	Case 4:20-cv-03919-CW	Document 137	Filed 12/22/20	Page 1 of 8
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12	UN	ITED STATES I	DISTRICT COU	RT
13	NOR	FHERN DISTRI OAKLAND	CT OF CALIFO	RNIA
14				
15	GRANT HOUSE, et al.,		Case No. 4:20-c	v-03919 CW
16 17	Plaintiffs,			
17	v.		STIPULATION PROTECTIVE	N AND [PROPOSED] 2 ORDER
19	NATIONAL COLLEGIATE A ASSOCIATION, et al.,	THLETIC		
20	Defendants.			
21	TYMIR OLIVER, on behalf of all others similarly situated,	himself and	Case No. 4:20-c	v-04527 CW
22	v.	Plaintiffs,		
23	NATIONAL COLLEGIATE			
24	ATHLETIC ASSOCIATION,			
25 26	De	fendants.		
20				
27				
		-	1- Stipulat	ion and [Proposed] Protective Order
	13520200		Supula	

Case 4:20-cv-03919-CW Document 137 Filed 12/22/20 Page 2 of 8

1 At the case management conference in the above-captioned actions held on November 18, 2 2020, the Court directed that all documents produced in the actions captioned In re NCAA Athletic 3 Grant-in-Aid Cap Antitrust Litigation (Case Nos. 4:14-md-2541-CW and 4:14-cv-2758-CW) 4 (herein "Alston") would be deemed to have been produced in discovery in these actions. The Alston 5 documents deemed to have been produced in discovery in these actions include documents 6 produced in In re Student-Athlete Name and Likeness Licensing Litigation (Case Nos. C 09-1967-7 CW and C 09-3329-CW) (herein "O'Bannon").

- 8 Certain of the Alston documents produced in discovery were subject to multiple protective 9 orders entered in the Alston action, as follows:
- 1. Protective Order entered on January 1, 2015 [14-md-2541; Dkt. 189] (including provisions concerning designation of documents as Confidential or as Highly 12 Confidential/Attorney Only Information), attached herewith as Exhibit A;
- 13 2. Addendum to Protective Order entered on July 9, 2015 [14-md-2541; Dkt. 234] 14 (including provisions concerning designation of documents as Highly Confidential NCAA 15 Member Financial Data), attached herewith as Exhibit B;
- 16 3. Second Addendum to Protective Order entered on October 12, 2016 [14-md-2541; 17 Dkt. 512] (including provisions concerning designation of documents as Conference Strictly 18 Confidential and Network Strictly Confidential Information – Outside Counsel Only), attached 19 herewith as Exhibit C;
- 20 4. Third Addendum to Protective Order entered on November 11, 2016 [14-md-2541; 21 Dkt. 539 & 540] (including additional provisions concerning designation of documents as 22 Network Strictly Confidential Information – Outside Counsel Only), attached herewith as 23 Exhibit D;
- 5. Stipulation Regarding Second Addendum to Protective Order entered on September 4, 2018 [14-md-2541; Dkt. 1027] (concerning disclosures at trial of certain 26 confidential information), attached herewith as Exhibit E; and
 - 6. Fourth Addendum to Protective Order entered on September 15, 2019 [14-md-2541; Dkt. 1237 & 1238] (concerning certain billing records), attached herewith as Exhibit F.

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Case 4:20-cv-03919-CW Document 137 Filed 12/22/20 Page 3 of 8

1 These protective orders (collectively the "Alston Protective Orders"), with the modifications 2 reflected below, remain in effect with respect to the Alston documents deemed to have been 3 produced in these actions. Additional documents not produced in *Alston* may also be produced in 4 these actions pursuant to the provisions of the applicable Alston Protective Orders with the 5 exception of documents that may be eligible for the designations Conference Strictly Confidential 6 – Outside Litigation Counsel Only or Network Strictly Confidential – Outside Litigation Counsel 7 Only. In the event that documents or information that could be designated Conference Strictly 8 Confidential – Outside Litigation Counsel Only and/or Network Strictly Confidential – Outside 9 Litigation Counsel Only under the Alston Protective Orders is to be produced in this litigation in 10 the future, the parties will negotiate appropriate protections for those documents in a separate 11 stipulation or submit any disagreements to the Court for resolution. The parties will negotiate in 12 good faith to reach agreement on appropriate protections for any Conference Strictly Confidential 13 - Outside Litigation Counsel Only and/or Network Strictly Confidential - Outside Litigation 14 Counsel Only documents to be produced in this litigation and by February 1, 2021 either submit a 15 separate stipulation to the Court, or, if agreement cannot be reached, submit any disagreements for 16 resolution by the Court.

17 NOW, THEREFORE, through counsel, the parties to this action stipulate and move the18 Court to order that:

19 1. Each of the *Alston* Protective Orders is deemed to have been and is hereby entered
20 in these actions with the following modifications and exceptions.

21 2. To the extent the *Alston* Protective Orders reference or name specific counsel of
22 record in that case, they are hereby amended to reference and apply to counsel in parallel positions
23 in these actions.

Paragraph 11 of Exhibit C is hereby deleted in its entirety and replaced with the
 following: No disclosure of Conference Strictly Confidential – Outside Litigation Counsel Only
 Information or Network Strictly Confidential – Outside Litigation Counsel Only Information to a
 consultant or expert witness or their necessary support personnel shall occur until that person has
 accurately completed and signed the certification annexed to this Second Addendum as Exhibit A,

-3-

Stipulation and [Proposed] Protective Order

Case 4:20-cv-03919-CW Document 137 Filed 12/22/20 Page 4 of 8

1 and, in the case of Network Strictly Confidential – Outside Litigation Counsel Only Information, 2 a signed copy has been provided to the applicable Network(s) referenced in the document; and to 3 the extent there has been an objection under Paragraph 13 with respect to Network Strictly 4 Confidential – Outside Litigation Counsel Only Information, that objection is resolved as 5 discussed below. A separate certification annexed to this Second Addendum as Exhibit A shall not 6 be required for staff members working under the supervision of an individual signing the 7 certification annexed hereto as Exhibit A. An individual signing the certification annexed to this 8 Second Addendum as Exhibit A, however, shall accept full responsibility for taking measures to 9 ensure that staff members working under his or her supervision comply with the terms of this 10 Second Addendum. Neither the parties in this action nor their counsel shall seek information 11 regarding the identity of any consultant or expert witness or their necessary support personnel that 12 is provided to any Network(s) pursuant to this stipulation. If a party or its counsel learns the identity 13 of any consultant or expert witness or their necessary support personnel from any Network(s), that 14 party's counsel shall inform the party who retained the consultant or expert witness of the 15 disclosure.

4. Paragraphs 12-15 of Exhibit C are amended as follows: any reference to
"Disclosing Party" is replaced with "applicable Network(s) referenced in the document" and any
reference to "parties" or "the party" includes, where applicable, the Network(s) referenced in the
document(s) at issue.

20 5. The modifications to Exhibit C reflected in paragraphs 3 and 4 above shall be 21 incorporated into Exhibit D only to the extent Exhibit D sets forth the rights and obligations with 22 respect to the NCAA, including documents for which the NCAA was the "Disclosing Party," and 23 their media networks. These modifications reflected in paragraphs 3 and 4 above shall not be 24 incorporated into Exhibit D to the extent Exhibit D sets forth the rights and obligations with respect 25 to the Six Conferences, as defined in Exhibit D and who are not defendants in these actions, 26 including documents for which any of the Six Conferences were the "Disclosing Party," and their 27 media networks.

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Case 4:20-cv-03919-CW Document 137 Filed 12/22/20 Page 5 of 8

Neither the parties in this action nor their counsel shall seek information regarding
 the identity of any consultant or expert witness or their necessary support personnel that is provided
 to any of the "Six Conferences" or "media networks" pursuant to Exhibit D. If a party or its counsel
 learns the identity of any consultant or expert witness or their necessary support personnel from
 any of the Six Conferences or media networks, that party's counsel shall notify the party who
 retained the consultant or expert witness of the disclosure.

7 7. Exhibits C, D and E will not apply to documents produced in these cases that were 8 not previously produced in Alston. To the extent documents and information that were not 9 produced in *Alston* will be produced in these cases and would be eligible for the designations 10 Conference Strictly Confidential – Outside Litigation Counsel Only or Network Strictly 11 Confidential – Outside Litigation Counsel Only under the Alston Protective Orders, the parties will 12 negotiate appropriate protections for those documents and by February 1, 2021 either submit a 13 separate stipulation to the Court, or, if agreement cannot be reached, submit any disagreements for 14 resolution by the Court.

15 8. If and to the extent any of the certifications annexed to the *Alston* Protective Orders
16 are provided in accordance with this Order, the party(ies) obtaining the certification will first
17 update the certification to reflect the case name(s) and docket number(s) of these cases. Any failure
18 to do so, however, shall not result in the document(s) and/or information losing their protection in
19 these cases pursuant to this Stipulation.

9. If and to the extent that documents were publicly filed as trial exhibits without being
placed under seal in *Alston* and have thus become publicly available, such documents shall not be
governed by the *Alston* Protective Orders.

- 10. By entering into this Stipulation, no party concedes or agrees, or otherwise
 compromises its position, concerning whether any documents are (a) discoverable or admissible
 in evidence, (b) properly deemed to be confidential and/or subject to enhanced confidentiality
 treatment pursuant to the provisions of any of the *Alston* Protective Orders, or (c) properly
 redacted, in light of the issues in this action.
- 28

-5-

	Case 4:20-cv-03919-CW Document 137	Filed 12/22/20 Page 6 of 8
1	Dated: December 21, 2020	Respectfully submitted,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	WILKINSON STEKLOFF LLP By:/s/ Beth A. Wilkinson Beth A. Wilkinson (pro hac vice) Rakesh N. Kilaru (pro hac vice) Tamarra Matthews Johnson (pro hac vice) Kieran Gostin (pro hac vice) Calanthe Cope-Kasten (pro hac vice) 2001 M Street NW, 10th Floor Washington, DC 20036 Telephone: (202) 847-4000 Facsimile: (202) 847-4005 bwilkinson@wilkinsonstekloff.com rkilaru@wilkinsonstekloff.com cope-kasten@wilkinsonstekloff.com cope-kasten@wilkinsonstekloff.com Rabul Hari (SBN 313528) 11601 Wilshire Blvd., Suite 600 Los Angeles, CA 90025 Telephone: (202) 847-4005 rhari@wilkinsonstekloff.com Attorneys for Defendant NATIONAL COLLEGIATE ATHLETIC ASSOCIATION	HAGENS BERMAN SOBOL SHAPIRO LLPBy:/s/ Steve W. BermanSteve W. Berman (pro hac vice) Emilee N. Sisco (pro hac vice) 1301 Second Avenue, Suite 2000 Seattle, WA 98101 Telephone: (206) 623-7292 Facsimile: (206) 623-0594 steve@hbsslaw.com emilees@hbsslaw.comBenjamin J. Siegel (SBN 256260) 715 Hearst Avenue, Suite 202 Berkeley, CA 94710 Telephone: (510) 725-3001 bens@hbsslaw.comAttorneys for Plaintiffs and the Proposed Classes
		6- Stipulation and [Proposed] Protective Order

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	By: /s/Robert W. Fuller
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	Case 4:20-cv-03919-CW Document 137 Filed 12/22/20 Page 8 of 8
1	FOX ROTHSCHILD LLP
2	
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15	Attorneys for Defendant
16	THE ATLANTIC COAST CONFERENCE
17	
18	PURSANT TO STIPULATION, IT IS SO ORDERED,
19	DATED: December 22, 2020
20	
21	Chidealeit
22	The Hon. Claudia Wilken
23	UNITED STATES DISTRICT JUDGE
24	
25	
26	
27	
28	
	-8-
	Case Nos. 4:20-cv-03919 CW, 4:20-cv-04527 CW Stipulation and [Proposed] Protective Order

