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IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

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,

and

THE PENNSYLVANIA STATE UNIVERSITY,

Nominal Defendant.

-) **Docket No.:** 2013-2082
-)
-) **Type of Case:**
-) Declaratory Judgment Injunction
-) Breach of Contract
-) Tortious Interference with
-) Contract
-) Defamation
-) Commercial Disparagement
-) Conspiracy
-)
-) **Type of Pleading:**
-) The National Collegiate Athletic
-) Association’s Motion for Entry
-) of a Scheduling Order
-)
-) **Filed on Behalf of:**
-) National Collegiate Athletic
-) Association, Mark Emmert,
-) Edward Ray
-)
-) **Counsel of Record for this**
-) **Party:**
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2015 SEP -8 PM 3:59
DEBORAH C. JENSEN
PROTONOTARY
CENTRE COUNTY, PA

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FILED FOR RECORD
2015 SEP - 8 PM 3: 59
DEBRA A. HETTEL
PROthonARY
CENTRE COUNTY, PA

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

The ESTATE of JOSEPH PATERNO, et al.,)	
)	Civil Division
Plaintiffs,)	
)	
v.)	Docket No. 2013-
)	2082
NATIONAL COLLEGIATE ATHLETIC)	
ASSOCIATION (“NCAA”), et al.,)	
)	
Defendants.)	

**THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION’S
MOTION FOR ENTRY OF A SCHEDULING ORDER**

Pursuant to the Court’s inherent authority to manage its docket, the National Collegiate Athletic Association (the “NCAA”) hereby moves for entry of the scheduling order set forth below. Currently no scheduling order has been entered in the present litigation. Although the parties have proceeded with discovery, the NCAA contends that the parties would benefit from a case management schedule moving forward. A case management schedule would provide needed guidance and predictability for the parties, including by, among other things, ensuring an orderly process for discovery, clarifying the dates by which discovery must be

completed, and to permit litigants and their counsel to arrange their schedules to ensure availability at critical times in the litigation.¹

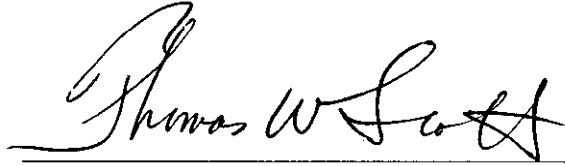
For these reasons, the NCAA proposes the following scheduling order:

Close of Fact Discovery	January 29, 2016
Response to Drs. Emmert and Ray's motion to dismiss due to lack of personal jurisdiction due	January 29, 2016
Plaintiffs' Expert Disclosures	February 12, 2016
Reply brief in support of Drs. Emmert and Ray's motion to dismiss due to lack of personal jurisdiction due	February 15, 2016
NCAA Expert Disclosures	April 1, 2016
Close of Expert Discovery	May 13, 2016
Dispositive motions and briefs due	May 20, 2016
Response to dispositive motions and briefs due	June 17, 2016
Reply briefs to dispositive motions due	July 8, 2016
Expert witness inadmissibility motions due	July 15, 2016
Hearing on dispositive motions	July 22, 2016 (or another date convenient for the Court)
Response to expert witness inadmissibility motions due	July 29, 2016
Reply briefs in support of expert witness inadmissibility motions due	August 5, 2016

The schedule for pretrial motions (including any concerning venue) and trial can be established, if necessary, after resolution of dispositive motions.

¹ The NCAA provided the proposed schedule to Plaintiffs, but Plaintiffs have not yet indicated whether they concur with the schedule. Due to the impending hearing in this matter, scheduled for September 9, 2015, the NCAA proceeded with filing in order that the Court could address the motion at the hearing if it so chose.

Respectfully submitted,



Date: Sept. 8, 2015

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*Counsel for the NCAA, Dr. Emmert, and
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)	
Defendants.)	

[PROPOSED] SCHEDULING ORDER

Upon consideration of the National Collegiate Athletic Association’s motion for entry of a scheduling order, and the reasons contained therein, the motion is hereby **GRANTED**. This ___ day of September, it is ordered that:

1. The parties shall complete all fact discovery by January 29, 2016.
2. Plaintiffs shall respond to Defendants Dr. Ed Ray and Dr. Mark Emmert’s preliminary objections regarding personal jurisdiction by January 29, 2016. All reply briefs thereto shall be filed on or before February 15, 2016.
3. Plaintiffs shall disclose their expert witnesses accordance with the Pennsylvania Rules of Civil Procedure by February 12, 2016, and Defendants shall do the same by April 1, 2016.
4. Expert discovery will close on May 13, 2016.
5. The parties shall file all dispositive motions on or before May 20, 2016. All responsive briefs thereto shall be filed by June 17, 2016, with all reply

briefs filed by July 8, 2016. A hearing on the dispositive motions shall occur on July 22, 2016.

6. The parties shall file any motions seeking to exclude expert witness testimony by July 15, 2016. All responsive briefs thereto shall be filed by July 29, 2016, with reply briefs filed by August 5, 2016.

The Court will consider additional scheduling order(s) as needed upon resolution of the dispositive motions.

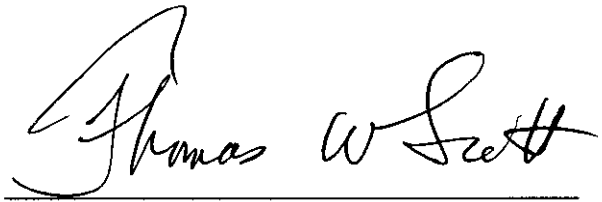
BY THE COURT:

Senior Judge, John B. Leete,
specially presiding

CERTIFICATE OF NON-CONCURRENCE

Pursuant to L.R. 208.2(d), the NCAA has sought concurrence from Plaintiffs' counsel with regard to the NCAA's proposed scheduling order but was unable to receive a response prior to filing. In order to permit the NCAA's proposed case management schedule to be addressed at the hearing scheduled for September 9, 2015, the NCAA chose to proceed with filing absent a response from Plaintiffs.

Dated: July 10, 2015



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*Counsel for the NCAA, Dr. Emmert,
and Dr. Ray*

CERTIFICATE OF SERVICE

I, Thomas W. Scott, hereby certify that I am serving *The National Collegiate Athletic Association's Motion for Entry of a Scheduling Order and Proposed Scheduling Order* on the following by First Class Mail and email:

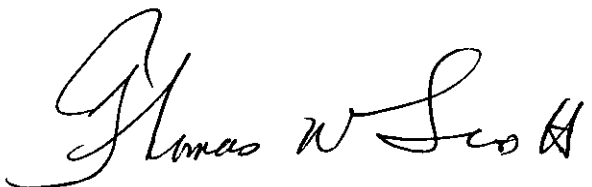
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Via FedEx Overnight Delivery
The Honorable John B. Leete
Senior Judge, Specially Presiding
Potter County Courthouse, Room 30
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Counsel for Plaintiffs

Dated: September 8, 2015



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