#### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA CLARKSBURG DIVISION

STATE OF OHIO, et al.	: : CASE NO: 1:23-cv-00100
Plaintiffs,	: JUDGE JOHN PRESTON BAILEY
v.	
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION	
Defendant.	

## PARTIES' JOINT MOTION TO CONVERT THE TEMPORARY RESTRAINING ORDER TO A PRELIMINARY INJUNCTION, TO VACATE THE SCHEDULED PRELIMINARY INJUNCTION HEARING, AND TO VACATE THE ORDER FOR EXPEDITED DISCOVERY

On December 13, 2023, following a hearing on the Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction, this Court entered a Temporary Restraining Order (ECF 39) enjoining Defendant NCAA's enforcement of NCAA Bylaw 14.5.5.1 and Bylaw 12.11.4.2 for fourteen days pending a scheduled preliminary injunction hearing on December 27,

2023.

Following consultation among the Parties, the Parties jointly request that the Court convert its Temporary Restraining Order into a Preliminary Injunction that will remain in place until the Court decides the merits of this case.

Further, the Parties request that the Court vacate the scheduled preliminary injunction hearing currently set for December 27, 2023. The Parties will recommend proposed trial dates to the Court upon further consultation and guidance from the Court. The Parties respectfully request that any trial date set in this matter be no earlier than the last day of competition in the 2023-24 winter and spring sports seasons and sanctioned tournament play.

Further, the Parties request that the Court vacate its Order for Granting Leave for Expedited Discovery (ECF 55). In the event the Court grants this Joint Motion, the Parties will proceed with discovery in accordance with any other orders from this Court and the applicable rules of procedure.

A Proposed Stipulated Preliminary Injunction is attached to this Motion.

Respectfully submitted,

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<u>s/ Edward J. Olszewski</u> Edward J. Olszewski (*pro hac vice*) Assistant Section Chief, Antitrust Section

<u>s/ Derek M. Whiddon</u> Derek M. Whiddon (*pro hac vice*) Assistant Attorney General, Antitrust Section

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(Signatures added per permission of counsel for Defendant National Collegiate Athletic Association)

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## **CERTIFICATE OF SERVICE**

I, Michael Williams, do hereby certify that on the 15th day of December 2023, I filed the

foregoing document titled PARTIES' JOINT MOTION TO CONVERT THE TEMPORARY

# **RESTRAINING ORDER TO A PRELIMINARY INJUNCTION, TO VACATE THE**

# SCHEDULED PRELIMINARY INJUNCTION HEARING, AND TO VACATE THE ORDER

# FOR EXPEDITED DISCOVERY using the Court's CM/ECF system which will send

notification to all counsel of record.

<u>s/ Michael R. Williams</u> Michael R. Williams Principal Deputy Solicitor General Office of the West Virginia Attorney General

Counsel for Plaintiff State of West Virginia and Local Counsel for Plaintiff States of Ohio, Colorado, Illinois, New York, North Carolina, and Tennessee