

# **EX. B**

## Martha Goodman

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**From:** Swathi Bojedla <sbojedla@hausfeldllp.com>  
**Sent:** Sunday, June 08, 2014 1:36 PM  
**To:** Bruce Wecker; Singla, Rohit; Martha Goodman; XT Danziger, Jacob; Renae Steiner; leonarda@hbsslaw.com; Hilary K. Scherrer; Arthur Bailey, Jr; hhenderson@ktslaw.com; aljones@ktslaw.com; amyn@hbsslaw.com; bmarkovits@msdlegal.com; asteyer@steyerlaw.com; chenn@ktslaw.com; heatherw@hbsslaw.com; abhansali@kvn.com; alauridsen@kvn.com; alevine@kvn.com; cfahmy@ktslaw.com; james.potepan@leclairryan.com; lcrumbley@kilpatricktownsend.com; Michael Hausfeld; Michael Lehmann; pboyle@ktslaw.com; rob@hbsslaw.com; XT Slaughter, James; rvannest@kvn.com; sgreenfogel@litedepalma.com  
**Cc:** XT Kefalas, Kimberly; Pomerantz, Glenn; Luedtke, Carolyn; Klaus, Kelly; Chapman, Denise S.; XT Curtner, Greg; XT Sprovtsoff, Jessica; XT Bateman, Paul; XT Wierenga, Robert; Raphael, Justin; Miller, Jeslyn; Rehn, Thane; Banda, Dan; Misisian, Laura A.; McLand, Eric; XT Wahl, Suzanne; William Isaacson; Seth A. Rosenthal; Sathya Gosselin  
**Subject:** O'Bannon v. NCAA: Backup Materials for Dr. Rascher's demonstratives and summary exhibits.  
**Attachments:** Rascher Response to Rubinfeld Backup (2).zip

Rohit-

Please see attached the backup materials for Dr. Rascher's demonstratives and summary exhibits.

Also, please let me know who from your team should receive these emails in the future.

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**From:** Bruce Wecker  
**Sent:** Sunday, June 08, 2014 1:11 PM  
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**Subject:** RE: O'Bannon v. NCAA: summary exhibits and demonstrative aids disclosure

Rohit:

We have just completed the collection and organization of the backup materials and will be sending it to you shortly.

**Bruce J. Wecker, Of Counsel**  
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**From:** Singla, Rohit [<mailto:Rohit.Singla@mto.com>]

**Sent:** Sunday, June 08, 2014 1:08 PM

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**Subject:** RE: O'Bannon v. NCAA: summary exhibits and demonstrative aids disclosure

Counsel —

We are starting to look through Mr. Rascher's slides. We already have a significant concern about the new competitive balance analysis. It is not disclosed in any report. We do not even have any back-up materials.

Btw — if there is a smaller list of lawyers that should be discussing this from your side, please let me know.

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**From:** Martha Goodman [<mailto:MGoodman@BSFLLP.com>]

**Sent:** Saturday, June 07, 2014 9:42 PM

**To:** Singla, Rohit; Bruce Wecker; XT Danziger, Jacob; Renae Steiner; [leonarda@hbsslaw.com](mailto:leonarda@hbsslaw.com); Hilary K. Scherrer; Arthur Bailey, Jr; [hhenderson@ktslaw.com](mailto:hhenderson@ktslaw.com); [aljones@ktslaw.com](mailto:aljones@ktslaw.com); [amyn@hbsslaw.com](mailto:amyn@hbsslaw.com); [bmarkovits@msdlegal.com](mailto:bmarkovits@msdlegal.com); [asteyer@steyerlaw.com](mailto:asteyer@steyerlaw.com); [chenn@ktslaw.com](mailto:chenn@ktslaw.com); [heatherw@hbsslaw.com](mailto:heatherw@hbsslaw.com); [abhansali@kvn.com](mailto:abhansali@kvn.com); [alauridsen@kvn.com](mailto:alauridsen@kvn.com); [alevine@kvn.com](mailto:alevine@kvn.com); [cfahmy@ktslaw.com](mailto:cfahmy@ktslaw.com); [james.potepan@leclairryan.com](mailto:james.potepan@leclairryan.com); [lcrumbley@kilpatricktownsend.com](mailto:lcrumbley@kilpatricktownsend.com); Michael Hausfeld; Michael Lehmann; [pboyle@ktslaw.com](mailto:pboyle@ktslaw.com); [rob@hbsslaw.com](mailto:rob@hbsslaw.com); XT Slaughter, James; [rvannest@kvn.com](mailto:rvannest@kvn.com); [sgreenfogel@litedepalma.com](mailto:sgreenfogel@litedepalma.com)

