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 16 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

17
 18 SAMUEL MICHAEL KELLER, on behalf
 of himself and all others similarly situated,

19 Plaintiff,

20 v.

21 ELECTRONIC ARTS, INC., et al.,

22 Defendants.

Case No. CV 09 1967 (CW)

**AMENDED [PROPOSED] ORDER
 GRANTING PLAINTIFFS SAMUEL
 MICHAEL KELLER'S AND EDWARD C.
 O'BANNON, JR.'S JOINT MOTION FOR
 APPOINTMENT OF INTERIM CO-LEAD
 COUNSEL PURSUANT TO FEDERAL
 RULE OF CIVIL PROCEDURE 23(g)(3)**

Date: December 17, 2009
 Time: 2:00 p.m.
 Judge: The Hon. Claudia Wilken
 Courtroom: 2, 4th Floor

1 EDWARD C. O'BANNON, JR., on behalf
of himself and all others similarly situated,

2
3 Plaintiff,

4 v.

5 NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION (a/k/a the "NCAA"), et al.

6 Defendants.

Case No. C 09-03329 (CW)

7
8 BYRON BISHOP, on behalf of himself
and all others similarly situated,

9 Plaintiff,

10 v.

11 ELECTRONIC ARTS, INC., et al.,

12 Defendants.

Case No. C 09-04128 (CW)

13
14 CRAIG NEWSOME, on behalf of himself
and all others similarly situated,

15 Plaintiff,

16 v.

17 NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, et al.,

18 Defendants.

Case No. C 09-04882 (CW)

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21 MICHAEL ANDERSON, on behalf of
himself and all others similarly situated,

22 Plaintiff,

23 v.

24 NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION (a/k/a the "NCAA"), et
al.,

25 Defendants.

Case No. C 09-05100 (CW)

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DANNY WIMPRINE, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION (a/k/a the "NCAA"), et
al.,

Defendants.

Case No. C 09-05134 (CW)

SAMUEL JACOBSON, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION (a/k/a the "NCAA"), et
al.,

Defendants.

Case No. C 09-05372 (CW)

DAMIEN RHODES, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION (a/k/a the "NCAA"), et
al.,

Defendants.

Case No. C 09-05378 (CW)

1 This matter comes before the Court on Plaintiffs Samuel Michael Keller's and Edward C.
2 O'Bannon, Jr.'s Joint Motion for Appointment of Interim Co-Lead Counsel Pursuant to Federal
3 Rule of Civil Procedure 23(g)(3).

4 Upon consideration of the foregoing motion, the papers submitted in support and
5 opposition thereto, the arguments of counsel at the hearing in this matter, and good cause
6 appearing, IT IS HEREBY ORDERED that Plaintiffs' motion is GRANTED as follows:
7

8 The Court appoints the law firms of Hagens Berman Sobol Shapiro LLP and Hausfeld
9 LLP as Interim Co-Lead Class Counsel for the consolidated actions, as well as for any additional
10 actions that are consolidated with these cases. Interim Co-Lead Class Counsel shall be
11 responsible for the overall conduct of the litigation on behalf of the class plaintiffs. Hagens
12 Berman Sobol Shapiro LLP shall have primary responsibility for claims related to the allegations
13 made in *Keller v. Electronic Arts, Inc., et al.* and Hausfeld LLP shall have primary responsibility
14 for claims related to the allegations made in *O'Bannon v. National Collegiate Athletic*
15 *Association (a/k/a "NCAA"), et al.*, but both firms shall remain responsible for the litigation of all
16 claims. Interim Co-Lead Class Counsel shall have the following specific responsibilities with
17 respect to this litigation on behalf of the class plaintiffs:
18

19 1. To coordinate and make work assignments among themselves and other plaintiffs'
20 counsel to promote efficient prosecution of this litigation and to avoid duplication of work;

21 2. To prepare and file a Consolidated Amended Complaint and all other necessary
22 pleadings and filings in this matter;

23 3. To initiate and conduct all discovery proceedings and communicate with Defendants'
24 counsel with respect to same on all issues related to the class plaintiffs;

25 4. To coordinate all motions, requests for discovery, expert work and other pretrial
26 proceedings regarding the position of all the class plaintiffs. No motion, request for discovery, or
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1 other pretrial proceedings in this litigation shall be initiated or filed by any class member except
2 through Interim Co-Lead Class Counsel;

3 5. To meet with defense counsel with respect to settlement and other matters on behalf of
4 class plaintiffs;

5 6. To record and administer all time and expenses of counsel and staff in these and any
6 other consolidated class action cases on a form set forth by Interim Co-Lead Class Counsel on a
7 monthly basis or on such other schedule as may be established. Failure to maintain and timely
8 submit such records will be considered in any fee allocation and may constitute grounds for
9 denying court-awarded attorneys' fees;
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11 7. To assess plaintiffs' law firms common litigation costs and to collect assessments on a
12 regular basis; and

13 8. To allocate any award of attorneys' fees among plaintiffs' counsel.
14

15 IT IS SO ORDERED.

16 DATED: _____
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18 HONORABLE CLAUDIA WILKEN
19 UNITED STATES DISTRICT COURT JUDGE
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1 I, Jon T. King, am the ECF User whose ID and password are being used to file this
2 **AMENDED [PROPOSED] ORDER GRANTING PLAINTIFFS SAMUEL MICHAEL
3 KELLER'S AND EDWARD C. O'BANNON, JR.'S JOINT MOTION FOR
4 APPOINTMENT OF INTERIM CO-LEAD COUNSEL PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 23(g)(3)**

5 In compliance with General Order 45, X.B., I hereby attest that Robert B. Carey has
6 concurred in this filing.

7 **CERTIFICATE OF SERVICE**

8 I, Jon T. King, declare that I am over the age of eighteen (18) and not a party to the
9 entitled action. I am a partner in the law firm of HAUSFELD LLP, and my office is located at 44
10 Montgomery Street, Suite 3400, San Francisco, California 94104.

11 On January 11, 2009, I filed the following:

12 **AMENDED [PROPOSED] ORDER GRANTING PLAINTIFFS SAMUEL MICHAEL
13 KELLER'S AND EDWARD C. O'BANNON, JR.'S JOINT MOTION FOR
14 APPOINTMENT OF INTERIM CO-LEAD COUNSEL PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 23(g)(3)**

15 with the Clerk of the Court using the Official Court Electronic Document Filing System which
16 served copies on all interested parties registered for electronic filing.

17 I also certify that I caused true and correct Chambers Copies of the foregoing document(s)
18 to be hand-delivered to the following Judge pursuant to Civil L.R. 3-12(b) by noon of the
19 following day:
20

21 The Hon. Claudia Wilken
22 U.S.D.C., Northern District of California
23 Oakland Division
1301 Clay Street, Suite 400 S
Oakland, CA 94612-5212

24 I declare under penalty of perjury that the foregoing is true and correct.
25

26 /s/ Jon T. King
27 JON T. KING
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