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August 31, 2011

## **BY E-MAIL AND FIRST-CLASS MAIL**

James Lamberth, Esquire  
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600 Peachtree Street, N.E.  
Atlanta, GA 30308-2216  
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**Re: *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*,  
No. 09-cv-1967 CW (N.D. Cal.)**

Dear James:

In anticipation of our conference call scheduled for tomorrow, September 1, 2011 at 3p.m. EST, we have listed the categories of documents and information responsive to our subpoena that we would like Turner Broadcasting Systems ("TBS") to focus on in its collection and production of responsive documents. The time frame for these document requests is from January 1, 2000 to the present, unless otherwise noted below.

1. Any television or broadcast contracts affecting or concerning men's Division I basketball or Division I football.
2. Any Licensing Agreements with the NCAA or any of its member schools or conferences in which the license granted includes rights to the name, image, or likeness of student athletes competing (or who competed in the past) in men's Division I football or basketball.
3. Any documents, including, but not limited to, reports relating to the Licensing Agreements described above.
4. Any specific documents regarding the question of who has rights to continue to license, use, or sell all products containing images of former student athletes, including any name, image, or likeness release or consent form used or administered by TBS. TBS need only produce exemplar forms rather than copies actually signed by student athletes.

30 N. LaSalle Street, Suite 3200 • Chicago, IL 60602 • (p) 312.782.4880 • (f) 312.782.4485  
101 N. Main Street, Suite 450 • Ann Arbor, MI 48104 • (p) 734.769.2144 • (f) 734.769.1207

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5. Any documents relating to policies governing when TBS must or should secure a likeness release or consent form from a student athlete.
6. Any documents relating to policies regarding copyright, ownership and/or licensing of game footage and photographs.
7. Documents relating to EA Sports games, including, but not limited to, any materials or information provided by TBS to EA (footage, broadcasts, player bios and stats, consents or licenses from players) and information on payments by or from EA to TBS.
8. Any documents referencing or referring to the present litigation, also known as the *O'Bannon* and/or *Keller* litigation.

We apologize for the delay in providing this list to you. While we are willing to move forward with the call as planned, we would fully understand if you would prefer to reschedule the call to in order to have an opportunity to consider the enclosed. If you would like to reschedule, we are available at various times from Wednesday- Friday next week.

Very truly yours,



Ellen Meriwether

cc: Bryan L. Clobes

