

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

Plaintiff,

v.

ELECTRONIC ARTS, INC., et al.,

Defendants.

Case No. CV 09 1967 (CW)

**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)**

EDWARD C. O'BANNON, JR., 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 09-03329 (CW)

BRYON BISHOP, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

ELECTRONIC ARTS, INC., et al.,

Defendants.

Case No. C 09-04128 (CW)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Plaintiff,

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, et al.,

Defendants.

Case No. C 09-04882 (CW)

MICHAEL ANDERSON, 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 09-05100 (CW)

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)

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

3 Plaintiff,

4 v.

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

8 Defendants.

Case No. C 09-05372 (CW)

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

11 Plaintiff,

12 v.

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

16 Defendants.

Case No. C 09-05378 (CW)

17
18
19 This matter comes before the Court on Plaintiffs Samuel Michael Keller's and Edward C.
20 O'Bannon, Jr.'s Joint Motion for Appointment of Interim Co-Lead Counsel Pursuant to Federal
21 Rule of Civil Procedure 23(g)(3).

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

25 The Court appoints the law firms of Hagens Berman Sobol Shapiro LLP and Hausfeld
26 LLP as Interim Co-Lead Class Counsel for the consolidated actions, as well as for any additional
27 actions that are consolidated with these cases. Interim Co-Lead Class Counsel shall be
28

1 responsible for the overall conduct of the litigation on behalf of the class plaintiffs. Hagens
2 Berman Sobol Shapiro LLP shall have primary responsibility for claims related to the allegations
3 made in *Keller v. Electronic Arts, Inc., et al.* and Hausfeld LLP shall have primary responsibility
4 for claims related to the allegations made in *O'Bannon v. National Collegiate Athletic*
5 *Association (a/k/a "NCAA")*, et al., but both firms shall remain responsible for the litigation of all
6 claims. Interim Co-Lead Class Counsel shall have the following specific responsibilities with
7 respect to this litigation on behalf of the class plaintiffs:
8

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

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

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

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

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

21 6. To record and administer all time and expenses of counsel and staff in these and any
22 other consolidated class action cases on a form set forth by Interim Co-Lead Class Counsel on a
23 monthly basis or on such other schedule as may be established. Failure to maintain and timely
24 submit such records will be considered in any fee allocation and may constitute grounds for
25 denying court-awarded attorneys' fees;
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7. To assess plaintiffs' law firms common litigation costs and to collect assessments on a regular basis; and

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

IT IS SO ORDERED.

DATED: January 15, 2010



HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT COURT JUDGE