



STATE OF FLORIDA  
Department of Legal Affairs  
OFFICE OF THE ATTORNEY GENERAL  
Tallahassee, Florida

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ANTITRUST CIVIL INVESTIGATIVE DEMAND

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TO: CFP Administration, LLC  
545 East John Carpenter Freeway  
Suite 1025  
Irving, Texas 75062

No. 23-010

This antitrust civil investigative demand is issued pursuant to the Florida Antitrust Act of 1980, section 542.28, Florida Statutes, in the course of an official investigation to determine whether there is, has been or may be a violation of **sections 542.18 and/or 542.19, Florida Statutes (parts of the Florida Antitrust Act of 1980); or Sections 1 and/or 2 of the Sherman Antitrust Act (15 U.S.C. §§ 1, 2)**, by conduct, activities or proposed action of the following nature:

**possible contracts, combinations, or conspiracies in restraint of trade, or monopolization, attempted monopolization, or combinations or conspiracies to monopolize trade or commerce, relating to anticompetitive effects of the College Football Playoffs on the Group of Five Conferences and Power Five Conferences.**

INTERROGATORIES

You are required by this demand to answer the interrogatories on Attachment A and tender them to the custodians named below on or before Thursday, January 11, 2024. However, due to the exigencies involved and the timing of your conduct, this office requests that you begin producing answers no later than December 26, 2023. Each interrogatory must be answered separately and fully in writing under oath, unless it is objected to, in which case the reasons for the objection must be stated in lieu of an answer. The answers must be submitted under a sworn certificate, in the form printed on this demand, executed by the person to whom this demand is directed or, if not directed to a natural person, by the person or persons responsible for answering each interrogatory.

PRODUCTION OF DOCUMENTS

You are required by this demand to produce the documents described in Attachment A of this demand.

You are required by this demand to produce all documentary material and other tangible evidence indicated above that is in your possession, custody, or control, and to make it available for inspection and copying or reproduction by a custodian named below. Pursuant to section 542.28(2), Florida Statutes, such production shall occur on or before January 11, 2024. However, due to the exigencies involved and the timing of your conduct, this office requests that you begin producing documents no later than December 26, 2023, at the following location: **Office of the Attorney General, 107 West Gaines Street, 5th floor, Tallahassee, Florida.** The production of documentary material in response to this demand must be made under sworn certificate, in the form printed on the reverse side of this demand, executed by the person to whom this demand is directed, or, if not directed to a natural person, by a person having knowledge of the facts and circumstances relating to such production.

For purposes of this investigation, the following are designated as the custodians and deputy custodians to whom the documentary material shall be made available:



For purposes of this investigation, the following are designated as the custodians and deputy custodians to whom the documentary material shall be made available:

**Nicholas Weilhammer, Associate Deputy Attorney General for Enforcement, or Liz Brady, Director, Antitrust Division, Office of the Attorney General, PL-01, The Capitol, Tallahassee, FL 32399-1050, 850-414-3300.**

Your attention is directed to sections 542.28(14) and 837.02, Florida Statutes, printed on this document.

Issued at Tallahassee, Florida, this 12th day of December, 2023.

ASHLEY MOODY  
Attorney General

Countersigned: /s/ Nicholas J. Weilhammer  
NICHOLAS J. WEILHAMMER  
Associate Deputy Attorney General  
for Enforcement

By: /s/ Lizabeth A. Brady  
LIZABETH A. BRADY  
Director of Antitrust Enforcement

**FORM OF CERTIFICATE OF COMPLIANCE**

I/We have read the provisions of section 542.28(14), Florida Statutes, and do hereby certify that all information required by Civil Investigative Demand No. 23-010 which is in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted to a custodian named therein.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public  
  
\_\_\_\_\_

**542.28 Civil Investigative Demand.**

(14)(a) No person, knowing or having reason to believe that a demand pursuant to this section is pending, shall:

1. Alter, destroy, conceal, or remove any record, document, or thing with the purpose of impairing its verity or availability in such proceeding or investigation; or
2. Make, present, or use any record, document, or thing, knowing it to be false.

