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

**IN RE: NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION ATHLETIC  
GRANT-IN-AID CAP ANTITRUST  
LITIGATION**

**Case No. 4:14-md-02541-CW  
Case No. 4:14-cv-02758-CW**

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**STIPULATION AND ~~PROPOSED~~  
ORDER RESETTING SCHEDULE FOR  
CLASS CERTIFICATION AND  
CANCELLING CASE MANAGEMENT  
CONFERENCE**

1 WHEREAS, at the October 9, 2014 hearing on Defendants’ Motion to Dismiss, the Court  
2 scheduled a Case Management Conference for January 7, 2015, but noted that “if that comes along  
3 and everything is all set and we don’t need it, we can just cancel it;”

4 WHEREAS, shortly after the hearing, the parties began negotiating the production of certain  
5 documents and other materials, including, but not limited to, expert reports; discovery responses;  
6 documents responsive to discovery requests; deposition transcripts, videos, and exhibits; declarations  
7 and affidavits; and trial transcripts and exhibits produced, exchanged, or filed(collectively, the  
8 “Materials”) from *O’Bannon v. NCAA*, Case No. 09-cv-3329-CW (N.D. Cal.); *Keller v. Electronic*  
9 *Arts, Inc. / In re NCAA Student-Athlete Name & Likeness Litigation*, Case No. 09-cv-1967-CW  
10 (N.D. Cal.); *White v. NCAA*, Case No. 06-cv-0999-VBF (C.D. Cal.); *Agnew v. NCAA*, Case No. 11-  
11 cv-0293-JMS (S.D. Ind.); *Agnew v. NCAA*, Case No. 11-3066 (7th Cir.); and *Rock v. NCAA*, Case  
12 No. 12-cv-1019-JMS (S.D. Ind.) (collectively, the “Past NCAA Cases”);

13 WHEREAS, on October 30, 2014, the parties submitted a Case Management Report on Class  
14 Certification Briefing and Settlement, which included their respective positions regarding a schedule  
15 for class certification;

16 WHEREAS, on November 5, 2014, the Court issued an Administrative Order, setting forth  
17 the following schedule: (1) all Plaintiffs who seek to certify a Rule 23(b)(2) class shall file a joint  
18 brief no sooner than November 6, 2014; (2) Defendants shall file their joint opposition ten weeks  
19 after the motion is filed; (3) Plaintiffs shall file their joint reply brief no later than three weeks  
20 thereafter; and (4) the Court will schedule the hearing on the Motion, as well as a further Case  
21 Management Conference, approximately two weeks after the reply is filed, on a Thursday at  
22 2:00 p.m.;

23 WHEREAS, Consolidated Plaintiffs and *Jenkins* Plaintiffs filed a joint motion for class  
24 certification (the “Motion”) on November 14, 2014;

25 WHEREAS, under the current schedule, Defendants’ joint opposition to the Motion is due  
26 January 23, 2015, Plaintiffs’ joint reply in support of the Motion is due February 13, 2015, and the  
27 hearing is likely to be scheduled for late February or early March 2015;

1           WHEREAS, on December 1, 2014, Defendants served Plaintiffs with requests for production  
2 and interrogatories, the responses to which were originally due January 5, 2015;

3           WHEREAS, Consolidated Plaintiffs requested an extension until January 14, 2015 to  
4 respond to that discovery;

5           WHEREAS, Defendants proposed and Plaintiffs agree to a revised schedule under which (1)  
6 Plaintiffs' deadline to respond to Defendants' discovery would be extended by two weeks, to  
7 January 19, 2015; (2) Defendants' deadline to file joint opposition to the Motion would be extended  
8 to February 13, 2015; (3) Plaintiffs' deadline to file a joint reply in support of the Motion would be  
9 extended to March 13, 2015; and (4) Defendants agreed to produce some, but not all Materials from  
10 the Past NCAA Cases;

11           WHEREAS, following numerous meetings and conferences, Plaintiffs agreed to Defendants'  
12 proposed schedule, and the parties reached an agreement in principle regarding the production of  
13 Materials from the Past NCAA Cases;

14           WHEREAS, the parties agree to work in good faith to finalize a written agreement regarding  
15 the production of Materials from Past NCAA Cases by the close of business on Monday, January 5,  
16 2015, and further agree that if they are able to finalize a written agreement by that time, there will be  
17 no remaining issues to discuss at the January 7, 2015 Case Management Conference;

18           THEREFORE, the parties agree as follows:

19           1.       The deadline for Plaintiffs to respond to Defendants' requests for production and  
20 interrogatories is extended to January 19, 2015;

21           2.       The parties will work in good faith to finalize a written agreement regarding the  
22 production of Materials from Past NCAA Cases by the close of business on Monday, January 5,  
23 2015;

24           3.       Unless a party files a notice on Monday, January 5, 2015 that the parties were unable  
25 to reach an agreement, the January 7, 2015 Case Management Conference will be cancelled, upon  
26 order of this Court;

- 1           4.     Upon order of this Court, the Rule 23(b)(2) class certification schedule is reset as  
2 follows:  
3           a.     Defendants’ joint opposition brief is due February 13, 2015;  
4           b.     Plaintiffs’ joint reply brief is due March 13, 2015; and  
5           c.     The Motion will be heard, and a further Case Management Conference will be  
6 held, on April 2, 2015 at 2:00 p.m.

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**ECF ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from each of the other signatories above.

/s/ Jeffrey L. Kessler  
Jeffrey L. Kessler

**~~PROPOSED~~ ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

  
\_\_\_\_\_  
The Honorable Claudia Wilken  
United States District Court Judge