

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

Langston Patterson, et al.

Plaintiff

v.

National Collegiate Athletic Association

Defendant

Civil Action No. 3:25-cv-00994

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: 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 attached Exhibit A.

Place: Baker Botts L.L.P., 700 K Street, N.W., Washington, DC 20001-5692	Date and Time: 05/04/2026 12:00 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

/s/ JoAnna Adkisson

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs
Langston Patterson, et al., who issues or requests this subpoena, are:
Joanna Adkisson, Baker Botts L.L.P., 700 K Street, N.W., Washington, DC 20001-5692 (202-639-1301)
joanna.adkisson@bakerbotts.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).

Civil Action No. 3:25-cv-00994

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.:

Print

Save As...

Add Attachment

Reset

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

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DIEGO PAVIA, et al., Plaintiffs, v. NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, Defendant.	Case No. 3:24-cv-01336 Chief Judge William L. Campbell, Jr. Magistrate Judge Luke A. Evans
LANGSTON PATTERSON, et al., Plaintiffs, v. NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, Defendant.	Case No. 3:25-cv-00994 Chief Judge William L. Campbell, Jr. Magistrate Judge Luke A. Evans
DERRIN BOYD, Plaintiff, v. NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, Defendant.	Case No. 3:25-cv-00729 Chief Judge William L. Campbell, Jr. Magistrate Judge Luke A. Evans

**PLAINTIFFS' NOTICE OF SUBPOENA TO THE
COLLEGE SPORTS COMMISSION, LLC**

PLEASE TAKE NOTICE that pursuant to Rules 34(c) and 45 of the Federal Rules of Civil Procedure, Plaintiffs Langston Patterson, Nicholas “Nick” Levy, Nathaniel Vakos, Kevin Gallic, Lance Mason, Chad Maurice (“CJ”) Taylor Jr., Quincy Skinner Jr., Brayden Schager, Bernard (“BJ”) Harris Jr., John (“Johnny”) Luetzow, Henry Stewart, Jakob Russell, Justine Pissott, Ndjakalenga (“Jak”) Mwenentanda, Lawson Lovering, Ellie Geoffroy, Xcaret (“X”) Pineda, Reese

Ragland, Timo Legout, Diego Pavia, Christopher Bellamy, Demarcus Griffin, TJ Smith, Tre Richardson, Trent Hudson, Andrew Burnette, James Djonkam, Iman Oates, Azariah “Bear” Levells, Jacob De Jesus, David Murphy, Ja’ir Smith, Anthony Frias II, Amani Givens, Zelmar Vedder, Alexander Capka-Jones, and Derrin Boyd (together, “Plaintiffs”) are serving the attached subpoena (the “Subpoena”) upon the College Sports Commission, LLC (“CSC”) seeking production of documents described in Exhibit 1 attached to the Subpoena. The Subpoena is without prejudice to the service of additional subpoenas for documents or testimony upon other entities in this action.

DATED: April 3, 2026

Respectfully,

/s/ Ryan Downton

Ryan Downton (*Admitted to M.D. Tenn.*)

Texas Bar No. 24036500

THE TEXAS TRIAL GROUP

875 Carr 693, Ste. 103

Dorado, PR 00646*

(512) 680-7947

Ryan@TheTexasTrialGroup.com

*Ryan Downton is licensed in Texas, not Puerto Rico

/s/ Salvador M. Hernandez

Salvador M. Hernandez (# 020121)

Milton S. McGee III (# 024150)

RILEY & JACOBSON, PLC

1906 West End Ave.

Nashville, TN 37205

P: (615) 320-3700

F: (615) 320-3737

shernandez@rjfirm.com

tmcgee@rjfirm.com

/s/ JoAnna B. Adkisson

JoAnna B. Adkisson (#041016)

Christopher P. Wilson (*pro hac vice*)

Erik T. Koons (*pro hac vice*)

Bridget Moore (*pro hac vice*)

Michael A. Munoz (*pro hac vice*)

Alexander Kraszewski (*pro hac vice*)

BAKER BOTTS L.L.P.