(b) Any person who violates a provision of this subsection is guilty of a felony of the third degree, punishable as provided in s.775.082, s.775.083, or s.775.084.

**837.02 Perjury in official proceedings.-**

(1) [W]hoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Knowledge of the materiality of the statement is not an element of the crime of perjury under subsection (1) and the defendant's mistaken belief that the statement was not material is not a defense.

**ATTACHMENT TO ANTITRUST CIVIL INVESTIGATIVE DEMAND**  
**NO. 23-010**

**PART ONE – DEFINITIONS**

1. “You” and “Your” refer to CFP Administration, LLC (“CFP”), its parent corporation, predecessors, successors, divisions, subsidiaries, related corporations, departments and affiliates, and its present and former owners, officers, directors, employees, agents, representatives and any other persons acting, or purporting to act, on its behalf.
2. “Identify” means to state:
  - (a) in the case of a person other than a natural person, its name and principal address and telephone number, its agent for service of process within the State of Florida, and the address for the agent for service of process in the State of Florida, and, if a trust, the name, address and telephone number of the trustee of the trust;
  - (b) in the case of a natural person, his or her name, home and business addresses and telephone numbers, employer, title or position, date of birth and social security number;
  - (c) in the case of a communication, its date, type (e.g., telephone conversation, letter, e-mail, or meeting), the place where it occurred, the identity of each person who received the communication or who was present when it was made, and the subject matter discussed; and
  - (d) in the case of a document, either (i) the title of the document, the author’s identity, the addressee’s identity, the type and subject matter of the document, the date it was prepared, and the number of pages it comprises, or (ii) its production number.
3. “Communication” means any exchange, transfer or dissemination of information, regardless of the means or medium by which it is accomplished.
4. “Deliberations” means your meetings, and any other deliberations prior, or afterwards, relating to the selection of the participants of the New Year’s Six and the College Football Playoff National Championship Game and/or the CFP Rankings.
5. “Power Five Conferences” means the Atlantic Coast Conference (“ACC”), Big Ten Conference (“Big 10”), Big 12 Conference (“Big 12”), Pacific 12 Conference (“Pac 12”), and Southeastern Conference (“SEC”), including its divisions, subsidiaries, related corporations, departments and affiliates, and its present and former owners, officers, directors, employees, agents, representatives, individual schools and any other persons acting, or purporting to act, on its behalf.
6. “Group of Five Conferences” means the American Athletic Conference (AAC), Conference USA (C-USA), Mid-American Conference (MAC), Mountain West Conference (MWC), and Sun Belt Conference (SBC), including its divisions, subsidiaries, related corporations, departments and affiliates, and its present and former owners, officers, directors, employees, agents, representatives, individual schools (including but not limited to the University of South Florida, Florida Atlantic University, and Florida International University), and any other persons acting, or purporting to act, on its behalf.

7. NCAA means the National Collegiate Athletic Association, including its divisions, subsidiaries, related corporations, departments and affiliates, and its present and former owners, officers, directors, employees, agents, representatives, and any other persons acting, or purporting to act, on its behalf.

8. “New Year’s Six and the College Football Playoff National Championship Game” means the 2024 Rose Bowl, the 2023 Orange Bowl, the 2024 Sugar Bowl, the 2023 Cotton Bowl, the 2023 Peach Bowl, the 2024 Fiesta Bowl and the 2024 College Football Playoff National Championship Game.

9. “CFP Rankings” means the penultimate and final top 25 rankings of football teams issued on or about November 26 and December 3, 2023, respectively.

10. “Protocols” means the CFP Selection Committee Protocols, and any other procedures, rules or criteria that resulted in the CFP Rankings or participant selection of the New Year’s Six and the College Football Playoff National Championship Game.

