

APPENDIX 1

ERIE COUNTY COMMON PLEAS COURT

CASE DESIGNATION FORM

P. I. Other -
W. C. Appr. -
ACTION:

Amount:

Case No 08-CV-0762
Date August 15, 2008
Req. VTT Waived VTT

- (1) Tort-Motor Vehicle Accidents
 - Rear end
 - Intersection
 - Centerline
 - Driver v. Driver
 - Passenger v. Driver
 - Pedestrian
 - Other
- (2) Product Liability
 - Warranty
 - Negligence
 - Strict Liability
- (3) Workers Compensation
- (4) Cognovit Notes
- (5) Contract
 - Personal Property
 - Insurance
 - Other-Breach

- (6) Real Property
 - Landlord-Tenant
 - Condition of Premises
 - Sales
 - Building Contract
 - Quiet Title
 - Adverse Possession
 - Foreclosure
 - Other
- (7) Appeals from Administrative Agencies
- (8) Other - (specify)

PARTIES TO SUIT

<input type="checkbox"/> Jury Demand <input type="checkbox"/> Non Jury

ATTORNEYS

Andrew A. Oliver
165 North Compass Drive
Vermilion, OH 44089-2943

Plaintiff

Richard G. Johnson rgjcolpa@aol.com
220 Crittenden Court Bldg.
955 West St. Clair Avenue
Cleveland, OH 44113-1210
216-696-1000 fax:216-696-0020

VS

National Collegiate Athletic Association
700 West Washington Street
P.O. Box 6222
Indianapolis, Indiana 46206-6222

Defendants

James A. Wilson, Kimberly Weber Herlihy &
Kristi K. Wilhelym
VORYS, SATER, SEYMOUR & PEASE
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008
614-464-5606 fax:614-710-5039

Terminated by:

- 5) Jury Trial
- 6) Court Trial
- 7) Pretrial
- 8) Dismissal
- 8a) Settlement
- 9) Dism. Want of Prosc.
- 10) Default (incl. cognovits)
- 11) Arbitration
- 14) Trans. to other Court
- 15) Bankruptcy stay & Interlocutory appeal

- 08/15/08 Plt's verified complaint for Declaratory, Equitable and Legal Relief with a jury demand endorsed hereon. Application for a T.R.O. and Preliminary injunction with a request for a hearing date, briefing schedule and expedited discovery. Service copies with attached notice of depositions as well as first requests for the answers to interrogatories and the production of documents.
- 08/15/08 J.E. Plt's Motion for Temporary Restraining Order is Granted. **A hearing on Pltfs Application for Preliminary Injunction to be held on September 9, 2008 at 10:00 AM** (see copy of JE below)
- 08/22/08 Motion for Admission ProHac Vice of William C. Odle to Appear as Counsel for Deft. NCAA. JE att.
- 08/22/08 Motion for Admission ProHac Vice of Linda J. Salfrank to Appear as Counsel for Deft. NCAA. JE att.
- 08/22/08 Motion for Admission ProHac Vice of Jonathan F. Duncan to Appear as Counsel for Deft. NCAA. JE att.
- 08/26/08 Pltfs. Notice of Filing of Additional Evidence for the Preliminary Injunction Hearing (NCAA's False Statements)
- 08/26/08 Pltfs. Notice of Filing of Additional Evidence for the Preliminary Injunction Hearing (Pltfs NLI)
- 08/26/08 Pltfs. Motion for Judicial Notice of the Case of Mauk v. NCAA

08/26/08 Pltfs. Motion to Expand & onolidate the PI Hearing with the Jury Trial on the Merits (Liability Only) and Motion to Accelerate Discovery.

08/27/08 J.E. Order admitting Pro Hac Vice **Jonathan F. Duncan** to appear as counsel for Deft National Collegiate Athletic Association. TMT

08/27/08 J.E. Order admitting Pro Hac Vice **William C. Odle** to appear as counsel for Deft National Collegiate Athlectic Association. TMT

08/27/08 J.E. Order admitting Pro Hac Vice **Linda J. Salfrank** to appear as counsel for Deft National Collegiate Athletic Association. TMT **SPENCER, FANE, BRITT & BROWNE, 1000 Walnut Street, Suite 1400, Kansas City, MO 64106-2140. 816-474-8100 fax: 816-474-3216**

08/28/08 Deft. NCAA's Motion for Leave to Seek Relief from Order and for Status Conference. JE att.
Order changing the PI hearing scheduled on September 9, 2008 at 10:00 AM to a status conference here 9/3/08

09/04/08 Pltfs. Bench Brief on the Unincorporated Association Law for the PI Hearing.

09/03/08 Pltfs. Notice of Filing of Additional Evidence for the PI Hearing (affidavit of Michael E. Quiat, Esq.,)

09/03/08 Pltfs. Notice of Filing of Additional Evidence for the PI Hearing (initial Expert Witness report of Michael E. Murman, Esq.,)

09/03/08 Pltfs. Response in opposition to the Defts Motion for Leave to Seek Relief from the TRO. JE att.