700 K Street NW

Washington, DC 20001

(202) 639-7700

joanna.adkisson@bakerbotts.com

christopher.wilson@bakerbotts.com

erik.koons@bakerbotts.com

bridget.moore@bakerbotts.com

michael.munoz@bakerbotts.com

alexander.kraszewski@bakerbotts.com

*Counsel for Plaintiffs and the
Proposed Classes*

EXHIBIT 1
DEFINITIONS

A. “Actions” means the cases captioned *Patterson, et al. v. NCAA* now pending in the United States District Court for the Middle District of Tennessee with the Case No. 3:25-cv-00994, *Pavia, et al. v. NCAA* now pending in the United States District Court for the Middle District of Tennessee with the Case No. 3:24-cv-01336, and *Boyd v. NCAA* now pending in the United States District Court for the Middle District of Tennessee with the Case No. 3:25-cv-00729.

B. “All,” “any,” or “each” shall be construed to mean “any and all.”

C. The terms “and” and “or” shall be construed conjunctively or disjunctively, as necessary, to make a Request inclusive.

D. “Associated Entity” is:

1. An entity that is or was known (or should have been known) to the athletics department staff of an institution, to exist, in significant part, for the purpose of (a) promoting or supporting a particular institution’s intercollegiate athletics program or student-athletes; and/or (b) creating or identifying NIL opportunities solely for a particular Member Institution’s student-athletes;
2. An entity that has been directed or requested by an institution’s athletics department staff to assist in the recruitment or retention of prospective or current student-athletes, or otherwise has assisted in the recruitment or retention of prospective or current student-athletes; or
3. Any entity owned, controlled, or operated by, or otherwise affiliated with an associated entity or individual other than a publicly traded corporation.

E. “College Athlete” means a student-athlete who enrolls or is enrolled in a college or university and participates in intercollegiate athletics.

F. “College Sports Commission,” “CSC,” “You,” or “Your” means the College Sports Commission, including its officers, employees, agents, contractors, and any affiliated committees or working groups.

G. “Communication” means any transmission, exchange, or dissemination of information, whether oral, written, electronic, or otherwise (including facts, ideas, inquiries, or other content), by any medium, including but not limited to telephone, email, memorandum, bulletin, presentation, or other forms of communication You created, sent, received, or maintained.

H. “Complaint” means Plaintiffs’ Amended Complaints filed on November 10, 2025, January 6, 2026, and October 27, 2025, respectively, in the United States District Court for the Middle District in the above captioned Actions.

I. “Conference” means any NCAA Member Conference and its constituent entities.

J. “Data” means all information, content, or material, in any form or medium, whether electronic, digital, or tangible, including but not limited to facts, statistics, records, files, text, images, audio, video, or other information that You created, collected, stored, transmitted, or processed.

K. “Databases” means any systems, applications, platforms, software, tools, or repositories used to create, collect, store, process, transmit, manage, or analyze Data, including but not limited to databases, data warehouses, data lakes, information systems, and cloud-based or on-premises environments.

L. “Division I” or “DI” refers to NCAA Division I athletic programs.

M. “Document” shall be synonymous in meaning and equal in scope to the term “documents or electronically stored information” as used in Federal Rule of Civil Procedure 34(a)(1)(A), and shall include all tangible and electronic information, whether printed, typed,

recorded, electronic, filmed, or handwritten, including originals, drafts, duplicates, annotated versions, and non-identical copies.

N. “Entity” means any person or group organized for a specific purpose, including corporations, LLCs, nonprofits, or unregistered organizations.

O. “Identify” with respect to any Data means to provide the (i) source(s) of the data, (ii) descriptions of the data, (iii) dates of the transactions reflected in the data, (iv) dates the data was created, (v) person(s) who created the data, (vi) custodian(s) who maintain(ed) the data, and (vii) the software and/or programs You have used to compile and review the data.

P. “Identify” with respect to any Document(s) means to provide the (i) type of document; (ii) its general subject matter; (iii) date of the document or date range if applicable; and (iv) author(s), addressee(s), and recipient(s). In the alternative, You may produce the Documents, together with identifying information sufficient to satisfy Federal Rule of Civil Procedure 33(d), such as providing the production volume name containing the documents and individual bates labels/ranges for the documents themselves.

Q. “Including” shall mean “including, without limitation.”

R. “NCAA” means the National Collegiate Athletic Association and its officers, employees, governance bodies, agents, contractors, and any affiliated committees and working groups.

S. “NIL” means name, image, and likeness.

T. “NIL Agreements and Deals” means agreements, contracts, or understandings governing NIL Compensation and Consideration that college athletes may receive based on their NIL rights, including, but not limited to, agreements, contracts, or understandings facilitated (but

not paid) by a Member Institution. NIL Agreements and Deals does not include any Revenue Sharing or other Direct Payments.

