

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

GEORGE SCOTT PATERNO,
as duly appointed representative of the
ESTATE and FAMILY of JOSEPH PATERNO;

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

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

WILLIAM KENNEY and JOSEPH V. ("JAY") PATERNO,
former football coaches at Pennsylvania State University;
and

ANTHONY ADAMS, GERALD CADOGAN,
SHAMAR FINNEY, JUSTIN KURPEIKIS,
RICHARD GRDNER, JOSH GAINES, PATRICK MAUTI,
ANWAR PHILLIPS, and MICHAEL ROBINSON,
former football players of 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:**
) Motion For Admission of Brian
) E. Kowalski, Counsel Pro Hac
) Vice
)
) **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
)

DEPT. OF REVENUE
PENSION DIVISION
OFFICE OF THE CLERK
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DEBRA C. HARRIS
PROthonotary
CENTRE COUNTY, PA

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

GEORGE SCOTT PATERNO, as duly appointed representative)
of the ESTATE and FAMILY of JOSEPH PATERNO;)
RYAN MCCOMBIE, ANTHONY LUBRANO,)
AL CLEMENS, and ADAM TALIAFERRO, members of the)
Board of Trustees of Pennsylvania State University;)
PETER BORDI, TERRY ENGELDER,)
SPENCER NILES, and JOHN O'DONNELL,)
members of the faculty of Pennsylvania State University;)
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"), 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

**DEFENDANT NATIONAL COLLEGIATE ATHLETIC ASSOCIATION'S MOTION
FOR ADMISSION OF BRIAN E. KOWALSKI, COUNSEL PRO HAC VICE**

NOW COMES the National Collegiate Athletic Association (“the NCAA”), by and through undersigned counsel and Sponsor, Thomas W. Scott, Esquire, and Killian & Gephart, LLP, and pursuant to Rule 1012.1 of the Pennsylvania Rules of Civil Procedure, hereby moves this Honorable Court to enter an Order admitting Brian E. Kowalski, Esquire, *pro hac vice* in this matter on behalf of Defendant. In support of this Motion, the NCAA states the following:

1. Thomas W. Scott, Sponsor, is admitted to and a member in good standing of the bar of the Commonwealth of Pennsylvania, and has entered his appearance of record on behalf of the Defendants in this case.

2. The verified statement of Thomas W. Scott, Sponsor, required by Pa. R.C.P. 1012.1(d) is attached.

3. Candidate Brian E. Kowalski, Esquire, is an attorney licensed to practice and a member in good standing of the bar of the District of Columbia and the Commonwealth of Virginia.

4. The verified statement of Brian E. Kowalski, Candidate, required by Pa. R.C.P. 1012.1(c) is attached.

5. The fee required by 204 Pa. Code Section 81.505(a) has been paid.

6. A copy of the fee payment certification from the IOLTA Board is attached.

DEBORAH J. JENSEL
PROCLERK
OF RECORD
OF PENNSYLVANIA

2014-11-05 PM 4:01

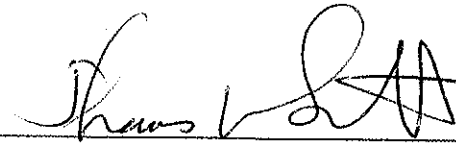
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7. The information required by 204 Pa. Code Section 81.504 has been provided to the IOLTA Board.

WHEREFORE, the NCAA respectfully requests that this Honorable Court enter an Order admitting Brian E. Kowalski, Esquire, *pro hac vice* for the purpose of representing Defendant, the NCAA, in this case. For the Court's convenience, a Proposed Order is attached.

Date: May 6, 2014

Respectfully submitted,



Thomas W. Scott, Esquire
PA. I.D. # 15681
KILLIAN & GEPHART, LLP
218 Pine Street
P.O. Box 886
Harrisburg, PA 17108-0886

Attorney for the National Collegiate
Athletic Association

**Verified Statement of Thomas W. Scott, Esquire,
Sponsor for Brian E. Kowalski, pursuant to Pa. R.C.P. 1012.1(d)(2)**

The undersigned, Thomas W. Scott, Esquire, being admitted to the Bar of the Supreme Court of the Commonwealth of Pennsylvania, and in good standing, states as follows:

1. After reasonable investigation, it is my reasonable belief that the candidate, Brian E. Kowalski, Esquire, is a reputable and competent attorney, and I am in a position to recommend his admission.

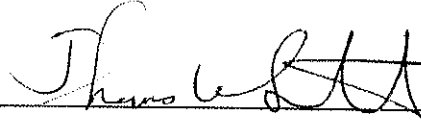
2. I am presently acting as a sponsor for candidates for admission *pro hac vice* in three cases in all courts of record in the Commonwealth of Pennsylvania.

3. Any proceeds from the settlement of a cause of action in which the candidate is granted admission *pro hac vice* shall be received, held, distributed, and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, including the IOLTA provisions thereof, if applicable.

