

# EXHIBIT B

Declaration of Dr. Orley Ashenfelter

**DECLARATION OF  
ORLEY ASHENFELTER  
IN CONNECTION WITH**

**RAY et al.**

**v.**

**NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
CASE NO. 1:23-cv-00425-WBS**

## Introduction

1. My name is Orley Ashenfelter. I am the Joseph Douglas Green 1895 Professor of Economics Emeritus at Princeton University. I previously submitted a report (“Ashenfelter Class Certification Report”)<sup>1</sup> and Declaration (“Ashenfelter Class Certification Declaration”),<sup>2</sup> collectively “Ashenfelter Class Certification Reports,” in connection with this case and have given deposition testimony at two depositions.
2. My curriculum vitae and a list of my testimony in the last four years are attached to this declaration as Appendix A. My time is being billed at the rate of \$950 per hour for my work in this matter. This is my normal hourly rate for this type of work. Payment to me is not contingent on my opinions in this matter, and I have no direct financial interest in the outcome of this matter.
3. I have been retained by counsel for a certified class of coaches in sports other than baseball, basketball, and FBS football at National Collegiate Athletic Association (“NCAA”) Division I schools. The Class Members are “All persons, who, from March 17, 2019, to June 30, 2023, worked for an NCAA Division I sports program other than baseball in the position of ‘volunteer coach,’ as designated by NCAA bylaws.”<sup>3</sup>
4. I understand the relevant parties have reached a settlement in this litigation for the certified class that will result in the creation of a settlement fund in the amount of \$303 million. This declaration describes the settlement amount in relation to the estimated classwide damages using the methodology described in the Ashenfelter Class

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<sup>1</sup> Corrected Report of Orley Ashenfelter, November 26, 2024, which corrected a report dated November 1, 2024. All references to this report are to the corrected version.

<sup>2</sup> Declaration of Orley Ashenfelter, January 31, 2025.

<sup>3</sup> Memorandum and Order Re: Plaintiffs’ Motion for Class Certification and Defendant’s Motion to Exclude Expert Testimony At p. 27.

Certification Reports, with a handful of minor updates and adjustments I have made since filing those Reports, as well as the methodology I will use for purposes of assisting counsel in allocating damages among the Class Members.

5. Throughout this declaration, I present amounts relative to the gross settlement fund without deductions for court approved expenses or attorneys' fees.

### **Aggregate Estimated Damages**

6. In the Ashenfelter Class Certification Reports, I described a classwide, common methodology for assessing impact and damages to the class. In summary, that methodology included:
  - Identifying each Class Member, including the sport, school, and year in which they were designated as a volunteer coach;
  - Identifying the lowest-paid unrestricted coach in each Class Member's school, sport, and year (the "reference coach"), as well as the wages provided to that reference coach;
  - Performing a regression analysis using post-conspiracy data among programs that hired a paid coach into the former "Volunteer" coaching position to calculate a downward adjustment ("step-down") in pay that represents the average relationship between the lowest paid coach and the second-lowest paid coach in a program after the Volunteer Coach Rule was repealed; and



- Calculating the but-for pay for each Class Member in each coaching year during the class period (a “Class Member Year”) by applying one or more “step-downs” to the wages of each Class Member’s reference coach for that year.<sup>4</sup>
7. Since filing those Reports, I have made the following updates and adjustments, none of which change the basic design of the methodology: 1) incorporated new data received from schools; 2) refined and further cleaned data I previously received; and 3) included a small number of Class Member Years that were identified in the NCAA’s Membership Financial Reporting System (“MFRS”) data as associated with unpaid coaches, from programs that did not report any volunteer coaches in those years.
  8. My estimate of aggregate damages to the class is the sum total of the but-for wages for each Class Member during the class period, with additional adjustments to account for the value of lost health benefits, the length of the class period, and for program-years that reported more volunteer coaches than allowed by NCAA bylaws.
  9. At the time of the Settlement, I had not yet concluded my final implementation of this methodology. At that time, my estimate of aggregate damages to the class from lost pay was approximately \$253.9 million and from lost pay and lost health insurance benefits was approximately \$299.6 million.
  10. In addition, based on the data collected in discovery in this case from the NCAA and its member schools, I estimate that there are approximately 7,718 Class Members, who

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<sup>4</sup> For the small percentage of Class Member Years for which reliable reference coach pay is not available, I use regression analysis to estimate a model of reference coach pay with the salary data that is available. This model accounts for a program’s NCAA sport-conference, as well as institutional factors like total undergraduate enrollment and the size of the school’s endowment. The regression coefficients from that model are used to estimate reference-coach pay for specific programs. I am then able to derive loss amounts by “stepping down” from estimated reference coach pay.

collectively worked during approximately 13,370 years in the “volunteer coach” position during the class period.