U. “NIL Compensation and Consideration” means monetary earnings, in-kind value, or any other form of consideration that college athletes may receive based on their NIL rights excluding Revenue Sharing and Direct Payments.

V. “Person” refers to any natural person or legal entity, including corporations, associations, partnerships, joint ventures, trusts, estates, or any other organization. The actions of a person shall include the actions of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on a person’s behalf.

W. “Revenue Sharing” and/or “Direct Payment” means compensation paid and/or funded by the NCAA, a Conference, or a School to college athletes, including but not limited to, roster payments and revenue share.

X. “School” or “Member Institution” means any four-year college or university or two-year upper-level collegiate institution that participates in NCAA intercollegiate competitions.

Y. “School” or “Member Institution” means any four-year college or university or two-year upper-level collegiate institution that participates in NCAA intercollegiate competitions.

Z. “Sufficient to show” means sufficient to permit Plaintiffs to identify, quantify where applicable, and analyze the subject matter described in the Request, including the ability to link and interpret responsive Data using ordinary relational identifiers or other consistent identifiers maintained by You.

INSTRUCTIONS

1. Unless otherwise specified in a Request, the relevant time period applicable to these Requests is August 1, 2015 through the present (“Relevant Time Period”). Each Request shall be

interpreted to include all Documents and/or Data that relate to the Relevant Time Period, even if such Documents and/or Data were prepared or published outside of the Relevant Time Period. If a Document and/or Data prepared before or after the Relevant Time Period is necessary for a correct or complete understanding of any Document and/or Data covered by a Request, You must produce the earlier or later Document and/or Data as well. If a Document and/or Data is undated and the date of its preparation cannot be determined, the Document and/or Data shall be produced if it is otherwise responsive to the Request.

2. For any Request seeking Documents or Data “sufficient to show,” You shall produce Documents and Data that are sufficient for Plaintiffs to identify and analyze the requested subject matter in a reasonably usable form, and shall not satisfy any such Request solely through conclusory narrative descriptions or attorney argument in lieu of producing responsive Documents and/or Data.

3. Plaintiffs seek production of the Documents and Data set forth in the numbered Requests below that are in Your possession, custody, or control, or in the possession, custody, or control of any entity acting on Your behalf or subject to its control regardless of location, and include, unless otherwise specifically indicated, its employees, partners, agents, representatives, commissions, boards, divisions, departments, agencies, instrumentalities, administrators, attorneys, expert witnesses and other Personnel thereof. A Document or Data is to be deemed in Your possession, custody, or control if You (a) own such Document or Data in whole or in part; (b) have a right, by contract, statute, or otherwise, to use, inspect, examine, or copy such Document or Data on any terms; (c) have an understanding, express or implied, that You may use, inspect, examine, or copy such Document or Data on any terms; or (d) have, as a practical matter, been able to use, inspect, examine or copy such Document or Data when You sought to do so.

4. If there are no Documents or Data responsive to a particular Request, You must confirm that no responsive Documents or Data exist by a written statement to that effect.

5. Each Document should be produced in the manner, form, and position in which they are kept in the ordinary course of business, as required by the Federal Rules of Civil Procedure, including, where applicable, any index tabs, file dividers, designations, or other information as to the location of the Documents.

6. For any Request seeking Data, database fields, or system-level information, You shall produce responsive Data in a reasonably usable electronic form, including native or delimited formats (e.g., CSV, XLSX, SQL export, or other reasonably accessible format), together with documentation sufficient to interpret and use the Data, including data dictionaries, field definitions, and descriptions of relational keys or identifiers where applicable.

7. Nothing in these Requests requires You to create new analyses or reports; however, You must produce responsive existing reports, dashboards, extracts, queries, summary tables, presentations, or other compilations maintained in the ordinary course, including existing outputs, and routine exports or reports generated from Your systems or Databases in the ordinary course.

8. Each Request shall be read to be inclusive rather than exclusive. Accordingly, connectives “and” or “or” shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of the Request all information that otherwise might be construed as falling outside of its scope. The word “all” includes “any” and vice versa. The past tense includes the present tense and the present tense includes the past tense. The use of the singular form of any word includes the plural form and vice versa. The masculine form of any word includes the feminine form and vice versa.

