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9 *Attorneys for Defendant Pac-12 Conference*

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **OAKLAND DIVISION**

13 IN RE: NATIONAL COLLEGIATE
 ATHLETIC ASSOCIATION
 14 ATHLETIC GRANT-IN-AID CAP
 ANTITRUST LITIGATION
 15

Case No. 4:14-md-2541-CW

**JOINT STIPULATION AMENDING
 SETTLEMENT AGREEMENT**

16 This Document Relates to:

17 ALL ACTIONS EXCEPT

18 *Jenkins v. Nat'l Collegiate Athletic Ass'n*
 19 Case No. 14-cv-02758-CW

1 WHEREAS, Plaintiffs and Defendants (the “Settling Parties”) have agreed to amend the
2 February 3, 2017 Settlement Agreement, Dkt. 560-1 (“Settlement Agreement”) filed in this case
3 to clarify that the Settlement Agreement’s release expressly excludes single plaintiff and class
4 concussion cases, including specifically the *National Collegiate Athletic Association Student-
5 Athlete Concussion Injury Litigation - Single Sport/Single School (Football)*, Case. No. 16-cv-
6 08727 (N.D. Ill.) multidistrict litigation;

7 WHEREAS, the Settling Parties also wish to modify the Settlement Agreement’s
8 definition of Released Claims to clarify their intention that the language of the release conform
9 to the language endorsed by courts in this District, *see Custom LED, LLC v. eBay, Inc.*, 2013 WL
10 6114379, at *4, 9 (N.D. Cal. Nov. 20, 2013) (approving settlement including release of claims
11 “arising out of or relating in any way to any of the legal, factual, or other allegations made in the
12 Action, or any legal theories that could have been raised on the allegations of the Action”);

13 THE SETTLING PARTIES HEREBY STIPULATE, by and through their undersigned
14 counsel:

15 1. Pursuant to paragraph 50 of the Settlement Agreement, the Settling Parties hereby
16 agree to, and do, amend, modify, and restate paragraph 1(x) of the Settlement Agreement to read
17 as follows:

18 “Released Claims” means any and all past, present and future claims, demands,
19 rights, actions, suits, or causes of action, for monetary damages of any kind
20 (including but not limited to actual damages, statutory damages, and exemplary or
21 punitive damages), whether class, individual or otherwise in nature, known or
22 unknown, foreseen or unforeseen, suspected or unsuspected, asserted or
23 unasserted, contingent or non-contingent, under the laws of any jurisdiction,
24 which Releasers or any of them, whether directly, representatively, derivatively,
25 or in any other capacity, ever had, now have or hereafter can, shall or may have,
26 arising out of or relating in any way to any of the legal, factual, or other
27 allegations made in Plaintiffs’ Actions, or any legal theories that could have been

1 raised on the allegations in Plaintiffs’ Actions. Notwithstanding the foregoing, no
2 claims expressly excluded from the scope of the releases pursuant to paragraph 12
3 are “Released Claims.”

4 2. Pursuant to paragraph 50 of the Settlement Agreement, the Settling Parties hereby
5 agree to, and do, amend, modify, and restate paragraph 12 of the Settlement Agreement to read
6 as follows:

7 **12. Claims Excluded from Release.** Notwithstanding the foregoing, the releases
8 provided herein shall not release claims against Defendants solely for prospective
9 injunctive relief for claims arising out of the facts and allegations of the Actions
10 (including but not limited to the claims currently asserted in the Jenkins Action).

11 This Settlement and the release of the Released Claims also is not intended to, and
12 does not, settle, release or discharge the separate claims currently asserted in:

13 *Pugh v. National Collegiate Athletic Association*, Case No. 1:15-cv-01747 (S.D.
14 Ind.); *Deppe v. National Collegiate Athletic Association*, Case No. 1:16-cv-00528
15 (S.D. Ind.); *Vassar v. National Collegiate Athletic Association, et al.*, Case No.
16 1:16-cv-10590 (N.D. Ill.); *In re National Collegiate Athletic Association Student-*
17 *Athlete Concussion Injury Litigation*, Case No. 1:13-cv-09116 (N.D. Ill.);
18 *National Collegiate Athletic Association Student-Athlete Concussion Injury*
19 *Litigation - Single Sport/Single School (Football)*, Case No. 16-cv-08727 (N.D.
20 Ill.); *Dawson v. National Collegiate Athletic Association et al.*, Case No. 16-cv-
21 05487 (N.D. Cal.); and *O’Bannon v. National Collegiate Athletic Association*,
22 Case No. 16-15803 (9th Cir.). This Settlement and the release of the Released
23 Claims also is not intended to, and does not, settle, release or discharge any
24 personal injury or concussion-related claims against the NCAA and/or any
25 member school or conference. This Agreement shall not impair or otherwise
26 affect the right or ability of the plaintiffs in those actions to continue to prosecute
27 those actions or any settlements reached therein. Additionally, the releases

1 provided herein shall not release any claims to enforce the terms of this
2 Agreement.

3 3. Except as expressly modified by the terms of this Joint Stipulation, the Settlement
4 Agreement remains in full force and effect, and together with this amendment, constitutes the
5 final written expression of all the terms of settlement between the Settling Parties.

6 **IT IS SO STIPULATED.**

7 Dated: March 1, 2017

Respectfully submitted,

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

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

/s/ Scott P. Cooper
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