

UNITED STATES DISTRICT COURT

for the
District of Colorado

ALEX FONTENOT, et al.

Plaintiff

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, et al.,

Defendant

Civil Action No. 1:23-cv-03076-CNS-STV

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS

To: THE COLLEGE SPORTS COMMISSION, LLC
c/o THE CORPORATION TRUST COMPANY
CORPORATION TRUST CENTER 1209 ORANGE ST
WILMINGTON, DE 19801

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A

Place: College Sports Commission
1775 Tysons Blvd., 4th Floor
Tysons Corner, VA 22102

Date and Time:

05/04/2026 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/03/2026

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs

, who issues or requests this subpoena, are:

Garrett R. Broshuis 505 N. 7th Street, Suite 3600, St. Louis, MO 63101 314-241-4844 gbroshuis@koreintillery.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

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PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A
DEFINITIONS

1. The term “Document” or “Documents” means “any designated documents or electronically stored information—including writings, drawings, graphs, charts, photographs, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.” Fed. R. Civ. P. 34(a)(1)(A).

2. The term “Division I college athlete” means a person enrolled at a Division I college or university who participates in organized intercollegiate athletics sponsored by that college or university, and includes the person’s agent or representative.

3. The term “prospective Division I college athlete” means a person recruited to enroll at a Division I college or university to, in the future, participate in organized intercollegiate athletics sponsored by that college or university, and includes the person’s agent or representative.

4. The term “payment” means the provision of any remuneration or benefit that has a monetary value. The term “payment” includes both pecuniary and in-kind contributions.

5. As used herein “You” or “Your” means the entity to whom this subpoena is directed, along with its agents (including members of its governing/advisory boards and committees), subsidiaries, related entities, affiliated companies, predecessors, successors, assigns, officers, directors, partners, employees, or representatives (in their individual or representative capacities).

INSTRUCTIONS

1. Unless otherwise noted, all requests include the time period from June 1, 2016 to the present, and that time period is the “relevant period.” For purposes of compliance with Rule 34 of the Federal Rules of Civil Procedure, Your duty to supplement Your responses shall continue through the date of hearing or trial.

2. Unless otherwise indicated, the documents that shall be produced pursuant to these Requests include all documents prepared, sent, dated or received, or those in effect, or those which

otherwise came into existence, at any time during the Relevant Period.

3. All documents shall be produced that respond to any part or clause of any paragraph of these Requests. You are required to make a diligent search of all Your archives, books, records, papers, and computers, including a diligent inquiry of all officers, directors, agents (including members of its governing/advisory boards and committees), servants, and employees, wherever located, with a view toward obtaining all information available.

4. All documents existing or maintained in electronic format should be produced in their native format, or delimited text format such as tab-delimited or pipe-delimited formats (for numeric information) or in Microsoft Word (for text information). Data may also be provided in Microsoft Excel to the extent that is the native form or the original native forms are unavailable. Otherwise, all documents should be produced in paper format or, if stored on a CD- ROM, thumb drive, or similar storage device, a copy of such CD-ROM, thumb drive, or similar storage device may be produced instead. Directions for Plaintiffs to retrieve documents from other sources do not constitute production, and Plaintiffs reserve the right to bring a motion to compel production of such documents.

5. If any document is unavailable because it was lost or destroyed by You or Your agents, or for any other reason, after fully identifying the document, state when and where it was destroyed or otherwise made unavailable, the name(s) and address(es) of the person(s) who directed, approved, and/or knew of its destruction, and the name(s) and address(es) of the person(s) who has/have knowledge of such document.

6. If You claim that any document required to be produced by you in response to a Request is privileged, then “each reason for objection shall be stated” by identifying with regard to the document (i) the type of document (e.g., letter, memorandum, etc.), (ii) the author(s), (iii) the recipient(s) (including all persons receiving a “cc” or “bcc”), (iv) the date, (v) a summary of the contents, (vi) the privilege claimed, and (vii) the basis for claiming the privilege.

7. If You cannot fully respond to a Request or produce a document for any reason, respond to the extent possible, stating the reason(s) for your inability to respond in full.

8. These Requests shall be deemed continuing, to the full extent required or permitted by Rule 34 of the Federal Rules of Civil Procedure, so as to require supplementary production whenever You obtain knowledge, access, custody, possession or control of any information or document not previously disclosed, which is responsive to any of these Requests.

DOCUMENTS AND THINGS TO BE PRODUCED

1. Documents sufficient to show payments (whether from scholarships, outside NIL, House revenue sharing, or otherwise) made or provided to Division I college athletes or prospective Division I college athletes in the sports of football, women's basketball, men's basketball, baseball, softball, and women's soccer, including information sufficient to identify the athlete, the amount of each payment made to the athlete, the entity making the payment, the purpose of the payment, the school at which the athlete was enrolled or committed to, and the date of each payment. For any payments made pursuant to revenue sharing permitted by the House settlement, the data should show: (1) the base revenue sharing amount offered to the athlete on an annual basis; (2) the total amount paid as of the date of Your production in response to this subpoena; (3) any performance-based revenue-sharing that the athlete received (if applicable); and (4) any formula or criteria used to determine any performance-based award (if applicable).

2. Documents sufficient to show NIL deals submitted to Your NIL Go platform, and the decision made by You on whether to approve the NIL deal, for Division I college athletes or prospective Division I college athletes in the sports of football, women's basketball, men's basketball, baseball, softball, and women's soccer, including information sufficient to identify the athlete, the amount of compensation to be paid pursuant to the NIL deal, the entity making the payment, the purpose of the payment, the school at which the athlete was enrolled or committed to, the date that the payment or payments were to be made pursuant to the NIL deal, whether you approved the NIL deal, and the basis for not approving the NIL deal if You rejected it.