9. To the extent that You claim information requested is subject to the attorney-client privilege, work product doctrine, or other applicable privilege, please indicate the assertion of privilege in your response. If You withhold responsive Documents or Data on privilege grounds, You shall identify each withheld Document and Data on a privilege log, including withheld attachments or embedded files, and shall provide sufficient information to permit evaluation of the claim of privilege.

10. Where an objection is made to a Request, state all grounds upon which Your objection is based. If You object to any Request in part, respond to the extent that it does not claim the Request to be objectionable. If You cannot provide a full and complete response to any Request, You should respond to the Request to the extent possible, specifying the portion of the Request You are unable to answer and providing any information it has regarding the unanswered portion.

11. These Requests are continuing in nature. Should You subsequently discover any responsive Documents or Communications responsive to these Requests, You shall promptly produce any such additional Documents or Communications responsive to these Requests.

12. These instructions incorporate all related provisions in the Court's orders and local rules, and nothing herein shall be read to conflict with any requirement or deadline set forth therein.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Documents sufficient to show Your policies, rules, and/or procedures, governing Revenue Sharing or Direct Payment arrangements for compensation paid or made available to Division I College Athletes, and Communications concerning and/or relating to the creation of such policies, rules, and/or procedures.

REQUEST FOR PRODUCTION NO. 2: Documents sufficient to show Your awareness of and adherence to NCAA, Conference, or Member Institution policies, rules, and/or procedures

governing Revenue Sharing or Direct Payment arrangements for compensation paid or made available to Division I College Athletes.

REQUEST FOR PRODUCTION NO. 3: Documents sufficient to show Your methods and procedures for categorizing, structuring, and recording Revenue Sharing or Direct Payments authorized for or distributed to Division I College Athletes

REQUEST FOR PRODUCTION NO. 4: Documents sufficient to show, for each academic year during the Relevant Time Period, the amounts of Revenue Sharing or Direct Payments authorized for and distributed to each Division I College Athlete, School, and Conference.

REQUEST FOR PRODUCTION NO. 5: All analyses, summaries, presentations, and/or reports evaluating the financial value, distributional effects, or competitive impact of Revenue Sharing or Direct Payment compensation paid or made available to Division I College Athletes.

REQUEST FOR PRODUCTION NO. 6: Documents sufficient to show Your analyses of the structure, categories, and/or amounts of Revenue Sharing or Direct Payments authorized for or distributed to Division I College Athletes.

REQUEST FOR PRODUCTION NO. 7: All analyses, summaries, studies, presentations, reports, and/or Communications during the Relevant Time Period evaluating the financial value, distributional effects, or competitive impact of Revenue Sharing or Direct Payment arrangements for Division I College Athletes.

REQUEST FOR PRODUCTION NO. 8: Documents sufficient to show, during the Relevant Time Period, how You collect, track, review, monitor, or summarize Direct Payments, NIL Agreements and Deals, and/or NIL Compensation and Consideration, including, but not limited to, databases, reports, dashboards, or compliance records.

REQUEST FOR PRODUCTION NO. 9: Documents sufficient to show all NIL Agreements and Deals entered into by or on behalf of any Division I College Athlete during the Relevant Time Period.

REQUEST FOR PRODUCTION NO. 10: Documents sufficient to show all NIL Compensation and Consideration received by or on behalf of any Division I College Athlete during the Relevant Time Period.

REQUEST FOR PRODUCTION NO. 11: All analyses, summaries, studies, presentations, or reports evaluating Direct Payments, NIL Agreements and Deals, NIL Compensation and Consideration, NIL markets, or the effect(s) of Direct Payments, NIL Agreements and Deals, fair market value for NIL Agreements and Deals, or NIL Compensation and Consideration on College Athletes' participation in or eligibility for NCAA intercollegiate sports.

REQUEST FOR PRODUCTION NO. 12: Documents sufficient to show which NIL Agreements and Deals entered into by or on behalf of any Division I College Athlete involved an Associated Entity or were otherwise facilitated by a Member Institution during the Relevant Time Period. Such documentation should show the name of the Associated Entity and Member Institution for each such NIL Deal or Agreement.

REQUEST FOR PRODUCTION NO. 13: Documents sufficient to show which proposed NIL Agreements and Deals entered into by or on behalf of any Division I College Athlete and an Associated Entity were rejected by You and the basis for such rejections.

