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11 Attorneys for Defendant PGA TOUR, INC.

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION

16 PHIL MICKELSON; TALOR GOOCH;  
HUDSON SWAFFORD; MATT JONES;  
17 BRYSON DECHAMBEAU; ABRAHAM  
ANCER; CARLOS ORTIZ; IAN POULTER;  
18 PAT PEREZ; JASON KOKRAK; and PETER  
UIHLEIN,

19 Plaintiffs,

20 v.

21 PGA TOUR, INC.,

22 Defendant.

Case No. 5:22-cv-04486-BLF

**DECLARATION OF NICHOLAS S.  
GOLDBERG IN SUPPORT OF  
DEFENDANT PGA TOUR, INC.'S  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR A TEMPORARY  
RESTRAINING ORDER**

Judge: Hon. Beth Labson Freeman  
Date: August 9, 2022  
Time 1:00 p.m.  
Dept: Courtroom 1, 5th Floor

Date Filed: August 3, 2022

Trial Date: None Set

1 I, Nicholas S. Goldberg, declare as follows:

2 1. I am a partner at Kecker, Van Nest & Peters LLP, an attorney licensed to practice  
3 law in the State of California, and a member of the Bar of this Court. I make this declaration in  
4 support of Defendant the PGA TOUR, INC.'s Opposition to the Motion for a Temporary  
5 Restraining Order filed by Plaintiffs Talor Gooch, Hudson Swafford, and Matt Jones. Except  
6 where otherwise stated, I have personal knowledge of the facts set forth in this declaration and, if  
7 called as a witness, could testify competently as to their truth.

8 2. Attached as **Exhibit 42** is a true and correct copy of a Federal Rule Evid. 1006  
9 Summary chart, *Exemplary Summary of TRO Plaintiffs' Mischaracterizations*. This chart was  
10 completed at my direction by my colleagues.

11 3. Attached as **Exhibit 43** is a true and correct copy of an article by Bob Harig, *Golf*  
12 *Legend Greg Norman Set to Run Competing Tour That Hopes to Begin Play in 2022*, ESPN,  
13 dated Oct. 29, 2021.

14 4. Attached as **Exhibit 44** is a true and correct copy of an article by Barry Syrluga,  
15 *Take note of the PGA golfers who play in Saudi Arabia. They're accepting blood money*, The  
16 Washington Post, dated January 6, 2022.

17 5. Attached as **Exhibit 45** is a true and correct copy of an article by Joel Beall, *What*  
18 *Phil gets wrong about the PGA Tour's media rights*, GolfDigest.com, dated February 19, 2022.

19 6. Attached as **Exhibit 46** is a true and correct copy of an article by Becky Sullivan,  
20 *Phil Mickelson apologizes for comments about a Saudi-backed golf league*, NPR, dated February  
21 23, 2022.

22 7. Attached as **Exhibit 47** is a true and correct copy of an article by Mark Schlabach  
23 and Tom VanHauren, *Inside How Phil Mickelson's challenge PGA tour backfired so quickly and*  
24 *what comes next*, ESPN, dated February 24, 2022.

25 8. Attached as **Exhibit 48** is a true and correct copy of an article by Golf Channel  
26 Digital, *LIV Golf Outlines Plan for Next Two Years After \$2 Billion Investment*,  
27 GolfChannel.com, dated May 10, 2022.

28

1           9.       Attached as **Exhibit 49** is a true and correct copy of an article by Golf Channel  
2 Digital, *Matt Jones says playing LIV Golf even is 'purely a business decision'*, GolfChannel.com,  
3 dated June 1, 2022.

4           10.       Attached as **Exhibit 50** is a true and correct copy of an article by Alex Miceli,  
5 *Matt Jones, Hudson Swafford Say They Were Enticed By Schedule, Team Format of LIV Golf*,  
6 Sports Illustrated, dated June 1, 2022.

7           11.       Attached as **Exhibit 51** is a true and correct copy of an article by Brendan Quinn,  
8 *Q&A: Matt Jones explains decision to join LIV Golf, desire to remain on PGA Tour*, The  
9 Athletic, dated June 1, 2022.

10          12.       Attached as **Exhibit 52** is a true and correct copy of an article by Kevin Van  
11 Valkenburg, *Dustin Johnson resigns from PGA Tour to Play in Rival Golf Series*, ESPN, dated  
12 June 7, 2022.

13          13.       Attached as **Exhibit 53** is a true and correct copy of an article by Ryan Lavner,  
14 *Rory McIlroy: 'Shame' that LIV circuit will 'fracture the game'*, GolfChannel.com, dated June 8,  
15 2022.

16          14.       Attached as **Exhibit 54** is a true and correct copy of an article by Andy Roberts,  
17 *Graeme McDowell RESIGNED from PGA Tour 30 minutes before LIV Golf tee time*,  
18 GolfMagic.com, dated June 9, 2022.

