Kimberly B. McCardle
1371 Bundoran Dr
North Garden, VA 22959

January 29, 2025

The Honorable Claudia Wilken, United States Senior District Judge
Northern District of California

Ronald V. Dellums Federal Building & United States Courthouse

% Class Action Clerk

1301 Clay Street

Oakland, CA 94612

MC

Re: Objection to the Settlement Terms Imposing Roster Limits on Current College Athletes in *In re College Athlete NIL Litigation*, No. 4:20-cv-03919-CW

Dear Judge Wilken,

My name is Kimberly McCardle; I am a former college athlete and mother of two athletes (one D1 athlete and one high schooler hoping to compete in college); I have coached middle school teams as well as assisted in the creation and development of school track and swim teams.

My husband and I feel strongly that roster limits do not serve athletes, teams, or coaches; nor will they positively impact the continuation or development of most sports. To the contrary, categorically limiting the number of athletes allowed on college teams will negatively impact current and future individuals, teams as a whole, and sports in general. Furthermore, roster limits will place additional and unnecessary strains on coaches and athletes.

The vast majority of coaches choose their jobs because of love of sport, not because of salaries or fame. The vast majority of coaches spend long hours thinking about their athletes and their teams, working incredibly hard to provide for their athletes with amazingly small budgets. Coaches know what serves their athletes as individuals and their teams as a whole. College coaches know exactly how many athletes are required to optimize performance and create the greatest possible team given the specifics of their program. Were we not all taught there is no "i" in "TEAM" as children? In most sports, many athletes are required during practices and scrimmages even if only a few shine on game day; not all athletes are the stars on game day, but game day stars benefit from their practice teammates. Coaches know this. Athletes live this. Yes,

budgets are a factor, but shouldn't that be a decision for individual schools? We do not categorically limit the number of thespians a college can enroll, nor do we dictate the number of biochemistry majors a school could graduate; why would we suddenly dictate the number of spots on a given team? Grant House realized that his fellow student musicians were able to capitalize on their musical abilities; House, a student-athlete, saw a disparity and began thinking he should also be able to capitalize on his talents and efforts (insert all the NIL details of this lawsuit); what confounds me is why are we suddenly trying to limit the number of athletes on a roster when we would no more limit the number of musicians at a school. It makes zero sense to limit the number of harpists a school could allow; a music department may, but we don't institutionally do so, nor do we think it appropriate to limit the number of university musicians making money off their own work; we would not apply caps or limits in this manner. But now we are entering a world in which we are telling coaches that they do not know best, and asking them to execute the cutting of their own athletes and reversing their offers. We are forcing coaches to only acknowledge those athletes at the top of their game, today; despite going into a field where the very purpose of their occupation, the very definition of coaching is to foster continuous improvement and to inspire growth and development; we are now asking these mentors to see only the talent and abilities before them today, no more walk ons, no more diamonds in the rough. The vast majority of coaches love nothing more than to find undeveloped or not fully achieved abilities come to life. Not under this proposed system. Now coaches will look their athletes in the eyes and say: I see your hard work, I believed in you, I recruited you, but I no longer have agency over my roster; you no longer have a spot on my team. Coaches did not sign up for this.

As a society we love the positive benefits gained from dedication to sports. We extoll the virtues of discipline and teamwork, resilience and grit, time management and leadership, sportsmanship and goal setting. What roster limits will do does not feel sportsmanlike. Many businesses prefer candidates with a sports background; athletes know about pressure and problem solving; why would we take this opportunity away from so many young people? Currently only 2% of high school athletes continue to play at the D1 level (roughly 7% of high school athletes continue to play in college across all NCAA divisions). Why would we make this even more limiting? The vast majority of college athletes opt to play their sport in college because of their love of sport, not because playing in college facilitates playing professionally. For most, college play is their swan song, their final years serving as the culmination of a childhood committed to honing skills and developing their brains and bodies to perform at an elite level; why would we make it even harder to participate? Youth sports, today, are intense, expensive, and year round; they require family participation and a level of commitment that most simply do not want. Yet thousands choose this. My house and my family chose this. We opted to forego activities, gatherings, birthday parties, hobbies, weekend getaways, and so much more in order to attend another meet, be rested for another practice, or be available for a clinic. We knowingly weighed the pros and cons. Our daily schedules are dictated by sport; we have truly reprogrammed our Circadian Rhythm, striving to sleep by 9pm in order to wake up at 4:30am, for morning practices. We do this by choice and we have done this

alongside so many other families whose children hope to continue their sport in college. Why would we make it yet harder for these kids to play a final four years on the largest stages of their lives. We do not say to the 5th harpist, sorry, the NCAA, moving forward will only allow 4 harpists per college or university. We leave these decisions up to individual music programs.

