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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

NIKE USA, INC., an Oregon corporation,

Plaintiff,

v.

BORIS BERIAN, an individual California
resident,

Defendant.

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

**DECLARATION OF NICHOLAS
SYMMONDS**

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

I, Nicholas Symmonds, hereby declare as follows:

1. I am a track athlete who specializes in middle distance races. 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.

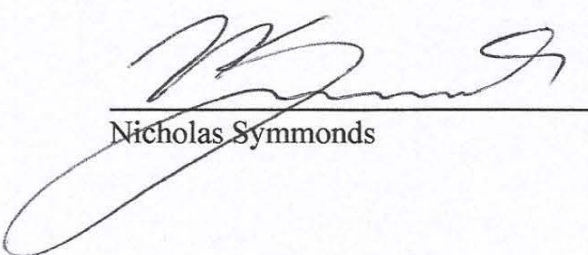
2. I signed with Brooks Running in January 2014 after a 7-year sponsorship with Nike.

3. In my experience, reduction clauses—provisions in sponsorship agreements that reduce the athlete's compensation if he or she fails to perform as expected—are not standard in the industry.

4. In fact, one of the main reasons I left Nike for Brooks was that Nike demanded reductions and Brooks did not.

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

Executed on June 07, 2016.



Nicholas Symmonds