19          15.       Attached as **Exhibit 55** is a true and correct copy of an article by Ian Chadband,  
20 *Matt Jones condemns his PGA Tour ban*, PerthNow.com, dated June 9, 2022.

21          16.       Attached as **Exhibit 56** is a true and correct copy of an article by Ben Smith,  
22 *Bryson DeChambeu Dumped by Major Sponsor After He Joins LIV Golf*, GolfMagic, dated June  
23 10, 2022.

24          17.       Attached as **Exhibit 57** is a true and correct copy of an article by Tom Schad, *LIV*  
25 *Golf shines spotlight on 'sportwashing' – the nascent term for an age-old strategy*, USA Today,  
26 dated June 10, 2022.

27          18.       Attached as **Exhibit 58** is a true and correct copy of an article by Liam Killingstad,  
28 *LIV Golf Has Money to Blow*, FrontOfficeSports.com, dated June 12, 2022.

1           19. Attached as **Exhibit 59** is a true and correct copy of an article by James Hibbitt,  
2 *Rahm slams LIV Golf and Reveals His ‘Biggest Concern’ Over Saudi-Backed Series*, Golf  
3 Monthly, dated June 14, 2022.

4           20. Attached as **Exhibit 60** is a true and correct copy of an article by Adam Wells,  
5 *Rory McIlroy Says Players Leaving for LIV Golf Are ‘Taking the Easy Way Out’*, Bleacher  
6 Report, dated June 14, 2022.

7           21. Attached as **Exhibit 61** is a true and correct copy of an article by Michela  
8 Moscufo, *Saudi-backed LIV Golf tournament accused of ‘sportswashing’*, ABC News, dated June  
9 14, 2022.

10           22. Attached as **Exhibit 62** is a true and correct copy of an article by Anthony  
11 Riccobono, *LIV Golf Field: Top Tour Players Explain Why They Won’t Join Saudi-Backed*  
12 *Series*, IBTimes.com, dated June 14, 2022.

13           23. Attached as **Exhibit 63** is a true and correct copy of an article by Evan Bleier,  
14 *Brooks Koepka Should get used to LIV Golf’s ‘Black Cloud’*, InsideHook.com, dated June 15,  
15 2022.

16           24. Attached as **Exhibit 64** is a true and correct copy of an article by Sophie Peel,  
17 *Three Former Members of Pumpkin Ridge Golf Club Explain Why They Quit Over a Saudi-*  
18 *Backed Tournament*, Willamette Week (wweek.com), dated June 15, 2022.

19           25. Attached as **Exhibit 65** is a true and correct copy of an article by The Athletic  
20 Staff, *Brooks Koepka, Abraham Ancer the latest to leave PGA Tour for LIV Golf: Report*, The  
21 Athletic, dated June 21, 2022.

22           26. Attached as **Exhibit 66** is a true and correct copy of an article by Demi Lawrence,  
23 *Sen. Ron Wyden urges Pumpkin Ridge golfers to consider Saudi government human rights*  
24 *abuses*, KGW.com, dated June 23, 2022.

25           27. Attached as **Exhibit 67** is a true and correct copy of a press release entitled *DP*  
26 *World Tour confirms member sanctions*, EuropeanTour.com, dated June 24, 2022.

27           28. Attached as **Exhibit 68** is a true and correct copy of an article by Anne Peterson,  
28 *LIV Golf heads to Oregon, where local officials aren’t happy*, APNews.com, dated June 26, 2022.

1           29. Attached as **Exhibit 69** is a true and correct copy of a press release entitled *DP*  
2 *World Tour, PGA Tour expand and strengthen alliance*, EuropeanTour.com, dated June 28, 2022.

3           30. Attached as **Exhibit 70** is a true and correct copy of an article by Dan Rapaport, *At*  
4 *LIV Golf, the Saudi controversy stops at the Pumpkin Ridge gate*, Golf Digest, dated June 30,  
5 2022.

6           31. Attached as **Exhibit 71** is a true and correct copy of an article by Fox 12 Staff,  
7 *Saudi-backed golf tournament in North Plains stirs up controversy*, KPTV.com, dated June 30,  
8 2022.

9           32. Attached as **Exhibit 72** is a true and correct copy of a press release entitled  
10 *Statement from DP World Tour Chief Executive Keith Pelley*, EuropeanTour.com, dated July 1,  
11 2022.

12           33. Attached as **Exhibit 73** is a true and correct copy of an article by Jere Longman,  
13 *LIV Golfers Attract fans and Outrage at Pumpkin Ridge*, New York Times, dated July 1, 2022.

14           34. Attached as **Exhibit 74** is a true and correct copy of an article by Bob Harig, *Tiger*  
15 *Woods Disappointed With Players Joining LIV Golf: 'I Don't Understand It'*, Sports Illustrated,  
16 dated July 12, 2022.

