

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 IN RE NCAA STUDENT-ATHLETE
5 NAME & LIKENESS LICENSING
6 LITIGATION

No. C 09-1967 CW

ORDER DENYING
MOTION TO STRIKE
EXPERT REPORTS
(Docket No. 750),
GRANTING IN PART
REQUEST TO MODIFY
THE CASE SCHEDULE
AND DENYING AS MOOT
MOTION FOR
EXPEDITED
CONSIDERATION
(Docket No. 752)

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11 Defendants National Collegiate Athletic Association (NCAA),
12 Electronic Arts, Inc. (EA) and Collegiate Licensing Company (CLC)
13 move to strike the rebuttal and reply expert reports offered by
14 Antitrust Plaintiffs in support of their supplemental brief in
15 further support of their motion for class certification. Having
16 considered the papers submitted by Defendants, the Court DENIES
17 their motion to strike the expert reports.

18 Defendants alternatively request that the scheduling order be
19 amended to permit time for them to depose Antitrust Plaintiffs'
20 four experts and to allow them additional time to file their
21 briefs in reply to Plaintiffs' supplemental brief and in support
22 of their class certification Daubert motions, which are currently
23 due by May 9, 2013.¹ Defendants represent that Antitrust
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25 ¹ The Court notes that Antitrust Plaintiffs have made no
26 Daubert challenges to Defendants' class certification experts.
27 Docket No. 748, 1 n.2. Thus, to the extent that the case schedule
28 sets forth a schedule for briefing such challenges by Antitrust
Plaintiffs, those deadlines are now moot. Accordingly, the Court
VACATES the May 23, 2013 deadline for Antitrust Plaintiffs to file
a reply in support of their class certification Daubert motions.

1 Plaintiffs do not object to their request to take depositions of
2 the four experts by May 24, 2013 or to an extension of the due
3 date for their briefs from May 9, 2013 to May 30, 2013. Relying
4 on that representation, the Court GRANTS these requests as
5 unopposed.

6 Under the present schedule, for these briefs, Defendants are
7 permitted a total of fifteen pages in which to file separate or
8 joint briefs on behalf of more than one, or all, Defendants.
9 Docket No. 673, 3. Further, EA and CLC are permitted to file an
10 additional joint brief of ten pages or less addressing only issues
11 unique to these Defendants and not shared by NCAA. Docket No.
12 676.² In the present motion, Defendants request that the fifteen
13 page limit be increased to twenty-five pages and that the ten page
14 limit be increased to fifteen pages. They state that Antitrust
15 Plaintiffs do not object to the first request and object to the
16 second request. The Court GRANTS Defendants' request in part.
17 Defendants' briefs, whether filed together or separately, may
18 total no more than thirty-five pages, at least ten of which must
19 be allotted to address issues that are unique to EA and CLC.

20 IT IS SO ORDERED.

21 Dated: 5/1/2013


CLAUDIA WILKEN
United States District Judge

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24 ² In the present motion, Defendants appear to characterize
25 the fifteen pages as being allocated to NCAA's brief only. The
26 Court notes that its prior orders directed that the fifteen pages
27 be shared between Defendants for all of their briefs, whether
28 filed together or separately, and permitted EA and CLC an
additional ten pages for their unique issues. Although Defendants
may have agreed amongst themselves to a particular division of the
pages, the Court's orders did not mandate that these fifteen pages
be allocated to NCAA only.