Case 4:20-cv-03919-CW Document 134-1 Filed 12/18/20 Page 1 of 87

EXHIBIT A

	C&&&&.04CVn839254CVCVD006600An&int3	89 File0012/182/180 PB388 8102187
1 2 3 4 5 6 7 8 9		ES DISTRICT COURT RICT OF CALIFORNIA
10	OAKLA	ND DIVISION
11		
12 13	IN RE: NATIONAL COLLEGIATE ATHLETIC ASSOCIATION ATHLETIC GRANT-IN-AID CAP ANTITRUST LITIGATION	CASE NO. 14-md-2541-CW CASE NO. 14-cv-2758-CW STIPULATED [PROPOSED]
14		PROTECTIVE ORDER REGARDING CONFIDENTIALITY OF DOCUMENTS
15	This Document Relates to:	AND MATERIALS
16 17	ALL ACTIONS	
18		
19		
20		
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23		
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25 26		
26 27		
27		
		14-md-2541-CW 14-cv-2758-CW
	STIPULATED [PROPOSED] PROTECTI	VE ORDER REGARDING CONFIDENTIALITY

In order to protect confidential information obtained from or disclosed by the respective
 parties or nonparties in connection with this litigation and pursuant to the Court's authority under
 Federal Rule of Civil Procedure 26(c) and Federal Rule of Evidence 502, the parties submit as
 follows:

5

PURPOSES AND LIMITATIONS

1. Disclosure and discovery activity in these actions are likely to involve production 6 7 of trade secrets, confidential, proprietary, or private information for which special protection from 8 public disclosure and from use for any purpose other than prosecuting this litigation would be 9 warranted. The unrestricted disclosure of such information would cause undue damage to the 10 parties and their businesses or to third parties. The disclosure of trade secrets, proprietary information, and confidential business and financial information would harm the disclosing party 11 12 if it was made known to the disclosing party's competitors, and in some cases, could violate the 13 confidentiality agreements between the disclosing party and third parties or parties to those agreements. Disclosure of private information and educational information is also governed by 14 15 statute and other laws such that disclosure of that information may be inconsistent with those statutes and other laws. Accordingly, the parties in these actions hereby stipulate to and petition 16 the Court to enter the following Protective Order. The parties acknowledge that this Order does 17 not confer blanket protections on all disclosures or responses to discovery, and that the protections 18 19 outlined herein extend only to the limited information or items that are entitled to treatment as 20 confidential under applicable legal principles. This Protective Order is, therefore, entered into 21 pursuant to Rule 26(c) of the Federal Rules of Civil Procedure to protect information entitled to be kept confidential. 22

23 2. The parties further acknowledge, as set forth in Paragraph 17, below, that this
24 Protective Order creates no entitlement to file confidential information under seal; the relevant
25 court rules (e.g., Civil Local Rule 79-5) set forth the procedures that must be followed, and reflect
26 the standards that will be applied, when a party seeks permission from the Court to file material
27 under seal.

28

3. Documents and other information produced by the parties or nonparties in

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connection with these actions shall be used solely for purposes of prosecuting, defending or
 attempting to settle these actions, whether such information is designated "Confidential" or
 "Highly Confidential – Counsel Only" or not.

4 4. The protections outlined in this Order apply only to information appropriately
5 designated as "Confidential" or "Highly Confidential – Counsel Only" pursuant to the terms of
6 this Order (collectively, the "Protected Information").

7 5. The parties have reviewed the Case Management Order (Dkt. 132), which includes
8 Judge Wilken's Civil Pretrial Order, and Magistrate Judge Nathanael M. Cousins' Civil Standing
9 Order. The parties represent that nothing contained in this Protective Order conflicts with any of
10 the provisions in those orders.

11

NONDISCLOSURE OF PROTECTED INFORMATION

12 6. Except with the prior written consent of the party or non-party originally
13 designating a document, discovery response, or deposition transcript (the "Disclosing Party"),
14 Protected Information may not be disclosed to any person except as specifically authorized herein.

15 7. Any Disclosing Party may designate as Confidential (by stamping the relevant page or portion "Confidential") any document, response to discovery, or deposition transcript which 16 17 that Disclosing Party considers in good faith to contain information involving trade secrets, proprietary information, confidential business, educational or financial information, private 18 19 information or other information subject to protection under California or federal law, or another applicable legal standard ("Confidential Information"). Where a document or response consists of 20 21 more than one page, the first page and each page on which Confidential Information appears shall be so designated. Confidential Information may only be disclosed to those persons set forth in 22 23 Paragraph 12 below.

8. Any Disclosing Party may designate as Highly Confidential (by stamping the
relevant page or portion "Highly Confidential – Counsel Only") any document, response to
discovery, or deposition transcript which that Disclosing Party considers in good faith to contain
Confidential Information, the disclosure of which to another party or non-party would create a
substantial risk of serious harm that could not be avoided by less restrictive means ("Highly

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Confidential – Counsel Only Information"). Where a document or response consists of more than
 one page, the first page and each page on which Highly Confidential Information appears shall be
 so designated. Highly Confidential – Counsel Only Information may only be disclosed to those
 persons set forth in Paragraph 13 below.

5 9. A Disclosing Party may designate information disclosed by it during a deposition or in response to written discovery as "Confidential" or "Highly Confidential – Counsel Only" by 6 7 so indicating in said responses or on the record at the deposition. Additionally a party may 8 designate in writing, within 21 days after receipt of said responses or of the deposition transcript 9 for which the designation is proposed, the specific pages of the transcript and/or specific responses 10 that are "Confidential" or "Highly Confidential – Counsel Only." Any party may object to such proposal, in writing or on the record. Upon such objection, the parties shall follow the procedures 11 12 described in Paragraph 14 below. Unless otherwise designated during the deposition, deposition 13 transcripts shall be treated in their entirety as "Highly Confidential – Counsel Only" Information for 21 days after receipt. All parties shall affix the relevant legend required by paragraphs 7 14 and/or 8 of this Order on each page of the deposition transcript designated "Confidential" or 15 "Highly Confidential – Counsel Only" at the deposition or by subsequent written notice. 16

17 10. The inadvertent failure to designate Protected Information that has been disclosed 18 as Confidential or Highly Confidential – Counsel Only shall be without prejudice to any claim by 19 the Disclosing Party that it is Confidential or Highly Confidential – Counsel Only and shall not 20 waive the Disclosing Party's right to secure protection under this Order for such material. In the 21 event a Disclosing Party designates material as Confidential or Highly Confidential – Counsel Only after it has been inadvertently disclosed, the receiving party will treat such material pursuant 22 23 to the relevant designation pursuant to this Order and shall make arrangements with the Disclosing 24 Party to have the Protected Information, including copies, marked "Confidential" or "Highly Confidential – Counsel Only." 25

11. If it comes to a Disclosing Party's attention that information or items that it
designated for protection do not qualify for protection, the Disclosing Party must promptly notify
all other parties that it is withdrawing the designation.

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1	PERMISSIBLE DISCLOSURES
2	12. Confidential Information that is designated as such in accordance with the terms of
3	this Protective Order shall not be disclosed to any person other than the following, and only to the
4	extent necessary to litigate these actions:
5	a. counsel for the respective parties to this litigation, including in-house
6	counsel and co-counsel retained for these actions;
7	b. employees of such counsel, including a party's in-house legal staff;
8	c. plaintiffs, or any officer or employee of a party, to the extent deemed
9	necessary by counsel for the prosecution or defense of these actions;
10	d. consultants or expert witnesses retained for the prosecution or defense of
11	these actions, provided that each such person shall execute a copy of the certification annexed to
12	this Protective Order as Exhibit A before being shown or given any Confidential Information;
13	e. the original author, addressees, or recipients of the Confidential
14	Information;
15	f. the Court, court personnel and court reporters; and
16	g. witnesses (other than persons described in Paragraph 12(d)) who testify at
17	deposition or at trial, provided that such witnesses shall execute a copy of the certification annexed
18	to this Protective Order as Exhibit A before being shown or given any Confidential Information;
19	and
20	h. persons or entities that provide litigation support services (e.g.,
21	photocopying; videotaping; translating; preparing exhibits or demonstrations; organizing, storing,
22	retrieving data in any form or medium; etc.) and their employees and subcontractors, provided that
23	such persons or entities shall execute a copy of the certification annexed to this Protective Order as
24	Exhibit A before being shown or given any Confidential Information.
25	13. Highly Confidential – Counsel Only Information that is designated as such in
26	accordance with the terms of this Protective Order shall not be disclosed to any person other than
27	the following, and only to the extent necessary to litigate these actions:
28	a. counsel for the respective parties to this litigation, including in-house

28

counsel for the respective parties to this litigation, including in-house

1 counsel and co-counsel retained for these actions;

- b. employees of such counsel, including a party's in-house legal staff;
 c. consultants or expert witnesses retained for the prosecution or defense of
 these actions, provided that each such person shall execute a copy of the certification annexed to
 this Protective Order as Exhibit A before being shown or given any Highly Confidential Counsel
 Only Information;
- 7 d. the original author, addressees, or recipients of the Highly Confidential –
 8 Counsel Only Information;
- 9

e. the Court, court personnel and court reporters;

10 f. persons or entities that provide litigation support services (e.g.,
11 photocopying; videotaping; translating; preparing exhibits or demonstrations; organizing, storing,
12 retrieving data in any form or medium; etc.) and their employees and subcontractors, provided that
13 such persons or entities shall execute a copy of the certification annexed to this Protective Order as
14 Exhibit A before being shown or given any Confidential Information; and

g. witnesses (other than persons described in Paragraph 13(c)) who testify at
deposition or at trial, provided that (1) the Receiving Party has a good faith belief that such
witness previously had access to or otherwise had obtained knowledge of the Highly Confidential
- Counsel Only Information; and (2) such witnesses shall execute a copy of the certification
annexed to this Protective Order as Exhibit A before being shown or given any Highly
Confidential – Counsel Only Information.

21

RESOLVING DISPUTED CLASSIFICATIONS

14. Should a party wish to object to a Confidential or Highly Confidential – Counsel
Only designation of any material, that party shall make a written Designation Objection to the
Disclosing Party, as set forth below:

a. Designation Objection: The objecting party shall identify with specificity
(i.e., by document control numbers, deposition transcript page and line reference, or other means
sufficient to locate such materials) each document bearing a disputed Confidential or Highly
Confidential – Counsel Only designation. A Designation Objection will trigger an obligation on

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the part of the Disclosing Party to make a good faith determination of whether the disputed
designation(s) is entitled to be treated as Confidential Information or Highly Confidential –
Counsel Only Information pursuant to the terms of this Protective Order. Within ten (10) court
days the Disclosing Party shall respond in writing to the Designation Objection either agreeing to
remove the disputed designation(s) or stating the Disclosing Party's refusal to do so. During that
period, the parties will meet and confer in good faith.

b. 7 Court Determination: If the Disclosing Party refuses to agree to remove the 8 Confidential or Highly Confidential – Counsel Only designation pursuant to subsection (a) above, 9 the Objecting Party may make a written application to the Court to remove the protective 10 treatment in compliance with applicable court rules and orders. The application will be made within ten (10) court days of receiving the Disclosing Party's refusal to remove the disputed 11 12 designation(s). In any judicial proceeding challenging a Confidential or Highly Confidential – 13 Counsel Only designation, the burden of persuasion with respect to the propriety of the designation shall remain upon the Disclosing Party. If the Objecting Party fails to make such 14 15 timely application, the Disclosing Party's designation will remain in effect.

16 c. Pending a ruling, all parties shall continue to treat the information subject to
17 the Designation Objection pursuant to the disputed designation under the terms of this Protective
18 Order.

19

PROTECTED INFORMATION AT TRIAL

15. The terms of this Protective Order do not preclude, limit, restrict or otherwise apply 20 21 to the use of documents at trial. Subject to the Federal Rules of Evidence, Protected Information may be offered at any court hearing (including trial) provided that the offering party confers in 22 23 good faith with the Disclosing Party (and, if the Disclosing Party is not a party to these actions, a 24 representative of the offering party's opposing parties (hereinafter together the "Affected Parties")) over the proposed use of that information five days prior to the anticipated use. If it is 25 26 not practicable for the offering party to provide the Affected Parties with five days' notice, the 27 offering party must provide the Affected Parties with as much notice as practicable. Regardless of 28 the notice provided, the offering party must take all reasonable steps to ensure that the Affected

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Parties are provided a meaningful opportunity to be heard by the Court regarding the proposed use
 of Protected Information at any court hearing or trial, and may not offer such information until the
 Affected Parties have been given an opportunity to provide an objection on the record.

