

**UNITED STATES DISTRICT COURT**  
**Northern District of California**

10 O'Bannon, Jr.,

09-03329 CW

11 Plaintiff(s),

**NOTICE RE: NONCOMPLIANCE  
WITH COURT ORDER**

12 v.

13 National Collegiate Athletic Association,

14 Defendant(s).

15  
16 The parties have failed to file an ADR Certification and either a Stipulation and  
17 [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone  
18 Conference as required by the Initial Case Management Scheduling Order. Counsel  
19 shall Meet and Confer forthwith in an attempt to agree on an ADR process for this  
20 matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file  
21 an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting**  
22 **ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b),  
23 ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available  
24 at [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov).)  
25

26 Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a  
27 copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax  
28 (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

**Notice Re: Noncompliance With Court Order**  
09-03329 CW

-1-

1 450 Golden Gate Avenue, 16<sup>th</sup> Floor, San Francisco, California), or by PDF attachment  
2 to an e-mail directed to [adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov).

3  
4 It is the responsibility of counsel to schedule an ADR Phone Conference, if  
5 required, to occur before the Case Management Conference.

6  
7  
8 Dated: October 29, 2009

RICHARD W. WIEKING  
Clerk  
by: Timothy J. Smagacz



---

ADR Program Administrator  
415-522-4205  
Tim\_Smagacz@cand.uscourts.gov

28

## PROOF OF SERVICE

Case Name: O'Bannon, Jr. v. National Collegiate Athletic Association

Case Number: 09-03329 CW

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program  
United States District Court  
Northern District of California  
450 Golden Gate Avenue Floor 16  
San Francisco, CA 94102

On October 29, 2009, I served a true and correct copy of:

### **Notice Re: Noncompliance With Court Order**

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Jon T. King  
Hausfeld LLP  
44 Montgomery Street, 34th Floor  
San Francisco, CA 94104  
jking@hausfeldllp.com

Arthur Nash Bailey Jr.  
HAUSFELD LLP  
44 Montgomery  
Suite 3400  
San Francisco, CA 94104  
abailey@hausfeldllp.com

Michael P. Lehmann  
Hausfeld LLP  
44 Montgomery Street, 34th Floor  
San Francisco, CA 94104  
mlehmann@hausfeldllp.com

Michael D. Hausfeld  
Hausfeld LLP

1700 K Street, NW, Suite 650  
Washington, DC 20006  
mhausfeld@hausfeldllp.com

Megan E. Jones  
Hausfeld LLP  
1700 K Street NW, Suite 650  
Washington, DC 20006  
mjones@hausfeldllp.com

William A. Isaacson  
Boies Schiller & Flexner LLP  
5301 Wisconsin Avenue, Suite 800  
Washington, DC 20015  
llaing@bsfllp.com

Tanya Chutkan  
Boies Schiller & Flexner LLP  
5301 Wisconsin Avenue, Suite 800  
Washington, DC 20015

Jack Simms  
Boies Schiller & Flexner LLP  
5301 Wisconsin Avenue, Suite 800  
Washington, DC 20015

Daniel Simon Mason  
Attorney at Law  
44 Montgomery St., #3400  
San Francisco, CA 94104  
dmason@zelle.com

Jiangxiao Athena Hou  
Zelle Hofmann Voelbel & Mason LLP  
44 Montgomery Street, Suite 3400  
San Francisco, CA 94104  
ahou@zelle.com

Steven J. Greenfogel  
Meredith Cohen Greenfogel & Skirnick PC  
1521 Locust Street  
8th Floor  
Philadelphia, PA 19102  
sgreenfogel@mcgslaw.com

Carl A. Taylor Lopez  
Lopez & Fantel  
1510 114th Avenue  
Seattle, WA 98122-4024

Daniel Cohen  
Cuneo Gilbert & LaDuca, LLP  
507 C Street NE  
Washington, DC 20002  
danielc@cuneolaw.com

Jonathan W. Cuneo  
Cuneo Gilbert & Laduca LLP  
507 C Street, NE  
Washington, DC 20002

Ronald J. Aranoff  
Bernstein Liebhard LLP.  
10 E. 40th Street  
22nd Floor  
New York, NY 10016  
aranoff@bernlieb.com

