

PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Nos. 02-3236, 01-4226, 01-4492, 02-1789

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MICHAEL BOWERS

v.

THE NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION, as an Association  
and a Representative of its Member  
Schools a/k/a NCAA; THE NCAA INITIAL-  
ELIGIBILITY CLEARINGHOUSE; CEDRIC W. DEMPSEY,  
Executive Director of the NCAA, in his individual  
and official capacities; CALVIN SYMONS, Managing  
Director of the NCAA Student-Eligibility Clearinghouse,  
in his individual and official capacities; TEMPLE  
UNIVERSITY OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION;  
ACT INC; UNIVERSITY OF IOWA; AMERICAN INTERNATIONAL COLLEGE;

THE STATE OF NEW JERSEY,

Intervenor-Defendant in District Court

TEMPLE UNIVERSITY OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION,

Defendant/Third-Party Plaintiff

v.

DELAWARE STATE UNIVERSITY;  
THE UNIVERSITY OF MEMPHIS;  
UNIVERSITY OF MASSACHUSETTS AMHERST,

Third-Party Defendants

University of Massachusetts Amherst  
and Delaware State University,

Appellants in 02-3236

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\*KATHLEEN BOWERS, administratrix ad  
prosequendum of the Estate of  
Michael Bowers

v.

THE NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION, as an Association  
and a Representative of its Member  
Schools a/k/a NCAA; THE NCAA INITIAL-  
ELIGIBILITY CLEARINGHOUSE;  
CEDRIC W. DEMPSEY, Executive Director  
of the NCAA, in his individual and  
official capacities; CALVIN SYMONS,  
Managing Director of the NCAA Student-  
Eligibility Clearinghouse, in his  
individual and official capacities;  
TEMPLE UNIVERSITY OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION; ACT, INC.;  
UNIVERSITY OF IOWA; AMERICAN INTERNATIONAL COLLEGE

THE STATE OF NEW JERSEY,

Intervenor-Defendant in District Court

TEMPLE UNIVERSITY OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION,

Defendant/Third-Party Plaintiff

v.

DELAWARE STATE UNIVERSITY;  
THE UNIVERSITY OF MEMPHIS;

UNIVERSITY OF MASSACHUSETTS AMHERST,

Third-Party Defendants

The University of Memphis,

Appellant in No. 01-4226

\_\_\_\_\_(Amended Per Clerk's Order of 11/6/02)

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\*KATHLEEN BOWERS, administratrix ad  
prosequendum of the Estate of  
Michael Bowers

v.

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, as an  
Association and a Representative of its Member Schools  
a/k/a NCAA; THE NCAA INITIAL-ELIGIBILITY CLEARINGHOUSE;  
CEDRIC W. DEMPSEY, Executive Director of the NCAA, in  
his individual and official capacities; CALVIN SYMONS,  
Managing Director of the NCAA Student-Eligibility  
Clearinghouse, in his individual and official capacities;  
TEMPLE UNIVERSITY OF THE COMMONWEALTH SYSTEM OF HIGHER  
EDUCATION; ACT, INC.; UNIVERSITY OF IOWA; AMERICAN  
INTERNATIONAL COLLEGE;

THE STATE OF NEW JERSEY,

Intervenor-Defendant in District Court

TEMPLE UNIVERSITY OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION,

Defendant/Third-Party Plaintiff

v.

DELAWARE STATE UNIVERSITY;

THE UNIVERSITY OF MEMPHIS;  
UNIVERSITY OF MASSACHUSETTS AMHERST,

Third-Party Defendants

University of Iowa,

Appellant in No. 01-4492

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\_\_\_\_\_(Amended Per Clerk's Order of 11/6/02)

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\*KATHLEEN BOWERS, administratrix ad  
prosequendum of the Estate of  
Michael Bowers

v.

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, as an  
Association and a Representative of its Member Schools  
a/k/a NCAA; THE NCAA INITIAL-ELIGIBILITY CLEARINGHOUSE;  
CEDRIC W. DEMPSEY, Executive Director of the NCAA, in his  
individual and official capacities; CALVIN SYMONS, Managing  
Director of the NCAA Student-Eligibility Clearinghouse, in his  
individual and official capacities; TEMPLE UNIVERSITY OF THE  
COMMONWEALTH SYSTEM OF HIGHER EDUCATION; ACT, INC.;  
UNIVERSITY OF IOWA; AMERICAN INTERNATIONAL COLLEGE;

THE STATE OF NEW JERSEY,

Intervenor-Defendant in District Court

TEMPLE UNIVERSITY OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION,

Defendant/Third-Party Plaintiff

v.

DELAWARE STATE UNIVERSITY;

THE UNIVERSITY OF MEMPHIS;  
UNIVERSITY OF MASSACHUSETTS AMHERST,

Third-Party Defendants

The University of Massachusetts,

Appellant in No. 02-1789

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\_\_\_\_\_(Amended Per Clerk's Order of 11/6/02)

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\_\_\_\_\_ On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civ. No. 97-cv-02600)  
Honorable Stephen M. Orlofsky, District Judge

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Argued July 8, 2003

BEFORE: NYGAARD, SMITH, and GREENBERG, Circuit Judges

\_\_\_\_\_(Filed: August 20, 2003)

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ORDER AMENDING SLIP OPINION

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\_\_\_\_\_It is hereby ordered that the slip opinion in the above matter filed August 20, 2003, is amended by inserting “(emphasis added)” after “1580” and before the period on the last line on page 28, by inserting “(emphasis added)” after “2066” and before the period on the fourth line on page 29, and by deleting the comma between “which” and “we” in the ninth line of the first complete paragraph on page 31.

By the Court,

/s/ Morton I. Greenberg  
Circuit Judge

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DATED: August 27, 2003