

1 MORGAN, LEWIS & BOCKIUS LLP
2 KENT M. ROGER, State Bar No. 095987
3 ROBERT S. EATON, State Bar No. 240761
4 One Market Street, Spear Street Tower
5 San Francisco, CA 94105
6 Tel: 415.442.1000
7 Fax: 415.442.1001
8 Email: kroger@morganlewis.com
9 Email: reaton@morganlewis.com

FILED
09 JUL 27 PM 3:04
U.S. DISTRICT COURT
SAN FRANCISCO, CALIFORNIA

6 Attorneys for Defendants
7 NATIONAL COLLEGIATE ATHLETIC
8 ASSOCIATION, and COLLEGIATE LICENSING
9 COMPANY

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

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

15 Plaintiff,

16 vs.

17 NATIONAL COLLEGIATE ATHLETIC
18 ASSOCIATION, and COLLEGIATE
19 LICENSING COMPANY,

20 Defendants.

Case No. CV 09 3329 BZ

**DECLINATION TO PROCEED BEFORE A
MAGISTRATE JUDGE AND REQUEST
FOR REASSIGNMENT TO A UNITED
STATES DISTRICT JUDGE**

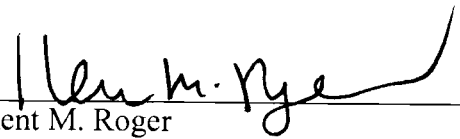
21 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

22 Defendants the National Collegiate Athletic Association and the Collegiate Licensing
23 Company hereby decline to consent to the assignment of this case to a United States Magistrate
24 Judge for trial and disposition and hereby request the reassignment of this case to a United States
25 District Judge.

1 Dated: July 27, 2009

MORGAN, LEWIS & BOCKIUS LLP
KENT M. ROGER
ROBERT S. EATON

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4 By



Kent M. Roger
Attorney for Defendants
National Collegiate Athletic Association
and Collegiate Licensing Company

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1 **PROOF OF SERVICE**

2 I am a resident of the State of California and over the age of eighteen years and not a party
3 to the within-entitled action; my business address is One Market, Spear Street Tower, San
4 Francisco, California 94105-1126.

5 On July 27, 2009, I served the within document(s):

6 **DECLINATION TO PROCEED BEFORE A MAGISTRATE
7 JUDGE AND REQUEST FOR REASSIGNMENT TO A
8 UNITED STATES DISTRICT JUDGE**

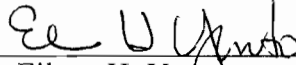
- 9 by transmitting via facsimile the document(s) listed above to the fax number(s) set
10 forth below on this date before 5:00 p.m.
- 11 by placing the document(s) listed above in a sealed envelope with postage thereon
12 fully prepaid, in the United States mail at San Francisco, California addressed as
13 set forth below.
- 14 by placing the document(s) listed above in a sealed Federal Express envelope and
15 affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal
16 Express agent for delivery.
- 17 by causing the document(s) listed above to be personally delivered at to the
18 person(s) at the address(es) set forth below.
- 19 by transmitting via electronic mail the document(s) listed above to each of the
20 person(s) as set forth below.

VIA FEDERAL EXPRESS	VIA HAND DELIVERY
Michael D. Hausfeld Megan E. Jones HAUSFELD LLP 1700 K Street, NW, Suite 650 Washington, DC 20006 Tel: 202.540.7200	Michael P. Lehmann Jon T. King Arthur N. Bailey HAUSFELD LLP 44 Montgomery St., 34th Floor San Francisco, CA 94104 Tel: 415.633.1908
William A. Isaacson Tanya Chutkan Jack Simms BOIES, SCHILLER & FLEXNER LLP 5301 Wisconsin Avenue, Suite 800 Washington, DC 10015 Tel: 202.237.2727	

21 I am readily familiar with the firm's practice of collection and processing correspondence
22 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
23 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
24 motion of the party served, service is presumed invalid if postal cancellation date or postage
25 meter date is more than one day after date of deposit for mailing in affidavit.

26 Executed on July 27, 2009, at San Francisco, California.

1 I declare under penalty of perjury that I am employed in the office of a member of the bar
2 of this court at whose direction the service was made, and that the foregoing is true and correct.

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5 _____
6 Eileen H. Yemoto
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