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12
 13 *Counsel for Plaintiff and the Proposed Classes*
 14
 15

16 **UNITED STATES DISTRICT COURT**

17
 18 **NORTHERN DISTRICT OF CALIFORNIA**

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

22 Plaintiff,

23 v.

24 NATIONAL COLLEGIATE ATHLETIC
 ASSOCIATION (a/k/a the "NCAA"); and
 25 COLLEGIATE LICENSING COMPANY
 (a/k/a "CLC"),

26 Defendants.
 27
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Case No. 09-cv-3329-CW

**PROOF OF SERVICE
 BY MAIL**

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I, the undersigned, declare:

I am a citizen of the United States over the age of eighteen years and not a party to the above action. I am employed in the City and County of San Francisco and my place of business is HAUSFELD LLP, 44 Montgomery, Suite 3400, San Francisco, California 94104.

On August 14, 2009, I served a copy of the following documents:

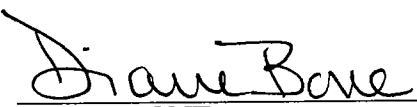
**PROOF OF SERVICE OF SUMMONS AND COMPLAINT
ON THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION and**

**PROOF OF SERVICE OF SUMMONS AND COMPLAINT
ON THE COLLEGIATE LICENSING COMPANY**

by placing for collection and mailing in San Francisco, California true copies of said documents enclosed in sealed envelopes with first-class postage prepaid as follows:

SEE ATTACHED MANUAL SERVICE LIST.

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



DIANE BONE

MICHAEL P. LECHMAN (CAL. BAR NO. 77152) JON T. KING (CAL. BAR NO. 205073) ARTHUR N. BAILEY (CAL. BAR NO. 248460) HAUSFELD LLP 44 MONTGOMERY STREET, 34 TH . FLOOR SAN FRANCISCO, CA 94104 Telephone: (415) 633-1908 Facsimile: (415) 358-4980 Attorney(s) for: PLAINTIFF and the PROPOSED CLASS Reference: 3058444	
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	
EDWARD C. O'BANNON, JR., on behalf of himself and all others similarly situated <p style="text-align: center;">Plaintiff (s)</p> <p style="text-align: center;">v.</p> NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (a/k/a the "NCAA"), and COLLEGIATE LICENSING COMPANY (a/k/a "CLC") <p style="text-align: center;">Defendant (s)</p>	CASE NUMBER: CV 09 3329 BZ <p style="text-align: center;">PROOF OF SERVICE SUMMONS AND COMPLAINT</p> (Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the *(specify documents)*:

a. <input checked="" type="checkbox"/> summons in a civil action	<input checked="" type="checkbox"/> class action complaint	<input type="checkbox"/> alias summons	<input type="checkbox"/> first amended complaint <input type="checkbox"/> second amended complaint <input type="checkbox"/> third amended complaint
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other *(specify)*: ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; STANDING ORDERS FOR MAGISTRATE JUDGE BERNARD ZIMMERMAN

2. Person served:
 - a. Defendant *(name)*: NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
 - b. Other *(specify name and title or relationship to the party/business named)*: JARROD FIRKIS, SECURITY DESK, ACCEPTED SERVICE OF PROCESS ON BEHALF OF NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
 - c. Address Where papers were served: **700 W. WASHINGTON STREET, INDIANAPOLIS, INDIANA 46206-6222**

3. **Manner of service** in compliance with *(the appropriate box must be checked)*:
 - a. Federal Rules of Civil Procedure
 - b. California Code of Civil Procedure

4. **I served** the person named in item 2:
 - a. **By Personal service.** By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least (12) years of age.
 1. **Papers were served on (date):** **JULY 24, 2009** at (time): **12:30PM**
 - b. **By Substituted service.** By leaving copies:
 1. **(home)** at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. **(business)** or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. **Papers were served on (date):** _____ at (time): _____

4. by mailing (by first-class mail, postage prepaid) copies to the person served in item 2(b) at the place where the copies were left in Item 2(c).
5. papers were mailed on (date): _____
6. due diligence. I made at least three (3) attempts to personally serve the defendant.
- c. **Mail and acknowledgment of service.** By mailing (by first-class mail or airmail, postage pre-paid) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid to the sender. (Attach completed Waiver of Service of Summons and Complaint).
- d. **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P.4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment of by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, a mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (by first-class mail, postage prepaid) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of state requires a court order. (Attach a copy of the order to this proof of service).
- f. **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual receipt by the person served).
- h. **Other** (specify code section and type of service):
5. **Service upon the United States, and Its Agencies, Corporations or Officers.**
- a. by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
 Name of person served:
 Title of person served:
 Date and time of service: (date): _____ at (time): _____
- b. By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (Attached signed return receipt or other evidence of actual receipt by the person served).
- c. By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (Attach signed return receipt or other evidence of actual receipt by the person served).
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (name, address and telephone number):