### **Allocation of Settlement Amount**

11. The methodology I will use to assist counsel in calculating loss amounts for allocation purposes is similar to the methodology I described in the Ashenfelter Class Certification Reports and above.
12. I understand that the claims administration process involves identifying the half-year periods (January 1 through June 30 and July 1 through December 31) of each year in which each Class Member performed any work as a volunteer coach, and allocating compensation to each Class Member on that basis.
13. Because this methodology results in an aggregate loss amount less than the settlement pool of \$303 million, I scale up all recoveries so that the total aggregate damages equals the \$303 million settlement pool.
14. If this methodology results in any Class Member Half-Year with a loss amount below \$2,500, I will assign that Class Member Half-Year a loss amount of \$2,500. Furthermore, if this methodology results in any Class Member receiving a total loss amount of less than \$5,000, I will assign that Class Member a total loss amount of \$5,000. I will then adjust all other loss amounts accordingly, as per Counsel’s instruction. I expect that less than 1.3% percent of the net settlement fund will be distributed due to these minimum guaranteed loss amounts.
15. I have mostly completed the work that will be needed to calculate class members’ shares of the settlement, but a small amount of work will likely be needed during the settlement administration process, including to provide all information the Claims Administrator

needs to administer the settlement. I estimate that this work will amount to around \$45,000. This could increase if I am required to do additional work for some unforeseen reason.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 10<sup>th</sup> of November in Winchester, Hampshire County, United Kingdom.

A handwritten signature in black ink, reading "Orley Ashenfelter", is positioned above a horizontal line.

Orley C. Ashenfelter

## Appendix A

## Curriculum Vitae 2025

NAME: Orley C. Ashenfelter

BUSINESS ADDRESS: Industrial Relations Section  
Louis A. Simpson International Bldg.  
Princeton University  
Princeton, New Jersey 08544

BUSINESS PHONE: 609-258-4040

FAX NUMBER: 609-258-2907

CURRENT POSITION: Joseph Douglas Green 1895 Professor of Economics, Emeritus  
Senior Scholar in Economics

And

American Association of Wine Economists, President  
American Philosophical Society, Member  
Executive Committee, Law and Public Affairs, Princeton University  
Faculty Steering Committee, Griswold Center for Economic Policy Studies, Princeton University  
Scientific Advisory Committee, Graduate School of Economics, Barcelona  
Co-editor, *Journal of Wine Economics*  
Advisory Board, Stanford University, Institute for Economic Policy Research  
Editorial Board, *Journal of Cultural Economics*  
International Advisory Board, the *Economic and Labour Relations Review*  
Editorial Board, Economic Sciences, PNAS

PREVIOUS POSITIONS: Western Economic Association International, President-elect, 2017- 2018  
Vice-President, 2015-16, Western Economic Association International  
President, American Economic Association, 2011  
President, American Law and Economics Association, 2010  
President, Society of Labor Economists, 2003  
Editorial Board, the Australian Bulletin of Labour, 2009-2017

Section Editor, Economics, *International Encyclopedia of the Social and Behavior Sciences*

Co-Editor, *American Law and Economics Review*, 1999-2005

Director, Industrial Relations Section, Princeton University

Co-editor, *American Economic Review*, 2001-2002

Editor, *American Economic Review*, 1985-2001.

Meyer Visiting Research Professor, New York University School of Law, 1990.

Meeker Visiting Professor, University of Bristol, 1980-81.

Guggenheim Fellow, 1976-77.

Director, Office of Evaluation, U.S. Department of Labor, 1972-73.

Lecturer, Assistant Professor, and Associate Professor of Economics, Princeton University, 1968-72.

EDUCATION:

Claremont McKenna College, B.A. 1964

Princeton University, Ph.D. 1970

AWARDS AND HONORS:

Doctor Honoris Causa of the University of Bordeaux, 2023

Corresponding Fellow of the British Academy, 2018

National Academy of Sciences Elect, 2018

Honorary Degree from Charles University, Czech Republic, January 15th, 2014.

Labor and Employee Relations Academic Fellow, 2010

Distinguished Fellow, American Economic Association, January, 2008.

Recipient of Karel Englis Honorary Medal, awarded by the Academy Council of the Academy of Science of the Czech Republic, May, 2007.

Society of Labor Economists' Jacob Mincer Award, June 4, 2005.

Corresponding Fellow of the Royal Society of Edinburgh, 2005.

IZA Prize in Labor Economics, 2003.

Doctor Honoris Causa, University of Brussels, November 29, 2002

Fellow, American Academy of Arts & Sciences, 1993-

Recipient of the Ragnar Frisch Prize of the Econometric Society, 1984.

Fellow, Econometric Society, 1977.

Guggenheim Fellowship, 1976-77.

BOOKS:

*Statistics and Econometrics: Methods and Applications*, (with Phillip Levine and David Zimmerman), New York: J. Wiley, 2003.

