

DECLARATION OF CHARLES P. SCHEELER

Pursuant to 28 U.S.C. § 1746, Charles P. Scheeler declares:

1. I am over eighteen years old and am competent to testify to the below statements which are within my personal knowledge.

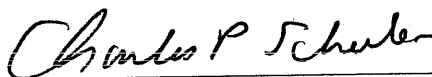
2. I am a partner at DLA Piper US LLP. I assisted former United States Senator George J. Mitchell in connection with his independent investigation into the illegal use of steroids and other performance enhancing substances by players in Major League Baseball.

3. As part of his cooperation with the U.S. Attorney's Office for the Northern District of California, and at the request of that office, Mr. McNamee agreed to three interviews by Senator Mitchell and his staff (including me), one in person and two by telephone. Mr. McNamee's personal lawyer participated in the interviews. Also participating were federal prosecutors and agents from the Federal Bureau of Investigation and the Internal Revenue Service. On each occasion, Mr. McNamee was advised that he would face criminal charges if he made any false statements during these interviews, which were deemed by the prosecutors to be subject to his written agreement with the U.S. Attorney's Office.

4. On Senator Mitchell's behalf, I coordinated arranging these three interviews with Mr. McNamee through federal prosecutors and agents. I did not arrange these interviews directly through Mr. McNamee or his counsel. Of course, I was not privy to whatever direct conversations may have occurred between the federal agents and prosecutors on the one hand, and Mr. McNamee and his counsel on the other hand, prior to our meetings with Mr. McNamee and his counsel, or in connection with arranging these interviews.

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

12/1/08



Charles P. Scheeler