Vincent J. Esades  
Heins Mills & Olson, P.L.C.  
310 Clifton Avenue  
Minneapolis, MN 55403  
vesades@heinsmills.com

Morissa R. Falk  
Labaton Sucharow LLP  
140 Broadway  
New York, NY 10005  
mfalk@labaton.com

Jay L. Himes  
Labaton Sucharow LLP  
140 Broadway  
New York, NY 10005  
jhimes@labaton.com

Christopher L. Lebsock  
Hausfeld LLP  
44 Montgomery Street

Suite 3400  
San Francisco, CA 94104  
clebsock@hausfeldllp.com

Shawn D. Stuckey  
Zelle Hoffmann Voelbel & Mason LLP  
500 Washington Avenue South  
Suite 4000  
Minneapolis, MN 55415  
sstuckey@zelle.com

Mitchell J. Rapp  
Zelle Hofmann Voelbel & Mason LLP  
500 Washington Avenue South  
Suite 4000  
Minneapolis, MN 55415  
mrapp@zell.com

Bruce L. Simon  
Pearson Simon Warshaw & Penny LLP  
44 Montgomery Street  
Suite 1430  
San Francisco, CA 94104  
bsimon@pswplaw.com

Jessica L. Grant  
Pearson Simon Warshaw & Penny LLP  
44 Montgomery Street  
Suite 1430  
San Francisco, CA 94104  
jgrant@pswplaw.com

Allan Steyer  
Steyer Lowenthal Boodrookas Alvarez & Smith LLP  
One California Street, Suite 300  
San Francisco, CA 94111  
asteyer@steyerlaw.com

Donald Scott Macrae  
Steyer Lowenthal Boodrookas Alvarez & Smith LLP  
One California Street  
Third Floor  
San Francisco, CA 94111  
smacrae@bamlawlj.com

Michael Paul Lehmann  
Hausfeld LLP  
44 Montgomery Street  
Suite 3400  
San Francisco, CA 94104  
mlehmann@hausfeldllp.com

Robert James Wierenga  
Miller Canfield Paddock & Stone, P.L.C.  
101 North Main Street, 7th Floor  
Ann Arbor, MI 48104  
wierenga@millercanfield.com

Gregory L. Curtner  
Miller Canfield Paddock and Stone, P.L.C.  
101 N. Main St., 7th Floor  
Ann Arbor, MI 48104  
curtner@millercanfield.com

Kimberly K. Kefalas  
Miller Canfield Paddock and Stone PLC  
101 N. main St., 7th Floor  
Ann Arbor, MI 48104  
kefalas@millercanfield.com

Atleen Kaur  
Miller Canfield Paddock and Stone PLC  
101 N. Main St., 7th Floor  
Ann Arbor, MI 48104  
kaur@millercanfield.com

Jason Alex Geller  
Long & Levit LLP  
465 California Street, Suite 500  
San Francisco, CA 94104  
jgeller@longlevit.com

Glen Robert Olson  
Long & Levit LLP  
465 California Street  
Suite 500  
San Francisco, CA 94104  
golson@longlevit.com

David P. Borovsky  
Long & Levitt LLP  
465 California Street  
Suite 500  
San Francisco, CA 94104-1814  
dborovsky@longlevit.com

Suzanne Wahl  
Miller Canfield Paddock & Stone PLC  
101 N. Main St.  
7th Floor  
Ann Arbor, MI 48104  
wahl@millercanfield.com

Gennaro August Filice  
Filice Brown Eassa & McLeod LLP  
1999 Harrison Street, 18th Floor  
Oakland, CA 94612  
hhauck@filicebrown.com

Constance K. Robinson  
Kilpatrick Stockton LLP  
607 14th Street, N.W.  
Suite 900  
Washington, DC 20005  
CRobinson@kilpatrickstockton.com

Peter M. Boyle  
Kilpatrick Stockton LP  
607 14th Street, NW  
Suite 900  
Washington, DC 20005  
pboyle@kilpatrickstockton.com

Cindy Dawn Hanson  
Kilpatrick Stockton LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, GA 30309  
chanson@kilpatrickstockton.com

[ ] by Facsimile, I caused said documents to be transmitted to the following

parties by fax machine:

[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 29, 2009 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz



---

ADR Program Administrator

415-522-4205

Tim\_Smagacz@cand.uscourts.gov