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

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

12

Plaintiff,

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v.

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15 ELECTRONIC ARTS, INC., NATIONAL
 COLLEGIATE ATHLETICS
 ASSOCIATION; COLLEGIATE
 16 LICENSING COMPANY,

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Defendants.

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

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Plaintiff,

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v.

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25 NATIONAL COLLEGIATE ATHLETIC
 ASSOCIATION (a/k/a the "NCAA"); and
 COLLEGIATE LICENSING COMPANY
 (a/k/a "CLC"),
 26

27

Defendants.

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Case No. CV 09 1967 (CW)

**DECLARATION OF JON T. KING IN
 SUPPORT OF PLAINTIFFS SAMUEL
 MICHAEL KELLER'S AND EDWARD C.
 O'BANNON, JR.'S NOTICE OF JOINT
 MOTION AND MOTION TO
 CONSOLIDATE ACTIONS**

Date: October 8, 2009
 Time: 2:00 p.m.
 Judge: The Hon. Claudia Wilken
 Courtroom: 2, 4th Floor

Case No. CV 09-3329 (CW)

Judge: Hon. Claudia Wilken

1 I, Jon T. King, make the following declaration pursuant to 28 U.S.C. § 1746:

2 1. I make this declaration upon personal knowledge and am competent to testify to
3 the facts set forth herein.

4 2. I am a partner with the law firm of Hausfeld LLP, one of the counsel for plaintiff
5 and putative class representative Edward C. O'Bannon, Jr. in the action captioned Edward C.
6 O'Bannon, Jr. v. National Collegiate Athletic Association, et al., Case No. CV: 09-3329 (CW),
7 filed July 21, 2009 ("*O'Bannon*") and assigned to the Honorable Claudia Wilken. I submit this
8 Declaration in support of Plaintiffs Samuel Michael Keller's and Edward Charles O'Bannon, Jr.'s
9 Joint Motion to Consolidate Actions.

10 3. On August 31, 2009, I sent an email to counsel for Defendants NCAA, CLC, and
11 Electronic Arts, and inquired whether they would stipulate to the consolidation of the *Keller* and
12 *O'Bannon* actions. On September 1, 2009, Robert J. Wierenga, one of the counsel for defendant
13 NCAA, emailed me on behalf of all Defendants and indicated that Defendants do not consent to
14 the consolidation of the actions.

15 4. I understand that one or more defense counsel may be unavailable on October 8,
16 2009, the hearing date set for the instant Motion, and suggested to Defendants' counsel via an
17 email on September 1, 2009 that the parties confer next week regarding moving the hearing date
18 to October 1, 2009.

19 5. In the *O'Bannon* action, pursuant to agreement with Defendants NCAA and CLC
20 and a soon to be filed stipulation, Plaintiff O'Bannon's amended complaint would be due to be
21 filed on September 11, 2009, with Defendants' motions to dismiss due 45 days later.

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

EXECUTED this 1st day of September, 2009, at San Francisco California.

/s/ Jon T. King

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O'Bannon, Jr.*