- 4 16. Any party or interested non-party may move the Court for an order that the
 5 evidence be received in camera or under other conditions to prevent unnecessary disclosure. That
 6 court will then determine whether the proffered evidence should continue to be treated as either
 7 Confidential Information or Highly Confidential Counsel Only Information and, if so, what
 8 protection, if any, may be afforded to such information at the trial.
- 9

PROTECTED INFORMATION SUBPOENAED OR ORDERED PRODUCED IN OTHER LITIGATION

10 17. If at any time any Protected Information is subpoenaed by a court, administrative or 11 legislative body, or by any other person or entity purporting to have authority to require the 12 production of such information, the person to whom the subpoena is directed shall give written 13 notice thereof to the Disclosing Party as soon as reasonably practicable but in no event more than 14 five (5) days after receipt of the subpoena. After receipt of the notice specified under this 15 paragraph, the Disclosing Party shall have the sole responsibility for obtaining any order it 16 believes necessary to prevent disclosure of the Protected Information that has been subpoenaed. If 17 the Disclosing Party does not move for or obtain a court order prohibiting such production or 18 disclosure within the time allowed for production by the subpoena (or within such time as a court 19 may direct or as may be agreed upon between the Disclosing Party and the subpoenaing party) and 20 give written notice of such motion to the subpoenaing party and the person to whom the subpoena 21 is directed, the person to whom the subpoena is directed may commence production in response 22 thereto. The person to whom the subpoena is directed shall not produce any Protected Information 23 while a motion for a protective order brought pursuant to this paragraph is pending or while any 24 appeal from or request for appellate review of such motion is pending, unless ordered by a court to 25 do so. 26

27

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FILING DOCUMENTS UNDER SEAL

18. No Protected Information shall be filed in the public record without the written

Cases 4: 29-44-028028-29-44-028028-29-44-02187

permission of the Disclosing Party, or a court order. The parties shall comply with the relevant
court rules (e.g., N.D. Cal. Civil L.R. 79-5) regarding filing of documents under seal. Copies of
any pleading, brief, or other document containing Protected Information which is served on
opposing counsel shall be stamped "CONFIDENTIAL PURSUANT TO PROTECTIVE
ORDER" or "HIGHLY CONFIDENTIAL – COUNSEL ONLY PURSUANT TO
PROTECTIVE ORDER", shall be transmitted via email or cover letter and envelope bearing
similar designation, and shall be treated in accordance with the provisions of this Protective Order.

8

NON-TERMINATION

9 19. All provisions of this Protective Order restricting the communication or use of
10 Protected Information shall continue to be binding after the conclusion of this action unless
11 otherwise agreed or ordered. In addition, the court retains jurisdiction to resolve any dispute
12 concerning the disclosure of Protected Information in violation of the terms of this Order, unless
13 otherwise agreed or ordered.

20. Unless otherwise ordered or agreed to in writing by the Disclosing Party, within 14 15 sixty (60) days after the final termination of this litigation by settlement or exhaustion of all appeals all parties in receipt of Protected Information shall use reasonable efforts to either return 16 such materials and copies thereof to the Disclosing Party or destroy such Protected Information 17 and certify that fact. The Receiving Party's reasonable efforts shall not require the return or 18 19 destruction of Protected Information that (i) is stored on backup storage media made in accordance 20 with regular data backup procedures for disaster recovery purposes, (ii) is located in the email 21 archive system or archived electronic files of departed employees, or (iii) is subject to legal hold 22 obligations. Backup storage media will not be restored for purposes of returning or certifying 23 destruction of Protected Information, but such retained information shall continue to be treated in 24 accordance with the Order. Counsel for the parties shall be entitled to retain copies of court papers (and exhibits thereto), correspondence, pleadings, deposition and trial transcripts (and exhibits 25 26 thereto), expert reports and attorney work product that contain or refer to Protected Information, 27 provided that such counsel and employees of such counsel shall not disclose such Protected 28 Information to any person, except pursuant to court order.

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1 21. Nothing in this Order shall be interpreted in a manner that would violate any
 2 applicable canons of ethics or codes of professional responsibility.

3

MODIFICATION PERMITTED

4 22. Nothing in this Protective Order shall prevent any party or other person from
5 seeking modification of this Protective Order or from objecting to discovery that it believes to be
6 otherwise improper.

7

RESPONSIBILITY OF ATTORNEYS

8 23. The counsel for the parties are responsible for employing reasonable measures,
9 consistent with this Protective Order, to control duplication of, access to, and distribution of copies
10 of Protected Information.

11 24. The counsel for the parties are responsible for administering and keeping the
12 executed original copy of Exhibit A pursuant to ¶¶ 12(d), 12(g), 12(h), 13(c), 13(f) and 13(g)
13 above.

14

NO WAIVER

15 25. Nothing herein shall be deemed to waive any applicable privilege or work product
16 protection or to affect the ability of a party to seek relief for an inadvertent disclosure of material
17 protected by privilege or work product protection. Pursuant to the Court's authority under Federal
18 Rule of Evidence 502 and any other applicable law, rule, or legal principal, the inadvertent
19 production of documents or information subject to the attorney-client privilege or work-product
20 immunity shall not waive the privilege or immunity if a request for the return of such documents
21 or information is made promptly after the Disclosing Party learns of its inadvertent production.

22 26. Nothing contained in this Protective Order and no action taken pursuant to it shall
23 prejudice the right of any party to contest the alleged relevancy, admissibility or discoverability of
24 the confidential documents and information sought.

25

26

IT IS SO STIPULATED.

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2				
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28		Brent Rychener (<i>pro hac vice</i> application to be filed) 90 South Cascade Avenue, Suite 1300
		18 14-md-2541-C
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2	PURSUANT TO STIPULATION,
3	IT IS SO ORDERED.
4	DATED: January <u>15</u> , 2015
5	
6	Chicken He HON. CLAUDIA WILKEN
7	UNITED STATES DISTRICT JUDGE
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	20 14-md-2541-CW
	14-cv-2758-CW STIPULATED [PROPOSED] PROTECTIVE ORDER REGARDING CONFIDENTIALITY

	CESEE#22940-100000000000000000000000000000000000
1 2	EXHIBIT A
3	I,, state:
4	1. My address and telephone number are:
5	 My present employer and my employer's address are:
6	
0 7 8	3. I have received a copy of the Stipulated Protective Order Regarding Confidentiality of Documents and Materials (the "Protective Order") entered in the case of <i>In re: National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation</i> , in the United States District Court for the Northern District of California, No. 4:14-MD-2541-CW.
9	4. I have carefully read the Protective Order and understand its provisions.
10	5. I will comply with all the provisions of the Protective Order.
11	6. I will hold in confidence and will not disclose to anyone not qualified under the
12	Protective Order any documents designated Confidential or Highly Confidential – Counsel Only, and I will use such Confidential Information and/or Highly Confidential – Counsel Only Information only for the allowed purposes stated in the Order.
13	7. I will return all documents that are designated Confidential or Highly Confidential –
14	Counsel Only to counsel for the party from whom I obtained such documents.
15 16	8. I will submit to the jurisdiction of the United States District Court for the Northern District of California for purposes of the enforcement of the Protective Order, and understand that violation of the Protective Order can constitute contempt of Court.
17 18	I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.
10 19	SIGNED:, 201
20	
20 21	Signature:
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23	Printed Name:
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	21 14-md-2541-CW
	14-cv-2758-CW STIPULATED [PROPOSED] PROTECTIVE ORDER REGARDING CONFIDENTIALITY

Case 4:20-cv-03919-CW Document 134-1 Filed 12/18/20 Page 23 of 87

EXHIBIT B

	Cases 29-44-0282229400000000000000000000000000000000	Filed 072/09/29	Page 24 2487
1 2 3 4 5 6 7 8 9	UNITED STATES I NORTHERN DISTRIC		
9 10	OAKLAND		
10	UARLAND		
11	IN RE: NATIONAL COLLEGIATE	CASE NO. 14-m	d-2541-CW
13	ATHLETIC ASSOCIATION ATHLETIC GRANT-IN-AID CAP ANTITRUST	CASE NO. 14-cv	
14	LITIGATION	ORDER REGA	AND [PROPOSED] RDING ADDENDUM TO
15		STIPULATED 1	PROTECTIVE ORDER
16	This Document Relates to:		
17	ALL ACTIONS		
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	STIPULATION AND PROPOSED ORDER RE: ADI	DENDUM TO STIPU	14-md-2541-CW ILATED PROTECTIVE ORDER

Cases 4: 29-44 m 28 9 29-41 VC WP O DWR AN E 12434 File 10-20 19/29 Page 25 9487

- All parties, by their respective counsel, hereby agree and stipulate to this proposed 1 2 Addendum to the "Stipulated Protective Order Regarding Confidentiality of Documents and 3 Materials" (the "Protective Order") (Dkt. 189) entered by the Court on January 15, 2015:
- 1. Unless otherwise defined herein, all capitalized terms shall have the meanings 4 5 ascribed to such terms in the Protective Order.

28

2. The Protective Order will recognize a new category of discovery called "Highly 6 7 Confidential NCAA Member Financial Data." Any party may designate as "Highly Confidential 8 NCAA Member Financial Data" (by stamping the relevant page or portion "Highly Confidential NCAA Member Financial Data - Lead Counsel Only") any document, response to discovery, or 9 10 deposition transcript which includes NCAA member institution financial data (including 11 summaries or analyses of such data and all identification keys that match member institution 12 financial data to member institution names) that the Disclosing Party considers in good faith to 13 contain Highly Confidential Information, the disclosure of which to another party or non-party would create a substantial risk of serious harm that could not be avoided by less restrictive means. 14 15 Where a document, response to discovery, or deposition transcript consists of more than one page, the first page and each page on which Highly Confidential NCAA Member Financial Data appears 16 shall be so designated. Highly Confidential NCAA Member Financial Data may only be disclosed 17 to those persons set forth in Paragraph 3 below. 18

19 3. Highly Confidential NCAA Member Financial Data that is designated as such in 20 accordance with the terms of the Protective Order and this Addendum shall not be disclosed to any 21 person other than the following, and only to the extent necessary to litigate these actions:

22 a. Plaintiffs' Interim Co-Lead Class Counsel as appointed by the court 23 (namely, Winston & Strawn LLP, Hagens Berman Sobol Shapiro LLP and Pearson, Simon & 24 Warshaw LLP) (Dkt. 82) and employees of such counsel;

25 b. counsel for Defendants in this litigation, including in-house counsel and co-26 counsel retained for these actions and employees of such counsel, including a Defendant's in-27 house legal staff;

c. consultants or expert witnesses retained for the prosecution or defense of 14-md-2541-CW

Cases 4: 29-44 m28028-411/20 pages 26 9487

these actions, and anyone assisting said consultants or expert witnesses in connection with these
 actions, provided that each such person shall execute a copy of the certification annexed to this
 Addendum as Exhibit A before being shown or given any Highly Confidential NCAA Member
 Financial Data;

5 d. the original author, addressees, or recipients of the Highly Confidential
6 NCAA Member Financial Data;

7

e. the Court, court personnel and court reporters;

8 f. persons or entities that provide litigation support services (e.g.,
9 photocopying; videotaping; translating; preparing exhibits or demonstrations; organizing, storing,
10 retrieving data in any form or medium; etc.) and their employees and subcontractors, provided that
11 such persons or entities shall execute a copy of the certification annexed to this Addendum as
12 Exhibit A before being shown or given any Highly Confidential NCAA Member Financial Data;
13 and

g. witnesses (other than persons described in Paragraph 3(c) above) who
testify at deposition or at trial, provided that (1) the Receiving Party has a good faith belief that
such witness previously had access to or otherwise had obtained knowledge of the Highly
Confidential NCAA Member Financial Data; and (2) such witnesses shall execute a copy of the
certification annexed to this Addendum as Exhibit A before being shown or given any Highly
Confidential NCAA Member Financial Data.