*The Collected Essays of Orley C. Ashenfelter*, Volumes I – III, (edited by Kevin Hallock), Cheltenham, England: Edward Elgar Publishing Limited, 1997.

Volume I Employment, Labor Unions, and Wages

Volume II Education, Training, and Discrimination

Volume III Economic Institutions and the Demand and Supply of Labor

VIDEOS/MEDIA:

[“Introduction to Wine Economics”](#), YouTube, Harvard Data Science Initiative, July 15, 2024.

Host of podcast [“The Work Goes On with Orley Ashenfelter,”](#) Industrial Relations Section, Princeton University December 2022 - present.

Profiled on video blog on site of Scott Cunningham, Professor of Economics, Baylor University, [“Brittany and Michael Present 5 Pionners in Difference-in-Differences,”](#) November 2022.

Podcast on Environmental Insights, hosted by Robert Stavins, Harvard University. [“The Economics of Wine: A Conversation with Orley Ashenfelter,”](#) March 2022.

[Interview with Orley Ashenfelter, PhD labor economist](#), YouTube, Hosted by Scott Cunningham, Professor of Economics, Baylor University, March 2022.

Podcast on Harvard Data Science Review, "Big Data and Wine" December 2021

[“What McDonald’s Shows About The Minimum Wage,”](#) NPR’s Planet Money, February 2021.

[“Economics of Wine,”](#) part of the “Economists in the Wild” series produced by Marginal Revolution University, September 2020.

[Interviewed on Facebook Live, Sailing Illustrated, “Economics of Wine”](#) January 2020.

“Panel 1: Approaching Labor Market Definition,” part of the Public Workshop on Competition in Labor Markets, United States Department of Justice, September 2019.

“Barcelona GSE Scientific Council Roundtable: What has changed?” Barcelona GSE, March 2019.

“Wine, Big Macs and Natural Experiments with Orley Ashenfelter, Princeton University,” Interviewed by Liyou Borga, PhD student at the Center for Economic Research and Graduate Education - Economics Institute, 2014.

“Labor Reform and Crisis Recovery – Barcelona GSE,” roundtable debate as part of the biennial meeting of the Barcelona GSE Scientific Council, September 2012.

#### PUBLIC LECTURES:

Introduction to Statistics and Introduction to Econometrics, Lecture, Inaugural Justices Scalia & Ginsburg Judicial Colloquium for State Supreme Court Justices, January 2023, The Law & Economics Center, George Mason University, Honolulu, HI.

Seminar in Applied Economics, February 22, 2022, “Evaluating the Economic effects of Prohibition.”

Inaugural Ronald Coase Lecture, June 2021, University of Dundee, Scotland.

Sage Lodge Colloquium, Lecture, September 2021, Law & Economics Center, George Mason University, Pray, MT.

The Douglas H. Ginsburg Judicial Colloquium Series, December 2021, (Introduction to Statistics and Introduction to Econometrics), Law & Economics Center, George Mason University, Palm Beach Florida.

American Bar Association, July 2020, “Information Exchanges: Antitrust, RICO, and Tort Theories of Liability,” panel presentation.

United States Department of Justice Public Workshop on Competition in Labor Markets, September 2019, “Approaching Labor Market Definition,” panel presentation.

Syracuse University Whitman School of Management, June 2019, “How Competitive are US Labor Markets.” Keynote address at the Changing Nature of Work and Workplaces Conference.



Federal Trade Commission, April 2019, “Retrospective Analyses of Mergers,” presented on panel at FTC Hearing #13: Merger Retrospectives.

“Barcelona GSE Scientific Council Roundtable: What has changed?” Panel presentation at Barcelona GSE, March 2019.

Keynes Lecture at the British Royal Academy, November 2018, “The McWages Project: Real Wages Across Space and Time.”

Western Economic Association International Presidential Address, June 2018, “The McWages Project: Real Wages Across Space and Time.”

Kiwanis Club of San Francisco, July 2018, “The World of Wine – an Economist’s Perspective.”

University of Washington, Princeton Club of Western Washington, April 2018, “What Determines Vintage and Vineyard Quality?”

14th International Conference of the Western Economic Association International (WEAI), January 2018, “Roundtable Discussion on Immigration”

Humboldt State University, November 2017, “Wine Economics: the Role of Robert Hodgson.”

Trento Economic Festival, June 2017, “Comparing Real Wages,” Trento, Italy.

Napa Valley Grape Growers, March 2017, “Do Vineyards & Vintage Really Matter?”

The National Economist Club, February 2017, “The Economics of Czech Wine,” presented at the Embassy of the Czech Republic, Washington DC.

Inness College, November 2016, Morley Gunderson Lecture in Labour Economics and Industrial Relations, “Real Wages Over Time and Space (the McWages Project).”

Gustavus College, September 2016, Nobel Conference 52, “Comparing Real Wages around the World: Inequality in Human Wealth.”

