

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

The ESTATE of JOSEPH PATERNO;)
) Civil Division
AL CLEMENS, member of)
the Board of Trustees of Pennsylvania State) Docket No. 2013-2082
University; and)
) **NOTICE OF INTENT TO SERVE**
WILLIAM KENNEY and JOSEPH V. ("JAY")) **SUBPOENA**
PATERNO,) Filed on Behalf of the Plaintiffs
former football coaches at Pennsylvania State)
University,)
Plaintiffs,) Counsel of Record:
v.) Thomas J. Weber
NATIONAL COLLEGIATE ATHLETIC) GOLDBERG KATZMAN, P.C.
ASSOCIATION ("NCAA");) 4250 Crums Mill Road, Suite 301
) P.O. Box 6991
MARK EMMERT, individually and as President) Harrisburg, PA 17112
of the NCAA;) Telephone: (717) 234-4161
) Email: tjw@goldbergkatzman.com
And) Wick Sollers (admitted *pro hac vice*)
) L. Joseph Loveland (admitted *pro hac*
) *vice*)
EDWARD RAY, individually and as former) Mark A. Jensen (admitted *pro hac vice*)
Chairman of the) Patricia L. Maher (admitted *pro hac vice*)
Executive Committee of the NCAA,) Ashley C. Parrish (admitted *pro hac vice*)
Defendants,) KING & SPALDING LLP
) 1700 Pennsylvania Avenue, NW
) Washington, DC 20006
And) Telephone: (202) 737-0500
) Email: wsollers@kslaw.com
PENNSYLVANIA STATE UNIVERSITY,) jloveland@kslaw.com
Defendant.) mjensen@kslaw.com
) pmaher@kslaw.com
) aparrish@kslaw.com
) Paul V. Kelly (admitted *pro hac vice*)
) John J. Commisso (admitted *pro hac vice*)
) JACKSON LEWIS, P.C.
) 75 Park Plaza
) Boston, MA 02116
) Telephone: (617) 367-0025
) Email: paul.kelly@jacksonlewis.com
) john.commisso@jacksonlewis.com

**NOTICE TO DEFENDANTS BY PLAINTIFF ESTATE OF JOSEPH PATERNO OF
INTENT TO SERVE A SUBPOENA TO PAULA AMMERMAN**

Plaintiff Estate of Joseph Paterno, by and through the undersigned counsel, intends to serve a subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Date: October 30, 2014

By: 

Thomas J. Weber
GOLDBERG KATZMAN, P.C.
4250 Crums Mill Road, Suite 201
P.O. Box 6991
Harrisburg, PA 17112

Wick Sollers
L. Joseph Loveland
Ashley C. Parrish
Patricia L. Maher
KING & SPALDING LLP
1700 Pennsylvania Avenue, NW
Washington, DC 20006

Counsel for Plaintiff Estate of Joseph Paterno

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: Paula Ammerman

1. You are Ordered by the Court to come to The Penn Stater Conference Center, 215 Innovation Boulevard, State College, Pennsylvania 16803 at 9:00 A.M., on December 15, 2014 to testify in the above case and to remain until excused.

2. And bring with you the following: SEE ATTACHED SHEET

If you fail to attend or to produce the documents or things required by the subpoena, you may be subject 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: Thomas E. Weber, Esquire
Address: Goldberg Katzman, P.C., 4250 Crums Mill Road, Suite 301
Harrisburg, PA 17112
Telephone: 717-234-4161
Supreme Court ID# 58853
Attorney for: Plaintiffs

BY THE COURT:

Prothonotary/Clerk, Civil Division

DATE: _____

Deputy

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

ATTACHED SHEET TO SUBPOENA TO ATTEND AND TESTIFY
DIRECTED TO PAULA AMMERMAN TO BRING THE FOLLOWING DOCUMENTS

DEFINITIONS

Notwithstanding any definition set forth below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under Pa. R.C.P. No. 4003.1. As used in these Requests, the following terms are to be interpreted in accordance with these definitions:

