

1 [Plaintiffs' and Defendants' Counsel
Listed on Signature Block]

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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OAKLAND DIVISION

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**IN RE NCAA STUDENT-ATHLETE
NAME & LIKENESS LICENSING
LITIGATION**

Case No. 4:09-cv-1967 CW (NC)

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**STIPULATION AND [~~PROPOSED~~] ORDER
RE: ADDENDUM TO STIPULATED
PROTECTIVE ORDER**

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CLASS ACTION

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Complaint Filed: May 5, 2009

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STIPULATION AND [~~PROPOSED~~] ORDER RE ADDENDUM
TO STIPULATED PROTECTIVE ORDER

CASE NO. 4:09-CV-1967 CW (NC)

1 All parties, by their respective counsel, hereby agree and stipulate to the following
2 proposed Addendum to the March 7, 2011 “Stipulated Protective Order Regarding
3 Confidentiality of Documents and Materials” (the “Stipulated Protective Order”) (Dkt. 320)
4 entered by the Court in this matter in order to address concerns of certain third party subpoena
5 recipients regarding information to be produced pursuant to subpoena or otherwise made
6 available in this litigation:

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8 1. This Addendum incorporates by reference all provisions of the Stipulated
9 Protective Order to the extent those provisions do not conflict with the provisions herein. Unless
10 otherwise defined herein, defined terms in the Stipulated Protective Order shall have the same
11 definitions in this Addendum.

12 2. A producing party may designate as “Outside Attorneys’ Eyes Only” any
13 testimony, information, or document that is especially sensitive such that the producing party
14 believes in good faith that it would suffer competitive harm if publicly known or known by
15 agents and employees of other parties or non-parties who would have access under the Stipulated
16 Protective Order to Confidential Material.

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18 3. Designation of “Outside Attorneys’ Eyes Only” material shall be made in the
19 same manner as designation of Confidential Material pursuant to Paragraphs (5), (6), (7) and (8)
20 of the Stipulated Protective Order.

21 4. “Outside Attorneys’ Eyes Only” material may be disclosed, summarized,
22 described, characterized, or otherwise communicated or made available in whole or in part by the
23 party to whom such materials are produced or disclosed only to the following persons, who shall
24 be bound thereby by the terms of the Stipulated Protective Order and this Addendum: (a) the
25 parties’ outside counsel and their legal, clerical, or support staff; (b) experts or consultants
26 retained by a party in connection with this action; (c) any person indicated on the face of a
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1 document to be the author, addressee, or a copy recipient of the document; (d) the Court, Court
2 personnel, any juror or any court reporter employed in this action; and (e) any other person only
3 upon order of the Court after notice to the producing party or stipulation of the producing party.

4 “Outside Attorneys’ Eyes Only” material shall not be disclosed to any person identified in
5 category (b) above until such person has been shown a copy of the Stipulated Protective Order
6 and this Addendum and has first agreed to be bound by the terms of the Stipulated Protective
7 Order and this Addendum by executing the Acknowledgment attached hereto as Exhibit A.

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9 5. A Fed. R. Civ. P. 30(b)(6) witness or equivalent designated by a party or non-
10 party may be shown any material designated “Outside Attorneys’ Eyes Only” during the course
11 of his/her examination if (a) counsel for the examining party believes in good faith that such a
12 witness has a need to review such material, and (b) that witness is employed by the same entity,
13 including any subsidiary or affiliate thereof, as a person indicated on the face of such a document
14 to be the author, addressee, or a copy recipient.

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16 6. Any deponent or witness who currently is or at the time of the creation of the
17 relevant discovery material was employed by the producing party may be shown “Outside
18 Attorneys’ Eyes Only” material so designated by that producing party during the course of
19 his/her examination.

20 7. Except as set forth in this Addendum, “Outside Attorneys’ Eyes Only” material
21 shall be treated in the same manner as Confidential Material pursuant to the Stipulated Protective
22 Order.

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1 **IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.**

2 Dated: December 6, 2011

3 HAUSFELD LLP

KEKER & VAN NEST LLP

4 /s/ Jon T. King

/s/ R. James Slaughter

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26 /s/ Robert B. Carey

/s/ R. Charles Henn Jr.

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9 ***With Primary Responsibility for the***
10 ***Right of Publicity Claims***

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National Collegiate Athletic Association

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15 **IT SO ORDERED.**

16 **Dated:** _____ 12/6/2011



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18 **The Honorable Claudia Wilken**
19 **U.S. DISTRICT COURT JUDGE**

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21 I, Jon T. King, am the ECF User whose ID and password are being used to file this

22 **STIPULATION AND [PROPOSED] ORDER RE ADDENDUM TO STIPULATED**
23 **PROTECTIVE ORDER**

24 In compliance with General Order 45, X.B., I hereby attest that Robert B. Carey, R.
25 Charles Henn Jr., Gregory L. Curtner, R. James Slaughter, and Timothy L. O'Mara, Jr. have
26 concurred in this filing.
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EXHIBIT A

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

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3 I, _____ [print or type full name], of
4 _____ [print or type full address], declare under
5 penalty of perjury that I have read in its entirety and understand the “Stipulated Protective Order
6 Regarding Confidentiality of Documents and Materials” (the “Stipulated Protective Order”) that
7 was entered on March 7, 2011 by the United States District Court for the Northern District of
8 California in the case of *In re Student-Athlete Name and Likeness Licensing Litigation.*, No. 09-
9 cv-1967 CW, and the “Stipulation and Order Re Addendum to Stipulated Protective Order” (the
10 “Addendum”) entered by the Court on _____. I agree to comply with and to be
11 bound by all the terms of the Stipulated Protective Order and the Addendum, and I understand
12 and acknowledge that failure to so comply could expose me to sanctions and punishment in the
13 nature of contempt. I solemnly promise that I will not disclose in any manner any information or
14 item that is subject to this Stipulated Protective Order or the Addendum to any person or entity in
15 strict compliance with the provisions of the Stipulated Protective Order and the Addendum.
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18 I further agree to submit to the jurisdiction of the United States District Court for the
19 Northern District of California for the purpose of enforcing the terms of the Stipulated Protective
20 Order and the Addendum, even if such enforcement proceedings occur after termination of this
21 action.

22 Date: _____

23 City and State where sworn and signed: _____

24 Name: _____ [printed name]

25 Signature: _____ [signature]