University of Arizona, April 2016, Economic Seminar Series, “Real Wage Rates Around the World and Over (a Long) Time.”

Vassar College, April 2016, Martin H. Crego Lecture in Economics, “Evaluating the Economic Effects of the Noble Experiment: National Prohibition, 1920-1933.”

Rutgers University, March 2016, Dean's Distinguished Lectureship in Social and Behavioral Sciences, "Real Wage Rates Around the World and Over (a Long) Time."

Maitre Magisterial, Conference in Honor of Danièle Meulders, Université libre de Bruxelles, 2015

Art Investment Forum, Shanghai, China, October 2013, "Trust and Transparency in the Art Market," Keynote Speech.

Shanghai Jiao Tong University, Antai College of Economics and Management, China, October 2013, "Comparing Real Wages".

Sotheby's Institute, London, May 2013, "Trust and Transparency in the Art Market" Plenary Lecture, Conference on Art Markets.

U.S. Department of Labor, November 2012, "History of Program Evaluation," presented at the 75th Anniversary Celebration and Conference.

"Labor Reform and Crisis Recovery – Barcelona GSE," roundtable debate as part of the biennial meeting of the Barcelona GSE Scientific Council, September 2012.

Washington State University, March 2011, "McWages, Cross Country Comparison of Wages", 11th Annual Bertha C. and Roy E. Leigh Distinguished Lecture in Economics

American Bar Association, December 2010, Presentation, Conference on Labor Market Monopsony.

Yale University, November 2010, Plenary Lecture, Conference on Empirical Legal Studies.

San Francisco Federal Reserve Board, July 2010, "Expert Opinion."

Brigham Young University, April 2010, "McWages, Cross Country Comparison of Wages."

Stanford University, March, 2010, "Labor Markets and Their Recovery."

Vanderbilt University, February 2010, "McWages, Cross Country Comparison of Wages."

Law and Economics Workshop, University of California-Berkeley, Berkeley, California, November 16, 2009, "The Effect of Mergers on the Consumer Prices: Evidence from Five Mergers on the Enforcement Margin."

District of Columbia Circuit Conference of the Federal Courts, Nemacolin Woods, Pennsylvania, Conference of the Third Circuit

Judicial Court of Appeals, June 8, 2006, "How Not to Lie with Statistics."

Stanford Institute for Economic Policy Research, Stanford University, Stanford, California, May 30, 2006, "McWages: Cross-Country Comparison of Wages."

The Economics of Art and Culture in Honor of Victor Ginsburg, June 17, 2005, Brussels, Belgium, "Efficiency and Inefficiency in the Market for Bordeaux Wines."

David Hume Institute Lecture, Edinburgh, Scotland, March 24, 2005. "The Evolution of the Global Labor Market: Change vs. Continuity."

J. Denis Sargan Lecture to the Royal Econometric Society, Nottingham, England, March 23, 2005, "The Value of a Statistical Life: Problems and Prospects."

Edmund Clarke Distinguished Lecture, October 15, 2004, Queens College, Ontario, "Evolution of the Global Labor Market: Change vs Continuity."

Wei Lun Lecture, December 14, 2000, The Chinese University of Hong Kong, "How Large Is the Economic Payoff to Education?"

Paul Hartman Memorial Lecture, November 1, 1995, University of Illinois at Champaign-Urbana, "How Credible is the Evidence Linking Education and Income?"

Jerome Levy Economics Institute Lecture, November 21, 1995, Bard College, "How Credible Are Estimates of the Economic Returns to Schooling?"

Ida Cordelia Beam Lecture, November 10, 1994, University of Iowa, "Does a College Degree Pay Off? Evidence from Data on Identical Twins."

42nd Joseph Fisher Lecture, October 12, 1993, Adelaide University, Adelaide, Australia, "How Convincing is the Evidence Linking Education and Income?"

Lecture to honor Gregg Lewis, October 29, 1992, Duke University, "The Economic Returns to Schooling from a New Sample of Twins."

George Seltzer Distinguished Lecture, October 6, 1991, Industrial Relations Center, University of Minnesota, "How Convincing Is The Evidence Linking Education and Income?"

University of Bristol, Bristol, England, December 6, 1990, "The Market for Fine Wine: Is It Economically Efficient or Is There a Sucker Born Every Minute"

PUBLICATIONS:

Ashenfelter, Orley (2024) "Public Policy and labour market competition-IFS Deaton Review of Inequalities", Oxford Open Economics, 3, i930-i932, odad028

Ashenfelter, Orley & Ruth Gilgenbach (2023) No-Poaching Agreements as Antitrust Violations: Animation Workers Antitrust Litigation In John Kwoka, Jr, Tommaso M. Valletti, and Lawrence J. White ( Eds.), *Antitrust Economics at a Time of Upheaval: Recent Competition Policy Cases on Two Continents*. Competition Policy International.

