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

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

13
 14 Plaintiff,

15 v.

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

18 Defendants.

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 JOINT MOTION TO
 EXTEND ALL DEADLINES PENDING
 DETERMINATION ON MOTION TO
 CONSOLIDATE ACTIONS**

Judge: The Hon. Claudia Wilken

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

20
 21 Plaintiff,

22 v.

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

Case No. CV 09-3329 (CW)

Judge: The Hon. Claudia Wilken

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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 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 Extend All Deadlines Pending Determination on 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 extending all deadlines in the *Keller*
12 and *O'Bannon* actions pending a determination on Plaintiffs' Joint Motion to Consolidate
13 Actions. On September 1, 2009, Robert J. Wierenga, one of the counsel for defendant NCAA,
14 emailed me on behalf of all Defendants and indicated that Defendants do not consent to an
15 extension of all deadlines pending a determination on the consolidation motion.

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

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

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19 /s/ Jon T. King _____

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27 *Counsel for Plaintiff Edward Charles*
28 *O'Bannon, Jr.*