

# **EXHIBIT 42**

*Mickelson, et al. v. PGA TOUR, Inc.*, No. 5:22-cv-04486-BLF (N.D. Cal.)

**Fed. R. Evid. 1006 | Summary of Evidence  
Exemplary Summary of TRO Plaintiffs’ Mischaracterizations**

<b>No.</b>	<b>Plaintiffs’ Omission, Inaccuracy, or Misrepresentation</b>	<b>Fact</b>	<b>Evidence</b>
<b>1</b>	TRO Plaintiffs contend that there is an emergency justifying extraordinary judicial relief.	<p>Plaintiffs have known of their suspensions since June 9, 2022, when they each received letters from the TOUR informing them of their discipline.</p> <p>Matt Jones stated publicly “[y]ou’ve got to expect” that he would be banned for committing to play in LIV events without a release. When asked following his suspension about the possibility of never playing again on the PGA TOUR, Jones stated, “I did come to this [LIV] series and this tournament with the understanding that [ ] could be the case.”</p> <p>Indeed, Plaintiffs have been preparing this “emergency” motion for—at a minimum—nearly two months, as reflected in their own declaration (citing a source accessed on June 9, 2022).</p>	Levinson Decl. Exs. 9, 22, 33; Goldberg Decl. Ex. 55; Dkt 2-13 at 15 n.31.
<b>2</b>	TRO Plaintiffs claim that a “tour representative” said that “[w]e hold all the cards . . . We don’t want those guys playing. We don’t care what the courts say.” Dkt. 2 at 1.	<p>Davis Love III, who is not a “tour representative,” did not make the statement attributed to him in this highly edited and misleading quotation. He did say that <i>golfers</i> hold all the cards, and that if a court ordered the TOUR to permit LIV golfers to play in TOUR events despite breaking the TOUR’s rules, other golfers might simply boycott those events, because they “respect the rules,” and are “fed up,” and “don’t want those guys . . . coming and cherry-picking our tournaments.”</p>	Dkt. 2-8 at 276–77.

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3	TRO Plaintiffs misleadingly claim that TOUR Commissioner Jay Monahan conceded that it would be "irrational" to try to compete with the TOUR. Dkt. 2 at 3.	Commissioner Monahan said nothing resembling this misleading language TRO Plaintiffs attribute to him. What he actually said is that the <i>LIV Golf</i> is an irrational participant in the market because it is "not concerned with the return on investment or true growth of the game."	Dkt. 2-3 at 4.
4	TRO Plaintiffs contend that "[e]ntry into next year's Majors (Masters, PGA Championship, U.S. Open, and The Open) . . . is earned in the FedEx Cup," and that if the Court does not grant their motion, they will "lose the opportunity to qualify for the 2023 Majors[.]" Dkt. 2 at 2, 22.	<p>The FedExCup is only one of myriad ways a player may qualify for the Majors, which each determine their own fields according to their own invitation regulations. The qualifications for each Major are reprinted in the TOUR's Player Handbook &amp; Regulations ("the Regulations").</p> <p>The Masters, to take just one example, includes in its field any former winner of the Tournament, any winner of another major for the last five years, any winner of THE PLAYER'S Championship for the last three years, the current Olympic Gold Medalist (one year exemption), the top 12 finishers from the previous year's Masters Tournament, the top four finishers from the previous year's U.S. Open, The Open, and PGA Championships, any winner on the PGA TOUR since the last Masters Tournament was held, anyone who qualified for the previous year's TOUR Championship, and the top 50 players in the Official World Golf Rankings from the prior calendar year and published the week prior to the Masters, among other qualifiers.</p>	Levinson Decl. ¶ 11, Ex. 6 at 36.