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**Subject:** RE: O'Bannon v. NCAA: summary exhibits and demonstrative aids disclosure

Counsel:

Pursuant to the parties' stipulation, attached please find summary exhibit and demonstrative aid disclosures for APs' Tuesday witnesses.

Additionally, please find a complete set of revised disclosures for Monday's witnesses. The following non-substantive changes were made to these summary exhibits and aids:

- Deleted text in 3rd bullet, altered text in 4th and 6th bullet points on the "Principal Conclusions" slide.
- Made formatting changes to the "Two Relevant Markets" slide
- Made formatting changes and added "e.g." to the "What is Market Power" slide
- Made formatting changes to the "What is a Cartel" slide

- Made formatting changes to the Rubinfeld *Microeconomics* slide
- Added a quotation from Rubinfeld's *Microeconomics* textbook to the slides quoting the economic literature; added title bar to the same set of slides.
- Added a title bar to the slide quoting the Emmert deposition
- Added a title bar to Conference Summary of Jersey Availability chart
- Made formatting changes to the "Presidents Report 2010" slide
- Changed title and added source notation to "Exhibit 13: Facilities since 1997" slides
- Reordered numbering on "Defendant's Purported Procompetitive Justifications" slide
- Changed formatting and added the word "alleged" to "Procompetitive Justification 1: Amateurism" slide
- Added title to SI Vault slide
- Made formatting changes to the "Economic literature discussing How NCAA rules do not impact competitive balance in college sports" slide.
- Added title and source to Exhibit 15A and 15B slides
- Added title bar to Big 12 Commissioner/President of Clemson University slide
- Added title bar to Scholarship Bar Charts and chart slides
- Made minor formatting changes to Bill Battle slide

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**Subject:** RE: O'Bannon v. NCAA: summary exhibits and demonstrative aids disclosure

Counsel:

Attached please find an additional disclosure pursuant to the parties' stipulation regarding summary exhibits and demonstrative aids.

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**Subject:** O'Bannon v. NCAA: summary exhibits and demonstrative aids disclosure

Counsel:

Pursuant to the parties' stipulation that each disclose summary exhibits and demonstrative aids "to the opposing party and the Court no less than 48 hours before its anticipated use at trial," (Case No. 4:09-cv-1967-CW, Dkt. No. 1038 at 3), Antitrust Plaintiffs disclose the attached summary exhibits and demonstrative aids.

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## Martha Goodman

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**From:** Martha Goodman  
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**Cc:** 'XT Kefalas, Kimberly'; 'Pomerantz, Glenn'; 'Luedtke, Carolyn'; 'Klaus, Kelly'; 'Chapman, Denise S.'; 'XT Curtner, Greg'; 'XT Sprovtsoff, Jessica'; 'XT Bateman, Paul'; 'XT Wierenga, Robert'; 'Raphael, Justin'; 'Miller, Jeslyn'; 'Rehn, Thane'; 'Banda, Dan'; 'Misisian, Laura A.'; 'McLand, Eric'; 'XT Wahl, Suzanne'; 'Swathi Bojedla'; 'William Isaacson'; 'Seth A. Rosenthal'; 'Sathya Gosselin'; 'CWpdf@cand.uscourts.gov'  
**Subject:** O'Bannon v. NCAA: summary exhibits and demonstrative aids disclosure  
**Attachments:** 2014 6 8 Revised Tuesday Witnesses Summary and Demonstrative Exchange.pdf

Counsel:

Attached please find revised disclosures for Tuesday's witnesses. The attached document is the entire set and includes the slide Bruce Wecker disclosed an hour ago. The changes are:

- Slide 34: source added to the bottom
- Slides 56 and 58: the data underlying these were revised in order to create an exact replication of Dr. Rubinfeld's work. Formatting changes were also made, and the notes sections revised.
- Slide 66: added per Bruce's earlier disclosure

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