

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
Division of Administrative Law Judges  
San Francisco Branch Office**

**UNIVERSITY OF SOUTHERN CALIFORNIA;  
PAC-12 CONFERENCE; NATIONAL  
COLLEGIATE ATHLETICS ASSOCIATION**

**Joint Employers**

**and**

**Case No. 31-CA-290326**

**NATIONAL COLLEGE PLAYERS ASSOCIATION**

**COUNSEL FOR THE GENERAL COUNSEL’S OPPOSITION TO RESPONDENT  
UNIVERSITY OF SOUTHERN CALIFORNIA’S MOTIONS IN LIMINE**

Pursuant to Section 102.24 of the Rules and Regulations of the National Labor Relations Board (Board), as amended, Counsel for the General Counsel (General Counsel) files this response in opposition to Respondent University of Southern California’s (Respondent USC) Motions in Limine, which are attached as Exhibit A. As set forth below, the General Counsel respectfully urges the Administrative Law Judge to deny Respondent USC’s Motions in their entirety.

**I. INTRODUCTION**

On September 15, 2023<sup>1</sup>, the Regional Director issued an Amended Complaint and Notice of Hearing (Amended Complaint) in the above-captioned matter. The Amended Complaint alleges, *inter alia*, that at all material times, Respondent USC’s scholarship and non-scholarship/walk-on players on the football and both women’s and men’s basketball teams (“Players”) have been employees within the meaning of Section 2(3) of the Act and that

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<sup>1</sup> All dates referenced herein refer to 2023 unless specifically noted otherwise.

Respondents have been joint employers of the Players. The Amended Complaint further alleges that since at least August 9, 2021, Respondent USC has maintained certain unlawful rules and that Respondents, both jointly and severally, have intentionally misclassified the Players as non-employee student athletes in order to deprive the Players of their rights under Section 7 of the Act and to discourage employees from engaging in protected concerted activities and have, either intentionally or not intentionally, misclassified the Players as non-employee student athletes.

On September 30, Respondents NCAA and Pac-12 filed Answers to the Amended Complaint and on October 1, Respondent USC filed an Answer to the Amended Complaint. On October 18, Respondents each individually filed Motions to Dismiss and on November 3, the General Counsel filed an Opposition to Respondents' Motions to Dismiss. On November 7, Administrative Law Judge Laws denied Respondents' Motions to Dismiss in their entirety.

On November 6, Respondent USC filed three Motions in Limine seeking to exclude certain testimony and documentary evidence. Only two of those motions are addressed in this opposition.<sup>2</sup> One seeks to exclude testimony and documentary evidence regarding revenue generated by Respondent USC's football team, men's basketball team, and women's basketball team and the other seeks to exclude testimony and documentary evidence regarding the employment terms of the coaches for the three teams.

On November 7, Administrative Law Judge Laws ordered that any response to Respondent USC's Motions in Limine be submitted by November 22. The hearing in this matter is set to resume on Monday, December 18.

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<sup>2</sup> At the hearing on November 7, the General Counsel orally opposed Respondent USC's third Motion in Limine, which seeks to exclude testimony and documentary evidence beyond the Section 10(b) period, citing to arguments set forth in the General Counsel's Opposition to the Petitions to Revoke.

## II. ARGUMENT

The Board's Rules and Regulations provide for the hearing to be conducted, as practicable, "in accordance with the rules of evidence applicable in the district courts of the United States." 29 C.F.R. § 102.39. Accordingly, the rules of evidence applicable to this proceeding are established by the Federal Rules of Evidence. With respect to relevance, "[e]vidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action." Fed. R. Evid. 401. "The Rule's basic standard of relevance thus is a liberal one." *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 587 (1993); see also *Bielunas v. F/V Misty Dawn, Inc.*, 621 F.3d 72, 76 (1st Cir. 2010) ("A relevancy-based argument is usually a tough sell. The definition of relevance is quite expansive... To be relevant, the evidence need not definitively resolve a key issue in the case – it need only move the inquiry forward to some degree." (internal citations omitted)). The Board consistently construes relevancy as "an extremely broad concept." See, e.g., *Wright Electric, Inc.*, 327 NLRB 1194, 1205 (1999), *enfd.*, 200 F.3d 1162 (8th Cir. 2000).