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<b>No.</b>	<b>Plaintiffs’ Omission, Inaccuracy, or Misrepresentation</b>	<b>Fact</b>	<b>Evidence</b>
<b>5</b>	Mr. Swafford contends that the TOUR “did not send a notice” of discipline to him following the announcement of the field for the LIV Golf exhibition event in London. Dkt. 2 at 9.	In fact, the TOUR sent Mr. Swafford a disciplinary notice the very next day, June 1, 2022, informing him that his participation in the LIV Golf exhibition event in London violated the conflicting events provision of the Regulations.	Levinson Decl. Ex. 20
<b>6</b>	Mr. Gooch contends that, although Commissioner Monahan sent letters to other suspended players informing them that their appeals had been transferred to the TOUR’s Appeals Committee, he did not receive such a letter. Dkt. 2-11 ¶ 35.	In fact, the TOUR <i>did</i> send Mr. Gooch a letter on July 30, 2022 informing him that his appeal had been transferred to the Appeals Committee.	Levinson Decl. Ex. 17
<b>7</b>	Following his second round at this year’s Open Championship, Mr. Gooch told the media that he only planned to play one LIV event in London, before changing his mind after the TOUR suspended him in June. <i>See</i> Goldberg Decl. Ex.76; Gooch Decl ¶ 30.	In fact, Mr. Gooch intended to play in more than one LIV event before the London event began and before he was suspended.	Peters Decl. Ex. 2
<b>8</b>	TRO Plaintiffs claim that their “suspensions serve as a warning shot to other professional golfers,” and “has the effect—and the intent—of threatening LIV Golf’s nascent entry.” Dkt. 2 at 16; Dkt. 2-11, ¶ 36; Dkt. 2-10, ¶ 36; Dkt. 2-9, ¶ 36.	In fact, LIV’s Commissioner, Greg Norman, has told the media that “longer they [the PGA TOUR] do it (suspend players), the less we’re [LIV Golf] worried about it because we have more people coming in and wanting to invest.”	Goldberg Decl. Ex. 79

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9	TRO Plaintiffs selectively cite news reports, third-party statements, and press statements to attempt to suggest collusion between the TOUR and the DP World Tour. Brass Decl. Ex. 22.	<p>In fact, the available facts show that the DP World Tour acted independently and had independent reservations about forming any relationship with LIV.</p> <p>Moreover, the DP World Tour has long recognized that LIV’s “plans are not conducive to the long-term health and prosperity of the European Tour” and indeed, “they are detrimental to our future.”</p> <p>The DP World Tour’s sanctions against LIV players were the result of the DP World Tour enforcing penalties on its members who committed rule violations. The DP World Tour CEO Keith Pelley explained: “I will simply reiterate that our Members’ Regulations which have been in force for more than 30 years, have been accepted by all the players, are there to protect all of our members, and we will use them to take all necessary steps to protect their interests. The sanctions for those members who knowingly broke our rules by playing at the Centurion Club without a release are proportionate, fair and, I believe, considered necessary by the majority of our members.”</p> <p>The DP World Tour stated that it declined to continue the Saudi International tournament on its tour because Golf Saudi’s actions in supporting LIV are detrimental to the DP World Tour.</p> <p>On May 12, 2021, the DP World Tour did not “send threats” to the Asian Tour, but rather, presented an</p>	<p>Brass Decl. Ex. 4;            Ex. 5; Ex. 10; Ex. 22b; 22c; 22d; 22f; 22n; 22o; 22p</p> <p>Goldberg Decl. Ex. 69; Ex. 67; Ex. 72</p>