4. Except as set forth herein, for purposes of all paragraphs of the Protective Order
except Paragraph 13, Highly Confidential NCAA Member Financial Data will receive the same
treatment under each such paragraph as Highly Confidential – Counsel Only Information.
Without limitation, any challenges or objections concerning the designation of information as
Highly Confidential NCAA Member Financial Data shall be made pursuant to Paragraph 14 of the
Protective Order.

26 5. The parties agree that they will file documents that use Highly Confidential NCAA
27 Member Financial Data regarding any NCAA institution identified by name (as opposed to an institution identified by unique identifier) if and only if they have a good faith need to identify the 14-md-2541-CW

	Cases: 49-44-08-02-9-49-00-00-00-00-00-00-00-00-00-00-00-00-00
1	institution by name. The parties further agree that any such filing shall be filed under seal.
2	IT IS SO STIPULATED.
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	4 14-md-2541-CW STIPULATION AND [PROPOSED] ORDER RE: ADDENDUM TO STIPULATED PROTECTIVE ORDER

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	Plaintiffs' Interim Co-Lead Class Counsel
	5 14-md-25

	Cases: 29:44178892941VCWP0	owergane 17231 Filed 072/09/129 Pages 29 214	37
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	STIPULATION AND PROPOSED	6 ORDER RE: ADDENDUM TO STIPULATED PROTEC	14-md-2541-CW CTIVE ORDER

	Cases:4:29-44mR8928-29.400000000	nteh2234 Filed 0-2019/29 Page 730 948	7
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	STIPULATION AND (PROPOSED) ORDE	7 ER RE: ADDENDUM TO STIPULATED PROTEC	14-md-2541-CW TIVE ORDER

	Cases 4:29-44-08-02-9-41 VCWD o Dwitch no hazes 4 Filed 0-2/0-9/29 Pages 34 0487
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	8 14-md-2541-CW STIPULATION AND [PROPOSED] ORDER RE: ADDENDUM TO STIPULATED PROTECTIVE ORDER

	Cases 29-441 AB 929-41 VC WP ODWERME HZ	434 Filed 07-27099/250 Page 337 02487
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20	and	rneys for Defendants The Big 12 Conference, Inc. Conference USA
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23	23	
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		9 14-md-2541-CW
	STIPULATION AND [PROPOSED] ORDER RE:	ADDENDUM TO STIPULATED PROTECTIVE ORDER

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DATED: July 8, 2015	COVINGTON & BURLING LLP
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	Attorneys for Defendant Sun Belt Conference
DATED: July 8, 2015	WALTER HAVERFIELD LLP
	By: /s/ R. Todd Hunt
	R. TODD HUNT
	R. Todd Hunt (<i>pro hac vice</i>) The Tower at Erieview
	11 14-md-25

	C&&&&�WD&&&&&&#ile0077099180 P83825601&7</th></tr><tr><th>1 2 3</th><th>1301 E. 9th Street, Suite 3500 Cleveland, OH 44114-1821 Telephone: (216) 928-2935 Facsimile: (216) 916-2372 Email: rthunt@walterhav.com</th></tr><tr><th>4 5</th><th>Attorneys for Defendant Mid-American Conference</th></tr><tr><th>5 6 7</th><th>DATED: July 8, 2015 BRYAN CAVE LLP</th></tr><tr><th>8</th><th>By: /s/ Adam Brezine</th></tr><tr><th>9</th><th>ADAM BREZINE</th></tr><tr><th>9 10</th><th>Adam Brezine (SBN 220852)</th></tr><tr><th></th><th>560 Mission Street, 25th Floor San Francisco, CA 94105</th></tr><tr><th>11</th><th>Telephone: (415) 674-3400</th></tr><tr><th>12</th><th colspan=4>Facsimile: (415) 675-3434 Email: adam.brezine@bryancave.com</th></tr><tr><th>13</th><th></th></tr><tr><th>14</th><th colspan=4>Richard Young (<i>pro hac vice</i>) Brent Rychener (<i>pro hac vice</i>)</th></tr><tr><th>15</th><th colspan=4>90 South Cascade Avenue, Suite 1300 Colorado Springs, CO 80903</th></tr><tr><th>16</th><th>Telephone: (719) 473-3800</th></tr><tr><th>17</th><th>Facsimile: (719) 633-1518</th></tr><tr><th>18</th><th>Email: richard.young@bryancave.com Email: brent.rychener@bryancave.com</th></tr><tr><th>19</th><th>Attorneys for Defendant Mountain West Conference</th></tr><tr><th>20</th><th></th></tr><tr><th>21</th><th colspan=4>ECF ATTESTATION</th></tr><tr><th>22</th><th>Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in</th></tr><tr><th>23</th><th colspan=3>the filing of this document has been obtained from each of the other signatories above.</th></tr><tr><th>24</th><th colspan=4></th></tr><tr><th>25</th><th></th></tr><tr><th>26</th><th colspan=4><u>/s/ Karen Hoffman Lent</u> Karen Hoffman Lent</th></tr><tr><th>27</th><th></th></tr><tr><th>27</th><th></th></tr><tr><th>40</th><th>12 14-md-2541-CW</th></tr><tr><th></th><th>STIPULATION AND (PROPOSED) ORDER RE: ADDENDUM TO STIPULATED PROTECTIVE ORDER</th></tr><tr><th></th><th></th></tr></tbody></table>
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1 2	EXHIBIT A			
3	I,, state:			
4	1. My address and telephone number are:			
5	2. My present employer and my employer's address are:			
6 7 8 9	3. I have received a copy of the Stipulated Protective Order Regarding Confidentiality of Documents and Materials (the "Protective Order") entered in the case of <i>In re: National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation</i> , in the United States District Court for the Northern District of California, No. 4:14-MD-2541-CW, entered by the Court on January 15, 2015, and the Stipulation and Order Regarding Addendum to Stipulated Protective Order ("Addendum") entered by the Court on			
.0	4. I have carefully read the Protective Order and Addendum and understand their provisions.			
1	5. I will comply with all the provisions of the Protective Order and Addendum.			
12 13 14 15	6. I will hold in confidence and will not disclose to anyone not qualified under the Protective Order and Addendum any documents designated Confidential, Highly Confidential – Counsel Only or Highly Confidential NCAA Member Financial Data – Lead Counsel Only, and I will use such Confidential Information and/or Highly Confidential – Counsel Only Information and/or Highly Confidential NCAA Member Financial Data only for the allowed purposes stated in the Protective Order and Addendum.			
.6 .7	7. I will return all documents that are designated Confidential, Highly Confidential – Counsel Only or Highly Confidential NCAA Member Financial Data – Lead Counsel Only to counsel for the party from whom I obtained such documents.			
.8 .9	8. I will submit to the jurisdiction of the United States District Court for the Northern District of California for purposes of the enforcement of the Protective Order and Addendum, and understand that violation of the Protective Order and Addendum can constitute contempt of Court.			
20 21	I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.			
22	SIGNED, 201			
23 24	Signature			
25 26	Printed Name			
27 28	14 14-md-2541-CW STIPULATION AND [PROPOSED] ORDER RE: ADDENDUM TO STIPULATED PROTECTIVE ORDER			
	STIPULATION AND PROPOSED FORDER RE: ADDENDUM TO STIPULATED PROTECTIVE ORDER			

EXHIBIT C

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1 2 3 4 5 6 7 8 9 10 11	Scott P. Cooper (SBN 096905) Kyle A. Casazza (SBN 254061) Shawn S. Ledingham, Jr. (SBN 275268) Jacquelyn N. Ferry (SBN 287798) PROSKAUER ROSE LLP 2049 Century Park East, Suite 3200 Los Angeles, CA 90067 Telephone: (310) 557-2900 Facsimile: (310) 557-2193 scooper@proskauer.com kcasazza@proskauer.com sledingham@proskauer.com jferry@proskauer.com <i>Counsel for Pac-12 Conference</i> [Additional counsel listed on signature page] UNITED STATE	'S DISTRICT C	OIR	Г
12	NORTHERN DIST		FOR	NIA
13 14	SAN JU	SE DIVISION		
14		Casa No. 4.14 r	nd 02	541 CW (NC)
15 16 17	IN RE: NATIONAL COLLEGIATE ATHLETIC ASSOCIATION ATHLETIC GRANT-IN-AID CAP ANTITRUST LITIGATION		ev-027 NANE	
18	THIS DOCUMENT RELATES TO:	STIPULATED	PROT	TECTIVE ORDER
19	ALL ACTIONS			
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20	STIPULATION AND ORDER REGARDING SECO CASE NOS. 4:14-MD-02541-0			

All parties, by their respective counsel, hereby agree and stipulate to this proposed Second Addendum to the "Stipulated Protective Order Regarding Confidentiality of Documents and Materials" (the "Protective Order") (Dkt. 189) entered by the Court on January 15, 2015:

1. Unless otherwise defined herein, all capitalized terms shall have the meanings ascribed to such terms in the Protective Order.

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ADDITIONAL CATEGORIES OF PROTECTED INFORMATION

2. The Protective Order will recognize a new category of discovery called Conference Strictly Confidential – Outside Litigation Counsel Only. The Protective Order will also recognize a new category of discovery called Network Strictly Confidential – Outside Litigation Counsel Only.

3. Any party or non-party may designate as Conference Strictly Confidential – Outside Litigation Counsel Only (by stamping the relevant page or portion "Conference Strictly Confidential - Outside Litigation Counsel Only") any document, response to discovery, deposition transcript, or anything else furnished during the course of these actions that includes or concerns financial information, contractual terms, or other sensitive business information of a Conference Defendant (including summaries or analyses of such information that may identify the nature of such terms), that the Disclosing Party or their contractual counterparty considers in good faith to contain information, the disclosure of which to in-house counsel or specific individual outside counsel of another party or non-party would create a substantial risk of serious competitive, business, or financial harm ("Conference Strictly Confidential – Outside Litigation Counsel Only Information"). Where a document, response to discovery, deposition transcript, or anything else furnished during the course of these actions consists of more than one page, each page on which Conference Strictly Confidential – Outside Litigation Counsel Only Information appears shall be so designated. Conference Strictly Confidential – Outside Litigation Counsel Only Information may be disclosed only to those persons set forth in Paragraph 6 below.

Any party or non-party may designate as Network Strictly Confidential – Outside
 Litigation Counsel Only (by stamping the relevant page or portion "Network Strictly Confidential –
 Outside Litigation Counsel Only") any document, response to discovery, deposition transcript, or

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anything else furnished during the course of these actions that includes or concerns a term of any current, expired, or future media, network, or broadcasting contract, agreement, arrangement, or understanding (including summaries or analyses of such information that may identify the nature of such terms), that the Disclosing Party or their contractual counterparty considers in good faith to contain information, the disclosure of which to in-house counsel or specific individual outside counsel of another party or non-party would create a substantial risk of serious competitive, business, or financial harm ("Network Strictly Confidential – Outside Litigation Counsel Only Information"). Where a document, response to discovery, deposition transcript, or anything else furnished during the course of these actions consists of more than one page, each page on which Network Strictly Confidential – Outside Litigation Counsel Only Information appears shall be so designated. Network Strictly Confidential – Outside Litigation Counsel Only Information may be disclosed only to those persons set forth in Paragraph 7 below.

5. If any document, response to discovery, deposition transcript, or anything else furnished during the course of these actions is designated as Conference Strictly Confidential – Outside Litigation Counsel Only Information and then later designated (or is discovered to have been previously designated) as Network Strictly Confidential – Outside Litigation Counsel Only, it shall be treated and regarded as Network Strictly Confidential - Outside Litigation Counsel Only for all purposes.