11. “ESPN, Inc.” and “ESPN Enterprises, Inc.” means including the entities and any parent corporation, predecessors, successors, divisions, subsidiaries, related corporations, departments and affiliates, and its present and former owners, officers, directors, employees, agents, representatives and any other persons acting, or purporting to act, on their behalf.

12. “Person” means any natural person; public or private corporation, whether or not organized for profit; governmental entity; partnership; association; cooperative; joint venture; sole proprietorship; or other legal entity. With respect to a business entity, “Person” includes any natural person acting formally or informally as an employee, officer, agent, attorney or other representative of the business entity.

13. “Documents” includes, but is not limited to, the original and any non-identical copy (which is different from the original because of notations on such copy or otherwise) of all correspondence, telegrams, teletype messages, e-mails, contracts (including drafts, proposals, and any and all exhibits thereto), agreements, draft minutes and agendas, memoranda (including inter- and intra-office memoranda, memoranda for file, pencil jottings, diary entries, desk calendar entries, reported recollections, and any other written form of notation of events or intentions), transcripts and recordings of conversations and telephone calls, books, records, photographs, reports, tabulations, charts, books of account, ledgers, invoices, financial statements, purchase orders, receipts, canceled checks and all other documentary material of any nature whatsoever, together with any attachments thereto or enclosures therewith. The term “document” shall include data stored, maintained or organized electronically or magnetically through computer equipment, translated, if necessary, by you into reasonably usable form. The term “document” shall also include audio and/or video recordings.

14. “Relating” or “Relating To” means constituting, concerning, embodying, reflecting, identifying, regarding, describing, referring to, evidencing, discussing, connected with, bearing on, pertaining to, involved with, revealing, having to do with, or in any way relevant to a given subject.

15. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this request all responses that might otherwise be construed to be outside of its scope.

## **PART TWO – INTERROGATORIES**

### **A. GENERAL INSTRUCTIONS**

1. The answers to these Interrogatories and the requested documents are to be produced along with the attached certificate of compliance to the following: Nicholas Weilhammer and Liz Brady, Antitrust Division, Office of the Attorney General, PL-01, The Capitol, Tallahassee, FL 32399-1050.

2. All notices, questions or communications concerning this Civil Investigative Demand (CID) should be directed to: Nicholas Weilhammer and Liz Brady, Antitrust Division, Office of the Attorney General, PL-01, The Capitol, Tallahassee, FL 32399-1050.

3. If You decline to answer to any particular interrogatory or document request, in whole or in part, pursuant to any claim of privilege, You are directed to file with the Attorney General a statement in writing under oath, and in such statement to: (a) Identify such interrogatory or document request; (b) Describe its general subject matter; (c) Describe in detail the claimed constitutional or other legal right or privilege the Company contends applies with respect to the it; (d) state whether any claim of privilege has previously been made with respect to it; (e) if the answer to (d) is yes, if the claim of privilege previously made was challenged in any manner, Describe the disposition made of each such claim; and (f) if the answer is privileged only in part, answer in full the non-privileged part.

4. If You are unable to fully answer any particular interrogatory or document request, supply all of whatever information is actually available. Designate such incomplete information as incomplete and accompany the information with an explanation that includes: the reasons for the incomplete answer; a description of any and all of Your efforts to obtain the information; and the source from which the Attorney General may obtain information to complete Your response. If books, records, or other sources that provide accurate answers are not available, provide Your best estimates and describe how You derived the estimates, including the sources or bases of such estimates. Designate estimated data as such by marking it with the "est." notation. If there is no reasonable way for You to make an estimate, provide an explanation.

5. If You believe that any part of the CID can be narrowed in any way that is consistent with this Office's need for documents and information, You are encouraged to discuss possible modifications with the representative of the Attorney General identified in the CID as the one to whom inquiries concerning compliance should be directed. All modifications to the CID must be agreed to in writing by said representative.