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<b>10</b>	Each of the TRO Plaintiffs contend, in identical language in each of their declarations, that their decision to join LIV golf was made, at least in part, because they believe that “LIV Golf is good for the game of golf, that LIV Golf offers innovation to the golf entertainment product[.]” Dkt. 2-9, ¶ 17; Dkt. 2-10, ¶ 17; Dkt. 2-11, ¶ 17	offer to the Asian Tour to renew a partnership agreement for 2022-2026.  Reports detail that LIV Golf partnered with the Asian Tour in an effort to allow LIV events to qualify for Official World Golf Ranking points.  In fact, the TRO Plaintiffs have made very different public statements about their reasons for joining LIV Golf.  Mr. Jones told the Golf Channel that joining LIV Golf was “[p]urely a business decision for me[.]”  Mr. Swafford emphasized to Sports Illustrated that LIV’s “schedule is very enticing to a guy who has two small kids.”  Mr. Gooch told the media he intended to play just one LIV event before returning to play on the TOUR, despite the fact that he intended to actually play in more than one event.	Goldberg Decl. Ex. 49; Ex. 50; Ex. 76
<b>11</b>	TRO Plaintiffs contend that the TOUR has “pressured sponsors to drop players for playing with LIV Golf,” and cite to Commissioner Monahan’s January 24, 2020 memorandum, another memorandum written on June 9, 2022, and an article from “Global Golf Post.” Dkt. 2 at 5.	TRO Plaintiffs’ assertion is unsupported by evidence.  In fact, Commissioner Monahan wrote on January 24 that “[w]e have engaged select TOUR partners to determine if Private Equity Golf has been in contact. To date, we have no information regarding outreach to partners.” He further wrote that “TOUR representatives have reached out to existing and potential media partners to determine if Private Equity Golf organizers have been in contact and, if	Dkt. 2-3 at 121; Dkt. 2-4 at 182; Dkt. 2-5 at 380-81.

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		<p>so, gauge interest. Those partners that have been contacted indicated to us that they have no interest in dealing with Private Equity Golf because the entity does not own any media rights.”</p> <p>Commissioner Monahan’s June 9, 2022 memorandum to PGA TOUR <i>members</i> is not even addressed to sponsors, nor does it discuss conversations with them. Instead, Commissioner Monahan wrote: “I am certain our fans and partners – who are surely tired of all this talk of money, money, and more money – will continue to be entertained and compelled by the world-class competition you display each and every week[.]”</p> <p>The Global Golf Post article contains the word “sponsor” just twice, in the same sentence, which reads in its entirety: “Not everybody is going to stay, and we can’t keep them, but the (tournament) sponsors are with us and the player agents are here, and their sponsors are loyal to the tour.”</p> <p>Nothing in any of these cited sources remotely suggests that the TOUR “pressured sponsors to drop players for playing with LIV Golf,” as TRO Plaintiffs contend.</p>	
<b>12</b>	<p>TRO Plaintiffs claim that the TOUR “enlisted famous players to publicly intimidate young golfers against playing with LIV Golf[.]” Dkt. 2 at 5.</p>	<p>TRO Plaintiffs’ assertion is unsupported by evidence. TRO Plaintiffs cite four media articles related to comments made by Tiger Woods and Davis Love III. None of these articles says anywhere that Mr. Woods or Mr. Love spoke on behalf of the TOUR, at the</p>	<p>Dkt. 2-5 at 298-304, 306-07; Dkt. 2-6 at 7-8; Dkt. 2-8 at 276-77</p>

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		<p>TOUR’s request or direction, or in any capacity as a TOUR official. Indeed, these articles reflect the individual statements of individual TOUR members.</p> <p>There is no evidence in the cited publications to support the TRO Plaintiffs’ speculation that the TOUR “enlisted” these comments.</p>	
<b>13</b>	<p>TRO Plaintiffs contend that “[t]he people who control the Tour and its Policy Board are not professional golfers, but are full-time administrators.” Dkt. 2 at 4.</p>	<p>TRO Plaintiffs omit the fact that there are four player-directors on the TOUR Policy Board, and that a fifth player-director is slated to join the Policy Board in January 2023. Moreover, TRO Plaintiffs fail to mention the sixteen-member Player Advisory Council that advises and consults with the Policy Board. TOUR members may vote to elect representatives to both the Policy Board and the Player Advisory Council.</p>	<p>Levinson Decl. ¶ 7.</p>