PERMISSIBLE DISCLOSURES OF INFORMATION **CONFERENCE STRICTLY CONFIDENTIAL – OUTSIDE** LITIGATION COUNSEL ONLY

6. Conference Strictly Confidential - Outside Litigation Counsel Only Information (that is designated as such in accordance with the terms of the Protective Order and this Second Addendum) shall not be disclosed, except to the following persons, and then only to the extent necessary to litigate these actions:

a. Plaintiffs' Interim Co-Lead Class Counsel as appointed by the court (namely, Winston & Strawn LLP, Hagens Berman Sobol Shapiro LLP and Pearson, Simon & Warshaw LLP) (Dkt. 82); - 2 -

> STIPULATION AND ORDER REGARDING SECOND ADDENDUM TO STIPULATED PROTECTIVE ORDER CASE NOS. 4:14-MD-02541-CW (NC); 4:14-CV-02758-CW (NC)

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b. Outside litigation counsel of record for Defendants in this litigation, including those law firms' paralegals, assistants, and other employed staff;

c. Consultants or expert witnesses retained for the prosecution or defense of these actions, as well as members of said consultants' or expert witnesses' staffs assisting them in connection with these actions, provided that each such person shall execute a copy of the certification annexed to this Addendum as Exhibit A before being shown or given any Conference Strictly Confidential – Outside Litigation Counsel Only Information;

d. The original author, addressees, or recipients of the Conference Strictly
 Confidential – Outside Litigation Counsel Only Information;

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e. The Court, court personnel and court reporters;

f. Persons or entities that provide litigation support services (e.g., photocopying; videotaping; translating; preparing exhibits or demonstrations; organizing, storing, retrieving data in any form or medium; etc.) and their employees and subcontractors, provided that such persons or entities shall execute a copy of the certification annexed to this Addendum as Exhibit A before being shown or given any Conference Strictly Confidential – Outside Litigation Counsel Only Information; and

g. Witnesses (other than persons described in Paragraph 6(c) above) who testify
at deposition or at trial, provided that (1) the Receiving Party has a good faith belief that such
witness previously had access to or otherwise had obtained knowledge of the Conference Strictly
Confidential – Outside Litigation Counsel Only Information; and (2) such witnesses shall execute a
copy of the certification annexed to this Addendum as Exhibit A before being shown or given any
Conference Strictly Confidential – Outside Litigation Counsel Only Information.

PERMISSIBLE DISCLOSURES OF INFORMATION NETWORK STRICTLY CONFIDENTIAL – OUTSIDE LITIGATION COUNSEL ONLY

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CASE NOS. 4:14-MD-02541-CW (NC); 4:14-CV-02758-CW (NC)

Networks, Inc. d/b/a CBS Sports Network ("CBS"), or any future affiliates that move to intervene are hereby referred to as the "Network Intervenors". Network Strictly Confidential – Outside Litigation Counsel Only Information (that is designated as such in accordance with the terms of the Protective Order and this Second Addendum) shall not be disclosed, except to the following persons, and then only to the extent necessary to litigate these actions:

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a. Defendants' outside litigation counsel of record, including lawyers and other members and employees of those law firms assisting with litigation-related tasks in this case ("Authorized Outside Litigation Counsel"), provided that (1) absent written permission from each Network Intervenor, no individual attorney who has in the past been involved directly or indirectly in negotiating any media, network, or broadcasting contract, agreement, arrangement or understanding with any Network Intervenor may review Network Strictly Confidential – Outside Litigation Counsel Only Information to which such attorney did not have access prior to production of such Information in this action; and (2) any individual attorney who reviews Network Strictly Confidential – Outside Litigation Counsel Only Information of a Network Intervenor to which such attorney did not have access prior to production of such Information in this action may not, absent written permission from such Network Intervenor, participate directly or indirectly on or before March 31, 2021 in negotiating any media, network, or broadcasting contract, agreement, arrangement, or understanding with such Network Intervenor, except that nothing in this Addendum shall be construed to require a Network Intervenor's permission for any individual attorney's participation in negotiating any agreements, arrangements, or understandings pertaining to discovery, motion practice, or other litigation-related matters in this lawsuit pertaining to Network Strictly Confidential – Outside Litigation Counsel Only Information of a Network Intervenor. i. Defendants' law firms acting as outside litigation counsel of record in these actions shall erect and maintain ethical walls limiting access to Network Strictly Confidential -Outside Litigation Counsel Only Information to Authorized Outside Litigation Counsel.

ii. Absent a good faith basis for belief that any attorney other than Authorized Outside Litigation Counsel has reviewed Network Strictly Confidential – Outside - 4 -

> STIPULATION AND ORDER REGARDING SECOND ADDENDUM TO STIPULATED PROTECTIVE ORDER CASE NOS. 4:14-MD-02541-CW (NC); 4:14-CV-02758-CW (NC)

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Litigation Counsel Only Information, no Network Intervenor will assert the provisions of this Addendum as a basis to bar such attorney from engaging in future negotiations of any media, network, or broadcasting contract, agreement, arrangement, or understanding with such Network Intervenor. In the event a Network Intervenor asserts the provisions of this sub-paragraph as a basis to bar an attorney from engaging in negotiations of any media, network, or broadcasting contract, agreement, arrangement, or understanding with such Network Intervenor, that Network Intervenor will withdraw its invocation of this sub-paragraph upon the subject attorney proffering an affidavit or declaration, subject to penalty of perjury, that he/she has not reviewed Network Strictly Confidential – Outside Litigation Counsel Only Information.

iii. No Network Intervenor shall assert that the provisions of this
Addendum are a basis to bar an entire law firm from engaging in future negotiations of any media,
network, or broadcasting contract, agreement, arrangement, or understanding with such Network
Intervenor on the basis that the firm acted as outside litigation counsel of record in these actions;

b. Plaintiffs' Interim Co-Lead Class Counsel as appointed by the court (namely, Winston & Strawn LLP, Hagens Berman Sobol Shapiro LLP and Pearson, Simon & Warshaw LLP) (Dkt. 82) and employees of such counsel;

c. Consultants or expert witnesses retained for the prosecution or defense of these actions, as well as members of said consultants' or expert witnesses' staffs assisting them in connection with these actions, subject to the provisions of Paragraphs 10-15 herein, and who have executed a copy of the certification annexed to this Second Addendum as Exhibit A before being shown or given any Network Strictly Confidential – Outside Litigation Counsel Only Information, provided that such individuals will not be involved directly or indirectly in negotiating any media, network, or broadcasting contract, agreement, arrangement, or understanding with any Network Intervenor, on or before January 1, 2021 (for the sake of clarity, subject to his/her compliance with this Protective Order, this Protective Order shall not preclude any such individuals from negotiating and/or entering into any contract or other arrangement or understanding with a Network Intervenor

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solely on his or her own behalf, including but not limited to any agreement to appear on any programming of a Network Intervenor);

d. The original authors or recipients of the Network Strictly Confidential – Outside Litigation Counsel Only Information and in circumstances where the Network Strictly Confidential – Outside Counsel Only Information is an executed agreement, the parties to the agreement and their respective employees with access to such agreement in the ordinary course of business;

e. The Court, court personnel and court reporters; and

f. Persons or entities that provide litigation support services (e.g., photocopying; videotaping; translating; preparing exhibits or demonstrations; organizing, storing, retrieving data in any form or medium; etc.) and their employees and subcontractors, provided that such persons or entities shall execute a copy of the certification annexed to this Second Addendum as Exhibit A before being shown or given any Network Strictly Confidential – Outside Litigation Counsel Only Information.

FILING DOCUMENTS UNDER SEAL

8. No Network Strictly Confidential – Outside Litigation Counsel Only Information shall be filed in the public record without either the written permission of each Network Intervenor discussed or referenced therein, or a court order denying an Administrative Motion to File Under Seal such Network Strictly Confidential – Outside Litigation Counsel Only Information, provided that in the event any Administrative Motion to File Under Seal such Network Strictly Confidential – Outside Litigation Counsel Only Information is denied, the Network and the filing party agree to meet and confer within three (3) calendar days to discuss in good faith alternatives to filing the Network Strictly Confidential – Outside Litigation Counsel Only Information on the public record. The Network Intervenors preserve their rights to seek a writ of mandamus from the Ninth Circuit and/or a stay of any order denying an Administrative Motion to File Under Seal. No party may file such Network Strictly Confidential – Outside Litigation Counsel Only Information until seven (7) calendar days after the denial of any Administrative Motion to File Under Seal. At least five (5)

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business days in advance of the date or deadline on which any party or non-party seeks to file an Administrative Motion to File Under Seal regarding any Network Strictly Confidential – Outside Litigation Counsel Only Information, the filing entity shall provide written notice to each Network Intervenor discussed or referenced therein, as well as one (1) redacted copy and one (1) unredacted copy of the Information so designated. However, if multiple Network Intervenors are discussed or referenced in the same document, no unredacted copies shall be provided to the Network Intervenors unless each of the applicable Network Intervenors discussed or referenced individually consent. The parties shall otherwise comply with the applicable court rules (*e.g.*, N.D. Cal. Civil L.R. 79-5) regarding filing of documents under seal. Copies of any pleading, brief, or other document containing Network Strictly Confidential – Outside Litigation Counsel Only Information which is served on opposing counsel shall be stamped **"NETWORK STRICTLY CONFIDENTIAL** – **OUTSIDE LITIGATION COUNSEL ONLY INFORMATION PURSUANT TO PROTECTIVE ORDER"**, shall be transmitted via email or cover letter and envelope bearing similar designation, and shall be treated in accordance with the provisions of the Protective Order, as amended.

INCORPORATION OF PROTECTIVE ORDER

9. Except as set forth herein, for purposes of all Paragraphs of the Protective Order
except Paragraph 13, both Conference Strictly Confidential – Outside Litigation Counsel Only
Information and Network Strictly Confidential – Outside Litigation Counsel Only Information will
receive the same treatment under each such Paragraph as Highly Confidential – Counsel Only
Information. Except as set forth herein, any challenges or objections concerning the designation of
information as Conference Strictly Confidential – Outside Litigation Counsel Only Information or
Network Strictly Confidential – Outside Litigation Counsel Only Information or
to Paragraph 14 of the Protective Order.

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DISCLOSURE TO CONSULTANTS AND EXPERT WITNESSES

10. Information designated Conference Strictly Confidential – Outside Litigation Counsel Only Information or Network Strictly Confidential – Outside Litigation Counsel Only may be furnished and disclosed to the receiving party's consultants and expert witnesses and their necessary support personnel as is reasonably necessary for maintaining, defending or evaluating these actions. The terms "consultants" and "expert witnesses" shall mean an independent, outside expert witness or consultant with whom counsel may deem it appropriate to consult and whom (with respect to information designated Network Strictly Confidential – Outside Litigation Counsel Only) complies with Paragraph 11.

11. No disclosure of Conference Strictly Confidential – Outside Litigation Counsel Only Information or Network Strictly Confidential – Outside Litigation Counsel Only Information to a consultant or expert witness or their necessary support personnel shall occur until that person has accurately completed and signed the certification annexed to this Second Addendum as Exhibit A, and a signed copy has been provided to the Disclosing Party; and to the extent there has been an objection under Paragraph 13 with respect to Network Strictly Confidential – Outside Litigation Counsel Only Information, that objection is resolved as discussed below. A separate certification annexed to this Second Addendum as Exhibit A shall not be required for staff members working under the supervision of an individual signing the certification annexed hereto as Exhibit A. An individual signing the certification annexed to this Second Addendum as Exhibit A, however, shall accept full responsibility for taking measures to ensure that staff members working under his or her supervision comply with the terms of this Second Addendum.

12. A party desiring to disclose Network Strictly Confidential – Outside Litigation Counsel Only Information to a consultant or expert witness shall give prior written notice to the Disclosing Party as applicable, who shall have ten (10) business days after such notice is given to object in writing. The party desiring to disclose Network Strictly Confidential – Outside Litigation Counsel Only Information to a consultant or expert witness must provide the following information for each consultant or expert witness: the name, title, business address, residence state and country,

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STIPULATION AND ORDER REGARDING SECOND ADDENDUM TO STIPULATED PROTECTIVE ORDER CASE NOS. 4:14-MD-02541-CW (NC); 4:14-CV-02758-CW (NC)

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present occupation (or job description), past and present business relationships with the party retaining them or other party to the litigation, curriculum vitae, a list of all instances in which, during the last four (4) years, the consultant or expert witness testified by trial or deposition, and a certification annexed to this Second Addendum as Exhibit A signed by such consultant or expert witness. No Network Strictly Confidential - Outside Litigation Counsel Only Information shall be disclosed to such consultant or expert witness until after the expiration of the foregoing ten (10) days' notice period.

