

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

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

Nos. 14-md-02541 CW
14-cv-02758 CW

7 This order pertains to all actions

ORDER DENYING
MOTION TO DISMISS
AND MANTAINING STAY
ON JENKINS

(Dkt. No. 1178)

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12 Following the non-jury trial and entry of judgment in In re
13 National Collegiate Athletic Association Athletic Grant-in-Aid Cap
14 Antitrust Litigation, Case No. 14-md-02541 (the consolidated
15 action), the Court requested on March 19, 2019, that the parties
16 address the issue of how the Court should proceed with respect to
17 Jenkins v. National Collegiate Athletic Association, Case No. 14-
18 cv-02758 (Jenkins), which was stayed pending the trial in the
19 consolidated action. Defendants now move to dismiss Jenkins with
20 prejudice on the ground that it is barred by res judicata. See
21 Docket No. 1178. Plaintiffs oppose the motion and request that
22 the Court maintain the stay on Jenkins until the pending appeals
23 in the consolidated action are exhausted, at which point
24 Plaintiffs may either stipulate to dismiss it or move to remand it
25 to the District of New Jersey. See Docket No. 1186.

26 Because maintaining the stay on Jenkins until the appeals on
27 the consolidated action are resolved would not burden any party or
28 the Court, and because maintaining the stay would promote

1 efficiency, the Court DENIES WITHOUT PREJUDICE the motion to
2 dismiss, and GRANTS Plaintiffs' request to maintain the stay on
3 Jenkins pending the appeals in the consolidated action. Within
4 fourteen days of the date on which the mandate resolving the
5 pending appeals in the consolidated action is issued, each side
6 shall file a statement regarding the disposition of Jenkins
7 consistent with the mandate.

8 IT IS SO ORDERED.

9 Dated: May 31, 2019



Claudia Wilken
United States District Judge

United States District Court
For the Northern District of California

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