

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
2 IN AND FOR THE COUNTY OF WHITMAN
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4 WASHINGTON STATE UNIVERSITY, an
5 institution of higher education and agency of the
6 State of Washington; KIRK H. SCHULZ, in his
7 official capacities as the President of Washington
8 State University and Chair of the Pac-12 Board of
9 Directors; OREGON STATE UNIVERSITY, an
institution of higher education and agency of the
State of Oregon; and JAYATHI Y. MURTHY, in
her official capacities as the President of Oregon
State University and Member of the Pac-12
Board of Directors,

10 Plaintiffs,

11 v.

12 THE PAC-12 CONFERENCE; and GEORGE
13 KLIAVKOFF, in his official capacity as
Commissioner of the Pac-12 Conference,

14 Defendants.

Case No.

**MOTION FOR TEMPORARY
RESTRAINING ORDER**

1 Plaintiffs Washington State University, an institution of higher education and agency of
2 the State of Washington, Kirk H. Schulz, in his official capacities as the President of Washington
3 State University and Chair of the Pac-12 Board of Directors, Oregon State University, an
4 institution of higher education and agency of the State of Oregon, and Jayathi Y. Murthy, in her
5 official capacities as the President of Oregon State University and Member of the Pac-12 Board of
6 Directors, by and through their undersigned attorneys of record, hereby move this Court for a
7 temporary restraining order enjoining Defendants and their officers, directors, members,
8 employees, agents, representatives, attorneys, successors, and assigns, and all other persons acting
9 in concert with them from:

10 1. Holding, or taking any steps to hold, a Pac-12 Conference Board meeting that
11 includes representatives of the ten Pac-12 Conference members who have delivered notice of their
12 withdrawal from the Conference,¹ pending a preliminary injunction hearing or other suitable
13 proceeding to determine the authorized representatives of the Pac-12 Conference Board of
14 Directors under the Conference Bylaws;

15 2. Allowing, or taking any steps to allow, representatives of the ten Pac-12
16 Conference members who have delivered notice of their withdrawal from the Conference, to
17 attend, participate in, or vote in any Pac-12 Conference Board meeting; and

18 3. Transacting, or taking any steps to transact, any business or affairs of the Pac-12
19 Conference based on votes cast by the representatives of the ten Pac-12 Conference members who
20 have delivered notice of their withdrawal from the Conference.

21 This motion is made pursuant to CR 65 and RCW Ch. 7.40 *et. seq.*, and is based upon the
22 accompanying Memorandum of Points and Authorities in Support of Plaintiffs' Motion for a
23 Temporary Restraining Order, the Declaration of Kirk H. Schulz, the Declaration of Rebecca Gose
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25 ¹ For the avoidance of doubt, the ten Pac-12 Conference members that have delivered notice of
26 withdrawal from the Conference are: University of Arizona; Arizona State University; University
27 of California, Berkeley; University of California, Los Angeles; University of Colorado, Boulder;
28 University of Oregon; University of Southern California; Stanford University; University of Utah;
and University of Washington.

1 and the exhibits attached thereto, the Declaration of Eric MacMichael and the exhibits attached
2 thereto, and all pleadings and papers of record filed herein.

3 A copy of Plaintiffs' [Proposed] Temporary Restraining Order is filed contemporaneously
4 herewith.

5 Dated: September 8, 2023

| <u>/s/ Nathan E. Deen</u> | <u>/s/ Matthew Mensik</u> |
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| <i>Counsel for Plaintiffs Washington State University and Kirk H. Schulz, in his official capacities as the President of Washington State University and Chair of the Pac-12 Board of Directors</i> | |

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| | <i>Counsel for Plaintiffs Oregon State University and Jayathi Y. Murthy, in her official capacities as the President of Oregon State University and as Member of the Pac-12 Board of Directors</i> |
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