R.C.P. 4011(b). The Court should exercise such power to limit and restrict any deposition of John Doe 150 in this case.

"The 'good cause' standard 'strikes an appropriate balance between competing interests, including a litigant's privacy interests (however they may be defined) ... and the court's obligations to administer justice efficiently and prevent abuse of the discovery process.'" *Shearer v. Hafer*, --- A.3d ---, 2016 WL 910146, at *5 (Pa. Super. Mar. 9, 2016) (citations omitted). John Doe 150 respectfully submits that good cause for a Protective Order exists here because John Doe 150 has shown that: (1) the deposition sought would impose an undue burden on a non-party since it would be duplicative of the testimony he has already given; (2) an oral deposition would subject him to "unreasonable annoyance [and] embarrassment" due to the sensitive and traumatic nature of the testimony involved; and (3) such a deposition, in the absence of proper safeguards, could threaten his legitimate privacy, confidentiality, and anonymity interests.

These considerations are even more significant given John Doe 150's tangential connection to the claims at issue. Nothing John Doe 150 said or did played any role in the decisions made by the N.C.A.A. Accordingly, the deposition appears to be designed to serve no purpose other than to cause the unreasonable annoyance, embarrassment, oppression, burden, or expense referenced in Rules 4011 and 4012. Indeed, dissemination of Petitioner's identity would not only undermine his privacy interests, but would signal to the public that victims of sexual abuse cannot count on the protection of the Courts.

Subsections (2) and (3) of Rule 4012 provide, respectively, that the Court may order that the "deposition shall be only on specified terms and conditions" and that "the discovery or deposition shall be only by a method of discovery or deposition other than that selected by the

party seeking discovery or deposition." Pa.R.C.P. 4012(a)(2)-(3). If the deposition of John Doe 150 is to proceed, it should be in accordance with the procedure for depositions by written interrogatories set forth in Rule 4004, rather than by oral deposition. Such a deposition is an appropriate means to ensure that discovery is "of the least burdensome and intrusive kind possible." *Cooper v. Schoffstall*, 588 Pa. 505, 525, 905 A.2d 482, 495 (2006).

In the alternative, if John Doe 150 is required to sit for an additional oral deposition, such a deposition should be strictly limited in scope and time. Rule 4012 provides that the Court may order that "certain matters shall not be inquired into" and that "the scope of discovery or deposition shall be limited." Pa.R.C.P. 4012(a)(4)-(5). In order to protect John Doe 150 from the "unreasonable annoyance, embarrassment, oppression, burden or expense" of having to testify yet again on the exact same, painful, and difficult subject matter about which he has already testified, it is necessary for the Court to enter a Protective Order limiting the scope of any deposition to issues not already covered by his previous deposition. Counsel may mark the previous deposition as an Exhibit, ask Doe 150 a single question to confirm that his prior testimony is accurate, and proceed to ask him questions that are relevant to this case, if any, that were not already addressed by his prior testimony.

Additionally, regardless of whether the deposition takes place pursuant to written interrogatories, or as an oral deposition, the Court should take steps to ensure that John Doe 150's privacy, confidentiality, and anonymity interests are maintained. In its May 16, 2016 Order directing Penn State to approach victims in the Sandusky matter to ascertain their willingness to take part in discovery in this matter, the Court stated that it would "take all necessary steps to protect the confidentiality and anonymity of any such persons." *See* Exhibit "A." To the extent an oral deposition is allowed to go forward, an appropriate Protective Order

governing such a deposition is required to maintain John Doe 150's confidentiality, anonymity, and privacy. At a minimum, such a Protective Order should prohibit any examiner from referring to John Doe 150 by name or having his name otherwise appear in the transcript, limit attendance at the deposition, ensure that the date, time, and location of the deposition are set with the convenience of Doe 150 paramount in mind, and maintain the deposition as highly confidential with access limited to attorneys' eyes only. Two alternative, proposed Protective Orders are being submitted with this Motion.

VI. CONCLUSION

For these reasons, John Doe 150 respectfully requests that this Court issue an appropriate Protective Order in the forms attached: (1) by limiting his deposition to a deposition by written interrogatories or, alternatively, (2) limiting the scope of the deposition and protecting his privacy, confidentiality, and anonymity.

Respectfully submitted,

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Dated June 21, 2016

CERTIFICATE OF SERVICE

I certify that I caused to be served on Judge Leete and all counsel listed below via email and/or overnight delivery and/or first-class mail, postage pre-paid, the within Motion for a Protective Order of Non-Party, John Doe 150.

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Dated: June 21, 2016

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EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL DIVISION - LAW

ESTATE of JOSEPH PATERNO; WILLIAM KENNY and JOSEPH ("JAY") PATERNO, former football coaches at Pennsylvania State University	: NO. 2013-2082
vs.	
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	:

O R D E R

AND NOW, May 16, 2016, pursuant to a conference held this day, it is ORDERED that counsel for Pepper Hamilton promptly furnish to the Court a plan for narrowing and at least in part resolving outstanding discovery issues as mandated by the Superior Court. Further, discovery will be reopened for a period of 45 days from this date to complete discovery, said discovery being limited to outstanding discovery requests and depositions, as well as any discovery relating to recent allegations as contained in documents authored by Judge Glazer of the Philadelphia Court of Common Pleas relative to certain insurance litigation.

Counsel for Penn State University will, as appropriate, approach victims in the Sandusky matter to ascertain their willingness to take part in voluntary discovery in the above-captioned matter. The Court will take all necessary steps to protect the confidentiality and anonymity of any such persons.

In view of the foregoing, the Court will make adjustments to the scheduling order of March 11, 2016, as needed.

BY THE COURT:

John B. Leete, Senior Judge
55th Judicial District
Specially Presiding