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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**
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10 **IN RE NCAA STUDENT-ATHLETE**
11 **NAME & LIKENESS LICENSING**
12 **LITIGATION**

Case No. 09-cv-1967 CW (NC)

**ORDER SETTING BRIEFING
SCHEDULE ON PLAINTIFFS'
PROPOSED MOTION TO
COMPEL DEPOSITION OF
MARK EMMERT**

Re: Dkt. No. 360

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16 Having considered the "Joint Statement" regarding the plaintiffs' proposed
17 deposition of Mark Emmert (docket entry 360), the Court rules as follows.

18 The Court is not inclined to deny the Motion outright. Therefore, as requested by
19 the NCAA (Statement at 4), the NCAA may file a full opposition brief by October 14,
20 and the Plaintiffs may reply by October 21.

21 In the further briefing, the parties are requested to expand on the information in
22 footnote 3 of the Joint Statement. Specifically, what is the status of the other depositions
23 noticed in this case? Might the depositions of eight current NCAA employees make the
24 deposition of Emmert duplicative? And why should Emmert's deposition be taken first,
25 if the named plaintiffs have yet to be presented for depositions noticed for June 2011
26 (Statement at 3)?

27 The parties are also to confer further with each other and to report on their
28 proposals for the location of the proposed deposition. Do the plaintiffs object to taking

1 the deposition in Indianapolis? Does the NCAA object to a deposition in San Francisco?
2 And why, or why not, should the deposition be directly supervised by the Court or a
3 neutral mediator (Statement at 3)?
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5 IT IS SO ORDERED.

7 DATED: October 6, 2011

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8 NATHANAEL M. COUSINS
United States Magistrate Judge

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