I hereby verify that the statements of fact made in the foregoing document are true and correct to the best of my personal knowledge, information and belief. I understand that any false statements made therein are subject to the penalties contained in 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

Date:

5/6/2014



Thomas W. Scott, Esquire

PA. I.D. # 15681

KILLIAN & GEPHART, LLP

218 Pine Street

P.O. Box 886

Harrisburg, PA 17108-0886

Attorney for the National Collegiate Athletic
Association

VERIFIED STATEMENT OF BRIAN E. KOWALSKI
IN SUPPORT OF MOTION FOR ADMISSION PRO HAC VICE

I, Brian E. Kowalski, state the following:

1. I am a member in good standing of the Virginia State Bar and the

District of Columbia Bar:

Virginia State Bar
Eighth & Main Building
707 East Main St., Suite 1500
Richmond, VA 23219
804-775-0500
www.vsb.org

The District of Columbia Bar
1101 K Street NW, Suite 200
Washington, DC 20005
202-737-4700
www.dcbbar.org

My membership numbers for the Virginia State Bar and the District of Columbia Bar are 71164 and 500064, respectively.

2. With respect to both jurisdictions in which I am licensed, I have never been suspended, disbarred, or otherwise disciplined, nor am I subject to any disciplinary proceedings before either jurisdiction.

3. I have never applied for admission *pro hac vice* to this Court.

4. I shall comply with and be bound by the applicable statutes, case law, and procedural rules of the Court of Common Pleas of Centre County, Pennsylvania, including the Pennsylvania Rules of Professional Conduct.


5. I shall submit to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board for acts and omissions occurring during the

appearance in the above-captioned matter referenced in the accompanying Motion for Admission Pro Hac Vice.

6. I have consented to the appointment of Thomas W. Scott, the sponsor, as the agent upon whom service of process shall be made for all actions, including disciplinary actions, that may arise out of the practice of law in the matter for which admission *pro hac vice* is sought.

I, Brian E. Kowalski, hereby state that the facts above set forth are true and correct. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904.

Date: 5/5/14



Brian E. Kowalski
Latham & Watkins LLP
555 Eleventh Street NW, Suite 1000
Washington, DC 20004
Phone: 202-637-2200
Fax: 202-637-2201
Email: brian.kowalski@lw.com

SUPREME COURT OF PENNSYLVANIA
PENNSYLVANIA INTEREST ON
LAWYERS TRUST ACCOUNT BOARD

March 17, 2014

BRIAN E. KOWALSKI, Esq.
LATHAM & WATKINS LLP
555 11TH STREET, NW
SUITE 1000
WASHINGTON, DC 20004

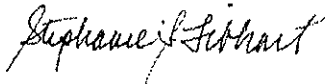
SENT TO LORI GRAZIO VIA Email: LORI.GRAZIO@LW.COM

Dear Attorney KOWALSKI:

This letter serves as the fee payment certification referenced in 204 Pa Code §81.503 and acknowledges receipt of the \$200.00 fee paid by Online Payment on this date related to your pursuit for admission *pro hac vice* in the case identified as Paterno v. NCAA, no. 2013-2082, filed in Court of Common Pleas of Centre County.

You should refer to Pa Rule of Civil Procedure 1012.1, local court rules, and other regulations of 204 Pa Code §81.501 et. seq. concerning additional requirements related to seeking *pro hac vice* admission.

Sincerely,



Stephanie S. Libhart
Executive Director

cc: THOMAS W. SCOTT, Esq.
tscott@killiangephart.com

Pennsylvania Judicial Center
601 Commonwealth Ave., Ste. 2400
PO Box 62445, Harrisburg, PA 17106-2445
717/238-2001 · 888/PA-IOLTA (724-6582) · 717/238-2003 FAX
paiolta@pacourts.us · www.paiolta.org

Administering Pennsylvania's Interest On Lawyers Trust Account (IOLTA) Program

CERTIFICATE OF SERVICE

I, Thomas W. Scott, hereby certify that I am serving the foregoing Motion for Admission of Brian E. Kowalski, Counsel Pro Hac Vice, by First Class Mail and email to:

Thomas J. Weber
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

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

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

Counsel for Plaintiffs

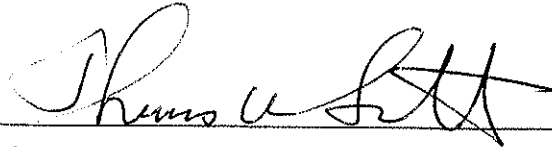
Daniel I. Booker
Jack B. Cobetto
Donna M. Doblack
William J. Sheridan
REED SMITH LLP
Reed Smith Centre
225 Fifth Avenue, Suite 1200
Pittsburgh, PA 15222
Telephone: (412).288-3131
Email: dbooker@reedsmith.com
 jcobetto@reedsmith.com
 ddoblack@reedsmith.com
 wsheridan@reedsmith.com

Michael T. Scott
REED SMITH LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103
Telephone: (215) 851-8248
Email: mscott@reedsmith.com

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

*Counsel for The Pennsylvania State
University*

Date: *May 6, 2014*



Thomas W. Scott, Esquire
PA. I.D. # 15681
KILLIAN & GEPHART, LLP
218 Pine Street
P.O. Box 886
Harrisburg, PA 17108-0886
Telephone: (717) 232-1851
Email: tscott@killiangephart.com

Attorney for the National Collegiate Athletic
Association