

THE ESTATE OF JOSEPH PATERNO; AL :
CLEMENS, MEMBER OF THE BOARD OF :
TRUSTEES OF PENNSYLVANIA STATE :
UNIVERSITY, WILLIAM KENNEY, AND :
JOSEPH V. PATERNO JR., (JAY), FORMER :
FOOTBALL COACHES AT :
PENNSYLVANIA STATE UNIVERSITY, :

Appellees :
VS. :

NATIONAL COLLEGIATE ATHLETIC :
ASSOCIATION ("NCAA"), MARK :
EMMERT, INDIVIDUALLY AND AS :
PRESIDENT OF NCAA, AND EDWARD :
RAY, :
INDIVIDUALLY AND AS FORMER :
CHAIRMAN OF THE EXECUTIVE :
COMMITTEE OF THE NCAA, AND :
PENNSYLVANIA STATE UNIVERSITY, :
Appellants :

APPEAL OF: PEPPER HAMILTON, LLP

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, :

Appellees

IN THE SUPERIOR COURT OF
PENNSYLVANIA
NO. 877 MDA of 2015

NO. 2082 OF 2013
CENTRE COUNTY

DEBRA C. IMMEL
PROTHONOTARY
CENTRE COUNTY, PA

2016 AUG 12 PM 2:39

FILED FOR RECORD

IN THE SUPERIOR COURT OF
PENNSYLVANIA

NO. 1709 MDA 2014

Appellees

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, AND :
THE PENNSYLVANIA STATE :
UNIVERSITY, :

Appellants :

THE ESTATE OF JOSEPH PATERNO; AL :
CLEMENS, MEMBER OF THE BOARD :
OF TRUSTEES OF PSU, AND WILLIAM :
KENNEY AND JOSEPH V. PATERNO, :
FORMER FOOTBALL COACHES AT :
PENNSYLVANIA STATE UNIVERSITY : ..

IN THE SUPERIOR COURT OF
PENNSYLVANIA

Appellees :

v. :

NO. 878 MDA 2015

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, :
AND THE PENNSYLVANIA STATE :
UNIVERSITY, :

Appellants :

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SUPPLEMENTAL OPINION

Following the Opinion of the Superior Court dated April 26, 2016, this Court
communicated with counsel to begin compliance with the Superior Court Order:

The issues pertaining to the 3.5 million “source” documents had been largely resolved. Plaintiffs had submitted search terms, searches were run, and documents were disclosed.

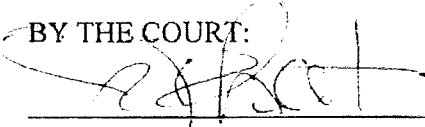
Thereafter, a privilege log was filed on “non source” documents and briefs were submitted. That log consisted of 14 categories encompassing 105 specific items.

On August 11, 2016 this Court issued an Opinion and Order on the discoverability of these items as noted in the privilege logs. These items had been submitted to the Court under seal, with only the Court having full access. The August 11, 2016 Opinion is appended hereto as a part of this Supplemental Opinion.

The Court must assume that the matters leading to the Superior Court Opinion are still viable, and that there are ongoing objections outstanding. Specifically, Plaintiffs presumably object to items identified but not produced, while Defendants likely object to the items which were Ordered to be disclosed.

Thus this matter encompassing all of the above-captioned appeals is submitted back to the Superior Court.

BY THE COURT:



JOHN B. LEETE, SENIOR JUDGE
SPECIALLY PRESIDING

Date: August 11, 2016