"Courts have recognized that motions in limine should be granted sparingly and only in those instances when the evidence plainly is inadmissible on all potential grounds." *Campbell v. Union Pacific Railroad Co.*, 2021 WL 1341037 at \*1 (D. Id. Apr 9, 2021) (internal quotations omitted). The burden of proof when seeking to exclude evidence is on the party seeking exclusion. *Centre Hill Courts Condominium Ass'n v. Rockhill Ins. Co.*, 2020 WL 496065 at \*1 (S.D. Fla. Jan. 30, 2020) (quoting *United States v. Gonzalez*, 718 F. Supp. 2d 1341, 1345 (S.D. Fla. 2010)). As Respondent USC's Motions attempt to exclude evidence that, as shown below, is

relevant to the allegations in the instant proceeding, Respondent USC's Motions should be denied in their entirety.

**A. Information Regarding the Revenues of the Three Sports Is Relevant.**

Respondent USC seeks an order excluding testimony and documentary evidence regarding the revenue generated by USC's football team, men's basketball team, and women's basketball team, arguing that the revenue information is irrelevant to the allegations in the Amended Complaint. Respondent USC's arguments are unavailing.

The Amended Complaint alleges that the Players, including walk-on/non-scholarship Players, are employees within the meaning of Section 2(3) of the Act. In determining whether individuals are employees under the Act, the Board has long made use of common-law agency rules governing the conventional master-servant relationship.<sup>3</sup> Under those rules, an employee includes any person "who perform[s] services for another and [is] subject to the other's control or right of control." This analysis is necessarily extensive, and a wide variety of evidence may be relevant to the employee determination. This is especially true in a situation like here, where the Board has never found this group of individuals to be employees under the Act.

It is undeniable that the Players perform valuable services for Respondent USC. Their services enable USC to have football and basketball programs that compete in the highest division of college football and basketball in the nationally-known Pac-12 Conference. Through the services performed by the Players, Respondent USC derives substantial financial benefits, both directly (e.g., through ticket sales and media deals) and indirectly (e.g., the football and basketball programs provide an immeasurable positive impact to the school's reputation, which,

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<sup>3</sup> See *Columbia University*, 364 NLRB 1080, 1086 (2016) (applying common-law to find student assistants to be NLRA employees); *Boston Medical Center Corp.*, 330 NLRB 152, 160 (1999) (applying common-law to find house staff to be NLRA employees). See also *Town & Country*, 516 U.S. 85, 93-95 (1995) (finding the common-law supported the Board's broad interpretation of employee status).

in turn, boosts student applications and alumni financial donations). This was confirmed by the current Pac-12 commissioner who stated that investing in better coaches and facilities for a football program ends up with the school getting better recruits, which “lead[s] to more wins and that leads to direct and indirect revenue, alumni engagement, increased undergraduate applications” and, further, that “all of our athletic directors, certainly all of our football coaches, and I believe all of the presidents and chancellors understand that dynamic.”<sup>4</sup> The extent of the financial benefits, including revenue, derived by Respondent USC is therefore relevant to the discussion of the valuable services performed by the Players.

Moreover, in *Northwestern University*, 362 NLRB 1350 (2015), which Respondent USC conveniently ignores here but readily cites in other pre-trial motions and an affirmative defense, the Board explicitly discussed the Northwestern football program’s revenue and the ways in which the collegiate football system resembles a professional sport in several relevant ways, including the substantial revenues they receive. It is noteworthy that the sole Board case involving the “novel and unique circumstances” of college athletics permitted documentary and testimony evidence regarding revenues. In light of the foregoing, such evidence should also be permitted here.

