

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Clarksburg**

**STATE OF OHIO,
STATE OF COLORADO,
STATE OF ILLINOIS,
STATE OF NEW YORK,
STATE OF NORTH CAROLINA,
STATE OF TENNESSEE, and
STATE OF WEST VIRGINIA,**

Plaintiffs,

v.

CIVIL ACTION NO. 1:23-CV-100
Judge Bailey

**NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION,**

Defendant.

ORDER

Pending before this Court is Parties' Joint Motion to Convert the Temporary Restraining Order to a Preliminary Injunction, to Vacate the Scheduled Preliminary Injunction Hearing, and to Vacate the Order for Expedited Discovery [Doc. 57], filed December 15, 2023. Therein, the parties state following consultation among the parties, they jointly request that this Court convert its Temporary Restraining Order into a Preliminary Injunction that will remain in place until this Court decides the merits of the above-styled case. The parties further request this Court vacate the currently scheduled preliminary injunction hearing set for Wednesday, December 27, 2023, at 10:00 a.m.

Moreover, the parties request that this Court vacate its Order granting leave for expedited discovery. Thus, the Motion [**Doc. 57**] is **GRANTED** and this Court holds the following:

WHEREAS the Plaintiff States of Ohio, Colorado, Illinois, New York, North Carolina, Tennessee, and West Virginia filed a Complaint in this matter on December 7, 2023; and WHEREAS the Plaintiff States filed a Motion for a Temporary Restraining Order and Preliminary Injunction on December 7, 2023; and

WHEREAS, following a hearing on Plaintiffs' Motion on December 13, 2023, the Court issued a Temporary Restraining Order (Doc. 39) against Defendant National Collegiate Athletic Association ("NCAA") enjoining the enforcement of NCAA Bylaws 14.5.5.1 ("Transfer Eligibility Rule") and 12.11.4.2 ("Restitution Rule") for fourteen (14) days; and

WHEREAS the Court enjoined these rules to allow NCAA college athletes currently ineligible due to the Transfer Eligibility Rule to play during the time period covered by the Temporary Restraining Order; and

WHEREAS the Court has set a Preliminary Injunction hearing for December 27, 2023, and has entered an Order Granting Leave for Expedited Discovery [**Doc. 55**];

NOW THEREFORE to ensure that NCAA college athletes otherwise ineligible under the Transfer Eligibility Rule can compete in NCAA athletic events during the period of the Temporary Restraining Order with certainty as to the consequences of doing so, and in consideration of the recitals above, the Parties jointly stipulate and agree as follows:

1. The Temporary Restraining Order [**Doc. 39**] issued by this Court on December 13, 2023, in this proceeding is hereby **ORDERED CONVERTED**

to a Preliminary Injunction that **shall remain in effect until a full and final trial and decision on the merits.**

2. The NCAA shall take no action to retaliate against any athlete that participates in athletic competition during the period of this Preliminary Injunction, or the member institution that such athlete attends, based on the athlete's reliance upon the terms of this Preliminary Injunction.
 3. The preliminary injunction hearing currently set for **Wednesday, December 27, 2023, at 10:00 a.m.** is **CANCELED.**
 4. This matter shall be set for trial on the merits no sooner than the last day of competition in the 2023–24 winter and spring sports seasons and sanctioned tournament play. This Court will issue a First Order and Notice following entry of this Order.
 5. The Order Granting Leave for Expedited Discovery [**Doc. 55**] is **VACATED.**
- It is so **ORDERED.**

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: December 18, 2023.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE