

**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

**MOTION TO QUASH
THIRD-PARTY
DEPOSITION SUBPOENA
DIRECTED TOWARD
ERIC J. BARRON AND FOR
PROTECTIVE ORDER**

Filed on Behalf of:
Non-Parties The Pennsylvania
State University, And Its
President, Eric J. Barron

Counsel of record for The
Pennsylvania State University
and Eric J. Barron:

Daniel I. Booker, Esquire
PA I.D. No. 10319
Jack B. Cobetto, Esquire
PA I.D. No. 53444
Donna M. Doblick, Esquire
PA I.D. No. 75394
William J. Sheridan, Esquire
PA I.D. No. 206718
REED SMITH LLP
Firm #234
225 Fifth Avenue
Pittsburgh, PA 15222
(412) 288-3131
(412) 288-3063 (fax)

Michael T. Scott, Esquire
PA I.D. No. 23882
REED SMITH LLP
Three Logan Square
Suite 3100
1717 Arch Street
Philadelphia, PA 19103
(215) 851-8100
(215) 851-1420 (fax)

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2016 MAR 30 PM 3:34
DEBRA C. IMMEL
PROTHONOTARY
CENTRE COUNTY, PA

) Joseph P. Green, Esquire
) PA I.D. No. 19238
) LEE GREEN & REITER INC.
) 115 East High Street
) Lock Drawer 179
) Bellefonte, PA 1623-0179
) (814) 355-4769
) (814) 355-5024 (fax)

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

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PATERNO, former football coaches at
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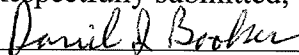
**MOTION TO QUASH THIRD-PARTY DEPOSITION SUBPOENA DIRECTED TO
ERIC J. BARRON AND FOR PROTECTIVE ORDER**

Pursuant to Rules 4011 and 4012 of the Pennsylvania Rules of Civil Procedure, the Pennsylvania State University ("Penn State" or "the University") and its President, Eric J. Barron, respectfully ask this Court to quash a subpoena whereby the Plaintiffs seek to take the deposition of President Barron and to issue a commensurate protective order. The Subpoena is attached hereto as Exhibit A.

As explained more fully in the accompanying Memorandum of Law, President Barron has no unique, first-hand knowledge that is likely to be relevant to any of the Plaintiffs' remaining claims, and Plaintiffs have no bona fide reason for subjecting President Barron to a deposition. Compelling him to prepare for and attend such a deposition would cause unreasonable annoyance, embarrassment, oppression, burden and expense, especially in view of President Barron's substantial professional commitments between now and April 29, 2016 (the

discovery cut-off in this case). *See* Exhibit B hereto (Declaration of Eric J. Barron). For all of the reasons set forth in the accompanying Memorandum of Law, Penn State and President Barron respectfully request that this Court quash the subpoena and issue a protective order providing that the requested deposition shall not go forward. A proposed Order is submitted herewith.

Respectfully submitted,



Daniel I. Booker (10319)
dbooker@reedsmith.com
Jack B. Cobetto (53444)
jcobetto@reedsmith.com
Donna M. Doblick (75394)
ddoblick@reedsmith.com
William J. Sheridan (206718)
wsheridan@reedsmith.com
REED SMITH LLP
225 Fifth Avenue
Pittsburgh, PA 15222
(412) 288-3131
(412) 288-3063 (fax)

Michael T. Scott (23882)
mscott@reedsmith.com
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
(215) 851-8100
(215) 851-1420 (fax)

Joseph P. Green (19238)
jgreen@lmgrlaw.com
LEE GREEN & REITER INC.
115 East High Street
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*Attorneys for The Pennsylvania State
University and Eric J. Barron*

IN THE COURT OF COMMON PLEAS OF
CENTRE COUNTY, PENNSYLVANIA

The ESTATE of JOSEPH PATERNO, et al. : CIVIL ACTION – LAW
:
Plaintiffs : DOCKET NO.: 2013-2082
:
v. :
:
NATIONAL COLLEGIATE ATHLETIC :
ASSOCIATION (“NCAA”), et al. :
:
Defendants :

SUBPOENA TO ATTEND AND TESTIFY

To: Eric J. Barron
Schreyer House
State College, PA 16801

1. You are Ordered by the Court to come to: The Penn Stater Conference Center Hotel, 215 Innovation Boulevard, State College, PA 16803 on Wednesday, April 13, 2016 at 9 a.m. to testify on behalf of Plaintiffs in the above-captioned cases and to remain until excused.

