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August 3, 2012

## VIA FACSIMILE/EMAIL & OVERNIGHT DELIVERY

Mark A. Emmert, President  
The National Collegiate Athletic Association  
Office of the President  
1802 Alonzo Watford Sr. Drive  
Indianapolis, Indiana 46202

*(on behalf of himself, the Executive Committee  
& the Division I Board of Directors)*

The National Collegiate Athletic Association  
Infractions Appeals Committee  
Attention: Wendy Walters  
1802 Alonzo Watford Sr. Drive  
Indianapolis, Indiana 46202

**Re: Notice of Intent to Appeal Consent Decree Imposed by the NCAA on The Pennsylvania State University**

To Whom It May Concern:

On behalf of my clients, the Paterno family, who are the living representatives of Joseph V. Paterno and his estate, we file this notice of intent to appeal the NCAA's consent decree entered against The Pennsylvania State University. Pursuant to NCAA Bylaw 32.10.1, the Paterno Family notes that the consent decree was publicly released on July 23, 2012. Pursuant to NCAA Bylaws 32.1.5 and 32.10.1.2, Mr. Paterno qualifies as an involved individual because he is named in the NCAA's consent decree and in the Freeh Report, which provided the factual basis for the consent decree. Finally, pursuant to NCAA Bylaw 32.10.1, or any other source of authority the NCAA claims to have invoked to impose these sanctions, the Paterno Family requests the opportunity to submit its appeal in writing, and requests an in-person oral argument before the Infractions Appeals Committee, the Executive Committee, the Division I Board of Directors, and/or other appropriate audience within the NCAA.

The estate undertakes this appeal to redress the enormous damage done to Penn State, the State College community, former, current and future student and student athletes, Joe Paterno and certain others involved, as a result of the unprecedented actions taken by the NCAA.

As will become evident in a thorough and impartial review, the NCAA acted hastily and without any regard for due process. Furthermore, the NCAA and Penn State's Board Chair and President entirely ignored the fact that the Freeh Report, on which these extraordinary penalties are based, is deeply flawed because it is incomplete, rife with unsupported opinions and unquestionably one-sided. The NCAA and Penn State's leadership, by accepting and adopting the conclusions of the Freeh report, have maligned all of the above without soliciting contrary opinions or challenging a single finding of the Freeh report. Given the extraordinary penalty handed out, prudence and justice require that scrupulous adherence to due process be observed and not completely ignored.

Both the University leadership and the NCAA have said that they had to take extreme and immediate measures to demonstrate respect for the victims and minimize the chance of any similar misconduct from occurring again. These goals are the right ones, and they embody objectives we fully endorse. But those objectives cannot be achieved by a truncated process that wrongly assigns blame by substituting opinion for fact.

If there is culpability in this case, a hearing will help expose it. Due process will not hide the truth and will only illuminate the facts and allow for thoughtful, substantiated conclusions, not extreme and unfounded opinions, such as those offered in the Freeh Report and relied upon by the NCAA.

This matter may be the most important disciplinary action in the history of the NCAA, and it has been handled in a fundamentally inappropriate and unprecedented manner. To severely punish a University and its community and to condemn a great educator, philanthropist and coach without any public review or hearing is unfair on its face and a violation of NCAA guidelines.

Accordingly, we submit this appeal in pursuit, finally, of due process. A fair hearing on the merits is in the interests of justice and fairness for all involved.

We look forward to your acknowledgement of receipt of this timely appeal. In your acknowledgement, we would appreciate confirmation of the exact date triggering the 30-day period for us to submit a written response in support of our appeal.

Respectfully,

 <sup>⑩</sup>

J. Sedwick Sollers III

Appeal Notice re The Penn State University

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cc:      Mark A. Jensen  
          Alan R. Dial