1. The time period covered is January 1, 2011 to the present.
2. “You,” “your,” “yours,” “Defendant,” and “Penn State” shall refer to Defendant Penn State, to whom these Requests are directed, as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of the Penn State.
3. “Communication” means the transmittal of information by any means, and shall mean and be deemed to refer to any writing or oral conversation, including, but not limited to, telephone conversations, conversations in meetings, letters, memoranda, notes, or electronic communications.
4. “Document” is defined as broadly as possible to include anything stored in any medium, including but not limited to, all written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, of every type and description that is in your possession, control, or custody, or of which you have knowledge, including but not limited to, correspondence; memoranda; transcriptions of any conversation or testimony; tapes; stenographic or hand-written notes; studies; publications; books; diaries; phone records; logs; instant messaging (public and private IM); electronic mail (email), including but not limited to, server-based email, web-based email (i.e. gmail.com, yahoo.com, hotmail.com), dial up email, email attachments, deleted email, and email stored on hard drives or portable media; voicemail; information stored on social media and social networking sites; information created or received with the use of PDAs or smartphones; information stored in a cloud environment; text messages; information stored on removable hard drives, thumb drives, flash drives, CDs, DVDs, disks and other portable media; pamphlets; pictures (drawings and photographs); films; images; microfilms; recordings (including any analog, digital, electromagnetic, optical, phonographic, or other media of audio and/or visual recordings); maps; reports; recommendations; surveys; appraisals; charts; minutes; statistical computations; spreadsheets; telegrams; telex messages; listings of telephone calls; calendars;

datebooks; books of account; ledgers; expense records; accounts payable; accounts receivable; presentations; analyses; computer records, data compilations and/or databases; every draft of each such document; every copy of each such document where the original is not in your possession, custody or control; and every copy of each such document where such copy is not an identical copy of an original, or other copy, or where such copy contains any commentary or notation whatsoever that does not appear on the original or other copy. "Document" includes any electronically stored information ("ESI").

5. "Evidence, reflect, or relate to" means in the broadest sense and includes documents and things alluding to, responding to, concerning, connected with, commenting on, in respect of, about, regarding, discussing, evidencing, contradicting, showing, describing, reflecting, analyzing and/or constituting the subject matter of the request.

6. "Penn State" shall refer to employees, administrators, and personnel of The Pennsylvania State University, as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of Penn State.

7. "Joe Paterno" or "Paterno" shall refer to former Penn State head football coach Joseph ("joe") V. Paterno, as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of Joe Paterno, or his estate and family.

8. "Jerry Sandusky" or "Sandusky" shall refer to former Penn State assistant football coach Gerald A. Sandusky, as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of Gerald A. Sandusky.

9. "NCAA" shall refer to Defendant National Collegiate Athletic Association, as well as any attorney, assignee, agent, representative, or any other person acting, authorized to act, or purporting to act on behalf of the NCAA.

10. The "Freeh Firm" refers to the law firm of Freeh, Sporkin & Sullivan, LLP (and any successor entity), as well as attorneys, investigators, or employees that aided or worked with the Freeh Firm on the Freeh investigation, as defined *infra*, including the Freeh Group International Solutions ("FGIS").

11. The "Freeh investigation" shall refer to the investigation conducted by the Freeh Firm into the alleged failure of certain Penn State personnel to respond to and report certain allegations against Sandusky.

12. The "Freeh Report" shall refer to the report issued by the Freeh Firm on July 12, 2012, including all footnotes, exhibits, drafts, or other notes related to that Report:

13. The "NCAA investigation" shall refer to any investigation or evaluation of Penn State undertaken by the NCAA following Defendant Emmert's assertion of NCAA jurisdiction over matters related to Sandusky and Penn State in November 2011.

14. The "Consent Decree" shall refer to the document titled the "Binding Consent Decree Imposed by the National Collegiate Athletic Association and Accepted by The Pennsylvania State University," released on July 23, 2012, as well as all footnotes, exhibits, drafts, and other notes related to the Consent Decree.

