

**Wierenga, Robert J.**

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**From:** Jon King [jking@hausfeldllp.com]  
**Sent:** Tuesday, September 08, 2009 7:37 PM  
**To:** Wierenga, Robert J.  
**Cc:** Boyle, Peter; Kaur, Atleen  
**Subject:** NCAA Cases

Bob and Peter, upon reflection and based on some new developments, I don't think it makes any sense to put in place a stipulation right now for the filing of an amended complaint in the O'Bannon docket.

Now that the motion to extend deadlines is fully submitted, we may well get a ruling this week that effectively stays the cases until the consolidation determination. Additionally, until the consolidation determination is made (which has a spectrum of possibilities), we just don't have any sense of how the O'Bannon and Keller cases will interact and how that interaction should be reflected in an amended complaint.

Moreover, we today received a copy of the attached new Bishop complaint. See attached. It's clear that the case will be related and likely consolidated with Keller and O'Bannon. Additionally, another firm has contacted us about its plans to file another related complaint within a week. My sense is that it will be more similar to the O'Bannon complaint as opposed to the Keller complaint, but am not yet sure. These new cases, and their interaction with the Keller and O'Bannon cases, are going to merit thought and attention from us. Before we file any amended complaint, we need to understand how these cases will interact, and to get guidance from the court on a related case determination, consolidation, and an interim class counsel appointment determination.

I sincerely hope that your clients do not immediately proceed with motions to transfer venue and or dismiss the O'Bannon complaint. That type of motion practice at this time will be inefficient. As I've written to you before, if the O'Bannon case proceeds separately, we will be naming EA as a defendant, and naming as a plaintiff a former player that resides in this District and played in this District. That player has retained one of our co-counsel firms. Therefore there will not be the basis for any venue motion.

I don't think we need to have a call tomorrow at 9 a.m. Pacific, but if you feel differently, let me know.

Regards,

Jon

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