REQUEST FOR PRODUCTION NO. 14: Internal Communications and/or Communications with Member Institutions, Associated Entities, agents for and/or representatives of Division I College Athletes. and/or any other party to an NIL Agreement or Deal, concerning

any NIL Agreement or Deal entered into by or on behalf of any Division I College Athlete related to and/or referencing fair market value for the service(s) and/or intellectual property underlying the NIL Agreement or Deal.

EXHIBIT B

SEP 12 2018

CLERK

DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE: DEFAULT STANDARD	)	
FOR DISCOVERY OF	)	Administrative Order No. 174-1
ELECTRONICALLY STORED	)	
INFORMATION	)	

ADMINISTRATIVE ORDER

1. Introduction. This Administrative Order supersedes Administrative Order No. 174 entered on July 9, 2007. The following default standards shall apply until such time, if ever, the parties reach an alternate written agreement signed by all parties or their counsel governing the conduct of electronic discovery (or "eDiscovery"). The parties shall be prepared to submit any such agreement to the Court promptly upon the Court's request. In an appropriate case with minimal electronic discovery, the parties may, with the Court's permission, elect to opt-out of electronic discovery procedures altogether. In any such case, however, if further developments warrant, the Court may apply the standards of this Administrative Order.

2. General disclosures. At or before the Rule 26(f) conference (held before the initial case management conference), the parties shall exchange and discuss the following information:

- a. **Data Custodians.** A list of the most likely custodians of discoverable electronically stored information (ESI) (including individual parties), together with each person's employer and job title.
- b. **Non-Custodial Data Sources.** A list of any non-custodial data sources (e.g., shared drives, internal servers, enterprise databases or applications) over whom the party has authority likely to contain discoverable ESI.
- c. **Non-Party Data Sources.** A list of any non-party data sources likely to contain discoverable ESI (e.g., third-party email and/or mobile device providers, vendors, contractors, ISPs, social media providers).
- d. **Inaccessible Data.** A list of any data sources likely to contain discoverable ESI (by type, date, custodian, electronic system or other criteria sufficient to specifically identify the data source) that a party asserts is not reasonably accessible under Fed. R. Civ. P. 26(b)(2). ESI not reasonably accessible may include data created or stored in electronic media no longer in normal use, maintained in redundant electronic storage media, or for which retrieval involves disproportionate cost.
- e. Notice of any known problems with electronic discovery.

If the parties need additional time to have a meaningful discussion of the items in sections 2.a – 2.e by the time of the initial case management conference, the parties shall either agree on a

date by which this information will be mutually exchanged or be prepared to discuss the issues with the Court at the initial case management conference.

3. Checklist. In cases where the discovery of ESI is likely to be at issue, the Court expects the parties to engage in on-going meet and confer discussions on ESI and use the attached Checklist (Attachment A) to guide those discussions.

4. Preservation.

A party has an obligation to take reasonable and proportional steps to preserve discoverable ESI in the party's possession, custody or control. The producing party is best situated to evaluate and defend the methods and protocols appropriate for preserving its own ESI.

- a. The following categories of ESI do not automatically have to be preserved, and if any party intends to request the preservation or production of these categories, then that intention should be discussed at the meet and confer or as soon thereafter as practicable:
 - i) Active ESI in a format whose preservation requires modification of the procedures used by the producing party in the ordinary course of business to back up and archive data;
 - ii) Data in metadata fields that are frequently updated automatically; and
 - iii) Other forms of ESI whose preservation requires extraordinary affirmative measures that are not utilized in the ordinary course of business, including legacy or not reasonably accessible ESI.
- b. The Court expects the parties to confer regarding particular date ranges, custodians, types of ESI, and sources of ESI both to minimize the costs and burdens of preservation and to ensure that needed ESI is preserved.
- c. If a dispute arises regarding the scope of a party's obligation to preserve ESI, any party may seek an expedited ruling from the Court on the issue. If appropriate, the Court may require a party who has made an overbroad or disproportionate preservation demand to bear some or all of the producing party's expenses in preserving the disputed ESI.

5. Collection. The producing party is in the best position to determine the method by which it will collect ESI. Parties need not collect ESI before they have conferred regarding the form of production at the Rule 26(f) conference. To the extent the parties have a dispute regarding the method of collection, the parties should be prepared to submit promptly such a dispute to the Court for resolution.