2. And bring with you the following: Not Applicable.

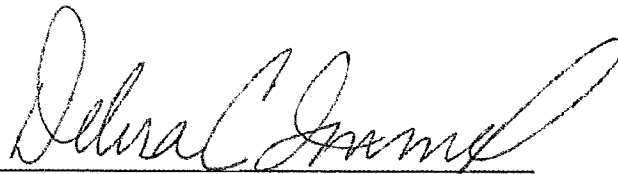
If you fail to attend or to produce the documents or things required by the subpoena, you may be subjected to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees, and imprisonment.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

Name: Patricia L. Maher
Address: King & Spalding LLP
1700 Pennsylvania Avenue, N.W.
Suite 200
Washington, D.C. 20006
Telephone: 202-626-5504
Supreme Court ID# Admitted pro hac vice
Attorney for: Plaintiffs

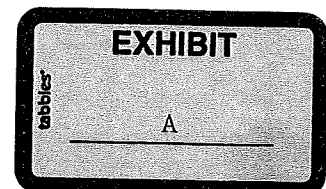
BY THE COURT:

DATE: _____



Prothonotary/Clerk, Civil Division

Deputy

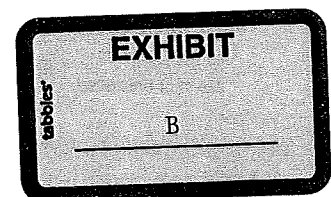


The ESTATE of JOSEPH PATERNO; and) CIVIL DIVISION
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PATERNO, former football coaches at Pennsylvania) Docket No. 2013-2082
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MARK EMMERT, individually and as President of)
the NCAA; and EDWARD RAY, individually and as)
former Chairman of the Executive Committee of the)
NCAA,)
)
Defendants.)
)

I, Eric J. Barron, submit this declaration pursuant to penalties of perjury under 18 Pa.
C.S. § 4904.

2. Between February 2010 and April 2014, I was the president of Florida State University, which is located in Tallahassee, Florida.

4. From 2008 to 2010, I served as director of the National Center for Atmospheric Research, a prominent federally-funded research and development laboratory in Boulder,



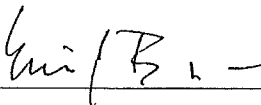
Colorado. From 2006 to 2008, I was the dean of the Jackson School of Geosciences at the University of Texas-Austin.

5. From 1986 to 2006, I served in various positions at Penn State, including professor of geosciences, director of the Earth System Science Center, director of the EMS Environmental Institute, and dean of the College of Earth and Mineral Sciences (the "College").

6. I had no involvement in Penn State's decision to retain the law firm of Freeh Sporkin & Sullivan (the "Freeh Firm") in November 2011, I was not interviewed by the Freeh Firm in connection with its investigation into matters relating to Jerry Sandusky's sexual abuse, and I played no role in Penn State's decision to accept the consent decree imposed by the National Collegiate Athletic Association ("NCAA") in July 2012. I have no first-hand, personal knowledge of the events of 2011 and 2012 that underlie this litigation.

7. As reflected on Exhibit 1 to this Declaration, I have extensive professional commitments between today and April 30, 2016, that would make it a hardship for me to meet with the University's lawyers to prepare for, and then sit for, a deposition.

FURTHER DECLARANT SAYETH NOT.

A handwritten signature in black ink, appearing to read "Eric J. Barron", is written over a horizontal line.

Eric J. Barron

Dated: March 30, 2016, in State College, Pennsylvania.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 30th day of March, 2016, a true and correct copy of the foregoing MOTION TO QUASH THIRD-PARTY DEPOSITION SUBPOENA DIRECTED TO ERIC J. BARRON AND FOR PROTECTIVE ORDER was served upon the following counsel via United States mail, first class, postage prepaid:

Thomas J. Weber
Goldberg Katzman, P.C.
4250 Crums Mill Road, Suite 301
P.O. Box 6991
Harrisburg, PA 17112

Joseph Sedwick Sollers, III
Patricia L. Maher
L. Joseph Loveland
Mark A. Jensen
Ashley C. Parrish
King & Spalding, LLP
1700 Pennsylvania Avenue, NW
Washington, DC 20006

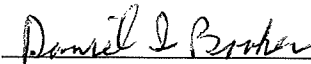
Counsel for Plaintiffs

Everett C. Johnson, Jr.
Brian Kowalski
Sarah M. Gragert
Latham & Watkins LLP
555 Eleventh Street NW, Suite 1100
Washington, DC 20004-1304

Thomas W. Scott
Killian & Gephart, LLP
218 Pine Street, P.O. Box 886
Harrisburg, PA 17108-0886

*Counsel for NCAA, Mark Emmert
and Edward Ray*

Hon. John B. Leete, S.J.
Specially Presiding
Court of Common Pleas of Centre County
102 South Allegheny Street
Bellefonte, PA 16823



One of the Attorneys for
The Pennsylvania State University
and Eric J. Barron

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_____, J.