(with David Card, Henry Farber, and Michael Ransom)  
"Monopsony in the Labor Market: New Empirical results and New Public Policies," *Journal of Human Resources*, vol. 57 no. 3, 2022, p. S1-S10.

(with Alan B. Krueger) "Theory and Evidence on Employer Collusion in the Franchise Sector," *Journal of Human Resources*, vol. 57 no. 3, 2022, p. S324-S348.

(with Stepan Jurajda) "Minimum Wages, Wages, and Price PassThrough: The Case of McDonald's Restaurants", *Journal of Labor Economics*, Volume 40, Issue S1, 2022. Pp. S179-S201.

(with A. Mas) "Editorial Essay: Introduction to a Special Issue in Honor of Henry Farber", *Industrial and Labor Relations Review*, Volume 72, Issue 2, 2019.

Ashenfelter, Orley, Daniel L. McFadden, Abigail Payne, Jason Potts, Robert Gregory, Wade E. Martin, "Roundtable Discussion on Immigration. This article is based upon presentations at the closing session of the 14th International Conference of the Western Economic Association International (WEAI), hosted by the Newcastle Business School, University of Newcastle, Australia, January 11–14, 2018, Published online November 2019.

(with A. Corsia) "Predicting Italian Wine Quality from Weather Data and Expert Ratings," *Journal of Wine Economics*, Volume 14 Number 3, 2019

Ashenfelter, Orley, Robert F. Engle, Daniel L. McFadden, and Klaus Schmidt-Hebbel. 2018. "Globalization: Contents and Discontents." *Contemporary Economic Policy* 36 (1) (01): 29-43.

(with David Card as Guest Editors), "Introduction: Essays in Honor of Robert J. LaLonde," *Journal of Labor Economics*, 35, no. 51 (July 2017): S1-S6.

(with R. Engle, D. McFadden, K. Schmidt-Hebbel), "Globalization: Contents and Discontents," *Contemporary Economic Policy*, Wiley Online Library, June 2017.

"The Hedonic Approach to Vineyard Site Selection: Adaptation to Climate Change and Grape Growing in Emerging Markets," *Journal of Wine Economics*, Vol. 12, No. 1, 2017, pp. 1-13.

(with K. Storchmann) "Wine and Climate Change" AAWE working paper No. 152, Economics, March 2014. Published as "The Economics of Wine, Weather, and Climate Change." *Review of Environmental Economics and Policy*, 10(1), January 2016, 25-46. Also published as "Climate Change and Wine: A Review of the Economic Implications." *Journal of Wine Economics*, 11(1), April 2016, 105-138.

(with D. Hosken; M. C. Weinberg) "Efficiencies Brewed: Pricing and Consolidation in the US Beer Industry." NBER Working Paper Series, 2013, *RAND Journal of Economics*, July 2015, 46(2), 328-361.

(with D. Hosken; M. C. Weinberg) "Did Robert Bork Understate the Competitive Impact of Mergers? Evidence from Consummated Mergers." August 2014, *Journal of Law and Economics*, Vol. 57, No. S3. The Contributions of Robert Bork to Antitrust Economics, pp.S67-S100, The University of Chicago Press for The Booth School of Business of the University of Chicago and The University of Chicago Law School.

"The Early History of Program Evaluation and the Department of Labor." May 2014, Special Issue: U.S. Department of Labor Centennial, *Industrial and Labor Relations Review*, 67 Supplement, 574-577.

(with Hosken, Daniel; Weinberg, Matthew) "Corrigendum: the Price Effects of a Large Merger of Manufacturers: A Case Study of Maytag Whirlpool." February 2014, *American Economic Journal: Economic Policy*, 6(1), 308-309.

(with Bloom, David E. and Dahl, Gordon B.). "Lawyers as Agents of the Devil in a Prisoner's Dilemma Game." Princeton University Industrial Relations Section Working Paper #270, NBER Working Paper No. 4447, September, 1993. September 2013, *Journal of Empirical Legal Studies* 10(3): 399-423.

(with Jones, Gregory). "The Demand for Expert Opinion: Bordeaux Wine". December 2013, *Journal of Wine Economics*, 8, pp 285-293.

(with Hosken, Daniel; Weinberg, Matthew) "The Price Effects of a Large Merger of Manufacturers: A Case Study of Maytag-Whirlpool", February 2013, *American Economics Journal: Economic Policy*, 5(1), 239-261.

"Comparing Real Wage rates: Presidential address", National Bureau of Economic Research, Inc. Working Papers: 18006. *American Economic Review*, April 2012, 102(2), 617-642.

(with Gordon Dahl) "Bargaining and the Role of Expert Agents: An Empirical Study of Final-offer Arbitration." *Review of Economics and Statistics*, February 2012, 94(1), 116-132.

