



IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

The 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,

Defendant

s,

And

PENNSYLVANIA STATE UNIVERSITY,

Defendant.

) Civil Division
) Docket No. 2013-2082
) PLAINTIFFS' RESPONSE TO
) DEFENDANT NCAA'S NEW MATTER
) Filed on Behalf of the Plaintiffs
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CENTRE COUNTY
HARRISBURG, PA

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**PLAINTIFFS' RESPONSE TO THE NEW MATTER OF
DEFENDANT NATIONAL COLLEGIATE ATHLETIC ASSOCIATION**

Plaintiffs Estate of Joseph Paterno, William Kenney and Joseph V. (“Jay”) Paterno (collectively “Plaintiffs”)¹, by and through their undersigned counsel, submit the following response to the New Matter of Defendant National Collegiate Athletic Association (“NCAA”).

Ratification (Count I)

Under the rulings of the Court with regard to the standing of the Estate of Joe Paterno, and in light of the voluntary withdrawal of claims by former Plaintiff Al Clemens, none of the Plaintiffs is currently a party to Count I, and therefore no response is required to the New Matter set forth in paragraphs 180-187.

188-193. The allegations in paragraphs 188-193 of Defendant’s New Matter expressly pertain to “Plaintiff Clemens,” who is no longer a party to this action, and therefore no response is required. To the extent a response is required, Plaintiffs’ answers to paragraphs 180-187 are incorporated herein by reference in response to paragraph 188. The allegations of paragraphs 189-190 are denied and Plaintiffs’ allegations in paragraphs 66, 68-70, 104-105 of the Second Amended Complaint are incorporated herein as though set forth in their entirety. The allegations of paragraph 191 of Defendant’s New Matter are conclusions of law to

¹ By praecipe filed with the Court on May 18, 2015, former Plaintiff Al Clemens voluntarily withdrew as a plaintiff.

which no response is required. Plaintiffs' answers to paragraphs 180-191 are incorporated herein by reference in response to paragraph 192. The allegations of paragraph 193 of Defendant's New Matter are conclusions of law to which no response is required.

Truth or Substantial Truth (Counts II, III, IV, and V)

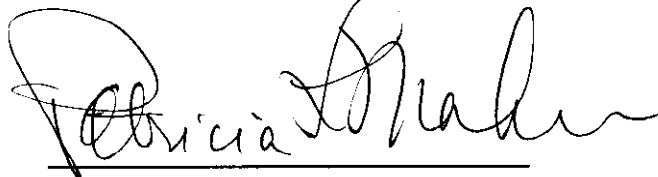
194. Plaintiffs' answers to paragraphs 180-193 are incorporated herein as though set forth in their entirety.

195. The allegations of paragraph 195 of Defendant's New Matter are conclusions of law to which no response is required. To the extent a response is required, it is specifically denied that the statements alleged to be defamatory or disparaging were true or substantially true. By way of further answer, Plaintiffs' allegations in paragraphs 69-71 of the Second Amended Complaint are incorporated herein as though set forth in their entirety.

196. The allegations of paragraph 196 of Defendant's New Matter are conclusions of law to which no response is required.

WHEREFORE, Plaintiffs respectfully requests that judgment be entered in their favor and against Defendant NCAA.

Respectfully submitted,



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Dated: May 19, 2015

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
PLAINTIFFS' RESPONSE TO DEFENDANT NCAA'S NEW MATTER was
served this 19th day of May, 2015 by email and first class mail to the following:

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