13. A party objecting to disclosure of Network Strictly Confidential – Outside Litigation Counsel Only Information to a consultant or expert witness shall state with particularity the ground(s) of the objection. The objecting party's consent to the disclosure of Network Strictly Confidential – Outside Litigation Counsel Only Information to a consultant or expert witness shall not be unreasonably withheld.

14. The applicable parties shall meet and confer to attempt to resolve the dispute/objection within seven (7) days from the date of electronic delivery of the objection. If the parties cannot resolve the dispute, the party seeking disclosure may move the Court for an order that access to Network Strictly Confidential - Outside Litigation Counsel Only Information be provided to the designated consultant or expert witness. If the parties cannot resolve the dispute and the party seeking disclosure does not make such a motion within ten (10) business days of the electronic delivery of the objection, disclosure of Network Strictly Confidential - Outside Litigation Counsel Only Information shall not be made to the designated consultant or expert witness. The parties agree to cooperate in good faith to shorten the time frames set forth in this Paragraph if necessary to abide by any discovery or briefing schedules. If a motion is made by the party seeking disclosure, it shall be the burden of the party seeking disclosure to demonstrate by a preponderance of the evidence that Network Strictly Confidential – Outside Litigation Counsel Only Information should be allowed to be disclosed to the consultant or expert witness.

15. Failure to object to a consultant or expert witness shall not preclude the non-objecting

party from later objecting to continued access by that consultant or expert witness where facts

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suggesting a basis for objection could not have been discovered by the objecting party or its counsel,

exercising due diligence, within the period for making a timely objection. A later objection to a consultant or expert witness cannot be made on the basis of information disclosed pursuant to Paragraph 12, except to the extent that said disclosure contained a material omission or misrepresentation. IT IS SO STIPULATED. - 10 -STIPULATION AND ORDER REGARDING SECOND ADDENDUM TO STIPULATED PROTECTIVE ORDER CASE NOS. 4:14-MD-02541-CW (NC); 4:14-CV-02758-CW (NC)

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24		espectfully submitted, By <u>/s/ David G. Feher</u> Jeffrey L. Kessler (pro hac vice) David G. Feher (pro hac vice) David L. Greenspan (pro hac vice) Timothy M. Nevius (pro hac vice) Joseph A. Litman (pro hac vice) WINSTON & STRAWN LLP 200 Park Avenue New York, NY 10166-4193 Telephone: (212) 294-6700 Facsimile: (212) 294-4700 <i>jkessler@winston.com</i> <i>dfeher@winston.com</i> <i>dfeher@winston.com</i> <i>dgreenspan@winston.com</i> <i>jlitman@winston.com</i> <i>jlitman@winston.com</i> <i>jlitman@winston.com</i> <i>jlitman@winston.com</i> Joseph A. Litman (SBN 260466) Jeanifer E. Parsigian (SBN 289001) WINSTON & STRAWN LLP 101 California Street San Francisco, CA 94111 Telephone: (415) 591-1000 Facsimile: (415) 591-1000 Facsimile: (415) 591-1400 smeenan@winston.com <i>jparsigian@winston.com</i>
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1	By /s/ D. Erik Albright	By /s/ Scott P. Cooper
2	D. Erik Albright SMITH MOORE LEATHERWOOD LLP	Scott P. Cooper (SBN 096905) Kyle A. Casazza (SBN 254061)
2	300 North Greene Street, Suite 1400	Shawn S. Ledingham, Jr. (SBN 275268)
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9		
10	Charles La Grange Coleman, III HOLLAND & KNIGHT LLP	By <u>/s/ Robert W. Fuller</u> Robert W. Fuller, III
11	50 California Street, Suite 2800 San Francisco, CA 94111-4624	Nathan C. Chase Jr. Mark W. Merritt
12	Telephone: (415) 743-6900 Facsimile: (415) 743-6910	Lawrence C. Moore, III Pearlynn G. Houck
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14	Counsel for The Atlantic Coast Conference	101 N. Tryon St., Suite 1900 Charlotte, NC 28246
15	By <u>/s/ Andrew S. Rosenman</u> Andrew S. Rosenman	Telephone: (704) 377-2536 Facsimile: (704) 378-4000
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19	bmiller@mayerbrown.com	Mark J. Seifert Robert R. Moore
20	Richard J. Favretto MAYER BROWN LLP	ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP
21	1999 K Street, N.W. Washington, D.C. 20006-1101	Three Embarcadero Center, 12th Floor San Francisco, CA 94111
22	Telephone: (202) 263-3000 Facsimile: (202) 263-3300	Telephone: (415) 837-1515 Facsimile: (415) 837-1516
23	rfavretto@mayerbrown.com	mseifert@allenmatkins.com rmoore@allenmatkins.com
24	Counsel for The Big Ten Conference, Inc.	Counsel for Southeastern Conference
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1 2 3 4 5 6 7 8 9 10 11	By <u>/s/ Leane K. Capps</u> Leane K. Capps Caitlin J. Morgan POLSINELLI PC 2950 N. Harwood Street, Suite 2100 Dallas, TX 75201 Telephone: (214) 397-0030 Icapps@polsinelli.com Amy D. Fitts POLSINELLI PC 120 W. 12th Street Kansas City, MO 64105 Telephone: (816) 218-1255 afitts@polsinelli.com Wesley D. Hurst POLSINELLI PC 2049 Century Park East, Suite 2300 Los Angeles, CA 90067 Telephone: (310) 556-1801	By <u>/s/ J. Wesley Earnhardt</u> Evan R. Chesler (admitted to N.D. Cal. on September 24, 1982) Roger G. Brooks (pro hac vice) J. Wesley Earnhardt (pro hac vice) CRAVATH, SWAINE & MOORE LLP Worldwide Plaza 825 Eighth Avenue New York, NY 10019-7475 Telephone: (212) 474-1000 Facsimile: (212) 474-3700 echesler@cravath.com rgbrooks@cravath.com wearnhardt@cravath.com Attorneys for intervenors ESPN, Inc., ESPN Enterprises, Inc., and American Broadcasting Companies, Inc.
 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 	Los Angeles, CA 90067	By <u>/s/ Yehudah L. Buchweitz</u> CHRISTOPHER J. COX (Bar No. 151650) Email: chris.cox@weil.com DAVID R. SINGH (Bar No. 300840) Email: david.singh@weil.com WEIL, GOTSHAL & MANGES LLP 201 Redwood Shores Parkway Redwood Shores, CA 94065 Telephone: (650) 802-3000 Facsimile: (650) 802-3100 JAMES W. QUINN (<i>pro hac vice</i>) Email: james.quinn@weil.com YEHUDAH L. BUCHWEITZ (<i>pro hac vice</i>) Email: yehudah.buchweitz@weil.com WEIL, GOTSHAL & MANGES LLP 767 Fifth Avenue New York, NY 10153 Telephone: (212) 310-8000 Facsimile: (212) 310-8007 Attorneys for intervenor CBS Broadcasting Inc.
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	STIPULATION AND ORDER REGARDING SECOND A CASE NOS. 4:14-MD-02541-CW (

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1	ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)
2	Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in
3	the filing of this document has been obtained from the signatories above.
4	/s/ Scott P. Cooper
5	/s/ Scott P. Cooper SCOTT P. COOPER
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8	SO ORDERED.
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10	Dated: October 12, 2016 GRANTED
11	Unter A key a case tate tudge
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1	EXHIBIT A			
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3	I,, state:			
4	1. My business address is:			
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8	3. My present occupation or job description (including my title) is:			
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10	4. My past and present business relationships with the parties to this litigation are:			
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12	5. For experts or consultants only, a copy of my curriculum vitae is attached hereto.			
13	6. For experts or consultants only, in accordance with the Protective Order, First Addendum, and Second Addendum, I have provided a list of all instances in which, during the last four (4) years, I testified at trial or deposition.			
14	7. I have received a copy of the Stipulated Protective Order Regarding Confidentiality of			
15	Documents and Materials (the "Protective Order") entered in the case of <i>In re: National Collegiate</i> <i>Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation</i> , in the United States District			
16 17	Court for the Northern District of California, No. 4:14-MD-2541-CW, entered by the Court on January 15, 2015, the Stipulation and Order Regarding Addendum to Stipulated Protective Order ("First Addendum") entered by the Court on July 9, 2015, and the Stipulation and Order Regarding			
18	Second Addendum to Stipulated Protective Order ("Second Addendum") entered by the Court on [].			
19 20	8. I have carefully read the Protective Order, First Addendum, and Second Addendum and understand their provisions.			
21	9. I will comply with all the provisions of the Protective Order, First Addendum, and Second			
22	Addendum.			
23	10. I will hold in confidence and will not disclose to anyone not qualified under the Protective Order, First Addendum, or Second Addendum any documents designated Confidential,			
24	Highly Confidential – Counsel Only, Highly Confidential NCAA Member Financial Data – Lead Counsel Only, Conference Strictly Confidential – Outside Litigation Counsel Only Information,			
25	or Network Strictly Confidential – Outside Litigation Counsel Only, and I will use such Confidential Information and/or Highly Confidential – Counsel Only Information and/or Highly Confidential			
26	NCAA Member Financial Data and/or Network Strictly Confidential – Outside Litigation Counsel Only Information only for the allowed purposes stated in the Protective Order, First Addendum, and			
27	Second Addendum.			
28	- 1 -			
	STIPULATION AND ORDER REGARDING SECOND ADDENDUM TO STIPULATED PROTECTIVE ORDER CASE NOS. 4:14-MD-02541-CW (NC); 4:14-CV-02758-CW (NC)			

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1	11. I will return all documents that are designated Confidential, Highly Confidential –		
2	Counsel Only, Highly Confidential NCAA Member Financial Data – Lead Counsel Only, Conference Strictly Confidential – Outside Litigation Counsel Only Information, or Network		
3	Strictly Confidential – Outside Litigation Counsel Only, to counsel for the party from whom I obtained such documents.		
4	12. I will submit to the jurisdiction of the United States District Court for the Northern		
5 6	District of California for purposes of the enforcement of the Protective Order, First Addendum, or Second Addendum and understand that violation of the Protective Order, First Addendum, or Second Addendum can constitute contempt of Court.		
7			
8	I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.		
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10	SIGNED, 201		
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12	Signature		
13	Printed Name		
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	STIPULATION AND ORDER REGARDING SECOND ADDENDUM TO STIPULATED PROTECTIVE ORDER CASE NOS. 4:14-MD-02541-CW (NC); 4:14-CV-02758-CW (NC)		

Case 4:20-cv-03919-CW Document 134-1 Filed 12/18/20 Page 56 of 87

EXHIBIT D

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2	Craig R. Spiegel (SBN 122000) Ashley A. Bede (<i>pro hac vice</i>)	David G. Feher (<i>pro hac vice</i>) David L. Greenspan (<i>pro hac vice</i>)	
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14	[Additional counsel listed on signature page]	Class Counsel for Jenkins and Consolidated Action Plaintiffs	
15		[Additional counsel listed on signature page]	
16 17	UNITED STATE	S DISTRICT COURT	
17	UNITED STATES DISTRICT COURT		
18	NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION		
20	IN RE: NATIONAL COLLEGIATE	Case No. 4:14-md-02541-CW	
20	ATHLETIC ASSOCIATION ATHLETIC	Case No. 4:14-cv-02758-CW	
21	GRANT-IN-AID CAP ANTITRUST LITIGATION	STIPULATION AND [PROPOSED] ORDER	
22		REGARDING THIRD ADDENDUM TO STIPULATED PROTECTIVE ORDER	
23 24	THIS DOCUMENT RELATES TO:		
24	ALL ACTIONS		
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20 27			
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		ING THIRD ADDENDUM TO STIPULATED PROTECTIVE ID-02541-CW; 4:14-CV-02758-CW	

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All parties, by their respective counsel, hereby agree and stipulate to this proposed Third Addendum to the "Stipulated Protective Order Regarding Confidentiality of Documents and Materials" (the "Protective Order") (Dkt. 189) entered by the Court on January 15, 2015:

- 4 1. The Second Addendum to Stipulated Protective Order (Dkt. 508) was negotiated and 5 signed between Plaintiffs and only five of the Conference Defendants in the Consolidated Action: 6 (1) Atlantic Coast Conference; (2) The Big Ten Conference, Inc.; (3) The Big 12 Conference, Inc.; 7 (4) Pac-12 Conference; and (5) Southeastern Conference. The parties now wish for the Court to 8 order this stipulated addendum such that the Second Addendum to Stipulated Protective Order 9 applies to the six other Conference Defendants in the Consolidated Action and the National 10 Collegiate Athletic Association ("NCAA"). The six other Conference Defendants in the 11 Consolidated Action are: (1) the American Athletic Conference; (2) Conference USA; (3) the Mid-12 American Conference; (4) the Mountain West Conference; (5) the Sun Belt Conference; and (6) the Western Athletic Conference (collectively, the "Six Conferences"). 13
- By way of this stipulation, the Six Conferences in the Consolidated Actions and the
 NCAA shall have the same rights and obligations under the Second Addendum to Stipulated
 Protective Order as the Conference Defendants who negotiated and signed the Second Addendum to
 Stipulated Protective Order, and Plaintiffs will have the same rights and obligations with regard to
 the Six Conferences and the NCAA as they do with regard to the Conference Defendants who
 negotiated and signed the Second Addendum to the Stipulated Protective Order.

