

Nike USA, Inc. v. Berian

William P. Ferranti, OSB #160069

wpf@ferrantiappeals.com

THE FERRANTI FIRM LLC

1819 SW 5th Ave. #403

Portland, Oregon 97201

Tel: (503) 877-9220

Vincent C. Ewing, admitted *pro hac vice*

vcewing@me.com

LAW OFFICE OF VINCENT C. EWING

111 West Ocean Blvd., Suite 400, PMB 444

Long Beach, CA 90802

Tel: 626-818-5245

Attorneys for Defendant Boris Berian

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORLTAND DIVISION

NIKE USA, INC., an Oregon corporation.

Case No. 3:16-cv-00743-SB

Plaintiff,

v.

BORIS BERIAN, an individual California resident.

Defendant.

DECLARATION OF MERHAWI KEFLEZIGHI

In Support Of Defendant Boris Berian's Opposition To Nike's Motion For Expedited Preliminary Injunction Hearing and Related Discovery

I, Merhawi Keflezighi, hereby declare as follows:

1. I am the Founder and Director of HAWI Management. I submit this declaration in support of Defendant Boris Berian's Opposition To Nike's Motion For Expedited Preliminary Injunction Hearing and Related Discovery. The information herein is based on my personal knowledge, and, if called and sworn as a witness, I could and would testify competently thereto.

2. I have been Boris Berian's agent since October 1, 2015.

3. On February 15, 2016, Nike sent to me by email a document that it has characterized as a 2016 Contract between Nike and Mr. Berian.

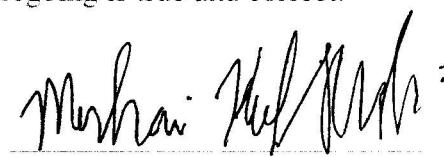
4. That document included, among numerous other terms and provisions, the following "AFFILIATION" clause, as paragraph VII of "SCHEDULE A BORIS BERIAN COMPENSATION AND BONUS SCHEDULE":

NIKE shall permit ATHLETE to compete under the Big Bear Track Club affiliation, and ATHLETE may wear the official uniform and footwear of Big Bear Track Club in all domestic competitions, including the US Indoor Championships and US Olympic Trials, in 2016. ATHLETE shall compete for Team NIKE and wear the Team NIKE official uniform in all international events.

5. I anticipate authenticating and submitting the entirety of this document for the Court's review after Mr. Berian's counsel has an opportunity to address with Nike's counsel the need (if any) for the document to be redacted or filed under seal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 2016.



MERHAWI KEFLEZIGHI
FOUNDER AND DIRECTOR
HAWI MANAGEMENT