6. For any individuals employed by You during the time frame of this CID, but who are no longer employed by You, this CID requires production of documents these individuals "possessed" during the time period covered by this CID and then transferred to other employees upon their

departure; and to documents these individuals still possess to the extent You can require the individual to return such documents.

7. In order for Your response to this CID to be complete, submit with Your response the certificate of compliance printed on the CID, as executed by the official supervising Your compliance with this CID.

## **B. INTERROGATORIES**

1. Identify all Communications by You during the Deliberations, including but not limited to all Communications Relating to the availability of “key players and coaches” during Deliberations.

2. Identify all Communications Relating to adherence, or lack thereof, to Protocols.

3. Identify all Communications Relating to assigning weight or priority to Protocols.

4. Identify all Communications Relating to a withdrawal, protest or boycott by any conference or school from the New Year’s Six and the College Football Playoff National Championship Game.

5. Identify all internal Communications Relating to the Power Five Conferences and the composition of the New Year’s Six and the College Football Playoff National Championship Game.

6. Identify all protocols, procedures or rules used in Deliberations not listed on [<https://collegefootballplayoff.com/sports/2016/10/24/selection-committee-protocol>], including player compensation, “who” the coaches on the Committee “want to play” and “[w]ho do they not want to play.”

7. Identify all individual votes and vote tallies by You during Deliberations.

8. Identify all Persons who received access to any votes by You during Deliberations.

9. Identify all Persons present during any vote during Deliberations.

10. Identify individuals knowledgeable about the administration and use of the software or program used to record and/or tally votes by Your members.

11. Identify all guarantees of participation by the Group of Five Conferences in the New Year’s Six and the College Football Playoff National Championship Game.

12. Identify all guarantees of participation by the Power Five Conferences in the New Year’s Six and the College Football Playoff National Championship Game.

13. Identify all Communications Relating to the scheduling of games between the Group of Five Conferences and the Power Five Conferences.

14. Identify all revenue for the Group of Five Conferences each year for the last 5 years for the Rose Bowl, Orange Bowl, Sugar Bowl, Cotton Bowl, Peach Bowl, Fiesta Bowl and the College Football Playoff National Championship Game.

15. Identify all revenue for the Power Five Conferences each year for the last 5 years for the Rose Bowl, Orange Bowl, Sugar Bowl, Cotton Bowl, Peach Bowl, Fiesta Bowl and the College Football Playoff National Championship Game.

16. Identify all Communications Relating to the December 5, 2023, letter from the NCAA to Division I schools.

### **PART THREE – DOCUMENT REQUESTS**

#### **A. INSTRUCTIONS**

1. The nature of this request shall be deemed continuing. Accordingly, you are required to produce all documents which are responsive to any specification included in this CID on a continuing basis. Moreover, all copies of any Documents concerning the subject matter of this CID, not otherwise produced, shall be retained in Your files without alteration or modification until written consent by the Attorney General has been received permitting You to dispose of such Documents.

2. This CID calls for the production of all responsive Documents in Your possession, custody or control without regard to their authorship or physical location.

3. If any portion of any Document is responsive to any document request, the entire Document must be produced.

3. The response to this request should be submitted in the following manner:

(a) Documents provided shall be complete and unredacted. Documents shall be submitted as found in Your files (e.g., Documents that in their original condition were stapled, clipped or otherwise fastened together or maintained in separate file folders shall be produced in such form). Where the original Document is in color, copies submitted in lieu of such original Documents must also be in color.

(b) Documents provided shall be produced in the order in which they appear in Your files and shall not be shuffled or otherwise rearranged. Mark each page with corporate Identification and consecutive control numbers.

(c) Documents maintained in electronic form must be produced in their native electronic form with all metadata intact. Data must be produced in the data format in which it is typically used and maintained. Moreover, to the extent that a responsive Document has been electronically scanned (for any purpose), that Document must be produced in an Optical Character Recognition (OCR) format and an opportunity provided to review the original Document. In addition, documents that have been electronically scanned must be in black and white and should be produced in a Group IV TIFF Format (TIFF image format), with a Summation format load file (dii extension). DII Coded data should be



received in a (Comma-Separated Values) CSV format with a caret (^) used for multi-value fields. Images should be single page TIFFs, meaning one TIFF file for each page of the Document, not one .tiff for each Document. If there is no text for a text file, the following should be inserted in that text file: "Page Intentionally Left Blank." Moreover, this CID requires all objective coding for the production, to the extent it exists.