This determination is further bolstered by a review of the Supreme Court’s decision in *NCAA v Alston*, 141 S.Ct. 2141 (2021). In *NCAA v. Alston*, the Supreme Court unanimously rejected the NCAA’s antitrust defense based on the notion of amateurism in college athletics. *Id.* The Supreme Court recognized that amateurism in college sports has changed significantly in recent decades and rejected the notion that NCAA compensation restrictions are “forevermore”

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<sup>4</sup> See <https://soundcloud.com/kxtg-the-bald-faced-truth/bft-interview-george-kliavkoff-1> (at 4:00-4:28).

lawful. *Id.* at 2158. Given that Respondents here will rely on the same notion of amateurism to defend themselves against the allegations in the Amended Complaint, it is imperative that the General Counsel be able to respond. Moreover, Respondents have invoked substantial public policy arguments in support of their respective positions and the General Counsel must be afforded the same opportunity.

Finally, the only subpoena request seeking information related to the revenue for USC's football team, men's basketball team, and women's basketball team is Request No. 52, which was significantly narrowed by the General Counsel. As set forth in the General Counsel's Opposition to USC's Petition to Revoke the Subpoena, the General Counsel clarified that with respect to Request No. 52, we intend to seek judicial notice of the U.S. Department of Education's Equity in Athletics Data Analysis specific to Respondent USC for reporting year 07/01/2021-6/30/2022, which is available at <https://ope.ed.gov/athletics/#/>. The General Counsel proposed a stipulation as to the authenticity of the data submitted to the Department of Education, which would obviate the need to produce any additional documents pursuant to this request. The limited nature of the documentary evidence sought by the General Counsel further supports denying Respondent USC's Motion. There is no reason to believe Respondent USC's self-serving argument that the revenue evidence, if admitted, would confuse the issue at hand and unnecessarily delay and waste time in these proceedings.

Simply put, the revenue information is not plainly inadmissible on *all* potential grounds. Because the revenue information may move the employee status inquiry forward to even some degree, it should not be preemptively excluded through a motion in limine.

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**B. Limited Information Regarding the Salaries of the Head Coaches Is Relevant.**

Respondent USC similarly seeks to exclude any testimony or documentary evidence regarding the employment terms and conditions, including salaries and contracts, of alleged supervisors and executives, including USC's coaches for the USC football team, men's basketball team and women's basketball team.

While Respondent USC is correct that the General Counsel has the burden of establishing the relevance of evidence at trial, the burden of proof when seeking to exclude evidence is on the party seeking exclusion. *Centre Hill Courts Condominium Ass'n v. Rockhill Ins. Co.*, supra. Respondent USC has not met that burden. Like with the revenue information, it is relevant and noteworthy that Respondent USC makes millions from the labor of the Players and that the USC coaching staff is among the highest paid in the Pac-12 conference. The lucrative nature of the college athletics business is reflected in the revenues, as noted above, and in the salaries earned by the conferences and the coaches. Thus, this information is relevant and not plainly inadmissible on *all* potential grounds.

This is especially true given the limited nature of the information sought by the General Counsel. Although Subpoena Requests Nos. 53-55 originally sought the employment contracts for the head coaches of the three teams, as set forth in the Opposition to the Petition to Revoke, the General Counsel has significantly narrowed the request. The General Counsel expressly stated that we are not seeking the full employment contracts for the coaches and proposed a general stipulation regarding the salaries of the coaches, such as: "The USC Football Coach Lincoln Riley earns more than \$1 million per year, the USC Men's Basketball Coach Andy Enfield earns more than \$1 million per year, and the USC Women's Basketball Coach Lindsay Gottlieb earns more than \$500,000 per year." Many reputable news sources report that the

salaries of these coaches *far* exceed these amounts, so the “unfair prejudice” to USC is nonexistent.

