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13 Attorneys for Non-Party  
14 Conference USA, Inc.

15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **OAKLAND DIVISION**

18 EDWARD C. O'BANNON, JR., on behalf of  
19 himself and all others similarly situated,  
20 Plaintiffs

21 v.

22 NATIONAL COLLEGIATE ATHLETIC  
23 ASSOCIATION (NCAA); ELECTRONIC  
24 ARTS, INC.; and COLLEGIATE LICENSING  
25 COMPANY,

26 Defendants

Case No. 4:09-cv-3329 CW

**DECLARATION OF LEANE K. CAPPS IN  
SUPPORT OF NON-PARTY  
CONFERENCE USA, INC.'S  
ADMINISTRATIVE MOTION TO SEAL  
CONFIDENTIAL TRIAL EXHIBITS**

Judge: The Honorable Claudia Wilken

27 I, Leane K. Capps, declare that the following is true:

28 1. I am an attorney admitted *pro hac vice* to practice before this Court and an attorney at the firm of Polsinelli PC, counsel of record for non-party Conference USA, Inc. ("CUSA"). I make this declaration of my own personal knowledge and, if called to do so, could testify competently to the facts stated herein under oath.

2. I submit this declaration pursuant to Local Rules 7-11 and 79-5. This declaration supports CUSA's Administrative Motion to Seal Confidential Trial Exhibits ("CUSA's

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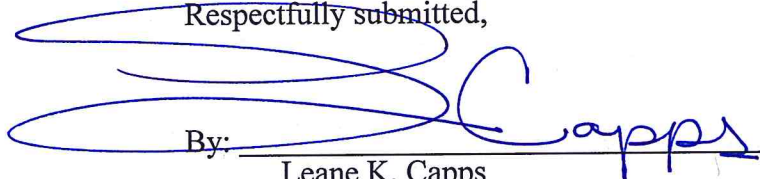
1 Administrative Motion to Seal”) filed on June 4, 2014, in conjunction with the Declarations of  
2 Britton Banowsky and Karen Brodtkin in Support of CUSA’s Administrative Motion to Seal.

3 3. I have conferred with counsel for Antitrust Plaintiffs and Defendant NCAA  
4 regarding the relief requested in CUSA’s Administrative Motion to Seal.

5 4. On May 27, 2014, I spoke by telephone with counsel for Defendant NCAA,  
6 Thane Rehn and Kelly Klaus, regarding the relief requested in CUSA’s Administrative Motion to  
7 Seal. On June 3, 2014, NCAA counsel, Thane Rehn, consented to the relief requested.

8 5. On June 2, 2014, I spoke with Plaintiffs’ counsel Kelly Tucker and Bryan Clobes.  
9 After discussing the matter in detail, the parties were unable to reach an agreement regarding the  
10 relief requested in CUSA’s Administrative Motion to Seal.

11 I declare under penalty of perjury of the laws of the United States of America that the  
12 foregoing is true and correct and that this declaration was executed on June 4, 2014 in Dallas,  
13 Texas.

14  
15 Respectfully submitted,  
16  
17 By:  \_\_\_\_\_  
18 Leane K. Capps