

# EXHIBIT H

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE NCAA STUDENT-ATHLETE ) Case No. 4-09-cv-1967 CW  
NAME & LIKENESS LICENSING )  
LITIGATION )  
\_\_\_\_\_)

Smith Moore Leatherwood  
300 N. Greene Street  
Suite 1400  
Charlotte, NC  
Tuesday, January 15, 2013  
9:03 a.m. - 11:06 a.m.

30(b)(6) VIDEOTAPED DEPOSITION  
OF  
ATLANTIC COAST CONFERENCE  
BY JOHN SWOFFORD

Reported by: April Reid, RPR, CRR, CLR  
Notary Public

21 Can you state your name for the

22 record, please?

23 A. John Swofford.

24 Q. And, Mr. Swofford, what is your

25 position?

1           A.           Commissioner of the Atlantic Coast  
2 Conference.

3           Q.           How long have you been the  
4 Commissioner of the Atlantic Coast Conference?

5           A.           This is my sixteenth year.

6           Q.           And before that briefly what did you  
7 do? What was your job prior to being the  
8 Commissioner?

9           A.           I was the Athletic Director at the  
10 University of North Carolina for 17 years.

21 (THEREUPON, Exhibit 903 was marked  
22 for identification).

23 THE COURT REPORTER: Exhibit 903.

24 BY MR. COHEN:

25 Q. Are you familiar with the exhibit I

1 just presented to you?

2 A. Yes.

3 Q. And can you identify it for the  
4 record, please?

5 A. It's the Division I Student-Athlete  
6 Consent Form from the NCAA to assist in certifying  
7 eligibility.

12 Q. Are student-athletes required to sign  
13 this before they're eligible to participate in an  
14 NCAA-sanctioned event?

15 A. I believe that they are, yes.

16 Q. What is the ACC's understanding of  
17 this form?

18 A. What is the ACC's understanding of  
19 the form?

20 Q. Correct.

25 A. That it would need to be signed by

- 1 each student-athlete that -- at the institutional
- 2 level to be cleared for eligibility to compete.

8           Q.       Does -- do you have any personal  
9 knowledge of what happens if someone refuses to  
10 sign this document?

13                   THE WITNESS:   They're ineligible to  
14 compete.

16           Q.       Is the ACC aware of anyone who's ever  
17 refused to sign the document?

19                   THE WITNESS:   I -- I don't recall  
20 that, anyone not signing it.