(d) For electronic mail systems using Microsoft Outlook or LotusNotes, provide all responsive emails and, if applicable, email attachments and any related Documents, in their native file format (i.e., .pst for Outlook personal folder, .nsf for LotusNotes). For all other email systems, provide all responsive emails and, if applicable, email attachments and any related Documents in OCR and TIFF formats as described above.

(e) Produce deposition, proceeding, and trial transcripts in manuscript form, with a word index, and electronically on CD or DVD. The electronic version of the transcripts should be in Live Notes PTF (Portable Transcript Format), PCF (Portable Case Format), or Plain Text format.

(f) Place all Documents produced in file folders. Mark each file folder with corporate Identification, the name of the Person whose Documents are in the folder, and how the original file was labeled.

4. If You do not possess any Documents responsive to a request, state this fact and specify the paragraph of this CID to which it is responsive.

5. If You withhold any Documents based on a claim of privilege, provide a statement of the claim of privilege and all facts upon which You rely in support of Your claim, including (a) author(s), (b) recipient(s), (c) date(s), (d) title(s), (e) subject matter(s) and (f) location(s) of the Document, and (g) the paragraph(s) of this CID to which it is responsive. If You withhold any Documents based on a claim that they constitute or contain attorney work product, provide the information called for by (a)-(g) above and identify the litigation in connection with which the Document was prepared.

6. If the person to whom the attached CID is directed believes that any part of the CID can be narrowed in any way that is consistent with this Office's need for documents and information, you are encouraged to discuss such questions and possible modifications with the representative of this Office identified in the CID as the one to whom inquiries concerning compliance should be directed. All modifications to the attached CID must be agreed to in writing by said representative.

## **B. SCHEDULE OF DOCUMENTS TO BE PRODUCED**

1. Documents sufficient to show all grants of authority to You.
2. All Documents Relating to the votes cast by Your members from October 31, 2023 to the present, including but not limited to, votes cast for the New Year's Six and the College Football Playoff National Championship Game and CFP Rankings, including but not limited to all individual votes, tallies, notes, audio and recordings.
3. All Documents Relating to the Deliberations, including but not limited to Communications, notes, recordings, summaries, statistical data, including Documents to or from SportSource

Analytics, or videos reviewed or reports. Communications includes those to or from any Person Relating to the Deliberations, including but not limited to:

- a. All Communications to or from the SEC Relating to the Deliberations.
  - b. All Communications to or from the ACC Relating to the Deliberations.
  - c. All Communications to or from the NCAA Relating to the Deliberations.
  - d. All Communications to or from ESPN, Inc. and ESPN Enterprises, Inc. Relating to the Deliberations.
  - e. All Communications to or from the Group of Five Conferences Relating to the Deliberations.
  - f. All Communications to or from the Power Five Conferences Relating to the Deliberations; and
  - g. All Communications to or from any other Person Relating to the Deliberations.
4. All Documents Relating to public statements Relating to the Deliberations, including media talking points and interview notes.
  5. Documents sufficient to show all restrictions on the Group of Five Conferences and the Power Five Conferences against having alternate playoff schedules.
  6. All Communications with the NCAA Relating to restrictions on the Group of Five Conferences and the Power Five Conferences against having alternate playoff schedules.
  7. Documents sufficient to show Your compensation of members in 2023.
  8. All disclosures by Your members of direct and indirect compensation in 2023.
  9. Documents sufficient to show all recusals of Your members from the Deliberations.
  10. Your standards Relating to ethics and conflicts of interest.
  11. Your document retention policy.