As discussed above, Respondents intend to invoke amateurism as a defense to the Amended Complaint and the General Counsel deserves the opportunity to combat such notions of amateurism, including making reference to the fact that the USC coaches make millions of dollars off the labor of the Players. There is simply no reason to believe Respondent USC’s argument that the limited nature of the evidence it seeks to exclude would result in unfair prejudice, confuse the issue, or cause undue delay and waste time.

### **III. CONCLUSION**

Based on the foregoing, the General Counsel respectfully requests that the Administrative Law Judge deny Respondent USC’s Motions in their entirety and find that the limited nature of the documentary evidence and potential testimonial evidence should be allowed, especially given the “novel and unique circumstances” of college athletics presented in this case.

Dated at Los Angeles, California, this 16th day of November, 2023.

Respectfully submitted,

/s/ Amanda Laufer

Amanda Laufer

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**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 31**

UNIVERSITY OF SOUTHERN  
CALIFORNIA; PAC-12 CONFERENCE;  
AND NATIONAL COLLEGIATE  
ATHLETICS ASSOCIATION,

Respondents,

Case No. 31-CA 290326

and

NATIONAL COLLEGE PLAYERS  
ASSOCIATION

Charging Party.

**RESPONDENT UNIVERSITY OF SOUTHERN CALIFORNIA'S  
MOTION IN LIMINE TO EXCLUDE TESTIMONY AND DOCUMENTARY EVIDENCE  
REGARDING REVENUE GENERATED BY UNIVERSITY OF SOUTHERN  
CALIFORNIA'S FOOTBALL TEAM, MEN'S BASKETBALL TEAM AND WOMEN'S  
BASKETBALL TEAM**

November 6, 2023

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1 Pursuant to Sections 102.24, 102.35(a)(4), 102.35(a)(8) and 102.39 of the National Labor  
2 Relations Board's ("Board" or "NLRB") Rules and Regulations and Federal Rules of Evidence  
3 ("FRE") 401 to 403, Respondent University of Southern California ("USC"), by its attorneys  
4 Morgan, Lewis & Bockius LLP, hereby respectfully moves Administrative Law Judge Eleanor  
5 Laws for an order excluding testimony and documentary evidence regarding the revenue generated  
6 by USC's football team, men's basketball team and women's basketball team.

7 Respondent USC also respectfully moves Administrative Law Judge Eleanor Laws for an  
8 order precluding Counsel for General Counsel from referring to, interrogating any witness  
9 concerning, commenting on or attempting to introduce any testimony and/or documentary evidence  
10 regarding the revenue generated by USC's football team, men's basketball team and women's  
11 basketball team.

12 Counsel for General Counsel has indicated it intends to introduce testimony and/or  
13 documentary evidence about the revenue generated by USC's football team, men's basketball team  
14 and women's basketball team.

15 Pursuant to FRE 401, evidence is relevant if "it has a tendency to make a fact more or less  
16 probable than it would be without the evidence." However, even when evidence clears the low bar  
17 of relevancy, its introduction at a proceeding is not guaranteed. Specifically, relevant evidence can  
18 be excluded from a proceeding if:

19 its probative value is substantially outweighed by a danger of one or  
20 more of the following: unfair prejudice, **confusing the issues**,  
21 misleading the jury, **undue delay, wasting time**, or needlessly  
presenting cumulative evidence.

22 FRE 403. (emphasis added.). The Board has recognized an administrative law judge authority to  
23 exclude evidence pursuant to FRE 403. *In re Stroehmann Bros.*, 268 NLRB 1360, fn. 10 (1984).

24 Here, any revenue generated by USC's football team, men's basketball team and/or  
25 women's basketball team are both irrelevant and do not provide any evidence related to Counsel  
26 for General Counsel's theory that USC allegedly committed an unfair labor practice related to the  
27 classification of its student-athletes as such, nor would it tend to make any element of the Counsel  
28 for General Counsel's allegations of misclassification more or less probable. There is no probative

1 value that could logically be considered evidence of an alleged employment relationship of the  
2 student-athletes, which is a basis of the unfair labor practice as alleged by Counsel for General  
3 Counsel. Moreover, if such evidence were to be admitted, it would serve nothing but to confuse the  
4 issue at hand, unnecessarily delay and waste time in these proceedings.