09/03/08 Pltfs. Motion for Contempt & Discovery Sanctions or in the alternative Motion to Compel Discovery against the Deft. JE att.

09/05/08 J.E. In place of the Preliminary Injunction Hearing rpeviously scheduled by Court, a Status Conference with the parties will be conducted on 9/9/08 at 10am. TMT (CC to J. Wilson and R. Johnson)

09/08/08 "Faxed Copy" of Letter to Judge Tone from Atty Richard Johnson regarding Judicial Notice of the case of Mauk v. N.C.A.A. dated 8/25/08 please know following: The Mauk Court held permanent injunction hearing on 9/4 & 9/5, 2008; In depo of Samuel Best, Jr. the NCAA attorney Linda Salfrank stipulated: The NCAA is not going to dispute that-is not going to dispute the Plt's allegation that some NCAA rules are intended to benefit sutdent-athletes. We will stipulate to that for purposes of preliminary injunction.

09/09/08 Pltfs. 2nd Motion for a TRO. JE att.

09/09/08 Deft NCAA's Motion for Entry of Protective Order. JE att.

09/09/08 J.E. Plt's Motion for Bifurcation is Denied. TMT

09/09/08 J.E. Plt's Motion to expand and consolidate the Preliminary Injunction Hearing with the Jury Trial on the Merits is Granted. TMT

09/09/08 J.E. Deft's Motion for leave to file Motion to Modify Terms of TRO is Granted: Motion to Modify TRO is to be filed on or before 9/12/08; Response to be filed on or before 9/19/08 and reply brief filed on or before 9/24/08. TMT

09/09/08 J.E. Plt's second Motion for TRO is Denied. TMT

09/09/08 Deft NCAA's memorandum in opposition to Plt's Motion for Contempt and Discovery Sanctions or in the alternative to compel.

09/09/08 J.E. Court determines to reserve ruling on Plt's Motion for contempt and Discovery Sanctions pending the decision on the Protection Order. TMT

09/09/08 J.E. Ordered Plt's Motion for Judicial Notice on the case of Mauk v. NCAA is Denied. TMT

09/09/08 J.E. Civil Trial Order: Case set for Trial on 12/8/08 at 8am; Final PT set for 11/20/08 at 10am; Dispositive Motions to be filed by 10/31/08, response by 11/7/08 and reply by 11/14/08; Status PT hearing scheduled as requested; Discovery cut-off 10/31/08 for both parties including disclosure of witnesses and exchange of exhibits; Itemization submitted of all special damages by 10/31/08; Motions in Limine shall be filed with trial brief. Responses to Motions in Limine shall be filed 7 days prior to Trial; Deposition Testimony (videotape and handwritten)-whenever intended as Trial evidence, the Court must be provided with a complete written transcript of videotape depositions 10 days prior to trial; Motion to Dismiss and/or Motion to Strike Jury Demand to be filed by 9/19/08, response by 9/30/08, reply by 10/10/08; Expert Reports to be exchanged by the parties on or before 10/17/08. TMT

09/10/08 Plt's Response in Opposition to the Defts' Motion for a Protective Order. JE att.

09/12/08 Faxed Copy: Deft National Collegiate Athletic Association's Motion to Dissolve Temporary Restraining Order. JE not att.

09/18/08 Deft National Collegiate Athletic Association's reply memorandum in support of Motion for Entry of Protective Order.

09/19/08 Plt's sur-reply in opposition to the Defts' Motion for a Protective Order.

09/19/08 Deft National Collegiate Athletic Association's Motion to Strike Plt's Jury Demand. JE not att.

09/19/08 Deft National Collegiate Athletic Association's Motion to Dismiss. JE not att.

09/22/08 Plt's response in opposition to the Deft's Motion to Dissolve the TRO. JE att.

09/22/08 Plt's Motion to Strike the Deft's Motions to Dismiss and to Strike the Jury Demand. Immediate Oral Hearing Requested. JE att.

09/23/08 J.E. Protective Order Granted. TMT

09/24/08 FAXED COPY-Deft National Collegiate Athletic Association's response to Plt's Motion to Strike.

09/25/08 Plt's reply in Support of his Motion to Strike the Deft's Motions to Dismiss and to Strike the Jury Demand. Immediate Oral Hearing Requested.

09/25/08 Letter from Richard G. Johnson to Judge Tone regarding: Hardin County Common Pleas Court has scheduled show cause hearing why Deft NCAA should not be held in contempt for violating TRO entered in Mauk v. NCAA.

09/25/08 Faxed Copy- Deft National Collegiate Athletic Association's reply memorandum in support of motion to Dissolve Temporary Restraining Order.

09/29/08 Plt's sur-reply in opposition to the Deft's Motion to Dissolve the TRO.

10/01/08 Plt's Motion for an Extension of Time to Respond in Opposition to the Deft's Motions to Dismiss and to Strike the Jury Demand. JE att.

10/07/08 J.E. Deft NCAA's Motion to Dissolve Temporary Restraining Order is Granted. TMT

10/08/08 Letter from Richard G. Johnson attorney for Plaintiff Mr. Oliver.

