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2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA

4 EDWARD O'BANNON, et al.

No. C 09-3329 CW

5 Plaintiffs,

ORDER OVERRULING  
NCAA'S OBJECTION  
TO THE ADMISSION

6 v.

OF EXHIBITS PX  
2537-2543 (Docket  
No. 273)

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

10 Defendants.

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12 On June 13, 2014, Defendant National Collegiate Athletic  
13 Association (NCAA) objected to the admission of exhibits PX 2537-  
14 2543, which contain a series of charts summarizing various data  
15 collected by the Department of Education under the Equity in  
16 Athletics Disclosure Act (EADA). The Court provisionally admitted  
17 these exhibits subject to Plaintiffs' submission of a supporting  
18 declaration from Dr. Rascher explaining the contents of the  
19 charts. Plaintiffs submitted that declaration on June 15, 2014.  
20 After reviewing the declaration, the NCAA renewed its objection to  
21 the admission of these exhibits on July 1, 2014. This objection  
22 (Docket No. 273) is OVERRULED. Exhibits PX 2537-2543 constitute  
23 summaries of voluminous data and may be admitted pursuant to  
24 Federal Rule of Evidence 1006. The underlying EADA data are also  
25 admissible under the "public records" exception to the hearsay  
26 rule because they set out "matter[s] observed while under a legal  
27 duty to report" and "neither the source of information nor other  
28 circumstances indicate a lack of trustworthiness." Fed. R. Evid.

1 803(8). Indeed, the NCAA's own expert, Dr. Rubinfeld, stated that  
2 he relied on the same data -- which he obtained from Dr. Rascher's  
3 earlier expert reports -- in forming his opinions in this case.

4 IT IS SO ORDERED.

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6 Dated: 7/10/2014

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9 CLAUDIA WILKEN  
10 United States District Judge  
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