

1 CAROLYN HOECKER LUEDTKE (State Bar No. 207976)
 Carolyn.Luedtke@mto.com
 2 JUSTIN P. RAPHAEL (State Bar No. 292380)
 Justin.Raphael@mto.com
 3 MEGAN McCREADIE (State Bar No. 330704)
 Megan.McCreadie@mto.com
 4 CHRISTOPHER CRUZ (State Bar No. 346128)
 Christopher.Cruz@mto.com
 5 MUNGER, TOLLES & OLSON LLP
 560 Mission Street, Twenty-Seventh Floor
 6 San Francisco, California 94105-2907
 Telephone: (415) 512-4000
 7 Facsimile: (415) 512-4077

8 Attorneys for *Defendant National*
Collegiate Athletic Association
 9

10 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
 11

12 TAYLOR SMART and MICHAEL HACKER,
 Individually and on Behalf of All
 13 Those Similarly Situated,
 Plaintiffs,
 14

15 v.

16 NATIONAL COLLEGIATE ASSOCIATION, an
 unincorporated association,
 Defendant.
 17

No. 2:22-cv-02125 WBS-CSK

Hon. William B. Shubb
Assigned to Hon. Chi Soo Kim
for Non-Dispositive Issues

18 SHANNON RAY, KHALA TAYLOR, PETER
 ROBINSON, KATHERINE SEBBANE, and
 RUDY BARAJAS, Individually and on
 19 Behalf of All Those Similarly
 Situated,
 20 Plaintiffs,

21 v.

22 NATIONAL COLLEGIATE ATHLETIC
 ASSOCIATION, an unincorporated
 23 association,
 Defendant.
 24

No. 1:23-cv-00425 WBS-CSK

**JOINT ADMINISTRATIVE MOTION
 AND STIPULATION REGARDING
 BRIEFING SCHEDULE FOR
 DEFENDANT'S DAUBERT MOTIONS**

25
 26
 27
 28
 JOINT ADMINISTRATIVE MOTION AND STIPULATION REGARDING
 BRIEFING SCHEDULE FOR DEFENDANT'S DAUBERT MOTIONS

1 WHEREAS, the Court has related these two actions.

2 WHEREAS, on November 1, 2024, Plaintiffs in No. 2:22-cv-
3 02125, Taylor Smart and Michael Hacker ("*Smart* Plaintiffs"), and
4 Plaintiffs in No. 1:23-cv-000425, Shannon Ray, Khala Taylor,
5 Peter Robinson, Katherine Sebbane, and Rudy Barajas ("*Ray*
6 Plaintiffs"), both filed motions for class certification;

7 WHEREAS, both the *Smart* Plaintiffs and *Ray* Plaintiffs
8 submitted expert declarations in support of their motions for
9 class certification;

10 WHEREAS, the *Smart* Plaintiffs' and *Ray* Plaintiffs' motions
11 for class certification are set to be heard on March 3, 2025, at
12 1:30;

13 WHEREAS, pursuant to an order of this Court (*Smart* Dckt. 61,
14 *Colon* Dckt. 74), Defendant National Collegiate Athletic
15 Association's ("*NCAA*") oppositions to both motions for class
16 certification were filed and served on December 20, 2024, and
17 Plaintiffs' replies in support of their motions are due
18 January 31, 2025;

19 WHEREAS, the *NCAA*'s opposition to both motions for class
20 certification is supported with evidence including an expert
21 declaration with respect to which the *Smart* and *Ray* Plaintiffs
22 may interpose motions to strike and or exclude, including but not
23 limited to a motion to exclude expert testimony;

24 WHEREAS, the *NCAA* also filed motions to exclude expert
25 testimony filed in support of *Smart* and *Colon* Plaintiffs' motions
26 for class certification ("*Daubert* motions") on December 20, 2024;
27 and

28

1 WHEREAS, the parties have conferred and stipulated to the
2 following briefing schedule for the NCAA's *Daubert* motions and
3 any motions to exclude or strike evidence, including expert
4 testimony, submitted in opposition to the motion for class
5 certification:

6 1. *Smart* and *Ray* Plaintiffs shall file oppositions to the
7 NCAA's *Daubert* motions by January 31, 2025.

