

EXHIBIT A

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

EDWARD O'BANNON, *et al.*,

Plaintiffs,

v.

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

Defendants.

Case No. 4:09-cv-3329-CW

**ALTERNATIVE [PROPOSED] ORDER
GRANTING INJUNCTIVE RELIEF**

1 The Court, having duly considered the evidence presented at the bench trial in this matter
2 and consistent with its findings of fact and conclusions of law, hereby orders as follows:

3 1. Defendant National Collegiate Athletic Association (“NCAA”), its respective
4 officers, member schools, conferences, agents, servants, employees, licensees, and all persons in
5 active concert or participation with it, or any of them who receives actual notice of this judgment
6 by personal service or otherwise, be, and are hereby, permanently restrained and enjoined from
7 agreeing to:

- 8 a. Prohibit prospective, current, or former Division I men’s basketball and
9 Football Bowl Subdivision (“FBS”) football players from negotiating or
10 entering into a group license with any NCAA member school; conference;
11 telecaster; digital or radio broadcaster; filmmaker; or video game
12 manufacturer providing payment for the licensing or use of their names,
13 images, or likenesses (“NILs”);
- 14 b. Prohibit deferred compensation for the licensing or use of prospective,
15 current, or former Division I men’s basketball and FBS football players’ NILs
16 through a trust fund payable upon expiration of athletic eligibility or
17 graduation, whichever comes first;
- 18 c. Prohibit the inclusion of compensation for the licensing or use of prospective,
19 current, or former Division I men’s basketball and FBS football players’ NIL
20 in the award of an athletic scholarship, up to the full cost of attending the
21 respective NCAA member school, as defined in 42 U.S.C. § 1087*ll* and
22 calculated by each school’s financial aid office applying the same standards,
23 policies, and procedures for all students;
- 24 d. Prohibit the inclusion of compensation for the licensing or use of prospective,
25 current, or former Division I men’s basketball and FBS football players’ NIL
26 in the award of an athletic scholarship as well as other bona fide education-
27 related expenses;
- 28

- 1 e. Prohibit a prospective, current, or former Division I men’s basketball and FBS
2 football player from receiving compensation for third-party endorsements that
3 utilize his NIL (“the Olympic model”), subject to the approval of the
4 respective NCAA member school;
- 5 f. Prohibit member schools and conferences from awarding four-year athletic
6 scholarships in (partial) exchange for the licensing or use of a prospective,
7 current, or former Division I men’s basketball or FBS football player’s NIL;
- 8 g. Prohibit member schools and conferences from awarding guaranteed athletic
9 scholarships, resumable even after the conclusion of any professional athletic
10 career or interim period, in (partial) exchange for the licensing or use of a
11 prospective, current, or former Division I men’s basketball or FBS football
12 player’s NIL;
- 13 h. Prohibit member schools and conferences from awarding medical insurance
14 and related medical expenses in (partial) exchange for the licensing or use of a
15 prospective, current, or former Division I men’s basketball or FBS football
16 player’s NIL;
- 17 i. Prohibit member schools and conferences from providing expenses for receipt
18 of awards, complimentary admissions to awards ceremonies, postseason travel
19 for friends and family, expenses incidental to practice (e.g., parking), and
20 other expenses in conjunction with practice and competition in (partial)
21 exchange for the licensing or use of a prospective, current, or former Division
22 I men’s basketball or FBS football player’s NIL;
- 23 j. Prohibit member schools and conferences from providing expenses for family
24 travel associated with recruiting in (partial) exchange for the licensing or use
25 of a prospective, current, or former Division I men’s basketball or FBS
26 football player’s NIL; or
- 27 k. Define pay for purposes of the NCAA Division I Manual (including as it
28 currently appears in the 2013-2014 NCAA Division I Manual, Bylaw 12.02.7)

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to include compensation for the licensing or use of a prospective, current, or former Division I men’s basketball or FBS football player’s NIL.

2. The NCAA, its respective officers, member schools, conferences, agents, servants, employees, licensees, and all persons in active concert or participation with it, or any of them who receives actual notice of this judgment by personal service or otherwise, be, and are hereby, permanently restrained and enjoined from licensing or using the NILs of prospective, current, or former Division I men’s basketball and FBS football players without their prior written consent.

3. Any party may seek modification of this Order, at any time, by written motion and for good cause based on changed circumstances or otherwise.

4. This Court shall retain jurisdiction to enforce this Order. In the event that any part of this Order is violated by the parties named herein or other persons, Plaintiffs may, by motion with notice to the attorneys for the Defendants, apply for sanctions or other relief that may be appropriate.

IT IS SO ORDERED.

Dated: _____

The Honorable Claudia Wilken
United States Chief District Judge