5 It is important to note that USC has not made it a disputable issue whether the NLRB has  
6 jurisdiction over USC. Perhaps, in that hypothetical scenario, evidence regarding revenue and  
7 interstate commerce as it relates to USC's football team, men's basketball team and/or women's  
8 basketball team could be partially relevant to evaluate whether USC falls under the NLRB's  
9 jurisdiction. However, the Counsel for General Counsel's theory of an unfair labor practice does  
10 not question nor raise the issue of jurisdiction, nor has USC challenged the NLRB's jurisdiction.  
11 As such, any inquiry into revenue, whether through testimony or documentary evidence, is entirely  
12 unjustified and the Counsel for General Counsel should be prohibited from presenting any evidence  
13 that is both irrelevant and does not provide even a sliver of support to its theory of USC's alleged  
14 unfair labor practice.

15 WHEREFORE, USC respectfully requests that Administrative Law Judge Eleanor Laws  
16 grants USC's Motion in Limine to exclude testimony and documentary evidence regarding the  
17 revenue generated by USC's football team, men's basketball team and women's basketball team.

18 Dated: November 6, 2023

MORGAN, LEWIS & BOCKIUS LLP

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20  
21 By   
22 Adam C. Abrahms  
23 Neresa A. De Biasi  
24 *Attorneys for Respondent University of*  
25 *Southern California*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that in accordance with section 102.5 and 102.31 of the NLRB Rules and  
3 Regulations, on November 6, 2023, I served the foregoing RESPONDENT UNIVERSITY OF  
4 SOUTHERN CALIFORNIA'S MOTION IN LIMINE TO EXCLUDE TESTIMONY AND  
5 DOCUMENTARY EVIDENCE REGARDING REVENUE GENERATED BY UNIVERSITY  
6 OF SOUTHERN CALIFORNIA'S FOOTBALL TEAM, MEN'S BASKETBALL TEAM AND  
7 WOMEN'S BASKETBALL TEAM on the Parties and in the manner set forth below, with  
8 confirmation of delivery:

6 National Labor Relations Board  
7 Division of Judges  
8 By E-Filing at [www.nlr.gov](http://www.nlr.gov)

8 ***Charging Party (via email):***

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25 Dated: November 6, 2023

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MORGAN, LEWIS & BOCKIUS LLP

26 By: 

27 Juan Larios

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**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 31**

UNIVERSITY OF SOUTHERN  
CALIFORNIA; PAC-12 CONFERENCE;  
AND NATIONAL COLLEGIATE  
ATHLETICS ASSOCIATION,

Respondents,

Case No. 31-CA 290326

and

NATIONAL COLLEGE PLAYERS  
ASSOCIATION

Charging Party.

**RESPONDENT UNIVERSITY OF SOUTHERN CALIFORNIA'S  
MOTION IN LIMINE TO EXCLUDE TESTIMONY AND DOCUMENTARY EVIDENCE  
REGARDING THE EMPLOYMENT TERMS OF ALLEGED SUPERVISORS AND  
EXECUTIVES, INCLUDING COACHES FOR THE UNIVERSITY OF SOUTHERN  
CALIFORNIA'S FOOTBALL TEAM, MEN'S BASKETBALL TEAM AND WOMEN'S  
BASKETBALL TEAM**

November 6, 2023

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1 Pursuant to Sections 102.24, 102.35(a)(4), 102.35(a)(8) and 102.39 of the National Labor  
2 Relations Board's ("Board" or "NLRB") Rules and Regulations and Federal Rules of Evidence  
3 ("FRE") 401 to 403, Respondent University of Southern California ("USC"), by its attorneys  
4 Morgan, Lewis & Bockius LLP, hereby respectfully moves Administrative Law Judge Eleanor  
5 Laws for an order excluding testimony and documentary evidence regarding the employment terms  
6 and conditions, including salaries and contracts, of alleged supervisors and executives, including  
7 USC's coaches for the USC football team, men's basketball team and women's basketball team.