3. 20 The Second Addendum to Stipulated Protective Order was signed by certain media 21 networks that formally intervened into this litigation: (1) ESPN entities (ESPN, Inc., ESPN 22 Enterprises, Inc., and American Broadcasting Companies, Inc.); (2) Fox entities (Fox Broadcasting 23 Company, Fox Cable Networks, Inc., and Fox International Channels (US), Inc.); and (3) CBS 24 Broadcasting Inc. (collectively, the "Network Intervenors"). By way of this stipulation, the rights 25 and obligations of the Network Intervenors under the Second Addendum to Stipulated Protective 26 Order will apply not just to the Network Intervenors but to all media networks (including their 27 various entities, affiliates and assigns) that are partners of any of the eleven Conference Defendants 28 in this litigation or the NCAA, and which have an interest in the litigation, regardless of whether 871859.1 STIPULATION AND [PROPOSED] ORDER REGARDING THIRD ADDENDUM TO STIPULATED PROTECTIVE

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each has formally intervened in this litigation. Each such media network will be considered by the
parties to be—and will receive the same treatment as—a Network Intervenor solely for purposes of
the Second Addendum to Stipulated Protective Order and shall not otherwise be treated as having
intervened in this litigation absent a formal motion to intervene by such network. However, nothing
in this stipulation shall prevent any media network or any other party from intervening in this
litigation.

7

IT IS SO STIPULATED.

8 Dated: November 11, 2016

Respectfully submitted,

9	By <u>/s</u> / Steve W. Berman	By <u>/s</u> / Jeffrey L. Kessler
	Steve W. Berman (pro hac vice)	Jeffrey L. Kessler (pro hac vice)
10	Craig R. Spiegel (SBN 122000)	David G. Feher (pro hac vice)
	Ashley A. Bede (pro hac vice)	David L. Greenspan (pro hac vice)
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27	Class Counsel for Jenkins and Consolidated	
27	Action Plaintiffs	
28		
20		
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	STIPULATION AND [PROPOSED] ORDER REGARDING	
	ORDER- CASE NOS. 4:14-MD-	U2541-UW; 4:14-UV-U2/58-UW

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	Caase 4: 20: 4vr0/3925-41VC WDoDamentels Elizabeth C. Pritzker (SBN 146267) Jonathan K. Levine (SBN 220289) Bethany L. Caracuzzo (SBN 190687) Shiho Yamamoto (SBN 264741) PRITZKER LEVINE LLP 180 Grand Avenue, Suite 1390 Oakland, California 94612 Telephone: (415) 692-0772 Facsimile: (415) 366-6110 Additional Class Counsel POLSINELLI PC By: /s/ Leane K. Capps Leane K. Capps (pro hac vice) Caitlin J. Morgan (pro hac vice) Caitlin J. Morgan (pro hac vice) Caitlin J. Morgan (pro hac vice) 2950 N. Harwood, Suite 2100 Dallas, TX 75201 Telephone: (214) 397-0030 Facsimile: (214) 397-0033 Email: lcapps@polsinelli.com Email: cmorgan@polsinelli.com Mit S. Winter (SBN 238515) Amy D. Fitts (pro hac vice) 900 W. 48th Place Kansas City, MO 64112 Telephone: (816) 753-1536 Email: mwinter@polsinelli.com Email: afits@polsinelli.com Wesley D. Hurst (SBN 127564) 2049 Century Park East, Suite 2300 Los Angeles, CA 90067 Telephone: (310) 556-1801 Facsimile: (310) 556-1801 Facsimile: (310) 556-1801 Facsimile: (310) 556-1802 Email: whurst@polsinelli.com	34539 Filkedt 112/112/2020 FRagge 60 off 787 COVINGTON & BURLING LLP By: /s/ Benjamin C. Block Benjamin C. Block (pro hac vice) One CityCenter 850 Tenth Street, N.W. Washington, DC 20001-4956 Telephone: (202) 662-5205 Facsimile: (202) 778-5205 bblock @cov.com Rebecca A. Jacobs (SBN 294430) One Front Street San Francisco, CA 94111-5356 Telephone: (415) 591-6000 Facsimile: (415) 591-6001 rjacobs@cov.com Attorneys for Defendant AMERICAN ATHLETIC CONFERENCE			
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		DING THIRD ADDENDUM TO STIPULATED PROTECTIVE MD-02541-CW; 4:14-CV-02758-CW			

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22 23		Attorneys for Defendants NATIONAL COLLEGIATE ATHLETIC ASSOCIATION			
24		and WESTERN ATHLETIC CONFERENCE			
25					
26					
27					
28					
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		ING THIRD ADDENDUM TO STIPULATED PROTECTIVE ID-02541-CW; 4:14-CV-02758-CW			

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1	ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)		
2	Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the		
3	filing of this document has been obtained from the signatory above.		
4			
5	/s/ Jeffrey L. Kessler Jeffrey L. Kessler		
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	STIPULATION AND [PROPOSED] ORDER REGARDING THIRD ADDENDUM TO STIPULATED PROTECTIVE ORDER- CASE NOS. 4:14-MD-02541-CW; 4:14-CV-02758-CW		

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1	IT IS SO ORDERED.		
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3	Dated:		
4	THE HON. NATHANAEL COUSINS UNITED STATES DISTRICT COURT FOR THE		
5	NORTHERN DISTRICT OF CALIFORNIA		
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	STIPULATION AND [PROPOSED] ORDER REGARDING THIRD ADDENDUM TO STIPULATED PROTECTIVE ORDER- CASE NOS. 4:14-MD-02541-CW; 4:14-CV-02758-CW		

11/11/2016	540	Order granting <u>539</u> Stipulation entered by Magistrate Judge
		Nathanael M. Cousins. (This is a text-only entry generated by the
		court. There is no document associated with this entry.) (Entered:
		11/11/2016)

Case 4:20-cv-03919-CW Document 134-1 Filed 12/18/20 Page 65 of 87

EXHIBIT E

	C@&Se44294cVn8392546-VCWD 956601A1817t	34027 Fiqid 185/84928 Page 6 6 87	
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6	Alexandra M. Walsh (pro hac vice)	PEARSON, SIMON & WARSHAW, LLP 44 Montgomery Street, Suite 2450	
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15	SKADDEN ARPS SLATE MEAGHER & FLOM LLP	dgreenspan@winston.com	
16	Four Times Square	Class Counsel for Jenkins and Consolidated Action Plaintiffs	
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19	karen.lent@skadden.com Counsel for Defendant NCAA		
20	[Additional counsel listed on signature page]		
21	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION		
22			
23	IN RE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION ATHLETIC	Case No. 4:14-md-02541-CW Case No. 14-ev-02758-CW	
24	GRANT-IN-AID CAP ANTITRUST LITIGATION	STIPULATION AND [PROPOSED] ORDER	
25		REGARDING SECOND ADDENDUM TO STIPULATED PROTECTIVE ORDER	
26	THIS DOCUMENT RELATES TO:		
27	ALL ACTIONS.	Judge: Hon. Claudia Wilken	
28			
	STIPULATION AND [PROPOSED] ORDER REGAI	RDING SECOND MDL No. 14-md-02541-CW	

ADDENDUM TO STIPULATED PROTECTIVE ORDER

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All parties and Network Intervenors, by and through their respective counsel, hereby agree and stipulate to the below as it relates to the Second Addendum to the "Stipulated Protective Order Regarding Confidentiality of Documents and Materials" (the "Second Addendum") (Dkt. 512) entered by the Court on October 12, 2016:

1. The Second Addendum was negotiated and signed between Plaintiffs and only five of the Conference Defendants in the Consolidated Action: (1) Atlantic Coast Conference; (2) The Big Ten Conference, Inc.; (3) The Big 12 Conference, Inc.; (4) Pac-12 Conference; and (5) Southeastern Conference. (Dkt. 508.)

2. On November 11, 2016, Magistrate Judge Nathaniel M. Cousins entered via minute entry (Dkt. 540) the Third Addendum to the Stipulated Protective Order (Dkt. 539) (the "Third Addendum"). The Third Addendum was signed and entered for the purpose of applying the terms of the Second Addendum to the six other Conference Defendants in the Consolidated Action and the National Collegiate Athletic Association ("NCAA"). The six other Conference Defendants in the Consolidated Action are: (1) the American Athletic Conference; (2) Conference USA; (3) the Mid-American Conference; (4) the Mountain West Conference; (5) the Sun Belt Conference; and (6) the Western Athletic Conference (collectively, the "Six Conferences").

3. The Second Addendum was also signed by certain media networks that formally intervened in this litigation: (1) ESPN entities (ESPN, Inc., ESPN Enterprises, Inc., and American Broadcasting Companies, Inc.); (2) Fox entities (Fox Broadcasting Company, Fox Cable Networks, Inc., and Fox International Channels (US), Inc.); and (3) CBS Broadcasting Inc. (collectively, the "Network Intervenors"). By way of the Third Addendum, the rights and obligations of the Network Intervenors under the Second Addendum were extended to apply not just to the Network Intervenors, but to all media networks (including their various entities, affiliates and assigns) that are partners of any of the eleven Conference Defendants in this litigation or the NCAA, and which have an interest in the litigation, regardless of whether each has formally intervened in this litigation.

26 4. Absent Network Intervenor permission, the Second Addendum and Third Addendum 27 limit the involvement of defense counsel who receive information that is designated "Network Strictly 28 Confidential – Outside Litigation Counsel Only" ("NSC"), which is defined in Paragraph 4 of the

- 1 -

STIPULATION AND [PROPOSED] ORDER REGARDING SECOND ADDENDUM TO STIPULATED PROTECTIVE ORDER

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Second Addendum. Specifically, Paragraph 7(a)(2) of the Second Addendum provides:

[A]ny individual attorney who reviews Network Strictly Confidential – Outside Litigation Counsel Only Information of a Network Intervenor to which such attorney did not have access prior to production of such Information in this action may not, absent written permission from such Network Intervenor, participate directly or indirectly on or before March 31, 2021 in negotiating any media, network, or broadcasting contract. agreement, arrangement, or understanding with such Network Intervenor, except that nothing in this Addendum shall be construed to require a Network Intervenor's permission for any individual attorney's participation in negotiating any agreements, arrangements, or understandings pertaining to discovery, motion practice, or other litigation-related matters in this lawsuit pertaining to Network Strictly Confidential – Outside Litigation Counsel Only Information of a Network Intervenor.

5. Trial of this matter is scheduled to begin on September 4, 2018. The parties' pretrial filings identify as proposed exhibits and testimony for trial certain information that is designated NSC pursuant to the Second Addendum. A number of defense counsel implicated by the terms of Paragraph 7(a)(2) of the Second Addendum intend to attend the trial, in whole or in part. Counsel for the Network Intervenors may also attend the trial, in whole or in part.

