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13 PGA TOUR, INC.

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

17 MATT JONES; BRYSON DECHAMBEAU;
18 PETER UIHLEIN; and LIV GOLF, INC.,

18 Plaintiffs,

19 v.

20 PGA TOUR, INC.,

21 Defendant.

23 PGA TOUR, INC.,

24 Counter-Claimant,

25 v.

26 LIV GOLF, INC.,

27 Counter-Defendant.

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

**PGA TOUR, INC.'S NOTICE OF
MOTION AND MOTION FOR LEAVE
TO AMEND COUNTERCLAIM TO ADD
COUNTER-DEFENDANTS;
MEMORANDUM OF LAW IN SUPPORT
THEREOF**

Date: May 18, 2023
Time: 9:00 a.m.
Courtroom: 3
Judge: Hon. Beth Labson Freeman

Date Filed: August 3, 2022

Trial Date: January 8, 2024

28 **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**

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NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND COUNSEL OF RECORD:

Please take notice that on May 18, 2023 at 9:00 a.m. or as soon thereafter as this matter can be heard, in the courtroom of District Judge Beth Labson Freeman, located at 280 South 1st Street, San Jose, CA 95113, PGA TOUR, INC. will and hereby does move, pursuant to Federal Rules of Civil Procedure 15 and 21, for an order granting leave to amend its counterclaim to add the Public Investment Fund of the Kingdom of Saudi Arabia and Yasir Othman Al-Rumayyan as counter-defendants.

This motion is based on this Notice of Motion and Motion, the following Memorandum of Points and Authorities, all files and records in this action, oral argument, and such additional matters as may be judicially noticed by the Court or may come before the Court prior to or at the hearing on this matter.

Dated: January 24, 2023

KEKER, VAN NEST & PETERS LLP

By: /s/ Elliot R. Peters

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STATEMENT OF ISSUE TO BE DECIDED

Whether the Court should grant the PGA TOUR, INC. (“the TOUR”) leave to add the Public Investment Fund of the Kingdom of Saudi Arabia (“PIF”) and Yasir Othman Al-Rumayyan (“Mr. Al-Rumayyan”) as counter-defendants in light of recently produced documents demonstrating that they exercise control over LIV Golf Inc. and have participated in the tortious interference of the TOUR’s contracts.

MEMORANDUM OF LAW**I. INTRODUCTION¹**

The TOUR respectfully requests leave to amend its counterclaim to add PIF and Mr. Al-Rumayyan as counter-defendants. The TOUR has asserted a counterclaim against counter-defendant LIV Golf Inc. for intentionally interfering with the TOUR’s contracts with players, including the current Player Plaintiffs. As set forth in the existing counterclaim, LIV intentionally and knowingly caused these players to breach their contractual obligations to the TOUR by misrepresenting TOUR contracts; inducing these breaches by offering highly lucrative contracts that make it impossible for players to comply with their TOUR contracts; and providing extensive indemnification and hundreds of millions of dollars to compensate LIV players for these breaches. Recently produced documents confirm that PIF and Mr. Al-Rumayyan played an active and central role in orchestrating these breaches for their own benefit and are equally liable for the harm caused to the TOUR.

LIV is the end result of a long-contrived plan known as “Project Wedge,” which was a plan designed to provide a roadmap to taking over professional golf as part of the Kingdom of Saudi Arabia’s Vision 2030. Project Wedge and LIV were created by PIF, the sovereign wealth fund for the Kingdom of Saudi Arabia that has amassed over half a trillion dollars in assets, and of which Mr. Al-Rumayyan is the Governor. Documents produced by LIV reveal that PIF and Mr. Al-Rumayyan were instrumental in inducing players to breach their TOUR contracts. In

¹ Internal citations and quotation remarks have been removed herein and emphases added, unless otherwise noted. Page citations to “Dkt.” reference the document’s internal pagination.

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