17           35. Attached as **Exhibit 75** is a true and correct copy of an article by Field Level  
18 Media, *Justin Thomas 'sick of talking about' LIV Golf*, Sportsnaut.com, dated July 12, 2022.

19           36. Attached as **Exhibit 76** is a true and correct copy of an article Rex Hoggard, *Talor*  
20 *Gooch thought he would play one LIV event, then come back to PGA Tour*, GolfChannel.com,  
21 dated July 15, 2022.

22           37. Attached as **Exhibit 77** is a true and correct copy of an article by Anthony  
23 Johnson, *Families of 9/11 victims protest LIV Golf Tournament being held at Trump Country*  
24 *Club New Jersey*, ABC7NY.com, dated July 26, 2022.

25           38. Attached as **Exhibit 78** is a true and correct copy of an article by Kyle Boone, *LIV*  
26 *Golf League to expand to 14 events, increase total purse to \$405 million beginning in 2023*,  
27 CBSSports.com, dated July 27, 2022.

28

1           39. Attached as **Exhibit 79** is a true and correct copy of an article by Mark  
2 Cannizzaro, *Greg Norman opens up to Post about LIV Golf, 'blodd money' controversy, PGA*  
3 *Tour flight*, New York Post, dated July 28, 2022.

4           40. Attached as **Exhibit 80** is a true and correct copy of an article by Justin Birnbaum,  
5 *The World's Highest-Paid Golfers 2022: LIV Golf Reshuffles Top Earners And Sends Pay*  
6 *Soaring*, Forbes, dated July 29, 2022.

7           41. Attached as **Exhibit 81** is a true and correct copy of an article by David  
8 Waldenstein, *To 9/11 Families, Saudi-Backed Golf Event is 'Another Atrocity'*, New York Times,  
9 dated July 29, 2022.

10           42. Attached as **Exhibit 82** is a true and correct copy of an article by Jason Lemon,  
11 *LIV Golf Tournament at Trump Club Sees Thin Crowds, \$1 Tickets: Reports*, Newsweek, dated  
12 July 30, 2022.

13           43. Attached as **Exhibit 83** is a true and correct copy of an article by Ryan Herrington,  
14 *LIV Golf's riches propel Phil Mickelson to this notable financial title*, Golf Digest, dated July 31,  
15 2022.

16           44. Attached as **Exhibit 84** is a true and correct copy of a Transcription of Tucker  
17 Carlson Interview of Greg Norman, dated August 1, 2022. This transcript was completed by staff  
18 in my office and, at my direction, it has been reviewed for accuracy. The video can be found at  
19 <https://www.youtube.com/watch?v=0BEU-cTjly0>.

20           45. Attached as **Exhibit 85** is a true and correct copy of an article by Joe Rivera, *Who*  
21 *is playing LIV Golf? Updated list of PGA Tour defectors includes Phil Mickelson, Dustin*  
22 *Johnson, Bryson DeChambeau, others*, SportingNews.com, dated August 2, 2022.

23           46. Attached as **Exhibit 86** is a true and correct copy of an article by Rex Hoggard,  
24 *Cut Line: LIV Golf vs. PGA Tour lawsuit cuts deep, with anger and accusations*,  
25 GolfChannel.com, dated August 5, 2022.

26           47. Attached as **Exhibit 87** is a true and correct copy of the PGA Tour Profile page for  
27 Talor Gooch, as of August 7, 2022. This page can be found at [https://www.pgatour.com/players](https://www.pgatour.com/players/player.46402.talor-gooch.html)  
28 [/player.46402.talor-gooch.html](https://www.pgatour.com/players/player.46402.talor-gooch.html).

1 48. My colleagues and I have reviewed Appendix A of the declaration of Dr. Jeffrey  
2 Leitzinger, in which Dr. Leitzinger lists 59 players he deems to be “elite golfers.” We have also  
3 reviewed the field of golfers that participated in the LIV golf tournaments held in London, United  
4 Kingdom from June 9–11, 2022 (“LIV London”); in Portland, Oregon from June 30–July 2, 2022  
5 (“LIV Portland”); and in Bedminster, New Jersey from July 29–31, 2022 (“LIV Bedminster”).  
6 Based on our review, we found that 8 “elite golfers,” as Dr. Leitzinger defines them, played in  
7 LIV London, 12 “elite golfers” played in LIV Portland, and 15 “elite golfers” played in LIV  
8 Bedminster. Each LIV tournament had a field of 48 players. Thus, as of the date of this  
9 submission, on average, 24% of LIV’s 48-player fields have been comprised of “elite golfers”, as  
10 defined by Dr. Leitzinger.

11 I declare under penalty of perjury that foregoing is true and correct. Executed on August  
12 8, 2022, at San Francisco, California.

13  
14 By: \_\_\_\_\_

  
Nicholas S. Goldberg