6. Search. The producing party is best situated to evaluate the methods and protocols appropriate for searching its own ESI. ESI searches shall be done using methods and protocols selected by the producing party, if reasonable and likely to locate relevant ESI. The Court expects the parties to discuss potential methodologies for identifying ESI for production. To the extent the parties have a dispute regarding search methodology, the parties should be prepared to submit promptly such a dispute to the Court for resolution.

7. Form of Production. If, during the course of the Rule 26(f) conference, the parties cannot agree to the form(s) of production, ESI shall be produced in a form or forms that is reasonably usable and proportionate, considering such factors as the cost of the form(s) of production, the volume of ESI at issue, and whether there is a need for searchability and metadata. In most cases, the parties need not produce metadata that is not preserved in a “drag and drop” collection. To the extent the parties have a dispute regarding form of production, the parties should be prepared to submit promptly such a dispute to the Court for resolution.

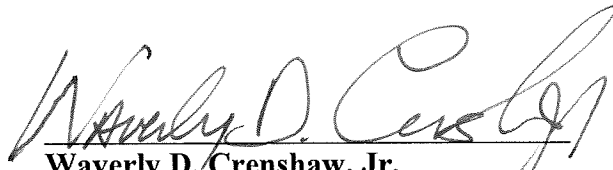
8. Privilege.

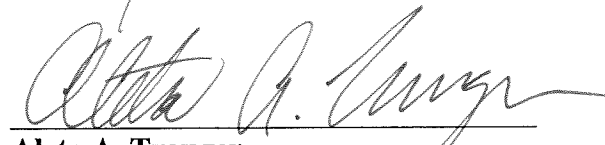
- a. The production of ESI shall not constitute a waiver of the attorney-client privilege or work product protection, even though there is a failure to take reasonable steps to prevent production of information covered by the attorney-client privilege or work product protection, or a failure to take reasonable steps to rectify the error.
- b. Parties are not required to include on privilege logs any document generated after the filing of the complaint. If a log is produced, the Court expects the parties to discuss foregoing using traditional document-by-document logs in favor of alternate logging methods, such as identifying information by category or including only information from particular metadata fields (e.g., author, recipient, date). Compliance with the logging provisions of this section shall not constitute a waiver of any privilege or protection.
- c. No provision of this Order limits the authority of the Court to issue a non-waiver order on other terms and conditions pursuant to Fed. R. Evid. 502(d).

9. Costs. The costs, including attorney fees and vendor fees, of eDiscovery normally shall be borne by the producing party. However, the Court may apportion the costs of eDiscovery upon a showing of good cause. The Court, on motion of one of the parties, will consider the following non-exclusive factors in determining whether any or all eDiscovery costs should be borne by the requesting party: (1) the extent to which the request is specifically tailored to discover relevant information; (2) the availability of such information from other sources; (3) the total cost of production compared to the amount in controversy; (4) the total cost of production compared to the resources available to each party; (5) the relative ability of each party to control costs and its incentive to do so; (6) the importance of the issues at stake in the litigation; and (7) the relative benefits of obtaining the information.

10. Court Order. Nothing in this Order limits the authority of the Court to issue an eDiscovery order on other terms and conditions. This Order may be amended, in whole or in part, by further Order of the Court.

It is so **ORDERED**.



Waverly D. Crenshaw, Jr.
Chief United States District Judge

Aleta A. Trauger
United States District Judge

William L. Campbell, Jr.
United States District Judge

ATTACHMENT A – CHECKLIST FOR RULE 26(f) MEET AND CONFER REGARDING ESI

The discussions and use of this checklist should be framed in the context of the specific claims and defenses involved. The usefulness of particular topics on the checklist, and the timing of discussion about these topics, may depend on the nature and complexity of the matter.

I. Preservation

- ☐ The ranges of creation or receipt dates for any ESI to be preserved.
- ☐ A list of any data sources likely to contain discoverable ESI that a party asserts is not reasonably accessible and that will not be reviewed for responsiveness or produced, but that will be preserved under Fed. R. Civ. P. 26(b)(2).
- ☐ A description of data from sources that (a) the party believes could contain relevant information but (b) has determined, under the proportionality factors, should not be preserved.
- ☐ Whether or not to continue any document destruction program, such as ongoing erasures of e-mails and other electronically-recorded material.
- ☐ The names and/or general job titles or descriptions of custodians for whom ESI will be preserved (e.g., “HR head,” “scientist,” “marketing manager,” etc.).
- ☐ A list of the most likely custodians of discoverable ESI for whom ESI will be preserved.
- ☐ A list of any non-custodial data sources likely to contain discoverable ESI that will be preserved.

