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Counsel for Plaintiffs

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **OAKLAND DIVISION**

17 CHUBA HUBBARD AND KEIRA
18 MCCARRELL, on behalf of themselves and all
19 others similarly situated,

20 Plaintiffs,

21 v.

22 NATIONAL COLLEGIATE ATHLETIC
23 ASSOCIATION; ATLANTIC COAST
24 CONFERENCE; THE BIG TEN
25 CONFERENCE, INC.; THE BIG 12
26 CONFERENCE, INC.; PAC-12
27 CONFERENCE; AND SOUTHEASTERN
28 CONFERENCE,

Defendants.

Case No. 4:23-cv-01593-CW

**~~PROPOSED~~ ORDER REGARDING
THIRD-PARTY CLAIMS FILING
SERVICES AS MODIFIED**

1 WHEREAS, the Court **is concerned** that certain solicitations of class members regarding
2 third-party claims filing services have been misleading;

3 AND WHEREAS Plaintiffs are still in the process of sending notice to Class Members
4 and thus expect various third-party entities to seek new business relationships based on the
5 proposed settlement;

6 **AND WHEREAS Plaintiffs' motion for a prospective order concerning misleading**
7 **third-party claims filing services was unopposed;**

8 IT IS HEREBY ORDERED AND DECREED as follows:

9 1. All third-party claims filing companies seeking to represent Class Members in
10 connection with the Settlement are required to include the following in any solicitation
11 or engagement agreement with prospective clients:

12 a. A statement making clear that:

- 13 1. Class Members need not use any third-party service in order to
14 participate in any monetary relief;
- 15 2. the use of a third-party service will not increase any monetary relief that
16 Class Members are eligible to receive under the Settlement;
- 17 3. no-cost assistance is available from the Claims Administrator and Class
18 Counsel during the claims-filing period and their contact information is
19 available on the Court-approved Settlement website, and

20 b. Information (including the full URL or direct link) directing Class Members to
21 the Court-approved Settlement website for additional information.

22 2. The proposed relief outlined above must be included in any solicitation or marketing
23 materials, in any form, including on company websites, in mail and email solicitations, and in
24 telephone and in-person solicitations, as well as in engagement agreements with Class Members.

25 3. Solicitations that do not contain the required information (as set forth above) may
26 be deemed misleading and following notice and an opportunity to cure, those entities may be
27 enjoined permanently from taking any role in the settlement.

28

1 4. Profound Sports shall be required to send, at their own expense, a corrective notice
2 (attached hereto as Exhibit A) to athletes that have been contacted by or engaged with Profound
3 Sports for claims filing services related to the Settlement to ensure that they understand the contract
4 of representation and were not misled by prior solicitations. Upon receipt of the corrective notice,
5 Class Members would have the option to void their contract.

6 5. Class Counsel and the Claims Administrator will continue to monitor third-party
7 claims filing companies to ensure that they comply with any Order of the Court and will provide
8 any third-party filing companies that contact Class Counsel or the Claims Administrator with this
9 Order.

10 **6. Class Counsel and the Claims Administrator shall provide a copy of this order**
11 **to Profound Sports and any other third-party claims filing service companies seeking to**
12 **represent class members in connection with the Settlement of which Plaintiffs or the Claims**
13 **Administrator are aware, and Class Counsel shall post a copy of this order on the settlement**
14 **website.**

15 IT IS SO ORDERED.

16 DATED: November 26, 2024



HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

17 Submitted by:

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