

Exhibit A

EXHIBIT A		
Inadmissible Factual Assertions in Plaintiffs' Closing Argument Supported by Expert Testimony		
<u>Location in Plaintiffs' Closing Argument</u>	<u>Citation for Factual Assertion</u>	<u>Factual Assertion</u>
<i>page 3, fn 15</i>	Noll Decl. ¶¶ 113-23; Rascher Decl. ¶¶ 223-34; Trial Tr. (Rascher) 21:5-22; id. (Noll) 290:23-292:2, 294:24-298:18; P0123; P0139-0001.	"Defendants simply offered no evidentiary rejoinder to the undisputed fact that their revenues have continued to skyrocket since 2015, when it became commonplace for Class Members to receive compensation significantly in excess of COA and untethered to education."
<i>pages 3-4, fn 20</i>	Trial Tr. (Noll) 297:17-299:14; Rascher Decl. ¶ 178; Noll Decl. ¶¶ 30-31.	"Specifically, the trial evidence—including the evidence documenting the successful history of the Power Five's limited autonomy to increase Class Member compensation, and the historical evidence documenting the undisputed popularity of college sports when conferences individually set all rules on athlete compensation. . . ."
<i>page 15, fn 87</i>	<i>See, e.g.</i> , Noll Decl. ¶¶ 52-56, 69-71, 73-77, 86-92 (examples of new compensation beyond previously drawn amateurism lines); Rascher Decl. ¶¶ 30-91 (same); Trial Tr. (Elzinga) 403:6-404:4 (admitting that none of his analyses show negative impact on consumer demand as the amateurism line is redrawn), 405:25-406:14 (admitting that NCAA's definition of pay in Bylaw 12.02.9 is circular because "it comes from the organization that defines amateurism"); Holzman Tr. 132:9-134:2 (acknowledging her statement from 2007 that \$4,000 above COA would constitute pay-for-play even though such amounts are permitted in various forms now).	"Indeed, rather than imposing compensation restraints calibrated by a consumer-demand analysis, Defendants' rules are a constantly moving target—with many new forms of benefits permitted for Class Members since 2015 alone."
<i>page 16, fn 99</i>	Trial Tr. (Lennon) 1340:3-9; see also Noll Decl. ¶ 73. For other examples of uncapped SAF payments to individual students, see, e.g. , Rascher Decl. ¶¶ 55-56, 61-66, 76-83.	"As a result, schools like Michigan State University can, for example, provide more than \$50,000 to purchase insurance for lost professional earnings for individual athletes."
<i>page 21, fn 130</i>	<i>See, e.g.</i> , Rascher Decl. ¶ 138(c) (University of Kentucky men's basketball team lives in sole male-only dorm on campus, with capacity limited to thirty-two—the team and minimal non-athletes).	"Many Class Members live in housing designed specifically for athletes. . . ."
<i>page 21, fn 134</i>	For example, a Clemson University athletic department spokesman explained that Clemson's football complex "[will] be their home on campus, when they're not in class." Rascher Decl. ¶ 138.	"Universities <i>tout</i> the fact that their housing and athletic facilities permit Class Members to <i>avoid</i> interacting with non-athletes."