8 2. The NCAA shall file any replies in support of its
9 *Daubert* motions by February 18, 2025.

10 3. Plaintiffs shall file any motions to strike or exclude
11 evidence, including but not limited to expert testimony filed in
12 support of the NCAA's opposition to the Plaintiffs' respective
13 motions for class certification, by January 31, 2025.

14 4. The NCAA shall file any oppositions to any such
15 Plaintiffs' motion to strike or exclude evidence by February 18,
16 2025.

17 5. Plaintiffs shall file any replies in support of such
18 motions by February 26, 2025.

19 6. With the permission of the Court, the NCAA's *Daubert*
20 motions and any Plaintiffs' motions directed against evidence
21 submitted in support of NCAA's opposition to Plaintiffs' motions
22 for class certification shall be heard concurrent with *Smart* and
23 *Colon* Plaintiffs' motions for class certification on March 3,
24 2025, at 1:30.

25 Pursuant to Local Rule 233, the parties respectfully request
26 that the Court enter the attached proposed order setting the
27 deadlines that the parties have agreed upon for briefing of any
28 *Daubert* motions to exclude testimony submitted in support of a

1 motion for class certification and any motions submitted by
2 Plaintiffs to exclude or strike evidence submitted in support of
3 the NCAA's opposition to the Plaintiffs' motions for class
4 certification.

5
6 Respectfully submitted, MUNGER, TOLLES & OLSON LLP

7 DATED: January 3, 2025 By: /s/ Carolyn Hoecker Luedtke

8 CAROLYN HOECKER LUEDTKE

9 CAROLYN H. LUEDTKE
10 (State Bar No. 207976)
11 carolyn.luedtke@mto.com

12 JUSTIN P. RAPHAEL
13 (State Bar No. 292380)
14 Justin.Raphael@mto.com

15 MEGAN McCREADIE
16 (State Bar No. 330704)
17 Megan.McCreadie@mto.com

18 CHRISTOPHER CRUZ
19 (State Bar No. 346128)
20 Christopher.Cruz@mto.com

21 MUNGER, TOLLES & OLSON LLP
22 560 Mission Street,
23 Twenty-Seventh Floor
24 San Francisco, California
25 94105-2907

26 Telephone: (415) 512-4000
27 Facsimile: (415) 512-4077

28 *Attorneys for Defendant National
Collegiate Athletic Association*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

KOREIN TILLERY, LLC

By: /s/ Garrett R. Broshuis
 GARRETT R. BROSHUIS
 STEPHEN M. TILLERY (*pro hac vice*)
 stillery@koreintillery.com
 STEVEN M. BEREZNEY (Bar No.
 329923)
 sberezney@koreintillery.com
 GARRETT R. BROSHUIS (Bar No.
 329924)
 gbroshuis@koreintillery.com
 KOREIN TILLERY, LLC
 505 North 7th Street, Suite 3600
 St. Louis, MO 63101
 Telephone: (314) 241-4844
 Facsimile: (314) 241-3525

*Attorneys for Plaintiffs Taylor
Smart and Michael Hacker,
Individually and on Behalf of All
Those Similarly Situated*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GUSTAFSON GLUEK PLLC

By: /s/ Dennis Stewart

DENNIS STEWART

DENNIS STEWART
(State Bar No. 99152)
dstewart@gustafsongluek.com
GUSTAFSON GLUEK PLLC
600 W. Broadway, Suite 3300
San Diego, CA 92101
Telephone: (619) 595-3299

DANIEL E. GUSTAFSON
(#202241 pro hac vice)
dgustafson@gustafsongluek.com
Amanda M. Williams
(#0341691 pro hac vice)
Matthew Jacobs
(#540346 pro hac vice)
GUSTAFSON GLUEK PLLC
Canadian Pacific Plaza
120 South 6th Street, Suite 2600
Minneapolis, MN 55402
Telephone: (612) 333-8844
Facsimile: (612) 339-6622

