



IN THE COURT OF COMMON PLEAS
OF CENTRE COUNTY, PENNSYLVANIA

The ESTATE of JOSEPH PATERNO; AL
CLEMENS, member of the Board of Trustees of
Pennsylvania State University; 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,

and

THE PENNSYLVANIA STATE UNIVERSITY,

Nominal Defendant.

CIVIL DIVISION

Docket No. 2013-2082

FILED FOR RECORD
2015 JUL -9 PM 2:33
DEBRA J. HART
PROthonARY
CENTRE COUNTY, PA

**STIPULATION TO AMEND CAPTION TO REMOVE
AL CLEMENS AND THE PENNSYLVANIA STATE UNIVERSITY**

WHEREAS, the only claims asserted in the Second Amended Complaint against The Pennsylvania State University ("Penn State") as a nominal defendant were asserted by The Estate of Joseph Paterno (the "Estate") and Al Clemens ("Clemens"), in Count I relating to the Consent Decree;


WHEREAS, Clemens has voluntarily dismissed all of his claims, including but not limited to Count I of the Second Amended Complaint; and

WHEREAS, the Court in its Orders of September 11, 2014 and March 24, 2015 has held that Joe Paterno was not an "involved individual" prior to his death and that the Estate therefore lacks standing to pursue the claims asserted in Count I of the Second Amended Complaint;

It is therefore agreed and stipulated among the undersigned parties that Penn State currently is no longer a party in this action and that the caption should be amended accordingly, with the references to Penn State and Al Clemens deleted.

It is further agreed and stipulated among the undersigned parties that this Stipulation is without prejudice to the Estate pursuing its rights to appeal the dismissal of Count I, including as against Penn State.

SO STIPULATED AND AGREED this 9th day of July, 2015.


Counsel for Plaintiffs


Counsel for The Pennsylvania State University

Approved: _____
J.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 9th day of July, 2015, a true and correct copy of the foregoing STIPULATION TO AMEND CAPTION TO REMOVE AL CLEMENS AND THE PENNSYLVANIA STATE UNIVERSITY 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
Samuel Evan Doran
King & Spalding, LLP
1700 Pennsylvania Avenue, NW
Washington, DC 20006

Counsel for Plaintiffs

Everett C. Johnson, Jr.
Brian Kowalski
Sarah M. Gragert
Katherine Schettig
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