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ORIGINAL

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

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.

) **Docket No.:** 2013-2082
)
) **Type of Case:**
) Declaratory Judgment Injunction
) Breach of Contract
) Tortious Interference with
) Contract
) Defamation
) Commercial Disparagement
) Conspiracy
)
) **Type of Pleading:**
) National Collegiate Athletic
) Association’s Motion for
) Postponement of January 5,
) 2015 Hearing
)
) **Filed on Behalf of:**
) National Collegiate Athletic
) Association, Mark Emmert,
) Edward Ray
)
) **Counsel of Record for this**
) **Party:**
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)

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 ESTER C. ROBEL
 PROthonARY
 CENTRE COUNTY, PA

ORIGINAL

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)
)
 PENNSYLVANIA STATE UNIVERSITY,)
)
 Defendant.)

Civil Division

Docket No. 2013-2082

DEBRA J. SOBEL
PROthonARY
CENTRE COUNTY, PA

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**THE NCAA'S MOTION FOR POSTPONEMENT OF THE
JANUARY 5, 2015 HEARING**

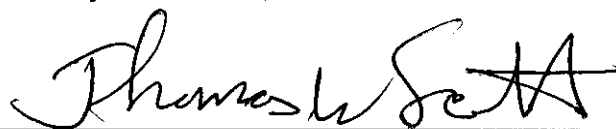
Defendant the National Collegiate Athletic Association (“NCAA”), Dr. Mark Emmert and Dr. Edward Ray (collectively, “the NCAA Defendants”) move for an approximately two week postponement of the January 5, 2015 hearing scheduled by the Court in its December 10, 2014 Order, with the specific rescheduled date and time of the hearing to be determined based on the convenience of the Court.

The NCAA Defendants take very seriously the matters to be addressed in the instant case at the upcoming hearing. However, the NCAA and Pennsylvania State University (“Penn State”), and each of their respective counsel in this case, will be in trial in the matter *Corman v. NCAA*, No. 1 MD 2013, before the Commonwealth Court of Pennsylvania in Harrisburg, Pennsylvania, starting on January 6, 2015, the day after the scheduled hearing in this matter. (None of the Plaintiffs in the instant case will participate in that trial). The judge presiding over the *Corman* matter, the Honorable Anne Covey, has made clear on multiple occasions that she is not open to delaying the start of trial. The NCAA Defendants are therefore hopeful that this Court is amenable to a modest postponement of the January 5, 2015 hearing to ensure that the trial in the *Corman* matter—and the significant, final preparations for same that will be occurring on January 5—does not interfere with the hearing.

Accordingly, the NCAA Defendants respectfully request that the Court reschedule the January 5, 2015 hearing for a convenient date following the conclusion of the trial in the *Corman* matter. The parties in the *Corman* matter anticipate that the trial will last five days; thus, the NCAA proposes that the January 5, 2015 hearing be postponed approximately two weeks.

Penn State concurs in this request for postponement, and Plaintiffs have communicated to the NCAA Defendants that they do not oppose it.

Respectfully submitted,



Date: December 17, 2014

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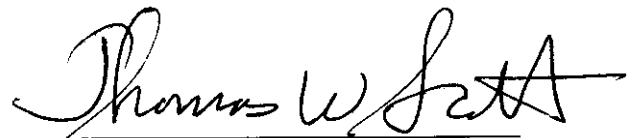
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*Counsel for Defendants the NCAA, Dr.
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CERTIFICATE OF CONCURRENCE
PURSUANT TO LOCAL RULE 208.2(e)

Pursuant to Local Rule 208.2(e), the undersigned counsel for movant, the NCAA Defendants, hereby certifies that this request for postponement of the January 5, 2015 hearing has been discussed with Michael T. Scott, counsel for Defendant Penn State, who concurs in this request for postponement. Undersigned counsel also certifies that Patricia L. Maher and John J. Commisso, counsel for Plaintiffs, have communicated to the NCAA Defendants that Plaintiffs do not oppose the relief requested.

Dated: December 17, 2014



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

CERTIFICATE OF SERVICE

I, Thomas W. Scott, hereby certify that I am serving the foregoing Motion for Postponement of the January 5, 2015 Hearing by First Class Mail and email to:

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Counsel for The Pennsylvania State University

Via FedEx Overnight Delivery
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Dated: December 17, 2014



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