8 Respondent USC also respectfully moves Administrative Law Judge Eleanor Laws for an  
9 order precluding Counsel for General Counsel from referring to, interrogating any witness  
10 concerning, commenting on or attempting to introduce any testimony and/or documentary evidence  
11 regarding the employment terms and conditions, including salaries and contracts, of alleged  
12 supervisors and executives, including USC's coaches for the USC football team, men's basketball  
13 team and women's basketball team.

14 Despite an obvious lack of relevance to matters at issue, Counsel for General Counsel has  
15 indicated it intends to introduce testimony and/or documentary evidence about the employment  
16 terms and conditions, including salaries and contracts, of alleged supervisors and executives,  
17 including USC's coaches for the USC football team, men's basketball team and women's basketball  
18 team. Introduction of such evidence should not be permitted.

19 Under Board law and the Federal Rules of Evidence, Counsel for the General Counsel has  
20 the burden of establishing how such evidence is relevant to any of the elements of the alleged unfair  
21 labor practices. Analogous to this case, in evaluating whether information pertaining to matters  
22 outside of the "bargaining unit" – in this case, the student-athletes – the Board has held that it is the  
23 Counsel for the General Counsel's "burden to establish that the requested information is relevant."  
24 *Saginaw Control and Engineering, Inc.*, 339 NLRB 541 (2003).

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1 Pursuant to FRE 401, evidence is relevant if “it has a tendency to make a fact more or less  
2 probable than it would be without the evidence.” However, even when evidence clears the bar of  
3 relevancy, its introduction at a proceeding is not guaranteed. Specifically, relevant evidence can be  
4 excluded from a proceeding if:

5 its probative value is substantially outweighed by a danger of one or  
6 more of the following: unfair prejudice, **confusing the issues**,  
7 misleading the jury, **undue delay, wasting time**, or needlessly  
presenting cumulative evidence.

8 FRE 403. (emphasis added.) The Board has recognized an administrative law judge authority to  
9 exclude evidence pursuant to FRE 403. *In re Stroehmann Bros.*, 268 NLRB 1360, fn. 10 (1984).

10 The Counsel for General Counsel cannot meet its burden. Here, Counsel for General  
11 Counsel has suggested that the employment contracts and salaries of USC’s coaches for the USC  
12 football team, men’s basketball team and women’s basketball team are relevant to its theory that  
13 USC allegedly committed an unfair labor practice through the classification of its student-athletes  
14 as student-athletes and through the alleged use of a Student-Athlete Handbook; however, Counsel  
15 for General Counsel has been unable to explain the purported relevance of contracts or salaries to  
16 any element these claims, as none exists.

17 The contracts and salaries of alleged supervisors or agents could not logically be considered  
18 evidence of the alleged unfair labor practices as they would not tend to make any element of these  
19 claims more or less probable. Such information is not in any way related to the allegations that  
20 USC’s Student-Athlete Handbook and social media guidelines are the basis for USC’s alleged  
21 misclassification of its student-athletes.

22 Moreover, USC has not made it a disputable issue in establishing whether USC’s coaches  
23 are statutory supervisors under the Act. Perhaps in that hypothetical scenario, evidence regarding  
24 USC’s coaches’ respective employment contracts, wages, benefits and/or terms and conditions of  
25 employment could be partially relevant; though even then while their duties may be at issue their  
26 salaries would not. In any event, the Counsel for General Counsel’s theory of an unfair labor  
27 practice does not question or raise the issue of whether USC’s coaches are statutory supervisors,  
28 nor has USC raised such issue. Likewise, their salaries do not have any relevance as to whether or

1 not the student-athletes are employees, whether they were misclassified or whether the guidance  
2 contained in the Student-Athlete Handbook is unlawful.

