

# **EXHIBIT A**

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

EDWARD O'BANNON, *et al.*,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION; COLLEGIATE  
LICENSING COMPANY; and  
ELECTRONIC ARTS INC.,

Defendants.

Case No. 4:09-cv-3329-CW

**ALTERNATIVE [PROPOSED] ORDER  
GRANTING INJUNCTIVE RELIEF**

1           The Court, having duly considered the evidence presented at the bench trial in this matter  
2 and consistent with its findings of fact and conclusions of law, hereby orders as follows:

3           1.       Defendant National Collegiate Athletic Association (“NCAA”), its respective  
4 officers, member schools, conferences, agents, servants, employees, licensees, and all persons in  
5 active concert or participation with it, or any of them who receives actual notice of this judgment  
6 by personal service or otherwise, be, and are hereby, permanently restrained and enjoined from  
7 agreeing to:

- 8                   a.   Prohibit prospective, current, or former Division I men’s basketball and  
9                   Football Bowl Subdivision (“FBS”) football players from negotiating or  
10                  entering into a group license with any NCAA member school; conference;  
11                  telecaster; digital or radio broadcaster; filmmaker; or video game  
12                  manufacturer providing payment for the licensing or use of their names,  
13                  images, or likenesses (“NILs”);
- 14                  b.   Prohibit deferred compensation for the licensing or use of prospective,  
15                  current, or former Division I men’s basketball and FBS football players’ NILs  
16                  through a trust fund payable upon expiration of athletic eligibility or  
17                  graduation, whichever comes first;
- 18                  c.   Prohibit the inclusion of compensation for the licensing or use of prospective,  
19                  current, or former Division I men’s basketball and FBS football players’ NIL  
20                  in the award of an athletic scholarship, up to the full cost of attending the  
21                  respective NCAA member school, as defined in 42 U.S.C. § 1087*ll* and  
22                  calculated by each school’s financial aid office applying the same standards,  
23                  policies, and procedures for all students;
- 24                  d.   Prohibit the inclusion of compensation for the licensing or use of prospective,  
25                  current, or former Division I men’s basketball and FBS football players’ NIL  
26                  in the award of an athletic scholarship as well as other bona fide education-  
27                  related expenses;
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- 1 e. Prohibit a prospective, current, or former Division I men's basketball and FBS  
2 football player from receiving compensation for third-party endorsements that  
3 utilize his NIL ("the Olympic model"), subject to the approval of the  
4 respective NCAA member school;
- 5 f. Prohibit member schools and conferences from awarding four-year athletic  
6 scholarships in (partial) exchange for the licensing or use of a prospective,  
7 current, or former Division I men's basketball or FBS football player's NIL;
- 8 g. Prohibit member schools and conferences from awarding guaranteed athletic  
9 scholarships, resumable even after the conclusion of any professional athletic  
10 career or interim period, in (partial) exchange for the licensing or use of a  
11 prospective, current, or former Division I men's basketball or FBS football  
12 player's NIL;
- 13 h. Prohibit member schools and conferences from awarding medical insurance  
14 and related medical expenses in (partial) exchange for the licensing or use of a  
15 prospective, current, or former Division I men's basketball or FBS football  
16 player's NIL;
- 17 i. Prohibit member schools and conferences from providing expenses for receipt  
18 of awards, complimentary admissions to awards ceremonies, postseason travel  
19 for friends and family, expenses incidental to practice (e.g., parking), and  
20 other expenses in conjunction with practice and competition in (partial)  
21 exchange for the licensing or use of a prospective, current, or former Division  
22 I men's basketball or FBS football player's NIL;
- 23 j. Prohibit member schools and conferences from providing expenses for family  
24 travel associated with recruiting in (partial) exchange for the licensing or use  
25 of a prospective, current, or former Division I men's basketball or FBS  
26 football player's NIL; or
- 27 k. Define pay for purposes of the NCAA Division I Manual (including as it  
28 currently appears in the 2013-2014 NCAA Division I Manual, Bylaw 12.02.7)

1 to include compensation for the licensing or use of a prospective, current, or  
2 former Division I men’s basketball or FBS football player’s NIL.

3 2. The NCAA, its respective officers, member schools, conferences, agents,  
4 servants, employees, licensees, and all persons in active concert or participation with it, or any of  
5 them who receives actual notice of this judgment by personal service or otherwise, be, and are  
6 hereby, permanently restrained and enjoined from licensing or using the NILs of prospective,  
7 current, or former Division I men’s basketball and FBS football players without their prior  
8 written consent.

9 3. Any party may seek modification of this Order, at any time, by written motion  
10 and for good cause based on changed circumstances or otherwise.

11 4. This Court shall retain jurisdiction to enforce this Order. In the event that any part  
12 of this Order is violated by the parties named herein or other persons, Plaintiffs may, by motion  
13 with notice to the attorneys for the Defendants, apply for sanctions or other relief that may be  
14 appropriate.

15 IT IS SO ORDERED.

16 Dated: \_\_\_\_\_

17 \_\_\_\_\_  
18 The Honorable Claudia Wilken  
19 United States Chief District Judge

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