



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

FILED
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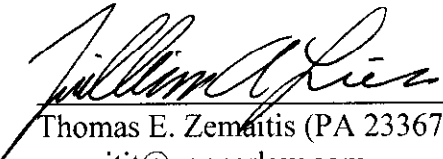
PRAECIPE TO SUBSTITUTE ORIGINAL VERIFICATION

TO THE PROTHONOTARY:

Kindly substitute the attached original verification for the scanned verification filed with the Court as Exhibit B in support of the Motion for Stay Pending Appeal and for Protective Order by Non-Party Pepper Hamilton LLP.

Respectfully submitted,

Dated: October 31, 2014



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IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

GEORGE SCOTT PATERNO)
as duly appointed representative of the)
ESTATE and FAMILY of JOSEPH) Docket No. 2013-2082
PATERNO, et al.)
) Type of Case: Commercial
Plaintiffs,)
)
vs.)
)
NATIONAL COLLEGIATE ATHLETIC)
ASSOCIATION (“NCAA”), et al.)
)
Defendants.)

VERIFICATION OF OMAR Y. MCNEILL

I, Omar Y. McNeill, do hereby declare and say as follows based on personal knowledge:

1. I am an adult citizen of Delaware and have been admitted to practice law in Delaware since 1992.
2. From 2009 to 2012, I was an attorney with Freeh Sporkin & Sullivan, LLP (“FSS”), a partnership engaged in the practice of law, ultimately holding the title of Partner and General Counsel. In late 2011, I began work on an investigation at The Pennsylvania State University and served for the next eight months as the lead project manager of this engagement.
3. On or about December 2, 2011, a Special Investigations Task Force (“Task Force”) formed by the Board of Trustees of The Pennsylvania State University (“Penn State”) entered into an engagement with FSS to perform an independent, full and complete investigation of the recently publicized allegations of sexual abuse at its facilities by Gerald Sandusky, a

former assistant football coach, and the alleged failure of Penn State personnel to report such sexual abuse to appropriate police and government authorities.

4. FSS was to provide the results of the investigation in a written report to the Task Force and to other parties as the Task Force may direct. Pursuant to the engagement letter, the written report was intended to “provide recommendations to the Task Force and Trustees for actions to be taken to attempt to ensure that those and similar failures do not occur again.”

5. FSS’s engagement was conducted in anticipation of litigation. Indeed, as the investigation took place, litigation already was pending and more litigation was anticipated. Among the types of anticipated litigation was litigation from those who might be adversely affected by decisions the Trustees made, such as how it dealt with the NCAA or Big Ten Conference or how to address personnel decisions made by the Trustees.

6. The work and advice provided to the Task Force under the engagement by FSS and any third party working on behalf of FSS to perform services in connection with the engagement was, again pursuant to the engagement letter, to be “subject to the confidentiality and privilege protection of the attorney-client and attorney work product privileges, unless appropriately waived by the parties or otherwise determined by law.” If FSS were required to respond to a subpoena or other formal request from a third party or governmental agency for FSS records or other information relating to the services performed for the Task Force, or to testify by deposition or otherwise concerning such services, FSS was to provide the Task Force with notice of the request to provide a reasonable opportunity to object to such disclosure or testimony.

7. FSS staff communicated with the Task Force in confidence. It was the decision of the Task Force as to how information gathered in the investigation would be utilized.

It further was the decision of the Task Force and the Board of Trustees on how to address, adopt and implement any recommendations made by FSS to the Task Force.

8. FSS understood and expected that its work would be subject to the attorney-client privilege and the work product doctrine, and FSS conducted the investigation accordingly. It was routine practice, for instance, for the investigators to advise Penn State employee witnesses that information provided in interviews would be protected by an attorney-client privilege that belonged to the Task Force, and for the investigators to advise witnesses that the interviews were confidential. The notes taken by FSS staff and third parties working on behalf of FSS incorporated the mental impressions of the investigators.

9. FSS took other steps to protect the confidentiality and attorney-client and attorney work product privileges of the engagement. FSS staff and third parties working on behalf of FSS were advised in writing of confidentiality expectations for the engagement. The staff worked within a secured facility with access controlled by electronic locks. Physical evidence was stored in a locked room within the secured facility. The staff frequently were briefed on the importance of maintaining confidentiality on the engagement.

10. I hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 12, 2014



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

ESTATE of JOSEPH PATERNO;)	CIVIL DIVISION
)	
AL CLEMENS, member of the Board of Trustees of Pennsylvania State University; and)	Docket No. 2013-2082
)	
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,)	
)	
and)	
)	
THE PENNSYLVANIA STATE UNIVERSITY, Nominal Defendant.)	

CERTIFICATE OF SERVICE

I, William A. Liess, hereby certify that on October 31, 2014 a true and correct copy of the foregoing Praecepto to Substitute Original Verification was served via First Class Mail upon the following:

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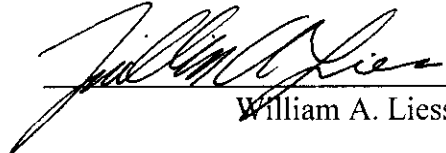
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William A. Liess

Dated: October 31, 2014