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 16 National Collegiate Athletic Association

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **OAKLAND DIVISION**

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

21 Plaintiff,

22 v.

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

27 Defendants.

Case No. 3:09-cv-03329 CW

**DECLARATION OF ROBERT J.
 WIERENGA IN SUPPORT OF
 DEFENDANTS' MOTION TO TRANSFER
 VENUE**

Hearing Date: October 22, 2009
 Time: 2 P.M.
 Dept: Courtroom 2, 4th Floor
 Judge: Hon. Claudia Wilken

Date Complaint filed: July 21, 2009

1 I, ROBERT J. WIERENGA, declare as follows:

2 1. I am a partner at the law firm of Miller Canfield Paddock and Stone, PLC, counsel
3 for the NCAA in this matter. All statements made below are based upon my personal knowledge.

4 2. The NCAA is an unincorporated association headquartered in Indianapolis, Indiana,
5 and most of its employees live and work in and around the Indianapolis area.

6 3. Dr. Myles Brand, President of the NCAA, resides in Indianapolis, Indiana and
7 primarily works out of the NCAA's headquarters in Indianapolis.

8 4. Wallace Renfro, senior advisor to Dr. Brand, resides in Carmel, Indiana and
9 primarily works out of the NCAA's headquarters in Indianapolis.

10 5. The NCAA's documents and records are primarily stored at its headquarters in
11 Indianapolis.

12 6. It is common for NCAA committees to meet at the NCAA's Indianapolis
13 headquarters.

14 7. Attached hereto as Exhibit A is a true and correct copy of a printout from the
15 NCAA's website, last visited September 10, 2009, showing the location of the NCAA member
16 institutions that sponsor Division I men's basketball.

17 8. Attached hereto as Exhibit B is a true and correct copy of a printout from the
18 NCAA's website, last visited September 10, 2009, showing the location of the NCAA member
19 institutions that sponsor Division I FBS athletic teams.

20 9. Attached hereto as Exhibit C is a true and correct copy of an excerpt from the
21 Federal Judicial Caseload Statistics, maintained by the Administrative office of the U.S. Courts
22 and published at <http://www.uscourts.gov/caseload2008/contents.html>, last visited September 10,
23 2009, showing the civil cases commenced, terminated and pending in U.S. District Courts for the
24 12 month periods ending March 31, 2007 and March 31, 2008.

25 10. Attached hereto as Exhibit D is a true and correct copy of an email I received from
26 Jon King, counsel for plaintiff Edward O'Bannon, on September 8, 2009.

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28 **DECLARATION OF ROBERT J. WIERENGA IN SUPPORT OF DEFENDANTS' MOTION TO TRANSFER VENUE**
Case No. 3:09-cv-03329-CW

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I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on September 11, 2009, at Ann Arbor, Michigan.

/s/ Robert J. Wierenga
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