

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

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| COMMONWEALTH OF | : | ELECTRONICALLY FILED |
| PENNSYLVANIA, THOMAS W. | : | |
| CORBETT, JR., GOVERNOR, | : | |
| Plaintiff, | : | |
| v. | : | Civil Action No.: 1:13-cv- |
| | : | 000060-YK |
| THE NATIONAL COLLEGIATE | : | |
| ATHLETIC ASSOCIATION, | : | (THE HONORABLE YVETTE |
| Defendant. | : | KANE) |

DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT

Defendant The National Collegiate Athletic Association (“NCAA”) moves this Court pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss the Complaint filed in the above-captioned matter. For the reasons set forth in the NCAA’s accompanying Memorandum of Law in Support of Motion to Dismiss, which will be filed pursuant to Local Rule 7.5, the NCAA respectfully asks this Court to dismiss the Complaint with prejudice, tax all costs to Plaintiff, and provide all other just and proper relief.

Date: February 7, 2013

Respectfully submitted,

/s/Thomas W. Scott

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Attorneys for Defendant

The National Collegiate Athletic

Association

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| | : | KANE) |

CERTIFICATE ON NON-CONCURRENCE

Defendant has sought concurrence from Plaintiff's counsel with regard to Defendant's Motion to Dismiss the Complaint. Plaintiff's counsel does not concur.

Date: February 7, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that I am this day serving a copy of Defendant's Motion to Dismiss and the Certificate of Non-Concurrence upon the persons and in the manner indicated on the attached Service List.

Date: February 7, 2013

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