II. Proportionality and Costs

- ☐ The amount and nature of the claims being made by either party.
- ☐ The nature and scope of burdens or costs associated with the proposed preservation and discovery of ESI.
- ☐ The likely benefit of the proposed discovery.
- ☐ Costs that the parties will share to reduce overall discovery expenses, such as the use of a common electronic discovery vendor or a shared document repository, or other cost-saving measures.
- ☐ Limits on the scope of preservation or other cost-saving measures.

- ☐ The availability of relevant ESI from other sources.

III. Informal Discovery About Systems

- ☐ Description and location of systems in which discoverable information is stored.
- ☐ How discoverable information is stored.

IV. Search

- ☐ The volume and searchability of any likely relevant ESI.
- ☐ The search method(s) that will be used to identify discoverable ESI and filter out ESI that is not subject to discovery.

V. Phasing

- ☐ Whether it is appropriate to conduct discovery of ESI in phases.
- ☐ Sources of ESI most likely to contain discoverable information and that will be material to proof of claims and defenses raised in the pleadings.
- ☐ Sources of ESI less likely to contain discoverable information from which discovery will be postponed or avoided.
- ☐ Custodians (by name, employer and/or job title) most likely to have discoverable information material to proof of claims and defenses raised in the pleadings.
- ☐ Custodians (by name, employer, and/or job title) less likely to have discoverable information and from whom discovery of ESI will be postponed or avoided.

VI. Production

- ☐ The formats in which structured ESI (database, collaboration sites, etc.) will be produced.
- ☐ The formats in which unstructured ESI (email, presentations, word processing, etc.) will be produced.
- ☐ The extent, if any, to which metadata will be produced and the fields of metadata to be produced.
- ☐ Whether there is a need for searchability.

VII. Privilege

- ☐ How any production of privileged or work product protected information will be handled.
- ☐ Whether the parties can agree upon alternative ways to identify documents withheld on the grounds of privilege or work product to reduce the burdens of such identification.

- ☐ Whether the parties will enter into a Fed. R. Evid. 502(d) Stipulation and Order that addresses inadvertent or agreed production.

VIII. Miscellaneous

- ☐ Whether there are any known problems with electronic discovery.
- ☐ Whether the parties agree that all correspondence, discovery requests and the like may be exchanged by electronic mail.

RECEIVED FOR ENTRY

M

JUL 09 2007

CLERK

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: DEFAULT STANDARD)
FOR DISCOVERY OF) Administrative Order No. 174
ELECTRONICALLY STORED)
INFORMATION ("E-DISCOVERY"))

ADMINISTRATIVE ORDER

1. Introduction. The court expects the parties to cooperatively reach agreement on how to conduct e-discovery. In the event that such agreement has not been reached by the time of the Rule 16¹ initial case management conference, the following default standards shall apply until such time, if ever, the parties reach agreement and conduct e-discovery on a consensual basis.

2. Discovery conference. At or before the Rule 26(f) conference (which is to be held at least 21 days before the initial case management conference), the parties shall exchange and discuss the following information:

- a. A list of the most likely custodians of relevant electronically stored information ("identified custodians"), including a brief description of each person's title and responsibilities.
- b. A list of each relevant electronic system that has been in place at all relevant times and a general description of each system, including the nature, scope, character, organization, and formats employed in each system. The parties shall also include other pertinent information about their electronically stored information and whether that electronically stored information is of limited accessibility. Electronically stored information of limited accessibility may include that created or used by electronic media no longer in use, maintained in redundant electronic storage media, or for which retrieval involves substantial cost.
- c. The name of the individual designated by a party as being most knowledgeable regarding that party's electronic document retention policies ("the retention coordinator"), as well as a general description of the party's electronic document retention policies for the systems identified above.

¹All references to "Rules" herein are to the Federal Rules of Civil Procedure.

- d. The name of the individual who shall serve as that party's "e-discovery coordinator" (see ¶ 3).
- e. Notice of any problems reasonably anticipated to arise in connection with e-discovery.

To the extent that the state of the pleadings does not permit a meaningful discussion of the above by the time of the initial case management conference, the parties shall either agree on a date by which this information will be mutually exchanged or be prepared to discuss the issues with the court at the initial case management conference.