DOCUMENTS

1. All documents that you created, sent, or received as Secretary to the Board of Trustees of Penn State that relate or refer to Sandusky, Paterno, the Freeh investigation, the Freeh Report, the NCAA investigation, or the Consent Decree.

2. All documents that you created, sent, or received as Secretary to the Board of Trustees of Penn State that evidence, reflect, or refer to meetings, conferences, or discussions, whether in person or by telephone, involving one or more members of the Board of Trustees of Penn State that relate or

refer to Sandusky, Paterno, the Freeh investigation, the Freeh Report, the NCAA investigation, or the Consent Decree, including all notes and minutes from such meetings or conferences.

3. All documents that you created, sent, or received as Secretary to the Board of Trustees of Penn State that evidence, reflect, or refer to communications between President Rodney Erickson and one or more members of the Board of Trustees of Penn State, that relate or refer to Sandusky, Paterno, the Freeh investigation, the Freeh Report, the NCAA investigation, or the Consent Decree.

4. All documents that you created, sent, or received as Secretary to the Board of Trustees of Penn State that evidence, reflect, or refer to consideration of, or communication by, one of more members of the Board of Trustees of Penn State regarding the conclusions of the Freeh Report or results of the Freeh investigation, or the imposition of punishment or penalties as a result of the Freeh investigation, the Freeh Report, the NCAA investigation, or the Consent Decree, including a total ban on football at Penn State.

5. All documents that reflect communications between President Erickson and any employee or representative of the NCAA, including Mark Emmert, that relate or refer to Sandusky, Paterno, the Freeh investigation, the Freeh Report, the NCAA investigation, or the Consent Decree.

RETURN OF SERVICE

On the _____ day of _____, 2014, I _____
served _____ with the foregoing subpoena by: _____

I verify that the statements in this return of service are true and correct. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

(Signature)

CERTIFICATE OF SERVICE

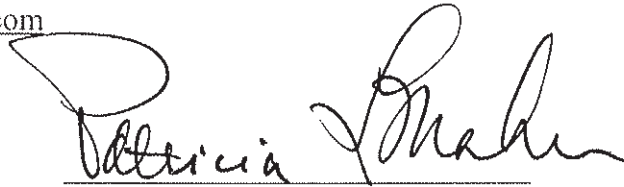
I HEREBY CERTIFY that a true and correct copy of the foregoing **NOTICE TO DEFENDANTS BY PLAINTIFF ESTATE OF JOSEPH PATERNO OF INTENT TO SERVE A SUBPOENA TO PAULA AMMERMAN** was served this 30th day of October, 2014 by first class mail and email to the following:

Thomas W. Scott
Killian & Gephart
218 Pine Street
P.O. Box 886
Harrisburg, PA 17108-0886
Email: tscott@killiangephart.com

Everett C. Johnson, Jr.
Brian Kowalski
Sarah Gragert
Latham & Watkins LLP
555-11th Street, N.W.
Suite 1000
Washington, D.C. 20004-1304
Email: Everett.Johnson@lw.com
brian.kowalski@lw.com
sarah.gragert@lw.com

Daniel I. Booker
Jack Cobetto
Donna Doblick
Reed Smith LLP
225 Fifth Avenue
Suite 1200
Pittsburgh, PA 15222
Email: dbooker@reedsmith.com
[jacobetto@reedsmith.com](mailto:jcobetto@reedsmith.com)
ddoblick@reedsmith.com

Paul V. Kelly
John J. Commisso
Jackson Lewis LLP
75 Park Plaza
Boston, MA 02116
Email: Paul.kelly@JacksonLewis.com
John.commisso@JacksonLewis.com



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

Wick Sollers
L. Joseph Loveland
Ashley C. Parrish
Patricia L. Maher
KING & SPALDING LLP
1700 Pennsylvania Avenue, NW
Washington, DC 20006
Telephone: (202) 737-0500

Counsel for Plaintiff Estate of Joseph Paterno