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 20 COLLEGIATE LICENSING COMPANY

21 **UNITED STATES DISTRICT COURT**  
 22 **NORTHERN DISTRICT OF CALIFORNIA**  
 23 **OAKLAND DIVISION**

24 EDWARD C. O'BANNON, JR., on behalf of  
 25 himself and all others similarly situated,  
 26  
 27 Plaintiff,  
 28  
 v.  
 NATIONAL COLLEGIATE ATHLETIC  
 ASSOCIATION (a/k/a the "NCAA"), and  
 COLLEGIATE LICENSING COMPANY  
 (a/k/a "CLC")  
 Defendants.

Case No. 4:09-cv-03329 CW

**[PROPOSED] ORDER GRANTING  
 DEFENDANT COLLEGIATE  
 LICENSING COMPANY'S MOTION TO  
 DISMISS THE COMPLAINT  
 PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Hearing Date: November 17, 2009  
 Time: 2:00 p.m.  
 Dept: Courtroom 2, 4<sup>th</sup> Floor  
 Judge: Hon. Claudia Wilken

Date Complaint filed: July 21, 2009

**[PROPOSED] ORDER**

This matter comes before the Court on Defendant Collegiate Licensing Company's Motion to Dismiss the Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6).

Upon consideration of the foregoing motion, the papers submitted in support and opposition thereto, and good cause appearing, IT IS HEREBY ORDERED that Defendant's motion is GRANTED.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT COURT JUDGE