page 21, fn 135	Rascher Decl. ¶ 141 (quoting Karen Weaver & Jordan Tegtmeier (2018) Big Time Athletic Villages—Gated Communities Emerging on Campus, <i>Change: The Magazine of Higher Learning</i>).	"These 'segregated athlete village[s]' harm athletes, 'limit[ing] the amount of interaction [they] can have with nonathletes' and 'reducing the chances of developing important relationships outside of the team family.'"
page 25, fn 157	See e.g., Rascher Decl. ¶¶ 52, 142.	"For instance, the trial evidence shows that, since the implementation of rules allowing full COA scholarships, thousands of Class Members have received substantial compensation and benefits—untethered to education and in excess of COA—without any resulting harm to demand or integration."
page 25, fn 158	Joint Stipulation of Facts Concerning Cost of Attendance ("COA Stipulation"), ECF No. 1093, at ¶ 3 (federal government does not regulate how schools calculate miscellaneous-expense amounts); Trial Tr. (Noll) 2123:12-21; Noll Decl. ¶¶ 64-66.	"The amounts are determined by individual schools without NCAA or government supervision; such stipends typically range from \$3,000 to over \$6,000 per student; and the amounts have trended upward year over year."
page 25, fn 159	NCAA (Lennon) Tr. 35:7-16 (NCAA does not monitor how athletes spend COA stipends); <i>id.</i> 38:4-24 (same); Trial Tr. (Lennon) 1353:6-15 (same); Hostetter Tr. 85:13-86:20 (neither NCAA nor ACC regulates how COA stipends are administered by schools or spent by athletes); Noll Decl. ¶¶ 59-60.	"The NCAA rules do not regulate how students use these cash payments. . . ."
page 25, fn 160	Rascher Decl. ¶ 88; Noll Decl. ¶ 61-63; Hostetter Tr. 90:5-20, 94:18-23, 96:18-97:5 (acknowledging that athletes may just pocket the cash if stipend amount exceeds actual costs).	"Plaintiffs have demonstrated that this cash is often spent in ways that have nothing to do with being a student, e.g. , buying videogames and pets, investing, sending money to family."
page 25, fn 161	Rascher Decl. ¶ 58.	"The SAF is funded by revenue distributions from the NCAA's March Madness and NIT basketball contracts, and its purpose is to provide additional financial support to athletes."
pages 25-26, fn 162	Rascher Decl. ¶ 58.	"Notably, there is no cap on the amount of SAF money an individual athlete can receive from a school, and SAF payments are not included in the calculation of an athlete's COA."
page 26, fn 163	Rascher Decl. ¶¶ 58-66, 82 (SAF funds for rehab programs, disability and loss-of-value insurance, travel home, medical, dental and vision expenses, court fees, iPads, car repairs, living expenses, and gas money); see also Noll Decl. ¶ 70.	"Moreover, there is no requirement that SAF funds be used for costs that are related to education."
page 26, fn 164	Rascher Decl. ¶ 62.	"[I]n 2014-15, Florida State provided its star quarterback with \$58,914 in SAF money to purchase professional loss-of-income insurance."

<i>page 26, fn 165</i>	Rascher Decl. ¶ 80; see also P0104-P0105.	"[I]n 2015-16, six Ohio State athletes received payments for loss-of-value insurance, ranging from \$7,324 to \$31,296 (\$101,906 in total) while another five received payments for disability insurance, ranging from \$3,300 to \$10,387.50 (\$32,729 in total)."
<i>page 26, fn 166</i>	Rascher Decl. ¶ 80.	"Other SAF payments to Ohio State athletes in 2015-16 included things like vehicle repairs, parking tickets and utility bills."
<i>page 26, fn 167</i>	Rascher Decl. ¶ 66.	"In the same year, 75% of the scholarship players on the University of Florida men's basketball team received SAF money—with payments ranging up to more than \$1,800—on top of their COA scholarships."
<i>page 27, fn 171</i>	Rascher Decl. ¶ 72; Hostetter Tr. 226:7-227:6.	"[A]s of 2016-17, NCAA rules allowed an FBS football player to receive up to \$5,620 in merchandise (like videogames, jewelry, and electronics) and retail gift cards or pre-paid Visa credit cards based on athletic success."
<i>page 27, fn 175</i>	See Rascher Decl. ¶ 64-66 (2014-15 maximum Pell Grant was \$5,775); <i>see also</i> COA Stipulation at ¶¶ 9-10. In addition, NCAA rules permit certain other government scholarships to be paid to Class Members without reducing COA. J0024-0216 (Bylaw 15.2.5.1, "Exempted Government Grants").	"Defendants have allowed athletes to receive COA scholarships plus the full value of a Pell Grant, which even a few years ago was as much as \$5,775."
<i>pages 27-28, fn 179</i>	See Rascher Decl. ¶ 47; P0030, P0033-P0039, P0048-P0049; P0137.	"The AAC, Big Ten Conference, Mid-American Conference, Mountain West Conference, Pac-12 Conference, Southeastern Conference, Sun Belt Conference, Western Athletic Conference, and the NCAA have also each experienced substantial increases in revenues since the implementation of COA."
<i>page 28, fn 180</i>	Rascher Decl. ¶ 47.	"In 2015-16, the Power Five schools generated \$4.3 billion through basketball and football, compared to \$4 billion in 2014-15."
<i>page 28, fn 182</i>	<i>See</i> Trial Tr. (Petr) 1865:2-25; <i>id.</i> (Noll) 297:17-299:14 ; J0017-13; P0139.	"Plaintiffs further demonstrated major revenue increases since 2015 at the school level for all segments of D-I."
<i>page 28, fn 183</i>	Rascher Decl. ¶ 49.	"Auburn University, an SEC school, announced a \$15 million surplus of revenue in the 2015-16 athletics season, while Arizona State, a Pac-12 school, reported an increase of over \$10 million in athletic revenue for 2016."
<i>page 28, fn 187</i>	Rascher Decl. ¶ 50.	"In 2015, for instance, Nike reached a multi-year contract worth \$250 million in cash and apparel with Ohio State and another in 2016 worth \$125 million with the University of Michigan."

