

FREQUENTLY ASKED QUESTIONS

1. **Introduction**
2. **What is this case about?**
3. **What is a class action lawsuit?**
4. **Who represents the student-athletes in this lawsuit?**
5. **Why did I receive a letter informing me about the lawsuit and subpoena?**
6. **What is a subpoena?**
7. **Do I have to do anything now?**
8. **Can I contact the law firms that asked for my records?**
9. **Can I call the University Student Attorney about this subpoena or lawsuit?**
10. **Can I tell my parents, relatives or friends about the subpoena and lawsuit?**
11. **Will being a plaintiff against the NCAA affect my eligibility?**
12. **Will being a plaintiff against the NCAA affect my grant-in-aid?**
13. **Is this lawsuit against Texas Tech University?**

Introduction

Welcome to the Texas Tech University Athletics Department FAQ webpage created in connection with the lawsuit filed as Jason White, et al., v. the National Collegiate Athletics Association (CV-06-0999 RGK) in the United States District Court in the Central District of California.

This website is intended to provide general information to Texas Tech student-athletes who received a letter informing them that a subpoena has been issued for information from their educational records. This webpage does not provide legal advice and is not intended as a substitute for legal counsel. A student-athlete who has questions about his rights as a possible plaintiff in this lawsuit or about the subpoena should consult an attorney.

What is this case about?

On February 17, 2006, three former student-athletes at Stanford University, UCLA and the University of San Francisco filed this lawsuit against the National Collegiate Athletics Association (NCAA) on behalf of themselves and student-athletes at major college football programs and men's basketball programs in the ACC, Big East, Big 10, Big 12, Pac-10, SEC, Mountain West, WAC, Atlantic 10, Conference USA, Mid-American, Sun Belt, West Coast, Horizon League, Colonial Athletic Association, or Missouri Valley conferences. This type of legal proceeding is called a class action lawsuit. In general, the lawsuit challenges the NCAA rule that allows universities to provide athletic-based financial aid for tuition, room and board, and required books, but prohibits grants-in-aid from covering incidental expenses student athletes might incur, such as travel, parking, suggested books, insurance, and laundry. The lawsuit alleges, among other things, that without these rules, major college men's basketball and football programs would compete with each other to offer student-athletes athletic

based financial aid packages that pay the full cost of attending the Universities in which the student-athletes enroll.

What is a class action lawsuit?

A class action lawsuit is a type of legal proceeding in which one or more individuals go to court on behalf of all the individuals who share a common interest in the litigation and have similar experiences. A class action lawsuit asks a court to decide whether the rights of all of the people who share these common interests and experiences were violated and to provide some type of relief for all members of the class. Class actions avoid multiple lawsuits by a large number of single individuals and protect those individuals who might not be able to file a lawsuit on their own.

Who represents the student-athletes in this lawsuit?

Attorneys from two law firms represent the student-athletes in this lawsuit. The attorneys are affiliated with Susman Godfrey L.L.P. and Blecher & Collins P.C. Once the law firms obtain the names and addresses of student athletes they believe may be members of the class, those student athletes should receive a letter providing more information about the lawsuit.

The attorneys for the Texas Tech System Office of General Counsel cannot represent you in or give you advice about this lawsuit. Also, your coaches, trainers and other members of the athletics department are not allowed to give you advice about this lawsuit.

Why did I receive a letter informing me about the lawsuit and subpoena?

You received information about the lawsuit because you were awarded an athletic-based grant-in-aid as a member of the TTU football or men's basketball team between February 17, 2002 and the present. You were informed about the subpoena because the law firms that filed the lawsuit on behalf of the student-athletes asked the court to instruct universities whose current or former student-athletes are covered in the lawsuit to give them financial aid records and other information for individuals who may be a part of the class action.

The Family Educational Rights and Privacy Act of 1974, the federal law that makes student educational records confidential requires the University to notify you whenever it receives a subpoena for information from your educational records.

What is a subpoena?

A subpoena is a legal document that orders an individual or organization to appear at a legal proceeding or to produce records for a legal proceeding. The law requires the university to comply with the subpoena unless action is taken that prohibits the university from doing so.

Do I have to do anything now?

If you would like the law firms who filed this lawsuit on your behalf to receive your records, you do not have to take any action. Financial aid information from your records will be released to the law firms on or before January 16, 2007.

If you do not wish to have your records disclosed, you must formally ask the court, in writing, to protect them from release. The formal document is called a "Motion to Quash the Subpoena." The motion must be filed no later than **January 16, 2007** in the court that issued the subpoena – the U.S. District Court for the Eastern District of Texas, Sherman Division.

If the University is notified that you have filed a motion to quash before January 16, 2007, your records will not be released at that time. Instead the University will wait until a judge determines whether the records have to be released. If you file a motion to quash, you should immediately notify the Texas Tech System Office of General Counsel and provide that office a copy of the motion. Again, your records will be released to the law firms that filed this lawsuit if you do not file a motion to quash before January 16, 2007.

Can I contact the law firms that asked for my records?

Yes. You can contact the law firms and ask them about the subpoena as well as the lawsuit. You will not have to pay the attorneys to talk to them about the lawsuit or subpoena. You can contact these law firms at:

Susman Godfrey L.L.P. – (310) 789-3123 and ask for Steven Sklaver or email ssklaver@susmangodfrey.com, or

Blecher & Collins P.C. – (213) 622-4222 and ask for Courtney Palko or email cpalko@bleachercollins.com

Can I call the University Student Attorney about this subpoena or lawsuit?

Yes. Texas Tech provides legal advice to students through Student Legal Services. Student Legal Services is staffed by three full-time licensed attorneys, two clerical staff and several law clerks and interns. You can reach the office at (806) 742-3289 between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. Student Legal Services is located in Room 307 in the Student Union. You can find more information about TTU Student Legal Services at <http://www.depts.ttu.edu/sls/>.

Can I tell my parents, relatives or friends about the subpoena and lawsuit?

Yes. You can talk to anyone you wish about the lawsuit, the letter you received informing you about the subpoena or the subpoena itself. Remember, coaches,

trainers, and other members of the athletics department are prohibited from giving you advice about this lawsuit.

Will being a plaintiff against the NCAA affect my eligibility?

No. Being a plaintiff in this lawsuit will not affect your eligibility. Eligibility is determined by NCAA rules.

Will being a plaintiff against the NCAA affect my grant-in-aid?

No. The amount of financial aid you receive as a student athlete is determined by NCAA rules, federal and state financial aid guidelines and Texas Tech University policy.

Is this lawsuit against Texas Tech University?

No. The lawsuit was filed against the NCAA. It was not filed against TTU, its coaches or members of the athletics department.

DISCLAIMER

This website is intended to provide general information to Texas Tech student-athletes only. It is not intended to provide legal advice and is not a substitute for legal counsel. A student-athlete who has questions about his rights as a possible plaintiff in this lawsuit or about the subpoena should consult an attorney.