

LAW OFFICES  
**KEKER & VAN NEST**  
L.L.P.

710 SANSOME STREET  
SAN FRANCISCO, CA 94111-1704  
TELEPHONE (415) 391-5400  
FAX (415) 397-7188

ROBERT A. VAN NEST

January 15, 2010

The Honorable Claudia Wilken  
United States District Court  
Northern District of California  
Oakland Division  
1301 Clay Street, Suite 400 S  
Oakland, CA 94612-5212

Re: *Keller v. Electronic Arts Inc.*, et al., Case No. C 09-01967 CW (“*Keller*”);  
*O’Bannon, Jr. v. NCAA*, et al., Case No. C 09-03329 CW (“*O’Bannon*”);  
*Bishop v. Electronic Arts Inc.*, et al., Case No. C 09-04128 CW (“*Bishop*”);  
*Newsome v. NCAA*, et al., Case No. C 09-04882 CW (“*Newsome*”);  
*Anderson v. NCAA*, et al., Case No. C 09-05100 CW (“*Anderson*”);  
*Wimprine v. NCAA*, et al., Case No. C 09-05134 CW (“*Wimprine*”);  
*Jacobson v. NCAA*, et al., Case No. C 09-05372 CW (“*Jacobson*”);  
*Rhodes v. NCAA*, et al., Case No. C 09-05378 CW (“*Rhodes*”)

Dear Judge Wilken:

We represent Electronic Arts Inc. (“EA”) in the *Keller* and *Bishop* cases referenced above and write in response to the January 11, 2010 letter of Mr. Carey and Mr. King.

As you know, EA opposes consolidation of the publicity rights cases (*Keller* and *Bishop*) with the antitrust cases (*O’Bannon*, *Newsome*, *Anderson*, *Wimprine*, *Jacobson*, and *Rhodes*). Nevertheless, we understand that it is the Court’s intention to consolidate the matters at least for pretrial purposes. We write only to request that should the Court order consolidation, that it specify in its order that the consolidation is only for pretrial purposes at this time and that the Court will consider at a later date whether to consolidate for trial some or all of the then pending cases and claims. EA has included with this letter a proposed order that reflects this intent.

Please let us know if there is any other information that we can provide the Court on this matter.

Sincerely,



ROBERT A. VAN NEST

RVN/mls  
Attachment