(with Kathryn Graddy) *A Handbook of Cultural Economics*, Second Edition, Chapter 2 "Art Auctions", August 2011

"Foreward", *American Economic Review*, May 2011, v. 101, iss. 3, pp. x-xi

(with Kathryn Graddy) "Sale Rates and Price Movements in Art Auctions", *American Economic Review*, May 2011, v. 101, iss. 3, pp. 212-16

(with Hosken, Daniel; Vita, Michael; Weinberg, Matthew) "Retrospective Analysis of Hospital Mergers", *International Journal of the Economics of Business*, February 2011, v. 18, iss. 1, pp. 5-16

(with Kirk Doran and Bruce Schaller) "A Shred of Credible Evidence on the Long-run Elasticity of Labour Supply", *Economica*, October 2010, Vol. 77, issue 308, pages 637-650

"George E. Johnson", *Journal of Wine Economics*, vol. 5, no. 1, pg. 217, 2010

(with D. Hosken) "The Effect of Mergers on Consumer Prices: Evidence from Five Selected Case Studies", *Journal of Law and Economics*, August 2010, v. 53, iss. 3, pp. 417-66

(with K. Storchmann) "Measuring the Economic Effect of Global Warming on Viticulture Using Auction, Retail, and Wholesale Prices," *Review of Industrial Organization*, 2010, vol. 37, no. 1, 51-64

(with K. Storchmann) "Using Hedonic Models of Solar Radiation and weather to Assess the Economic Effect of Climate Change: The Case of Mosel Valley Vineyards, " *Review of Economics and Statistics*, May 2010, Vol. 92, No. 2, Pages 333-349

(with Henry Farber; Michael Ransom) "Labor Market Monopsony," *Journal of Labor Economics*, April 2010, v. 28, iss. 2, pp. 203-10

"Predicting the Quality and Prices of Bordeaux Wine," *Journal of Wine Economics*, Spring 2010, v. 5, iss. 1, pp. 40-52

(with John Pencavel) "Albert Rees and the 'Chicago School of Economics,'" in *Elgar Companion to the Chicago School of Economics*, edited by Ross B. Emmett, Edward Elgar, 2010.

(with Daniel Hosken and Matthew Weinberg) "Generating Evidence to Guide Merger Enforcement," in *Global Competition Policy*, vo. 5, no. 1, Spring 2009.

(with Richard E. Quandt and George M. Tabor) "Wine-Tasting Epiphany: An Analysis of the 1976 California vs. France Tasting," in *Wine and Philosophy*, edited by Fritz Allhoff, November 2007.

(with Stephen Ciccarella and Howard J. Schatz) "French Wine and the U.S. Boycott of 2003: Does Politics Really Affect Commerce?" July 2007, National Bureau of Economic Research Working Paper #13258. *Journal of Wine Economics*, Volume 2, No. 1, Spring 2007.

(with Kathryn Graddy) "Art Auctions" *Handbook of the Economics of Art and Culture*, edited by Victor Ginsburgh and David Throsby (Oxford, UK: Elsevier), vol. 1, 2006.

(with W. J. Collins and A.Yoon) "Evaluating the Role of Brown v. Board of Education in School Equalization, Desegregation and the

Income of African Americans," *American Law and Economics Review*, vol. 8, no. 2, Summer 2006.

(with David Ashmore, Jonathan B. Baker, Suzanne Gleason and Daniel S. Hosken) "Empirical Methods in Merger Analysis: Econometric Analysis of Pricing in FTC v. Staples," *International Journal of the Economics of Business*, vol. 13, no. 2, July 2006. Reprinted in *Recent Developments in Monopoly and Competition Policy*, edited by George Norman (Edward Elgar Publishers: Cheltenham, UK) January 2008.

"George M. Tabor, Judgment of Paris: California vs. France and the Historic 1976 Paris Tasting That Revolutionized Wine," *Journal of Wine Economics*, vol. 1. no. 1 (Spring) 2006.

"Measuring the Value of a Statistical Life: Problems", *The Economics Journal*, vol. 118 (March) 2006.

(with Alan Krueger) "Estimates of the Economic Return to Schooling from a New Sample of Twins," in *Quantitative Social Science*, edited by Jacqueline Scott and Yu Xie, volume 1, part 6, October 2005.

"Predicting the Quality and Prices of Bordeaux Wines," in *Statistics: A Guide to the Unknown*, 4th edition, edited by Roxy Peck, et al., (Stamford, CT: Thomson), March 2005. Reprinted in the *Economic Journal*, vol. 118, no. 529, June, 2008. Reprinted in the *Journal of Wine Economics*, vol. 5, no. 1, 2010.

(with Kathryn Graddy) "Anatomy of the Rise and Fall of a Price-Fixing Conspiracy: Auctions at Sotheby's and Christies" *Journal of Competition Law & Economics*, vol. 1, no. 1, March 2005.

(with David Ashmore and Olivier Deschenes) "Do Unemployment Insurance Recipients Actively Seek Work? Evidence From Randomized Trials in Four U.S. States," *Journal of Econometrics*, vol. 125, no. 1, March 2005.

