



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.

) **Docket No.:** 2013-2082

) **Type of Case:**

- ) Declaratory Judgment Injunction
- ) Breach of Contract
- ) Tortious Interference with Contract
- ) Defamation
- ) Commercial Disparagement
- ) Conspiracy

) **Type of Pleading:**

- ) NCAA’S Amended Motion to
- ) Appoint a Connecticut
- ) Commissioner of the NCAA’s
- ) Pennsylvania Subpoena

) **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

2016 APR 26 PM 4:22

DEBRA C. HUMMEL  
PROTHONOTARY  
CENTRE COUNTY, PA

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY,  
PENNSYLVANIA

ESTATE of JOSEPH PATERNO, et al.,	)	
Plaintiffs,	)	Civil Division
	)	
v.	)	Docket No. 2013-
NATIONAL COLLEGIATE ATHLETIC	)	2082
ASSOCIATION, et al.,	)	
Defendants.	)	
	)	
	)	

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**THE NCAA’S AMENDED MOTION TO APPOINT A CONNECTICUT  
COMMISSIONER OF THE NCAA’S PENNSYLVANIA SUBPOENA**

AND NOW comes Defendant the National Collegiate Athletic Association (“NCAA”), by and through their counsel, who files the within Amended Motion to Appoint a Connecticut Commissioner of the NCAA’s Pennsylvania Subpoena and avers as follows:

1. On April 25, 2016, the NCAA filed a Motion to Appoint the Clerk of the Superior Court of Connecticut as Commissioner of the NCAA’s Pennsylvania Subpoena, which directs witness Ed Placey to provide deposition testimony.

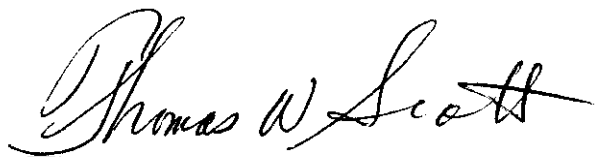
2. Consistent with Connecticut procedure, this Amended Motion seeks to appoint, in lieu of the Clerk of the Superior Court of Connecticut, Stephen Aronson of Robinson & Cole LLP, a Connecticut-barred and practicing attorney, as Commissioner of the NCAA’s Pennsylvania subpoena.

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PROthonARY  
CENTRE COUNTY, PA

3. The NCAA's Motion seeks to resolve an administrative impediment to domesticating a subpoena in the state of Connecticut. Plaintiff Jay Paterno has identified Ed Placey, located in Connecticut, as an individual who is likely knowledgeable about Mr. Paterno's tortious interference claim. Mr. Placey is aware of the NCAA's request for testimony, and his counsel has represented that Mr. Placey is willing to accept service of the subpoena. However, Connecticut law requires a commission from this Court before it can issue a subpoena.

WHEREFORE, Defendant NCAA respectfully requests that this Honorable Court enter an Order appointing Stephen Aronson of Robinson & Cole LLP, who is a Commissioner of the Superior Court of Connecticut, as the Commissioner of the NCAA's Pennsylvania Subpoena. Due to the rapidly approaching deadline to fact discovery, the NCAA respectfully requests **expedited consideration** of this Amended Motion.

Dated: April 26, 2016



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and Dr. Ray*

## CERTIFICATE OF SERVICE

I, Thomas W. Scott, hereby certify that I am serving the NCAA's *Amended Motion to Appoint a Connecticut Commissioner of the NCAA's Pennsylvania Subpoena* on the following by First Class Mail and email:

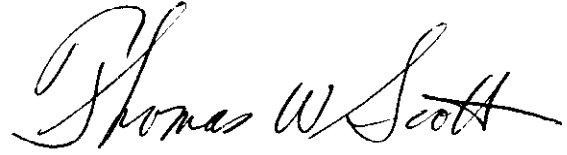
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Dated: April 26, 2016



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