

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**  
8 **SAN FRANCISCO DIVISION**  
9

10 **IN RE NCAA STUDENT-ATHLETE**  
11 **NAME & LIKENESS LICENSING**  
12 **LITIGATION**

Case No. 09-cv-1967 CW (NC)

**ORDER VACATING HEARING**

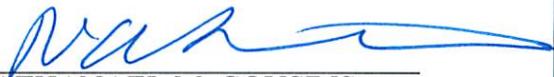
Re: Dkt. No. 350

13  
14  
15  
16 Plaintiffs Ed O'Bannon, Harry Flournoy, Alex Gilbert, Sam Jacobson, Thad Jaracz,  
17 David Lattin, Patrick Maynor, Tyrone Prothro, Damien Rhodes, Eric Riley, Bob Tallent, and  
18 Danny Wimprine ("Antitrust Plaintiffs") bring this action against Defendants Electronic Arts  
19 Inc., the National Collegiate Athletic Association ("NCAA"), and Collegiate Licensing  
20 Company for allegedly restraining trade in violation of the Sherman Act § 1. The Antitrust  
21 Plaintiffs move to use in this action the deposition of former NCAA executive director Walter  
22 Byers, which was taken in 2007 in an unrelated action captioned *White v. NCAA*. The Antitrust  
23 Plaintiffs also seek to use in this action a book written by Byers titled *Unsportsmanlike*  
24 *Conduct*, which was used as an exhibit in Byers' 2007 deposition in *White*. Defendants oppose  
25 the motion.  
26  
27  
28

1 Based on the papers submitted by the parties, the Court finds that the motion is  
2 appropriate for determination without oral argument. *See* Civil L.R. 7-1(b). Accordingly, the  
3 hearing scheduled for October 12, 2011 is vacated.

4 IT IS SO ORDERED.

5  
6  
7  
8 DATED: October 11, 2011

  
NATHANAEL M. COUSINS  
United States Magistrate Judge