

1 Robert B. Carey (*pro hac vice*)  
 Leonard W. Aragon (*pro hac vice*)  
 2 HAGENS BERMAN SOBOL SHAPIRO LLP  
 2425 East Camelback Road, Suite 650  
 3 Phoenix, Arizona 85016  
 Tel: (602) 840-5900  
 4 Fax: (602) 840-3012  
 Email: rcarey@hbsslaw.com  
 5 leonard@hbsslaw.com

6 *Counsel for Plaintiffs in Keller Action*

7 Michael P. Lehmann (Cal. Bar No. 77152)  
 Jon T. King (Cal. Bar No. 205073)  
 8 Arthur N. Bailey, Jr. (Cal. Bar No. 248460)  
 HAUSFELD LLP  
 9 44 Montgomery Street, 34th Floor  
 San Francisco, CA 94104  
 10 Tel: (415) 633-1908  
 Fax: (415) 358-4980  
 11 Email: mlehmann@hausfeldllp.com  
 jking@hausfeldllp.com  
 12 abailey@hausfeldllp.com

13 *Counsel for Plaintiffs in O'Bannon Action*

14 [Additional counsel listed on signature page]

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 16  
 17 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

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

20 Plaintiff,

21 v.

22 ELECTRONIC ARTS, INC., NATIONAL  
 COLLEGIATE ATHLETICS  
 23 ASSOCIATION; COLLEGIATE  
 LICENSING COMPANY,

24 Defendants.  
 25  
 26  
 27  
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Case No. CV 09 1967 (CW)

**[PROPOSED] ORDER GRANTING  
 PLAINTIFFS SAMUEL MICHAEL  
 KELLER'S AND EDWARD C.  
 O'BANNON, JR.'S JOINT NOTICE OF  
 MOTION AND MOTION FOR  
 APPOINTMENT OF INTERIM CO-LEAD  
 COUNSEL PURSUANT TO FEDERAL  
 RULE OF CIVIL PROCEDURE 23(g)(3)**

Date: October 22, 2009  
 Time: 2:00 p.m.  
 Judge: The Hon. Claudia Wilken  
 Courtroom: 2, 4th Floor

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

3 Plaintiff,

4 v.

5 NATIONAL COLLEGIATE ATHLETIC  
6 ASSOCIATION (a/k/a the "NCAA"); and  
7 COLLEGIATE LICENSING COMPANY  
(a/k/a "CLC"),

8 Defendants.

Case No. CV 09-3329 (CW)

Judge: Hon. Claudia Wilken

9 This matter comes before the Court on Plaintiffs Samuel Michael Keller's and Edward C.  
10 O'Bannon, Jr.'s Joint Motion for Appointment of Interim Co-Lead Counsel Pursuant to Federal  
11 Rule of Civil Procedure 23(g)(3).

12 Upon consideration of the foregoing motion, the papers submitted in support and  
13 opposition thereto, and good cause appearing, IT IS HEREBY ORDERED that Plaintiff's motion  
14 is GRANTED as follows:

15 The Court appoints the law firms of Hagens Berman Sobol Shapiro LLP and Hausfeld  
16 LLP as Interim Co-Lead Class Counsel for the present actions, as well as for any additional  
17 actions that are consolidated with these cases. Interim Co-Lead Class Counsel shall be  
18 responsible for the overall conduct of the litigation on behalf of the class plaintiffs. Interim Co-  
19 Lead Class Counsel shall have the following responsibilities with respect to this litigation on  
20 behalf of the class plaintiffs:

21 1. To coordinate and make work assignments among themselves and other plaintiffs'  
22 counsel to promote efficient prosecution of this litigation and to avoid duplication of work;

23 2. To initiate and conduct all discovery proceedings and communicate with Defendants'  
24 counsel with respect to same on all issues related to the class plaintiffs;

1           3. To coordinate all motions, requests for discovery, expert work and other pretrial  
2 proceedings regarding the position of all the class plaintiffs. No motion, request for discovery, or  
3 other pretrial proceedings in this litigation shall be initiated or filed by any class member except  
4 through Interim Co-Lead Class Counsel;

5           4. To meet with defense counsel with respect to settlement and other matters on behalf of  
6 class plaintiffs;

7           5. To record and administer all time and expenses of counsel and staff in these and any  
8 consolidated class action cases on a form set forth by Interim Co-Lead Class Counsel on a  
9 monthly basis or on such other schedule as may be established. Failure to maintain and timely  
10 submit such records will be considered in any fee allocation and may constitute grounds for  
11 denying court-awarded attorneys' fees;

12           6. To assess plaintiffs' law firms' common litigation costs and to collect assessments on a  
13 regular basis; and

14           7. To allocate any award of attorneys' fees among plaintiffs' counsel.

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16           IT IS SO ORDERED.

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19           DATED: \_\_\_\_\_

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HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT COURT JUDGE