

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

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

**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,

*s/ William C. Becker*

William C. Becker (*pro hac vice*)  
Principal Assistant Attorney General

*s/ Steven A. Oldham*

Steven Oldham (*pro hac vice*)  
Assistant Attorney General, Major Litigation

*s/ Edward J. Olszewski*

Edward J. Olszewski (*pro hac vice*)  
Assistant Section Chief, Antitrust Section

*s/ Derek M. Whiddon*

Derek M. Whiddon (*pro hac vice*)  
Assistant Attorney General, Antitrust Section

Office of the Ohio Attorney General  
30 E. Broad St., 26th Floor  
Columbus, OH 43215  
Telephone: (614) 466-4328  
William.Becker@OhioAGO.gov  
Steven.Oldham@OhioAGO.gov  
Edward.Olszewski@OhioAGO.gov  
Derek.Whiddon@OhioAGO.gov

*Attorneys for Plaintiff State of Ohio*

/s/ Michael R. Williams

Michael R. Williams, Principal Deputy Solicitor General  
Douglas L. Davis, Sr. Assistant Attorney General  
Matthew M. Morrison, Assistant Attorney General

Office of the West Virginia Attorney General  
P.O. Box 1789  
Charleston, WV 25326  
Ph. (304) 558-8986  
Fax. (304) 558-0184  
Michael.R.Williams@wvago.gov  
Douglas.L.Davis@wvago.gov  
Matt.M.Morrison@wvago.gov

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

/s/ Benjamin L. Bailey

Benjamin L. Bailey (WVSB No. 200)  
Christopher D. Smith (WVSB No. 13050)  
BAILEY & GLASSER, LLP  
209 Capitol Street  
Charleston, West Virginia 25301  
(304) 345-6555 (phone)  
(304) 342-1110 (fax)  
bbailey@baileyglasser.com  
csmith@baileyglasser.com

Stephen M. Scannell (Admitted *Pro Hac Vice*)  
BRYAN CAVE LEIGHTON PAISNER LLP  
211 North Broadway Street, Suite 3600  
St. Louis, MO 63102  
(314) 259-2516 (phone)  
(314) 259-2020 (fax)  
Stephen.scannell@bclplaw.com

Philip D. Bartz (Admitted *Pro Hac Vice*)  
BRYAN CAVE LEIGHTON PAISNER LLP  
1155 F Street NW, Suite 700  
Washington, DC 20004  
(202) 508-6000 (phone)  
(202) 508-6200 (fax)  
Philip.bartz@bclplaw.com

Benjamin J. Hogan (WVSB No. 12997)  
BRYAN CAVE LEIGHTON PAISNER LLP  
1700 Lincoln Street, Suite 4100  
Denver, CO 80203-5451  
(303) 866-7000 (phone)  
(303) 866-0200 (fax)  
Ben.hogan@bclplaw.com

*Attorneys for Defendant National Collegiate Athletic Association*

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

**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.

*s/ Michael R. Williams*

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*