6. The parties and Network Intervenors therefore stipulate and agree that the restriction imposed by Paragraph 7(a)(2) of the Second Addendum be modified as follows for purposes of the forthcoming trial only: to the extent NSC information is inadvertently revealed at trial by any exhibit, witness, the Court, or oral presentation by counsel, defense counsel and counsel for the Network Intervenors shall not, solely as a result of such disclosure, be barred from future negotiations under Paragraph 7(a)(2) of the Second Addendum. To the extent NSC Information is permissibly used at trial, including over the objection of a Network Intervenor, and regardless of whether the information is later sealed, then defense counsel and counsel for the Network Intervenors shall not, solely as a result of such disclosure, be barred from future negotiations under Paragraph 7(a)(2) of the Second Addendum.

IT IS SO STIPULATED.

- 2 -STIPULATION AND (PROPOSED) ORDER REGARDING SECOND ADDENDUM TO STIPULATED PROTECTIVE ORDER

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1	Dated: September 4, 2018	Respectfully submitted,
2	By <u>/s/ Steve W. Berman</u>	By /s/ Jeffrey L. Kessler
3	Steve W. Berman (pro hac vice)	Jeffrey L. Kessler (pro hac vice)
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	STIPULATION AND [PROPOSED] ORDER REGARDING ADDENDUM TO STIPULATED PROTECTIVE ORDER	

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	v		The Big Ten Conference, Inc.

ADDENDUM TO STIPULATED PROTECTIVE ORDER

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18 19		Broadcasting Inc.		dkumagai@cravath.com Attorneys for intervenors ESPN, Inc., ESPN Enterprises, Inc., and American
20				Broadcasting Companies, Inc.
21				STATES DISTRICT CO.
22	SO OR	DERED		IT IS SO ORDERED
23	Dated:	September 4, 2018	<u> </u>	(h, dealer h
24			The	p. Judge Claudia Wilken
25			United	Crates District Court Judge
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	1	- ATION AND <mark>{PROPOSED}</mark> ORDER REGARDIN IDUM TO STIPULATED PROTECTIVE ORDER		OND MDL No. 14-md-02541-CW Case No. 14-ev-02758-CW

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1	ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)
2	Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the
3	filing of this document has been obtained from the signatories above.
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5	/s/ Jennifer L. Jones JENNIFER L. JONES
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	ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3) MDL No. 14-md-02541-CW Case No. 14-ev-02758-CW

EXHIBIT F

Case 4:20-cv-03919-CW Document 134-1 Filed 12/18/20 Page 75 of 87

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UNITED STAT	ES DISTRICT COURT
NORTHERN DIS	TRICT OF CALIFORNIA
OAKLA	AND DIVISION
IN RE: NATIONAL COLLEGIATE ATHLETIC ASSOCIATION ATHLETIC GRANT-IN-AID CAP ANTITRUST	Case Nos. 4:14-md-2541-CW (NC) 4:14-cv-02758-CW (NC)
LITIGATION	STIPULATION AND [PROPOSED] ORDI REGARDING FOURTH ADDENDUM TO STIPULATED PROTECTIVE ORDER
This Document Relates to:	STILULATED I KOTECTIVE OKDEK
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STIPULATION AND [PROPOSED] ORDER R	EGARDING FOURTH ADDENDUM TO STIPULATI

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All parties, by their respective counsel, hereby agree and stipulate to this proposed Fourth Addendum to the "Stipulated Protective Order Regarding Confidentiality of Documents and Materials" (the "Protective Order") (Dkt. 189) entered by the Court on January 15, 2015:

1. Unless otherwise defined herein, all capitalized terms shall have the meanings ascribed to such terms in the Protective Order.

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ORDER REGARDING PRODUCTION OF BILLING RECORDS

On August 21, 2019, the Court held a hearing on the following motions: Plaintiffs' Motion for Attorney Fees, Expenses and Service Awards (Dkt. 1169) ("Plaintiffs' Motion for Fees and Costs"); Joint Statement of Discovery Dispute Regarding Plaintiffs' Motion for Attorney Fees (Dkt. 1184) (the "Discovery Dispute"); Motion for Review of Clerk's Taxation of Costs (Dkt. 1193); and Administrative Motion to Vacate Taxed Costs Order (Dkt. 1194).

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3. As to the Discovery Dispute (Dkt. 1184), the Court ordered Plaintiffs to produce the billing records underlying Plaintiffs' Motion for Fees and Costs to enable Defendants to review time entries for tasks, if any, that Defendants contend are non-compensable, and not for any other purpose.¹

4. The Court did not compel waiver of privilege and ordered the parties to meet and confer regarding a protective order.

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ADDITIONAL CATEGORY OF PROTECTED INFORMATION

5. The Protective Order will recognize a new category of discovery called "Highly Confidential Billing Records – Outside Counsel Only." Any party or non-party may designate as "Highly Confidential Billing Records – Outside Counsel Only" any document, production, filing, or anything else furnished during the course of these actions that includes or concerns information in any party or non-party's billing records (by stating on the first page or in an accompanying letter that it is "Highly Confidential Billing Records – Outside Counsel Only"). Highly Confidential Billing Records – Outside Counsel Only Information may be disclosed only to those persons set forth in Paragraph 6 below.

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¹ The parties reserve all rights with respect to potential disputes related to (1) the scope of challenges Defendants are permitted to make; and (2) the production of expense reports.

STIPULATION AND [PROPOSED] ORDER REGARDING FOURTH ADDENDUM TO STIPULATED PROTECTIVE ORDER - CASE NOS. 4:14-md-02541-CW (NC) / CASE NO. 4:14-cv-02758-CW (NC)

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PERMISSIBLE DISCLOSURES AND USES OF INFORMATION

6. Highly Confidential Billing Records – Outside Counsel Only Information (that is designated as such in accordance with the terms of the Protective Order and this Fourth Addendum) shall not be disclosed or used, except to the following persons, and then only to the extent necessary to litigate Plaintiffs' Motion for Fees and Costs:

a. Defendants' outside litigation counsel of record, including lawyers and other members and employees of those law firms assisting with litigation-related tasks in this case;

b. The Court, court personnel and court reporters; and

c. Persons or entities that provide litigation support services (e.g., photocopying; videotaping; translating; preparing exhibits or demonstrations; organizing, storing, retrieving data in any form or medium; etc.) and their employees and subcontractors, provided that such persons or entities shall execute a copy of the certification annexed to this Addendum as Exhibit A before being shown or given any Highly Confidential Billing Records – Outside Counsel Only Information.

FILING DOCUMENTS UNDER SEAL

7. No Highly Confidential Billing Records – Outside Counsel Only Information shall be filed in the public record without either the written permission of Plaintiffs' counsel or a court order denying an Administrative Motion to File Under Seal such Highly Confidential Billing Records – Outside Counsel Only Information, provided that in the event any Administrative Motion to file Under Seal such Highly Confidential Billing Records – Outside Counsel Only Information is denied, the Plaintiffs and the filing party agree to meet and confer within three (3) calendar days to discuss in good faith alternatives to filing the Highly Confidential Billing Records – Outside Counsel Only Information on the public record. Plaintiffs preserve their rights to seek a writ of mandamus from the Ninth Circuit and/or a stay of any order denying an Administrative Motion to File Under Seal. The parties shall otherwise comply with the applicable court rules (*e.g.*, N.D. Cal. Civil L.R. 79-5) regarding filing of documents under seal. Copies of any pleading, brief, or other document containing Highly Confidential Billing Records – Outside Counsel Only Information which is served on opposing counsel shall be stamped "HIGHLY CONFIDENTIAL BILLING RECORDS – OUTSIDE COUNSEL ONLY

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INFORMATION PURSUANT TO PROTECTIVE ORDER", shall be transmitted via email or cover 2 letter and envelope bearing similar designation, and shall be treated in accordance with the provisions of the Protective Order, as amended. Defendants agree not to oppose a motion to seal Highly 4 Confidential Billing Records – Outside Counsel Only Information.

NO WAIVER

8. While Plaintiffs reserve the right to redact billing records and Defendants reserve the right to challenge Plaintiffs' redaction of such records, the production of billing records, regardless of content, shall not be deemed to waive any applicable privilege or work product protection or to affect the ability of a party to seek relief for an inadvertent disclosure of material protected by privilege or work product protection. Pursuant to the Court's authority under Federal Rule of Evidence 502 and any other applicable law, rule, or legal principal, the inadvertent production of documents or information subject to the attorney-client privilege or work-product immunity shall not waive the privilege or immunity if a request for the return of such documents or information is made promptly after the Disclosing Party learns of its inadvertent production.

INCORPORATION OF PROTECTIVE ORDER

9. Except as set forth herein, for purposes of all Paragraphs of the Protective Order except Paragraph 13, Highly Confidential Billing Records – Outside Counsel Only Information will receive the same treatment under each such Paragraph as Highly Confidential – Counsel Only Information.

10. Except as set forth herein, any challenges or objections concerning the designation of information as Highly Confidential Billing Records – Outside Counsel Only Information shall be made pursuant to the procedures set forth in Paragraph 14 of the Protective Order.

11. Except as set forth herein, the Protective Order, including but not limited to all provisions related to the nondisclosure of protected information, and the return or destruction of protected information after the final termination of the litigation, are expressly incorporated into this Fourth Addendum and remain in full force and effect.

IT IS SO STIPULATED.

STIPULATION AND [PROPOSED] ORDER REGARDING FOURTH ADDENDUM TO STIPULATED PROTECTIVE ORDER - CASE NOS. 4:14-MD-02541-CW (NC) / CASE NO. 4:14-CV-02758-CW (NC)

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	Case 4:20-md03223491-00W Doocumeent113237 Filed 02/18/20 Page 80 of 87		
1	ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)		
2	Pursuant to Civil Local Rule $5-1(i)(3)$, the filer of this document attests that concurrence in the		
3	filing of this document has been obtained from the signatories above.		
4			
5	<u>/s/ Jeffrey L. Kessler</u> Jeffrey L. Kessler		
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	9 STIPULATION AND [PROPOSED] ORDER REGARDING FOURTH ADDENDUM TO STIPULATED PROTECTIVE ORDER - CASE NOS. 4:14-MD-02541-CW (NC) / CASE NO. 4:14-CV-02758-CW (NC)		

	Case 4:20-ond 03223491-000W Doocumeent 113237 Filed 09/18/29 Page 86 of 87		
1	[PROPOSED] ORDER		
2	PURSUANT TO THE FOREGOING STIPULATION OF THE PARTIES,		
3			
4	IT IS SO ORDERED.		
5	Dated:		
6			
7	The Honorable Claudia Wilken United States District Judge		
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	STIPULATION AND [PROPOSED] ORDER REGARDING FOURTH ADDENDUM TO STIPULATED PROTECTIVE ORDER - CASE NOS. 4:14-md-02541-CW (NC) / CASE No. 4:14-cv-02758-CW (NC)		

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8	UNITED STATES DISTRICT COURT					
9	NORTHERN DISTRIC	CT OF CALIFORNIA				
10						
11	In re:	Case No. 14-md-02541 CW (NC) Case No. 14-cv-02758 CW (NC)				
12	NATIONAL COLLEGIATE ATHLETIC ASSOCIATION ATHLETIC GRANT-IN-	ORDER GRANTING STIPULATION				
13	AID CAP ANTITRUST LITIGATION	ON FOURTH ADDENDUM TO PROTECTIVE ORDER				
14		Dkt. No. 1237				
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18	For good cause shown, the Court GRANTS ECF 1237, the stipulation regarding the fourth addendum to the protective order. For purposes of clarity, this order does not modify the standards or procedural requirements for filing materials under seal under N.D. Cal. Civil Local Rule 79-5. The parties must comply with Local Rule 79-5 if they seek to file					
19 20						
20						
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22	materials under seal.					
23 24	IT IS SO ORDERED.					
24 25	Date: September 13, 2019	Netters				
23 26		Nathanael M. Cousins United States Magistrate Judge				
20 27						
28						
_0	Case No. 14-md-02541 CW (NC)					