

HOUSE V. NCAA NIL Litigation FERPA Notice

Frequently Asked Questions

What is the House v. NCAA lawsuit?

House et al. v. National Collegiate Athletic Association et al., 4:20-cv-03919-CW and *Oliver v. National Collegiate Athletic Association et al.*, 4:20-cv-04527- CW are cases where current and former NCAA student-athletes are challenging the legality of NCAA rules regarding the use of Name, Image, or Likeness (“NIL”) for student-athletes. The lawsuits seek class-action certification. A copy of the lawsuits can be found at [LAWSUITS](#).

Plaintiffs in those cases have issued a subpoena requesting certain documents. A copy of the Subpoena can be found at [Subpoena](#). ORU understands that as to our student athletes, the subpoena is essentially seeking the following documents:

NIL Deal Data (Requests 1 and 4, modified): Data regarding NIL deals entered into by college athletes. Specifically, non-aggregated data which shows the NIL deals of college athletes and includes (1) student-athletes’ names; (2) the counter-party to the NIL deal (*i.e.*, the entity or person with whom the student athlete made the deal); (3) the value of the deal (whether it be a monetary sum or in-kind exchange); and (4) the type of NIL deal (*e.g.*, social media, brand endorsement, public appearance, etc.).

The Subpoena was sent by Plaintiffs’ attorneys to Teamworks. Teamworks has documents responsive to the above request since ORU is an INFLCR Verified customer and has transactions disclosed by student-athletes in the INFLCR Verified system. Teamworks has inquired of ORU whether there is an objection to producing documents responsive to the Subpoena. ORU’s response is that as an institution, it does not have an objection, however, ORU wanted to provide individual student athletes with notice of this request and an opportunity to object to the release of the information.

What is a document subpoena?

Subpoenas are typically issued by attorneys for persons who are suing or being sued. A document subpoena—like the one served on the universities in this case—is a formal written legal demand to parties in a lawsuit, or entities not involved in the lawsuit but who may possess relevant records, to produce documentation to the side who served the subpoena. ORU understands there is also a Protective Order in place, a copy of which can be found at [Protective Order](#), which limits the use and disclosure of information provided in response to the Subpoena. ORU has advised Teamworks that in addition to the right of individual student athletes to have notice of the Subpoena and an opportunity to object to Teamworks responding to the Subpoena, that all information regarding ORU student-athletes should be designated as confidential and receive the benefits provided under the Protective Order.

Neither you nor ORU is a party to this lawsuit. There is some dispute amongst the various colleges and universities on one hand and the Plaintiffs on the other hand regarding whether the information is an educational record under [the Family Educational Rights and Privacy Act \(FERPA\)](#). FERPA is federal student privacy law which provides among other things, that before records concerning students are provided in response to any subpoena, the student receives notice of the subpoena and has an opportunity to object. The decision whether to object is at your sole option and effort. You can decide whether you would like to make any objection or file any motion with the court, if you determine that there is a legal

basis that information concerning you should not be provided. Otherwise, ORU will not object to the Subpoena and the records will be provided to the requestor by mid-June, 2022.

To be clear, if you do not object to information being provided, you do not need to take any action and your records will be released by Teamworks to the Plaintiffs. If you do not want your records released, you should consult with your legal counsel regarding the actions to take in response to the Subpoena. If you do object to the Subpoena, please provide both ORU and Teamwork with notice of the filing made on your behalf to register your objection. Please understand that neither ORU Athletic Department staff nor ORU counsel are able to provide your personal advice on this matter and that any actions you take regarding objections will be at your own expenses.

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