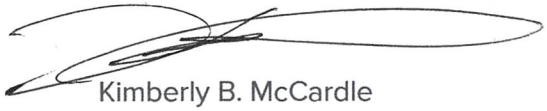
By the college level, most athletes are incredibly driven and define themselves by their grit and commitment. Athletes cannot maintain the required level of dedication year after year, without intense drive. With intense drive, especially for female athletes, comes possible mental health challenges. Elite athletes face extreme performance pressure and often self imposed perfectionism in all areas of their lives; afterall, these traits helped them achieve this level of accomplishment. For many, perfectionism is a double edged sword and for female athletes in particular, these innate characteristics can lead to anxiety and self doubt. However, these athletes learn to lean on each other and on their coaches. Exercise is a mood booster, and teams in and of themselves are supportive and safe spaces for those battling anxieties. Through their college sport, many athletes are granted access to professionals beyond their own coaches, including therapists, performance coaches, dieticians, trainers, and team specific academic advisors: an entire team of people has eyes on these individuals. Why would we further isolate young people by lowering the total number of D1 athletes? Mental health has not been properly discussed as a factor or issue in limiting roster spots. Yes, many have eloquently and convincingly written about the downsides and negative outcomes of the House v. NCAA lawsuit including financial and competitive disparities, reduction in non-revenue sports and the possible elimination of specific sports at the college level, Title IX issues, and many more. But what about mental health? Mental health in teens and young adults continues to decline thanks in part to social media overload, academic and college admission pressures, post-pandemic effects, and a decline in sleep and physical health. Why would we support changes that would further exacerbate these factors? Why wouldn't we instead strive to increase the number of student-athletes or at minimum allow individual colleges, athletic departments, and ideally coaches, determine the number of roster spots on a given team. We should encourage involvement in sports, team building, and the development of grit, not further limit it.

I understand many athletes have filed attestations; their stories are key. I also feel coaches should be allowed to voice the negative impacts roster limits will have. My older child participates in a non-revenue-generating sport at a D1 school that does not have fully funded sports. Allowing more scholarships does not help a program that does not provide scholarships. But cutting athletes from a program most definitely harms those cut and creates a great deal of stress for the coaches involved. This does not have to happen. We can do better for the thousands of kids who have dedicated their bodies and lives in the pursuit of playing their sport in college. We can do better for the coaches that work day and night to support their athletes and by definition do not want to cut an athlete they recruited. Thousands and thousands of children have hung posters of the icons of their sport on their bedroom walls and ceilings; they fall asleep at night staring at

these heroes; superheroes to them, and oftentimes strangers to those not familiar with sports. But to the young athlete falling asleep, these stars represent goals and dreams of the future. We should not make it even more difficult to fulfill the dreams of these children and young adults. 2025 is not a year to further isolate. This is not a time to further fracture one of the few topics (sports) that brings us together, filling us with inspiration and literal cheer. This is not an era to further separate those allowed to participate versus those no longer invited. This is not a time to minimize mental health. We can do better. Roster limits are not reasonable; they are not justified; they are not fair. The NCAA's mission statement states it will "provide a world-class athletics and academic experience for student-athletes that fosters lifelong well-being". Cutting current athletes and limiting future ones does not foster well being. The NCAA lists as a priority, "Coordinate and deliver safe, fair, and inclusive competition directly and by Association members." Cutting thousands of current D1 student-athletes and lowering the number of possible future athletes is certainly not inclusive nor is it fair. Please, Judge Wilken consider how devastating it can be for this age group to be stripped from or barred from entering their chosen peer groups. These kids identify as athletes. So many of them are quirky and hyper focused; some have battled imposter syndrome or battled performance anxiety. Many have been ridiculed by bad coaches yet bolstered and adored by great coaches. They know lonely nights and early mornings all too well. They have suffered injuries and pushed through physical pain and mental anguish. They have juggled academics and commitments, never taking their eye off their sport, their craft. They have stood strong for teammates and trusted they can lean into each other. They listen and implement and constantly and consistently push themselves. Every day they push. When mere teenagers they reached out to college coaches and touted their strengths (easier said than done for so many of them); they made phone calls that felt scary and crafted their bios and highlight reels. Many of them thrive under bright lights; they love the roar of a crowd; they know exhaustion and sweat and tears better than most of us. They lie in bed envisioning their performances; they eat and breathe details of their sport that others simply don't understand. They have forged relationships with teammates that if not ended prematurely will last a lifetime. They call arenas and gymnasiums, pools, courts, tracks and fields their homes. They manage so much and they don't want college to be any other way. Please honor these kids. They've worked too hard to have these dreams struck down.

For these reasons, I object to the roster limits in the settlement agreement in *In re College Athlete NIL Litigation,* No. 4:20-cv-03919-CW.

Sincerely and respectfully,



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