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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE NCAA STUDENT-ATHLETE NAME
AND LIKENESS LICENSING
LITIGATION

Case No. 09-cv-01967 CW (NC)

**TENTATIVE ORDER AND ORDER
SETTING HEARING RE:
DISCOVERY DISPUTES**

Re: Dkt. Nos. 724, 745, 746

Antitrust Plaintiffs moved to compel the depositions of 12 declarants, the declarations of whom defendants rely on to oppose plaintiffs' motion for class certification. Defendants opposed the motion as untimely. The Court will hold a hearing on May 8, 2013 at 2:00 p.m. in Courtroom A, 15th Floor, U.S. District Court, 450 Golden Gate Avenue, San Francisco, to determine the necessity and feasibility of proceeding with the requested depositions within the newly revised class certification briefing schedule. Tentatively, the Court is inclined to grant plaintiffs the opportunity to depose those declarants whom they have not already deposed.¹ The Court would like more information on the proposed scope,

¹ The parties have reached an agreement regarding Guy Ben-Ishai, and plaintiffs admit to deposing Kevin Lennon. Defendants assert that plaintiffs also deposed Mark Womack. The remaining declarants at issue are Bob Bowsby, James Delany, D. DeLoss Dodds, Douglas Elgin, Jonathan LeCrone, Mark Lewis, Todd Petr, Larry Scott, and John Welty.

1 length, schedule, method, and location of the depositions. The parties are ORDERED to
2 meet and confer before the hearing and must be prepared to propose a schedule, methods,
3 and locations for the remaining depositions.

4 Also on May 8, the Court will address plaintiffs' motion to compel the data referred
5 to in Todd Petr's declaration as it relates to defendants' expert reports, and specifically
6 whether Petr's deposition would moot the motion. The Court will address plaintiffs'
7 motion to compel discovery regarding recent changes in NCAA bylaws as well. It declines
8 the parties' invitation for more briefing on that issue for the moment.

9 IT IS SO ORDERED.

10 Date: May 1, 2013

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13 Nathanael M. Cousins
14 United States Magistrate Judge
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