3 Further, in responding to USC’s petition to revoke the subpoena requests for the coaches’  
4 contracts and salary information, Counsel for General Counsel only asserted that this potential  
5 evidence was relevant to the student-athletes’ employment status. Then, when pressed, Counsel  
6 for General Counsel offered to withdraw the request for the coaches’ contracts, if the parties agreed  
7 to enter into a stipulation as to the salary levels of the coaches. Through this offer, Counsel for  
8 General Counsel essentially conceded that the non-salary portions of the contracts are irrelevant to  
9 this hearing. As there is no conceivable way that the total salary amount of the coaches establishes  
10 the *student-athletes*’ employment status, there is no proper purpose for introduction of evidence of  
11 USC’s coaches’ respective employment contracts, wages, benefits and/or terms and conditions of  
12 employment. Without the exclusion of such evidence, Counsel for General Counsel would be  
13 permitted to unnecessarily delay and waste time in this proceeding.

14 Even if Counsel for General Counsel could argue some minor tangential relevance related  
15 to this issue, it certainly would be “substantially outweighed” by the undoubtable fact that it would  
16 result in unfair prejudice, confuse the issue and obviously cause undue delay and waste time.

17 In sum, there is no correlation, direct or indirect, between USC’s coaches’ respective  
18 employment contracts, wages, benefits and/or terms and conditions of employment and the notion  
19 such evidence could support Counsel for General Counsel’s theory that USC committed an unfair  
20 labor practice as alleged. As such, any inquiry into USC’s coaches’ respective employment  
21 contracts, wages, benefits and/or terms and conditions of employment, whether through testimony  
22 or documentary evidence, is entirely unjustified and the Counsel for General Counsel should be  
23 prohibited from presenting any evidence that is both irrelevant and does not provide even a sliver  
24 of support to its theory of USC’s alleged unfair labor practice.

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WHEREFORE, USC respectfully requests that Administrative Law Judge Eleanor Laws grants USC’s Motion in Limine to exclude testimony and documentary evidence regarding the employment contracts of alleged supervisors and executives, including USC’s coaches for the USC football team, men’s basketball team and women’s basketball team.

Dated: November 6, 2023

MORGAN, LEWIS & BOCKIUS LLP

By   
Adam C. Abrahms  
Neresa A. De Biasi  
*Attorneys for Respondent University of  
Southern California*

**CERTIFICATE OF SERVICE**

I hereby certify that in accordance with section 102.5 and 102.31 of the NLRB Rules and Regulations, on November 6, 2023, I served the foregoing RESPONDENT UNIVERSITY OF SOUTHERN CALIFORNIA’S MOTION IN LIMINE TO EXCLUDE TESTIMONY AND DOCUMENTARY EVIDENCE REGARDING THE EMPLOYMENT TERMS OF ALLEGED SUPERVISORS AND EXECUTIVES, INCLUDING COACHES FOR THE UNIVERSITY OF SOUTHERN CALIFORNIA’S FOOTBALL TEAM, MEN’S BASKETBALL TEAM AND WOMEN’S BASKETBALL TEAM on the Parties and in the manner set forth below, with confirmation of delivery:

National Labor Relations Board  
Division of Judges  
By E-Filing at [www.nlr.gov](http://www.nlr.gov)

***Charging Party (via email):***  
Richard Huma  
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6709 Borges St.  
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Dated: November 6, 2023

MORGAN, LEWIS & BOCKIUS LLP

By: \_\_\_\_\_

Juan Larios

Re: **UNIVERSITY OF SOUTHERN CALIFORNIA; PAC-12 CONFERENCE;  
NATIONAL COLLEGIATE ATHLETICS ASSOCIATION**  
Case No: 31-CA-290326

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the **COUNSEL FOR THE GENERAL COUNSEL'S OPPOSITION TO RESPONDENT UNIVERSITY OF SOUTHERN CALIFORNIA'S MOTIONS IN LIMINE** was served on the parties listed below on the 16<sup>th</sup> day of November 2023.

**SERVED VIA E-FILING**

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