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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

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

Plaintiffs,

v.

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

Defendants.

Case No. 09-cv-3329-CW

**STIPULATION OF UNDISPUTED FACTS
 REGARDING WHERE BROADCAST
 MONEY GOES**

Dept: Courtroom 2, 4th Floor
 Judge: Hon. Claudia Wilken
 Complaint filed: May 5, 2009

1 WHEREAS, in response to the Court's request that the National Collegiate Athletic
2 Association ("NCAA") and the Antitrust Plaintiffs work to produce a joint statement of
3 undisputed facts regarding who makes the deals for the live broadcast and rebroadcast of FBS
4 football and Division I men's basketball games and then where the money for those games goes:

5 **IT IS HEREBY STIPULATED AND AGREED THAT:**

6 ***Regular Season and Conference Championship FBS Football and Basketball Games***

7 1. The NCAA does not negotiate broadcast agreements for, or receive any revenue
8 from, regular season Division I FBS football and men's basketball games.

9 2. The NCAA's Division I member conferences and some individual member schools
10 have agreements with television networks to license the rights to broadcast certain regular season
11 and conference championship football and men's basketball games. Each conference negotiates
12 its own broadcast agreement, and the terms of those agreements are unique to each conference.
13 The agreements are for varying amounts. Generally, the television networks pay the conferences,
14 and the conferences then distribute that revenue to their member schools according to a formula
15 specific to that conference.

16 3. Certain conferences also have established their own networks to broadcast some
17 regular season football and men's basketball games (those not licensed to third party telecasters).
18 The Big Ten, Pac-12, and SEC have their own networks. Sometimes conference networks have
19 third party owners, such as Fox which owns part of the Big 10 network. Other conferences, like
20 the Big 12, have included in their agreements with ESPN licenses for the rights to telecast
21 football and men's basketball games on regional ESPN networks. For these networks, any
22 revenue generated flows to the conferences, and the conferences distribute that revenue to their
23 member schools according to a formula specific to that conference.

24 4. Certain individual schools, including the University of Texas (Longhorn Network in
25 partnership with ESPN), which is in the Big 12 Conference, and Notre Dame (in partnership with
26 NBC), which has retained its television broadcast rights, have established their own contracts
27 and/or networks to broadcast regular football and men's basketball season games that are not
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1 broadcast under other agreements. Additionally, a number of Division I institutions have
2 individual broadcast agreements with local or regional television networks, which televise
3 football and men's basketball games not televised under any conference contract. The revenues
4 from the agreements identified in this paragraph flow directly to the individual schools.

5 5. Certain conferences, including the SEC, have agreements with digital media
6 companies for the rebroadcast of football and men's basketball games and video clips.
7 Conferences can earn revenue from these agreements as well, and can also distribute that money
8 to member schools.

9 ***Post-Season FBS Football Games***

10 6. The NCAA does not negotiate broadcast agreements for, or receive any revenue
11 from, post-season Division I FBS football games (such as 'bowl' games and national
12 championship games).

13 7. Division I FBS football postseason games include individual bowl games, the
14 former Bowl Championship Series (BCS), and the new Division I FBS College Football Playoff.
15 The entity that produces each of these bowl games or series negotiates its own broadcast
16 agreements with a television network (or networks). For example, the Rose Bowl organizers
17 negotiate a broadcast contract for that individual bowl game. The new Division I FBS College
18 Football Playoff has directly negotiated a broadcast contract with ESPN. The NCAA does not
19 participate in the negotiation, licensing, broadcast or revenue distribution for these games.
20 Revenue from the broadcast of post-season games is (or will be) distributed either to the
21 conferences of the participating teams (which then distribute the money to all schools in the
22 conference according to an agreed-upon formula for that conference) or directly to schools that
23 participate in the games. So, for example, when the Pac-12 champion and the Big 10 champion
24 play in the Rose Bowl, the money for the broadcast of the Rose Bowl is paid to the Rose Bowl
25 organizers and then some of it is distributed to the Pac-12 conference and the Big 10 conference.
26 Those conferences, in turn, distribute that money to all schools in each conference, not just to the
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1 participating school. Therefore, the last place team in the conference may receive broadcast
2 revenue from the first place team's participation in the Rose Bowl.

3 ***NCAA Division I Men's Basketball Championship***

4 8. The NCAA has agreements with Turner Broadcasting and CBS to broadcast the
5 Division I men's basketball championships. CBS and Turner pay the NCAA for the right to
6 broadcast this NCAA championship.

7 ***NCAA Revenue***

8 9. The revenue from the CBS and Turner broadcast agreements constitutes
9 approximately 85% of the NCAA's revenue. The vast majority of the remaining NCAA revenue
10 comes from ticket sales to championships events and broadcast agreements for other sports'
11 championship tournaments. A small percentage of the NCAA's revenue is from other licensing
12 agreements, such as the former licensing agreement with CLC for the use of the NCAA's
13 trademarks in the EA videogames and licensing agreements for the use of archival broadcast
14 footage for which the NCAA holds the copyright.

15 10. The NCAA distributes revenues from the Division I Men's basketball
16 championship to participating member schools according to a formula that accounts for the
17 tournament performance of each participating member school over the previous six years. In
18 most cases, the NCAA distributes this money to the conferences of each participating school.
19 That money is then distributed by the conference to all members of the conference, including
20 those that did not participate in the tournament, based on the conference's revenue-sharing
21 agreement. The NCAA also pays travel costs associated with participating in the tournament.

22 11. Additionally, the NCAA distributes revenue to member schools based on the
23 number of sports and scholarships the school offers. This distribution is not connected to
24 participation in the men's basketball tournament.

25 12. The NCAA also distributes revenue through its Student Opportunity Fund. It also
26 funds an injury insurance program for student-athletes.
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1 13. The NCAA also spends revenue to host championships in men’s basketball and
2 other sports and pay travel costs associated with those championships.

3 ***Conference Revenue***

4 14. There are thirty-two athletic conferences in Division I that are comprised of
5 member schools.

6 15. The conferences receive revenue as described earlier.

7 16. Most conferences distribute net revenue to member schools equally. Some
8 conferences actually charge their member schools for membership rather than distributing money.
9 As non-profits, the distributions are contained in filings made with the IRS (called “Form 990s”),
10 many of which are on the exhibit list and the parties can provide if it would be helpful.
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Respectfully submitted,

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Dated: June 12, 2014

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