(with Junsen Zhang) "Introduction: The Chinese Labor Market: New Quantitative Studies," *Pacific Economic Review*, vol. 9, no. 3, October 2004.

(with Michael Greenstone), "Estimating the Value of a Statistical Life: The Importance of Omitted Variables and Publication Bias," *American Economic Association Papers and Proceedings*, vol. 94, no. 2, May 2004.



(with Michael Greenstone) "Using Mandated Speed Limits to Measure the Value of a Statistical Life," *Journal of Political Economy*, vol. 112, no. S1, February 2004.

(with Kathryn Graddy) "Auctions and the Price of Art," *Journal of Economic Literature*, vol. 41, no. 3, September 2003.

(with Victor Ginsburgh) "Economists Argue the Payments Are Unfair," *The Art Newspaper*, October 2003.

"Art Auctions," in *Handbook of Cultural Economics*, edited by Ruth Towse (Edward Elgar Publishers: Cheltenham, UK) May 2003.

(with David Card) "Did the Elimination of Mandatory Retirement Affect Faculty Retirement Flows?" *American Economic Review*, vol. 92, no. 4, September 2002.

"Comment on the Age Discrimination Example," *Jurimetrics Journal*, vol. 42, Spring 2002.

(with John Abowd) "Using Price Indices and Sale Rates to Assess Short Run Changes in the Market for Impressionist and Contemporary Paintings," in *The Economics of Art Auctions*, Edited by G. Mosetto and M. Vecco, (Milan: F. Angeli Press, 2002).

"Economics Overview," in *International Encyclopedia of Economics*, (Oxford, UK: Elsevier Science Ltd., December 2001).

(with Alessandro Corsi) "Predicting Italian Wines Quality From Weather Data and Expert 'Ratings'," *Cahier Scientifique de 'Observatoire des Conjonctures Vincoles Europeennes*, no. 4, July 2001.

(with Karl Storchmann) "The Quality of Vineyard Sites in the Mosel Valley of Germany," *Cahier Scientifique de 'Observatoire des Conjonctures Vincoles Europeennes*, no. 4, July 2001.

(with Dean Hyslop) "Measuring the Effect of Arbitration on Wage Levels: The Case of Police Officers," *Industrial and Labor Relations Review*, vol. 54, no. 2, January 2001.

(with Phillip B. Levine) "Unemployment Insurance Appeals in the State of Wisconsin: Who Fights and Who Wins?" *Research in*

*Employment Policy*, vol. 2, 2000; *Long-Term Unemployment and Reemployment Policies*, Volume 2, edited by Laurie J. Bassi and Stephen Woodbury, (Stamford, CT: JAI Press.)

"Liquid Assets," *Optimus: The Magazine for the Private Investor*, vol. 2, 2000.

(with Gregory Jones) "The Demand for Expert Opinions: Bordeaux Wine," *Cahier Scientifique de l'Observatoire des Conjonctures Vinicoles Europeennes*, no. 3, March 2000.

"Orley Ashenfelter," in *Exemplary Economists*, Volume 1, edited by Roger E. Backhouse and Roger Middleton, (Cheltenham, United Kingdom: Edward Elgar Publishing, Ltd. 2000).

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(With K. Graddy) "Art Auctions" CEPR Discussion Paper No. DP13665, April 2019.

(with A. Krueger) "Theory and Evidence on Employer Collusion in the Franchise Sector," NBER working paper # 24831, July 2018

(with K. Graddy) "Regularities and Anomalies in Art Auctions" March 2003.

(with K. Graddy and M. Stevens) "A Study of Sale Rates and Prices in Impressionist and Contemporary Art Auctions," October, 2000.

(with S. Jurajda) "Cross-Country Comparisons of Wage Rates: The Big Mac Index," August 2000.

(with C. Rouse) "The Payoff to Education," August 1999.

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(with P. B. Levine and S. Skeath) "Practicing Safe Game Theory: An Empirical Test of a Prisoners' Dilemma in Unemployment Insurance Disputes," July 1998.

(with D. Ashmore, J.B. Baker and S. M. McKernan) "Identifying The Firm-Specific Cost Pass-Through Rate," Federal Trade Commission, Bureau of Economics, Working Paper No. 217.

(with A. Papandreou and N. Papandreou) "Weather and the Quality of the Vintage for Greek Red Wines," October, 1997.

(with K. Graddy) "An Empirical Study of Sale Rates and Prices in Impressionist and Contemporary Art Auctions," August, 1997.

(with J. Dow, D. Gallagher and D. Hyslop) "Arbitrator and Negotiator Behavior Under an Appellate System," August 1997.

(with C. Rouse) "How Convincing Is The Evidence Linking Education and Income?" October, 1995.

(with J. Waldfogel) "Bargaining in the Shadow of the Judge: Empirical Tests," Prepared for the American Association of the Advancement of Science, Boston, February 11-16, 1993.

