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 15 National Collegiate Athletic Association

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION
 18

19 EDWARD O'BANNON, *et al.*,

20 Plaintiffs,

21 v.

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

25 Defendants.
 26

Case No. 4:09-CV-3329-CW

**DEFENDANT NCAA'S
 ADMINISTRATIVE MOTION TO FILE
 UNDER SEAL DEPOSITION
 TESTIMONY DESIGNATED AS
 CONFIDENTIAL**

Judge: Hon. Claudia Wilken
 Courtroom: 2, 4th Floor
 Trial: June 9, 2014

1 Pursuant to Civil Local Rules 7-11 and 79-5, the National Collegiate Athletic Association
2 (“NCAA”) respectfully submits this Administrative Motion to File Under Seal Deposition
3 Testimony Designated as Confidential. In particular, the NCAA moves to seal excerpts of the
4 deposition testimony of Plaintiff William (“Bill”) Russell, submitted as Exhibit V of Defendant
5 NCAA’s Deposition Designations. In determining whether compelling reasons exist to seal, the
6 Court shall consider “all relevant factors,” including the ““public interest in understanding the
7 judicial process and whether disclosure of the material could result in improper use of the material
8 for scandalous or libelous purposes or infringement upon trade secrets.”” *Hagestad v. Tragesser*,
9 49 F.3d 1430, 1434 (9th Cir. 1995) (quoting *EEOC v. Erection Co.*, 900 F.2d 168, 170 (9th Cir.
10 1990)).

11 Plaintiffs contend that the redacted portions of Mr. Russell’s deposition transcript contain
12 confidential financial terms that would undermine Mr. Russell’s ability to negotiate future licenses
13 for the use of his name, image, and likeness. The Court has previously held that the specific dollar
14 amounts mentioned on pages 66 and 68-71 of Mr. Russell’s deposition transcript should remain
15 under seal. *See* Dkt. No. 989 at 14:23-25. The NCAA has also redacted similar dollar amounts
16 mentioned on pages 84, 88, 93, 95, 96, and 106 of the deposition transcript in an abundance of
17 caution.

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19 DATED: June 23, 2014

Respectfully submitted,

MUNGER, TOLLES & OLSON LLP

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23 By: /s/ Jeslyn A. Miller
 JESLYN A. MILLER

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25 National Collegiate Athletic Association
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