

1 Steve W. Berman (*pro hac vice*)  
2 Craig R. Spiegel (SBN 122000)  
3 HAGENS BERMAN SOBOL SHAPIRO LLP  
4 1918 Eighth Avenue, Suite 3300  
5 Seattle, WA 98101  
6 Telephone: (206) 623-7292  
7 Facsimile: (206) 623-0594  
8 *steveb@hbsslaw.com*  
9 *craigs@hbsslaw.com*

10 Bruce L. Simon (SBN 96241)  
11 Benjamin E. Shiftan (SBN 265767)  
12 PEARSON, SIMON & WARSHAW, LLP  
13 350 Sansome Street, Suite 680  
14 San Francisco, CA 94104  
15 Telephone: (415) 433-9000  
16 Facsimile: (415) 433-9008  
17 *bsimon@pswlaw.com*  
18 *bshiftan@pswlaw.com*

19 *Class Counsel for Jenkins and Consolidated*  
20 *Action Plaintiffs*

21 [Additional counsel listed on signature page]

22 Jeffrey L. Kessler (*pro hac vice*)  
23 David G. Feher (*pro hac vice*)  
24 David L. Greenspan (*pro hac vice*)  
25 WINSTON & STRAWN LLP  
26 200 Park Avenue  
27 New York, NY 10166-4193  
28 Telephone: (212) 294-6700  
Facsimile: (212) 294-4700  
*jkessler@winston.com*  
*dfeher@winston.com*  
*dgreenspan@winston.com*

Jeanifer E. Parsigian (SBN 289001)  
WINSTON & STRAWN LLP  
101 California Street  
San Francisco, CA 94111  
Telephone: (415) 591-1000  
Facsimile: (415) 591-1400  
*jparsigian@winston.com*

*Class Counsel for Jenkins and Consolidated*  
*Action Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

Case Nos. 4:14-md-02541-CW  
4:14-cv-02758-CW

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

**PLAINTIFFS' STATEMENT RE: THE  
DISPOSITION OF *JENKINS V. NCAA***

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

1 Plaintiffs in the above-referenced actions file this statement pursuant to the Court’s May 31,  
2 2019 Order (Dkt. No. 1200)<sup>1</sup> to respectfully request that this Court dismiss without prejudice *Jenkins*  
3 *v. National Collegiate Athletic Association*, No. 14-cv-02758 (“*Jenkins*”). On May 18, 2020, the Ninth  
4 Circuit Court of Appeals unanimously affirmed this Court’s Decision and Injunction in *In re National*  
5 *Collegiate Athletic Association Athletic Grant in Aid Cap Antitrust Litigation*, No. 14-md-02541. Dkt.  
6 Nos. 1284. On August 12, 2020, the Ninth Circuit Court of Appeals issued its mandate, which  
7 immediately entered the injunction into effect. Dkt. No. 1294. Accordingly, in the interest of judicial  
8 economy, Plaintiffs request that the Court dismiss *Jenkins* without prejudice.<sup>2</sup>

9  
10 DATED: August 24, 2020

Respectfully submitted,

11 By /s/ Steve W. Berman  
12 Steve W. Berman (*pro hac vice*)  
13 Craig Spiegel (SBN122000)  
14 HAGENS BERMAN SOBOL SHAPIRO LLP  
15 1918 Eighth Avenue, Suite 3300  
16 Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594  
*steve@hbsslw.com*  
*craigs@hbsslw.com*

By /s/ Jeffrey L. Kessler  
Jeffrey L. Kessler (*pro hac vice*)  
David G. Feher (*pro hac vice*)  
David L. Greenspan (*pro hac vice*)  
WINSTON & STRAWN LLP  
200 Park Avenue  
New York, NY 10166-4193  
Telephone: (212) 294-6700  
Facsimile: (212) 294-4700  
*jkessler@winston.com*  
*dfeher@winston.com*  
*dgreenspan@winston.com*

17 By /s/ Bruce L. Simon  
18 Bruce L. Simon (SBN 96241)  
19 Benjamin E. Shiftan (SBN 265767)  
20 PEARSON, SIMON & WARSHAW, LLP  
21 350 Sansome Street, Suite 680  
San Francisco, CA 94104  
Telephone: (415) 433-9000  
Facsimile: (415) 433-9008  
*bsimon@pswlaw.com*  
*bshiftan@pswlaw.com*

Jeanifer E. Parsigian (SBN 289001)  
WINSTON & STRAWN LLP  
101 California Street  
San Francisco, CA 94111  
Telephone: (415) 591-1000  
Facsimile: (415) 591-1400  
*jparsigian@winston.com*

22 *Class Counsel for Jenkins and Consolidated Action*  
23 *Plaintiffs*

*Class Counsel for Jenkins and Consolidated*  
*Action Plaintiffs*

24 By /s/ Elizabeth C. Pritzker  
25 Elizabeth C. Pritzker (SBN 146267)  
Jonathan K. Levine (SBN 220289)  
Bethany L. Caracuzzo (SBN 190687)  
26 PRITZKER LEVINE LLP

27 <sup>1</sup> All docket references are to the MDL docket, Case No. 14-md-02541-CW.

28 <sup>2</sup> Alternatively, Plaintiffs request that the Court remand *Jenkins* to the District of New Jersey to allow Plaintiffs to request dismissal without prejudice from that court.

180 Grand Avenue, Suite 1390  
Oakland, California 94612  
Telephone: (415) 692-0772  
Facsimile: (415) 366-6110

*Additional Class Counsel*

**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/ Jeffrey L. Kessler*

Jeffrey L. Kessler