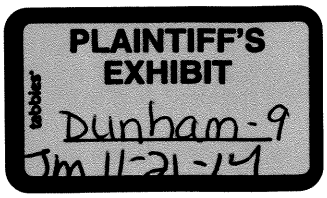

From: Dunham, Stephen
Sent: Friday, July 20, 2012 10:09 PM
To: Erickson, Rodney
Cc: Guadagnino, Frank T.
Subject: Re: PSU STATEMENT

Rod - just talked to Gene. He just wants to be sure we have considered possibility of fighting thru COI. He is not recommending that (I think he finds the whole situation so unique he does not really have a clear recommendation either way) and he believes the year plus of fighting would be awful with unknown and quite possibly worse result. But he distrusts Emmert who he thinks is manipulating presidents and he is basically furious about the process - upping demand, no opportunity to be heard, rush and deadlines for no reason. I think his angst is this is unlike anything he has ever seen so he really has no precedent to use to advise us and he worries we will be second guessed. But he also says fighting and losing with comparable or worse result would also be second guessed and he cannot say that would not likely happen. He just does not know. At the end of the day if we are settling to put this behind us, and because the community wants some finality and to move on, and we don't have stomach to fight when there is no real reason to believe we can do better, I think he understands and agrees with the choice.

Steve

Sent from my iPad

On Jul 20, 2012, at 9:25 PM, "Erickson, Rodney" <RAE@psu.edu> wrote:

> Agree. Thanks, Gene. I think this is on track.
>
> Rod
>
> ---
>
> **From:** Dunham, Stephen
> **Sent:** Friday, July 20, 2012 8:51 PM
> **To:** Gene Marsh
> **Cc:** Erickson, Rodney; Guadagnino, Frank T.; William H. King, III
> **Subject:** Re: PSU STATEMENT
>
> Gene - thanks for getting started on this. I think Frank has talked generally to Penn State's communications consultants and this will help.
>
> Steve
> Sent from my iPhone
>
> On Jul 20, 2012, at 7:33 PM, "Gene Marsh" <gmarsh@lightfootlaw.com> wrote:
>
> > I thought I would take stab - rough - on a possible statement from Penn State, focusing only on the NCAA matters, not the "culture" and other issues.

Since the release of the Freeh Report and our Board of Directors' decision to implement all recommendations, Penn State has been in a continuous discussion with the leadership at the NCAA. In analyzing both the elements of the November 17, 2011 letter from NCAA President Mark Emmert and the findings of the Freeh Report, it became clear that the Penn State athletic program faced extremely serious allegations from the NCAA. Penn State also weighed the advantages of a timely resolution of this matter against the disadvantages of continuing the process through traditional NCAA enforcement procedures. The traditional approach would be prolonged by matters pending in civil and criminal proceedings related to these tragic events.

The penalties Penn State accepts today will have a great impact on our athletic program and university community for years to come. However, the financial and reputational costs of continuing this NCAA investigative process would be great and could well result in the termination of the Penn State football program for an extended period of time.

Going forward, Penn Sate will adopt the recommendations of the Freeh Report, those additional recommendations that will be forthcoming through the Academic Integrity Agreement, and the specific recommendations related to compliance and ethics in the athletic department. ETC ETC

<lfwlogo>

Gene Marsh
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