MATTHEW MILHARCIC
 c/o NATIONWIDE LEGAL, INC.
 859 HARRISON STREET, SUITE A
 SAN FRANCISCO, CA 94107
 (415) 351-0400

- a. Fee for service: \$
- b. Not a Registered California Process Server
- c. Exempt from registration under B&P 2235(b)
- d. Registered California Process Server

8. I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

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

Date: JULY 30, 2009


 (Signature)

PROOF OF SERVICE-SUMMONS AND COMPLAINT

MICHAEL P. LECHMAN (CAL. BAR NO. 77152) JON T. KING (CAL. BAR NO. 205073) ARTHUR N. BAILEY (CAL. BAR NO. 248460) HAUSFELD LLP 44 MONTGOMERY STREET, 34 TH FLOOR SAN FRANCISCO, CA 94104 Telephone: (415) 633-1908 Facsimile: (415) 358-4980 Attorney(s) for: PLAINTIFF and the PROPOSED CLASS Reference: 3058449	
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	
EDWARD C. O'BANNON, JR., on behalf of himself and all others similarly situated <p style="text-align: center;">Plaintiff (s)</p> <p style="text-align: center;">v.</p> NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (a/k/a the "NCAA"), and COLLEGIATE LICENSING COMPANY (a/k/a "CLC") <p style="text-align: center;">Defendant (s)</p>	CASE NUMBER: CV 09 3329 BZ <p style="text-align: center;">PROOF OF SERVICE SUMMONS AND COMPLAINT</p> (Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the *(specify documents)*:
 - a. summons in a civil action class action complaint alias summons first amended complaint
 second amended complaint
 third amended complaint
 - other *(specify)*: ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; STANDING ORDERS FOR MAGISTRATE JUDGE BERNARD ZIMMERMAN

2. Person served:
 - a. Defendant *(name)*: COLLEGIATE LICENSING COMPANY
 - b. Other *(specify name and title or relationship to the party/business named)*: MICHAEL DRUCKER, LEGAL DEPARTMENT, AUTHORIZED TO ACCEPT SERVICE OF PROCESS ON BEHALF OF COLLEGIATE LICENSING COMPANY
 - c. Address Where papers were served: 290 INTERSTATE N. CIRCLE SE, #200, ATLANTA, GA 30339

3. Manner of service in compliance with *(the appropriate box must be checked)*:
 - a. Federal Rules of Civil Procedure
 - b. California Code of Civil Procedure

4. I served the person named in item 2:
 - a. By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least (12) years of age.
 1. Papers were served on *(date)*: **JULY 23, 2009** at *(time)*: **12:35PM**
 - b. By **Substituted service**. By leaving copies:
 1. **(home)** at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. **(business)** or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. Papers were served on *(date)*: _____ at *(time)*: _____

4. by mailing (by first-class mail, postage prepaid) copies to the person served in item 2(b) at the place where the copies were left in Item 2(c).
5. papers were mailed on (date): _____
6. due diligence. I made at least three (3) attempts to personally serve the defendant.
- c. **Mail and acknowledgment of service** By mailing (*by first-class mail or airmail, postage pre-paid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P.4(h) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment of by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, a mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of state requires a court order. (**Attach a copy of the order to this proof of service**).
- f. **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. **Other** (specify code section and type of service):
5. **Service upon the United States, and Its Agencies, Corporations or Officers.**
- a. by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
Name of person served:
Title of person served:
Date and time of service: (date): _____ at (time): _____
- b. By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attached signed return receipt or other evidence of actual receipt by the person served**).
- c. By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (*name, address and telephone number*):

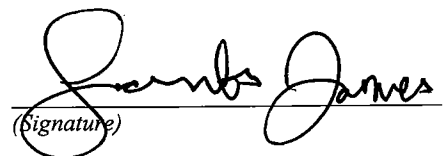
FRANK JAMES
c/o NATIONWIDE LEGAL, INC.
859 HARRISON STREET, SUITE A
SAN FRANCISCO, CA 94107
(415) 351-0400

- a. Fee for service: \$
- b. Not a Registered California Process Server
- c. Exempt from registration under B&P 2235(b)
- d. Registered California Process Server

8. I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

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

Date: JULY 30, 2009


(Signature)

NCAA MANUAL SERVICE LIST

Arthur N. Bailey, Jr.
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44 Montgomery
Suite 3400
San Francisco, CA 94104

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607 14th Street NW
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Tanya Chutkan
BOIES SCHILLER & FLEXNER LLP
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