(with J. Abowd) "Art Auctions: Price Indexes and Sale Rates for Impressionist Paintings," January 1988.

(with D. Card) "Using Longitudinal Data to Estimate Reemployment Effects of the Minimum Wage," Draft, (May, 1981).

"Minority Employment Patterns" 1966, Prepared for the U.S. Equal Employment Opportunity Commission and OMPER of the Department of Labor.

#### TESTIMONY BEFORE CONGRESS:

Hearings before the Committee on the Budget, House of Representatives, "Outlook and Budget Levels for FY 1979-80," 96th Congress: 645-659.

#### OTHER ACTIVITIES:

Member, URB Institutional Review Panel for Human

Subjects Committee, July, 2007.

Selection Committee, Frisch Medal, 2004. President, Society of Labor Economists, 2003. Chairman, Frisch Medal Selection Committee, 2003

Advisory Committee of the Center for Arts and Cultural Policy Studies, Princeton University, 2002-

First Vice President, The Society of Labor Economists, 2002.

Associate Editor, *Journal of Population Economics*, 2001-

Member, Executive and Supervisory Committee, CERGE/EI, Charles University, Prague, Czech Republic, 2001- 2007.

Advisory, Job Opportunity Index National Advisory Board, 2001 – 2003.

Second Vice President, The Society of Labor Economists, 2001

Member, Editorial Board, *Contemporary Economic Policy*, 2000-2001.

Member, Advisory Board, Stanford Institute for Economic Policy Research, 1999 -

Member, Center for Law and Public Affairs, 1999 -

Board Member, American Foundation for the Center for Graduate Education/Economics Institute of the Charles University, Prague, Czech Republic, 1999 – Chairman, 1999-2006.

Member, Board of Editors, *Australian Economic Review* 1997 -

Member, Board of Trustees, Center for Advanced Study in the Behavioral Sciences, Stanford University, 1994-2000.

Member, Committee on Fellowships and Special Projects, Center for Advanced Study in the Behavioral Sciences, Stanford University, 1994-2000.

Member, Board of Directors, American Law and Economics Association, 1994 – 1996.

Faculty Member, Law and Economics Center, George Mason University, Advanced Course for Federal Judges on Statistics, Econometrics, and Financial Data, 1979-

Faculty Member, Law and Economics Center, George Mason University, Economics Institute for Federal Judges, 1982 -

Faculty Member, "Statistics and Expert Testimony," The Federal Judicial Center, 1985.



Faculty Member, "Economics and Expert Testimony," The Federal Judicial Center, 1984.

Benjamin Meeker Visiting Professor, University of Bristol, 1981.

Visiting Scholar, Federal Reserve Bank of Philadelphia, 1979-80.

Recipient of the Ragnar Frisch Prize of the Econometric Society, 1984.

Member, Board of Editors, *Journal of Labor Economics*, 1983-2008

Member, Board of Editors, *Pakistan Development Review*, 1981-1985.

Member, Board of Editors, *Journal of Labor Research*, 1980-89.

Member, Board of Editors, *Journal of Urban Economics*, 1974-1978.

Member, Advisory Board, *Ricerche Economiche: An International Review of Economics*, 1992 – 1993.

Member, Advisory Board, *Labour Economics: An International Journal*, 1992-1997.

Member, Advisory Council of the Cornell Institute for Labor Market Policies, 1991- 2000.

Member, Advisory Board, Center for Economic Policy Research, Stanford University, 1984-1999.

Member, Executive Committee, Conference on Research in Income and Wealth, National Bureau of Economic Research, 1982-1989.

Member, Macro Advisory Panel, National Commission for Employment Policy, 1980-81.

Member, Advisory Board, Institute of Labor Management Relations, Rutgers University, 1979-2001.

Member, Advisory Panel of the American Economic Association to the National Commission on Employment and Unemployment Statistics, 1978-81.

Member, Panel of Statisticians for the National Commission on  
Employment and Unemployment Statistics, 1977-81.

Fellow, Econometric Society, 1977.

Guggenheim Fellowship, 1976-77.

Orley C. Ashenfelter

Sworn Testimony in the Past Four Years

November 2025

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Ray et al. v. National Collegiate Athletics Association

Testimony: Economic and statistical analysis of an alleged conspiracy to suppress compensation for certain NCAA Division I coaches

Jurisdiction: Eastern District of California

Caption: 1:23-cv-00425-WBS-KJ

Retained by: Counsel for Plaintiffs

Depositions: December 2024; February 2025

FTC et al. v. Kroger and Albertsons

Testimony: Economic and statistical analysis of the impact of a proposed merger on unionized grocery store labor.

Jurisdiction: District of Oregon

Caption: Case No.:3:24-cv-00347

Retained by: Federal Trade Commission

Deposition: August 2024

Hearing: September 2024