



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,

Defendants.

)  
) Civil Division  
)  
) Docket No. 2013-2082  
)  
) **Supplement to Motion for Leave to File**  
) **Under Seal And To Enforce The Court's**  
) **Earlier Privilege Determinations**  
) **Pursuant To The Protective Order**  
) Filed on Behalf of the Plaintiffs  
)  
)  
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IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

The ESTATE of JOSEPH PATERNO; and )  
 ) Civil Division  
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PATERNO, ) Docket No. 2013-2082  
former football coaches at Pennsylvania State )  
University, )  
 )  
 ) Plaintiffs, ) Counsel of Record:  
 ) Thomas J. Weber  
 ) GOLDBERG KATZMAN, P.C.  
v. ) 4250 Crums Mill Road, Suite 301  
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NATIONAL COLLEGIATE ATHLETIC )  
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President of the NCAA; ) Email: [tjw@goldbergkatzman.com](mailto:tjw@goldbergkatzman.com)  
 )  
and ) Wick Sollers (admitted *pro hac vice*)  
 ) L. Joseph Loveland (admitted *pro hac vice*)  
 ) Patricia L. Maher (admitted *pro hac vice*)  
EDWARD RAY, individually and as former )  
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**SUPPLEMENT TO PLAINTIFFS' MOTION FOR LEAVE TO FILE DOCUMENTS  
UNDER SEAL AND TO ENFORCE THE COURT'S EARLIER PRIVILEGE  
DETERMINATIONS PURSUANT TO THE PROTECTIVE ORDER**

Plaintiffs hereby supplement their July 13, 2015 Motion for Leave to File Documents Under Seal And To Enforce The Court's Earlier Privilege Determinations Pursuant To The Protective Order, to advise the Court of a subsequent development. On July 17, 2015 the Pennsylvania Superior Court entered a per curiam order denying the applications by both Pepper Hamilton LLP (Superior Court docket no. 877 MDA 2015) and Pennsylvania State University (Superior Court docket no. 878 MDA 2015) for reconsideration of the June 19, 2015 order which denied their applications for a stay pending appeal of this Court's May 8, 2015 enforcement order. A copy of the Superior Court order is attached as Exhibit A. For this reason, in addition to the grounds set forth in support of their Motion for Leave to File Under Seal, Plaintiffs respectfully submit that the documents produced by Penn State on June 29, 2015 are not privileged, and request that the Court determine that the documents are not properly subject to the provision of the Protective Order applicable to the inadvertent production of privileged documents.

By: 

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# **EXHIBIT A**

The Estate of Joseph Paterno, et al : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA  
:  
: (C.P. Centre County  
v. : No. 2013-2082)  
:  
:  
National Collegiate Athletic :  
Association (NCAA), et al : Nos. 877 & 878 MDA 2015

**ORDER**

The Petition for Reconsideration and Reargument En Banc of  
this Court's June 19, 2015 order is **DENIED**.

**Per Curiam**

**CERTIFICATE OF SERVICE**

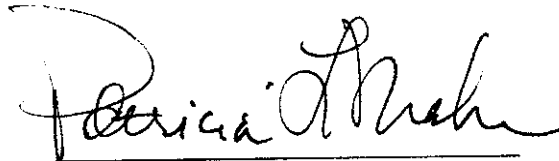
I HEREBY CERTIFY that a true and correct copy of the foregoing **SUPPLEMENT TO PLAINTIFFS' MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL AND TO ENFORCE THE COURT'S EARLIER PRIVILEGE DETERMINATIONS PURSUANT TO THE PROTECTIVE ORDER** was served this 21 day of July, 2015 by first class mail and email to the following:

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A handwritten signature in black ink, reading "Patricia L. Maher". The signature is written in a cursive style with a horizontal line underneath the name.

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