3. E-discovery coordinator. In order to promote communication and cooperation between the parties, each party to a case shall designate a single individual through whom all e-discovery requests and responses are coordinated ("the e-discovery coordinator"). Regardless of whether the e-discovery coordinator is an attorney (in-house or outside counsel), a third party consultant, or an employee of the party, he or she must be:

- a. Familiar with the party's electronic systems and capabilities in order to explain these systems and answer relevant questions.
- b. Knowledgeable about the technical aspects of e-discovery, including electronic document storage, organization, and format issues.
- c. Prepared to participate in e-discovery dispute resolutions.

The court notes that, at all times, the parties and their attorneys of record shall be responsible for responding to e-discovery requests. However, the e-discovery coordinators shall be responsible for organizing each party's e-discovery efforts to insure consistency and thoroughness and, generally, to facilitate the e-discovery process.

4. Timing of e-discovery. Discovery of relevant electronically stored information shall proceed in a sequenced fashion. After receiving requests for document production, the parties shall search their documents, other than those identified as not reasonably accessible because of undue burden or cost, and produce, subject to any objections appropriate under the Federal Rules of Civil Procedure, relevant responsive electronically stored information.

5. Search methodology. If the parties intend to employ an electronic search to locate relevant electronically stored information, the parties shall disclose any restrictions as to scope and method which might affect their ability to conduct a complete electronic search of the electronically stored information. The parties shall use their best efforts to reach agreement as to the method of searching and the words, terms, and phrases to be searched with the assistance of the respective e-discovery coordinators, who are charged with familiarity with the parties'

respective systems. The parties also shall use their best efforts to reach agreement as to the timing and conditions of any additional searches which may become necessary in the normal course of discovery. To minimize the expense, the parties may consider limiting the scope of the electronic search (*e.g.*, time frames, fields, document types).

6. Format. If, during the course of the Rule 26(f) conference, the parties cannot agree to the format for document production, electronically stored information shall be produced to the requesting party as image files (*e.g.*, PDF or TIFF). When the image file is produced, the producing party must preserve the integrity of the electronic document's contents, *i.e.*, the original formatting of the document, its metadata and, where applicable, its revision history. After initial production in image file format is complete, a party must demonstrate particularized need for production of electronically stored information in its native format.

7. Retention. At or before the Rule 26(f) conference, the parties shall attempt to reach an agreement that outlines the steps each party shall take to segregate and preserve the integrity of all relevant electronically stored information. In order to avoid later accusations of spoliation, a Rule 30(b)(6) deposition of each party's retention coordinator may be appropriate.

The retention coordinators shall:

- a. Take steps to ensure that relevant e-mail of identified custodians shall not be permanently deleted in the ordinary course of business and that relevant electronically stored information maintained by the individual custodians shall not be altered.
- b. Provide notice of the criteria used for spam and/or virus filtering of e-mail and attachments. E-mails and attachments filtered out by such systems shall be deemed non-responsive, so long as the criteria underlying the filtering are reasonable.

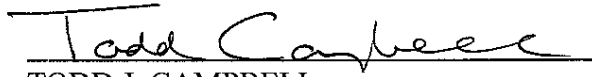
Within seven (7) days of designating the identified custodians, the retention coordinators shall implement the above procedures.

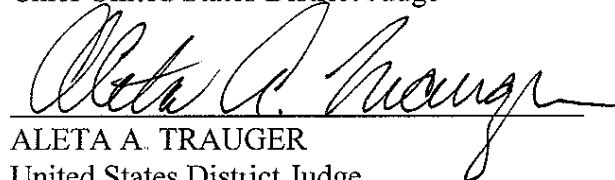
8. Privilege. Electronically stored information that contains privileged information or attorney-work product shall be immediately returned if the documents appear on their face to have been inadvertently produced, or if there is notice of the inadvertent production within thirty (30) days of such. In all other circumstances, Rule 26(b)(5)(B) shall apply.

9. Costs. Generally, the costs of discovery shall be borne by each party. However, the court may apportion the costs of electronic discovery upon a showing of good cause.

10. Court Order. Nothing herein limits the authority of a Judge to issue an e-discovery order on other terms and conditions. This Administrative Order may be amended, in whole or in part, by further Order of the Court.

It is so **ORDERED**.


TODD J. CAMPBELL
Chief United States District Judge


ALET A. TRAUGER
United States District Judge


WILLIAM J. HAYNES, JR.
United States District Judge