

1 MICHAEL D. HAUSFELD (*pro hac vice*)
 mhausfeld@hausfeldllp.com
 2 HILARY K. SCHERRER (SBN 209451)
 hscherrer@hausfeldllp.com
 3 SATHYA S. GOSSELIN (SBN 269171)
 sgosselin@hausfeldllp.com
 4 SWATHI BOJEDLA (*pro hac vice*)
 sbojedla@hausfeldllp.com
 5 HAUSFELD LLP
 1700 K Street, NW, Suite 650
 6 Washington, D.C. 20006
 Telephone: (202) 540-7200
 7 Facsimile: (202) 540-7201

8 MICHAEL P. LEHMANN (SBN 77152)
 mlehmann@hausfeldllp.com
 9 BRUCE J. WECKER (SBN 78530)
 bwecker@hausfeldllp.com
 10 HAUSFELD LLP
 44 Montgomery Street, Suite 3400
 11 San Francisco, California 94104
 Telephone: (415) 633-1908
 12 Facsimile: (415) 358-4980

13 *Plaintiffs' Class Counsel with Principal Responsibility*
 14 *for the Antitrust Claims*

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 OAKLAND DIVISION

19 EDWARD C. O'BANNON, JR. on behalf
 20 of himself and all others similarly situated,

21 Plaintiffs,

22 v.

23 NATIONAL COLLEGIATE ATHLETIC
 ASSOCIATION (NCAA); ELECTRONIC
 24 ARTS, INC.; and COLLEGIATE
 LICENSING COMPANY,

25 Defendants.

Case No. 4:09-cv-3329 CW

**[PROPOSED] ORDER DENYING
 DEFENDANT NCAA'S MOTIONS
 IN LIMINE**

Judge: The Honorable Claudia Wilken
 Courtroom: 2, 4th Floor
 Hearing: May 28, 2014
 Time: 2:00 p.m.

1 Defendant National Collegiate Athletic Association (“NCAA”) filed motions *in limine*.
2 The Court, having duly considered the submissions, denies the NCAA’s motions as follows:

3 The NCAA’s Motion *in Limine* No. 1 is DENIED. Plaintiffs are permitted to introduce
4 evidence and argument about injuries in college sports.

5 The NCAA’s Motion *in Limine* No. 2 is DENIED. Plaintiffs are permitted to introduce
6 evidence and argument about licensing, even if it is unrelated to live broadcasts, rebroadcasts or
7 clips, or videogames.

8 The NCAA’s Motion *in Limine* No. 3 is DENIED. Plaintiffs’ experts may present the
9 findings by the Regional Director of Region 13 of the National Labor Relations Board relating to
10 the integration (or lack thereof) of athletics and academics. The parties have stipulated that the
11 report itself is not admissible as a trial exhibit.

12 The NCAA’s Motion *in Limine* No. 4 is DENIED. Plaintiffs are permitted to introduce
13 reports of third-party organizations, including but not limited to the Knight Commission on
14 Intercollegiate Athletics.

15 The NCAA’s Motion *in Limine* No. 5 is DENIED. Plaintiffs’ experts are permitted to
16 read in to the record excerpts from Walter Byers’s book *Unsportsmanlike Conduct*.

17 The NCAA’s Motion *in Limine* No. 6 is DENIED. Plaintiffs may present the expert
18 witness testimony of Dr. Ellen Staurowsky and Taylor Branch.

19 The NCAA’s Motion *in Limine* No. 7 is DENIED. Plaintiffs are permitted to introduce
20 the deposition testimony of Walter Byers from *White v. NCAA*, Civ. No. 06-0999 VBF (MANx)
21 (C.D. Cal.).

22 The NCAA’s Motion *in Limine* No. 8 is DENIED. Plaintiffs are permitted to reference
23 the incomes of defense witnesses, NCAA employees, and university employees.

24 The NCAA’s Motion *in Limine* No. 9 is DENIED. Plaintiffs are permitted to introduce
25 college athlete eligibility forms.

26 The NCAA’s Motion *in Limine* No. 10 is DENIED as moot. The parties are ordered to
27 meet and confer regarding the admissibility of evidence concerning adjudicated or alleged
28 criminal conduct unrelated to the rules at issue in this case.

1 The NCAA’s Motion *in Limine* No. 11 is DENIED as moot. The parties have agreed to a
2 stipulation on this motion.

3 The NCAA’s Motion *in Limine* No. 12 is DENIED. Plaintiffs are permitted to introduce
4 evidence and argument about less restrictive alternatives, even if they have not been explicitly
5 analyzed by Plaintiffs’ expert Dr. Roger Noll.

6 The NCAA’s Motion *in Limine* No. 13 is DENIED. In the event that Plaintiffs call Mary
7 Willingham as a witness, Plaintiffs will make Mrs. Willingham available for a deposition by the
8 NCAA prior to her testimony at trial.

9

10 IT IS SO ORDERED.

11

12 Date: _____

13

The Honorable Claudia Wilken
United States Chief District Judge

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28