<i>page 28, fn 188</i>	Rascher Decl. ¶ 50.	"Also in 2016, UCLA and Under Armour entered into a deal worth \$280 million, which at the time was the richest deal ever entered into between a school and its apparel partner."
<i>page 31, fn 200</i>	Noll Decl. ¶¶ 30-36; Rascher Decl. ¶ 175. Although the NCAA did attempt to enforce compensation restraints as part of its 1948 "Sanity Code," widespread non-compliance resulted in the abandonment of those restraints after only three years. Noll Decl. ¶ 35.	"In fact, from 1906-1956, the NCAA permitted individual conferences to determine compensation rules and college sports grew in popularity, with no evidence of harm to consumer demand."
<i>page 31, fn 201</i>	<i>See, e.g., infra</i> § VI; Rascher Decl. ¶¶ 46, 52-54, 75-76.	"Similarly, in 2015, the Power Five conferences obtained limited autonomy and adopted new benefits for Class Members—including unlimited meals, enhanced medical benefits, and permitting athletes to borrow against their future earnings to purchase lost-professional-value insurance—again without any adverse impact on consumer demand."
<i>page 33, fn 212</i>	Trial Tr. (Rascher) 174:24-175:21; id. (Scott) 1199:13-1200:24; <i>id.</i> (Smith) 1510:19-1511:8. Conferences also have rulemaking and compliance infrastructures. J0002-J0003, J0005-J0013.	"The trial record established that individual conferences already negotiate their own broadcast agreements and sponsorships, set their own schedules (to the extent not ceded to the broadcasters), and operate their own conference championships without NCAA control."
<i>page 34, fn 219</i>	See Rascher Decl. ¶¶ 96-103 (discussing the "five distinct compensation rule variations" currently in existence within D-I today).	"Nevertheless, even if the Court were to consider the costs of ensuring compliance with any new conference compensation rules to be relevant, the trial evidence shows that individual conferences already enact and enforce differing compensation rules: <i>e.g.</i> , the Ivy League does not permit any athletic scholarships; other conferences permit GIA scholarships; still others permit full COA plus additional benefits; and the Power Five conferences enact their own compensation rules to permit certain additional benefits and leave it for other conferences to decide if they will follow suit."
<i>page 35, fn 223</i>	Hostetter Tr. 35:25-38:13, 39:7-41:6. <i>See also e.g.</i> , Trial Tr. (Rascher) 113:4-11; id. (Lennon) 1583:16-1584:13 (NCAA rules require conferences to maintain "a comprehensive compliance program"); <i>id.</i> (Blank) 893:10-23, 936:17-938:2 (describing University of Wisconsin's compliance and enforcement staff); <i>id.</i> 1204:2-15 (similar and noting that schools "sometimes [] hire outside law firms to" conduct self-investigations); <i>id.</i> (Smith) 1503:10-1504:24 (discussing the role of Ohio State's 12-person compliance department).	"ACC schools, for instance, collectively employ at least 100 full-time compliance personnel and the conference has a five-person compliance team with a \$1.5 million budget."

<i>page 41, fn 266</i>	Noll Decl. ¶¶ 55, 64-66.	"Similarly, many financial aid offices have used their discretion to increase the 'miscellaneous-expense' COA cash stipend paid since <i>O'Bannon</i> by thousands of dollars without the need for any bylaw change."
<i>page 41, fn 268</i>	Rascher Decl. ¶¶ 61, 82.	"For example, since <i>O'Bannon</i> , the evidence shows schools for the first time . . . using the SAF to, for example, pay between \$10,000 and \$60,000 for lost earnings insurance for different students and to distribute \$650 to every member of a football team for unspecified 'living expenses'! . . ."
<i>page 41, fn 270</i>	See, e.g., Rascher Decl. ¶ 206 (discussing Nebraska's Post-Eligibility Opportunities Program); Trial Tr. (Rascher) 19:17-20:1.	"For example, since <i>O'Bannon</i> , the evidence shows schools for the first time . . . offering unprecedented promises of post-eligibility scholarships."
<i>page 42, fn 275</i>	See, e.g., Trial Tr. (Noll) 356:11-358:9.	Footnote text: "The trial record has since established that the NCAA does not currently require any such equal treatment across all athletes, or within teams."