10/10/08 Plt's notice of filing of additional evidence for the Preliminary Injunction Hearing. (Initial Expert Witness Report of Professor Richard T. Karcher).

10/10/08 J.E. Plt's Motion to Strike Deft's Motion to dismiss is Denied. Plt to have to and including 10/20/08 to respond to Deft's Motion to Dismiss. Deft to have to and including 10/27/08 to reply to Plt's response. TMT

10/10/08 J.E. Deft NCAA's Motion to Strike Plt's Jury Demand is Denied. TMT

10/14/08 Faxed Copy-Deft NCAA's Supplemental Memorandum in Support of its Motion to Dismiss.

10/15/08 Faxed Copy-Deft NCAA's Motion for Continuance of Case Schedule for two months. JE att.

10/17/08 Plt's response in opposition to the Deft's Motion for a Trial Continuance. JE att.

10/17/08 Letter from Richard Johnson to Judge Tone with e-mail attachments.

10/20/08 Plt's supplemental response in opposition to the Deft's Motion for a Trial Continuance. JE att.

10/20/08 Plt's Response in Opposition to the Deft's Motion to Dismiss. JE att.

10/23/08 FAXED COPY-Motion of Deft for oral argument of its Motion to Dismiss.

10/28/08 FAXED COPY-Deft's reply memorandum in support of its motion to dismiss.

10/29/08 FAXED COPY-Deft NCAA's Motion to designate process server. JE att.

10/29/08 J.E. Ordered law firm of Vorys, Sater, Seymour and Pease designated to make service of process and or subpoenas: Paul Jarrett. TMT

10/30/08 Plt's sur-reply in opposition to the Defendant's Motion to Dismiss.

10/30/08 Plt's notice of filing of additional evidence for the Preliminary Injunction Hearing. (initial expert witness report of Marc S. Isenberg, M.B.A.)

10/31/08 FAXED COPY-Deft NCAA's Motion for Leave to File Motion, Memorandum, and Supporting Materials Under Seal. JE att.

10/31/08 J.E. Ordered Deft granted leave to file under seal the NCAA's Motion for Summary Judgment, Memorandum in Support and supporting materials, including documents and deposition testimony. TMT

11/03/08 Deft NCAA's Motion for Summary Judgment.(PUBLIC VERSION)

11/04/08 Plt's Motion to Strike the Deft's Motion for Summary Judgment with Request for Expedited Ruling. JE att.

11/04/08 Plt's Motion to Unseal the Deft's Motion for Summary Judgment with Request for Expedited Ruling. JE att.

11/04/08 Deft NCAA's notice of filing deposition transcripts under seal: Andrew Oliver taken on 10/21/08; Ben Dyson taken on 10/22/08; Mike Holder taken on 10/22/08; Frank Anderson taken on 10/22/08; Scott Williams taken on 10/22/08; Richard Karcher taken on 10/24/08.

11/04/08 Deft NCAA's notice of filing deposition of Michael Murman taken on 10/29/08.

11/05/08 Plt's response in opposition to the Deft's Motion for Leave to file under Seal its Motion for Summary Judgment with Request for Expedited Ruling. JE att.

11/05/08 Plt's Motion to Dissolve this Court's Protective Order (9/23/08) with request for expedited ruling. JE att.

11/06/08 Plt's Motion to Suppress the Deposition Transcripts filed by the Defendant. JE att.

11/05/08 Amended notice of filing deposition of Michael Murman of Deft NCAA.

11/05/08 Deposition of Michael Murman filed under seal.

11/06/08 Deft NCAA's notice of filing deposition of Andrew Oliver taken 10/21/08 and which replaces prior version filed on 11/4/08. It is being filed under seal.

11/07/08 Faxed Copy-Deft NCAA's Motion to exclude witnesses, exhibits and evidence of special damages.

11/07/08 Faxed Copy-Deft NCAA's memorandum in opposition to Plt's Motion to strike and Motion to Suppress.

11/10/08 Plt's supplement to his Motion to Suppress the Deposition Transcripts filed by the Defendant.

11/10/08 Plt's notice of filing of additional evidence for the Preliminary Injunction Hearing. (Supplemental expert witness report of Michael E. Murman, Esquire)

11/10/08 Plt's notice of filing of additional evidence for the Preliminary Injunction Hearing. (Affidavit of the Barattas)

11/10/08 Plt's notice of filing of additional evidence for the Preliminary Injunction Hearing. (supplemental expert witness report of Professor Richard T. Karcher)

11/10/08 Plt's response in opposition to the Deft's Motion to exclude evidence at trial. JE att.

11/10/08 Plt's response in opposition to the Deft's Motion for Summary Judgment. (exhibit 1 filed under seal) JE att.

11/10/08 Plt's reply in Support of his Motion to Suppress the Deposition Transcripts filed by the Deft as Well as in Support of his Motion to Strike the Deft's Motion for Summary Judgment.
11/10/08 Plaintiff's Exhibit 1 (filed under seal).

Linda if you get anything in regards to this case (pleadings), may I have a copy? Thanxs lu