*Attorneys for Plaintiffs Shannon
Ray, Khala Taylor, Peter Robinson,
Katherine Sebbane, and Rudy
Barajas, Individually and on
Behalf of All Those Similarly
Situated*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

KIRBY McINERNEY LLP

ROBERT J. GRALEWSKI, JR.
(State Bar No. 196410)
bgralewski@kmlp.com
MARKO RADISAVLJEVIC,
(State Bar No. 306552)
mradisavljevic@kmlp.com
KIRBY McINERNEY LLP
600 B Street, Suite 2110
San Diego, California 92101
Telephone: (619) 784-1442

*Attorneys for Plaintiffs Shannon
Ray, Khala Taylor, Peter Robinson,
Katherine Sebbane, and Rudy
Barajas, Individually and on
Behalf of All Those Similarly
Situated*

FAIRMARK PARTNERS, LLP

Michael Lieberman
(pro hac vice)
Jamie Crooks
(pro hac vice)
Yinka Onayemi
(pro hac vice)
FAIRMARK PARTNERS, LLP
1001 G Street NW, Suite 400 East
Washington, DC 20001
Telephone: (818) 585-2903
michael@fairmarklaw.com
jamie@fairmarklaw.com
yinka@fairmarklaw.com

*Attorneys for Plaintiffs Shannon
Ray, Khala Taylor, Peter Robinson,
Katherine Sebbane, and Rudy
Barajas, Individually and on
Behalf of All Those Similarly
Situated*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COLEMAN & HOROWITT, LLP
DARRYL J. HOROWITT
(State Bar No. 100898)
dhorowitt@ch-law.com
COLEMAN & HOROWITT, LLP
499 West Shaw, Suite 116
Fresno, CA 93704
Telephone: (559) 248-4820
Facsimile: (559) 248-4830

*Attorneys for Plaintiffs Shannon
Ray, Khala Taylor, Peter Robinson,
Katherine Sebbane, and Rudy
Barajas, Individually and on
Behalf of All Those Similarly
Situated*

THE LAW OFFICES OF LEONARD B.
SIMON P.C.
LEONARD B. SIMON
(State Bar No. 58310)
lens@rgrdlaw.com
THE LAW OFFICES OF LEONARD B.
SIMON P.C.
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: (619) 818-0644
Facsimile: (619) 231-7423

*Attorneys for Plaintiffs Shannon
Ray, Khala Taylor, Peter Robinson,
Katherine Sebbane, and Rudy
Barajas, Individually and on
Behalf of All Those Similarly
Situated*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record registered for electronic filing.

/s/ Carolyn Hoecker Luedtke
Carolyn Hoecker Luedtke

1 **Order**

2 The Court, having considered the parties' stipulation, and
3 cause appearing, hereby orders that:

4 1. *Smart* and *Colon* Plaintiffs shall file any oppositions to
5 the NCAA's *Daubert* motions to exclude testimony submitted in support
6 of Plaintiffs' motions for class certification by January 31, 2025.

7 2. The NCAA shall file any replies in support of its *Daubert*
8 motions by February 18, 2025.


9 3. Plaintiffs shall file any motions to strike or exclude
10 evidence, including but not limited to expert testimony filed in
11 support of the NCAA's opposition to Plaintiffs' motions for class
12 certification, by January 31, 2025.

13 4. The NCAA shall file oppositions to any motions to strike
14 or exclude evidence filed in support of its opposition to
15 Plaintiffs' motions for class certification by February 18, 2025.

16 5. Plaintiffs shall file replies in support of any motions to
17 strike or exclude evidence filed in support of the NCAA's opposition
18 to Plaintiffs' motions for class certification by February 26, 2025.

19 6. The NCAA's *Daubert* motions and any motions by Plaintiffs
20 to strike or exclude evidence filed in support of the NCAA's
21 opposition to Plaintiffs' motions for class certification shall be
22 heard concurrent with *Smart* and *Colon* Plaintiffs' motions for class
23 certification on March 3, 2025, at 1:30.

24
25 Dated: January 7, 2025

26 
27 WILLIAM B. SHUBB
28 UNITED STATES DISTRICT JUDGE