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July 16, 2015

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By Facsimile

Honorable Mary A. McLaughlin
United States District Court
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FILED

JUL 20 2015

MICHAEL KONZ, Clerk
By _____ Dep. Clerk

Re: Nowak v. Major League Soccer, LLC, et al. (No. 2:14-cv-03503)

Dear Judge McLaughlin:

This firm represents defendant Major League Soccer, LLC ("MLS") in the above-referenced matter. I am writing in response to the Court's June 19, 2015 teleconference and July 8, 2015 Order regarding the issue of subject matter jurisdiction. Enclosed please find an Affidavit for Nick Sakiewicz, which is subject to this Court's confidentiality order based on the June 19 teleconference.

As discussed in MLS's Memorandum of Law in Support of its Motion to Dismiss and during the June 19 teleconference between the parties, Major League Soccer, LLC is a Delaware limited liability company. Under Third Circuit law, "the citizenship of an LLC is determined by the citizenship of each of its members." *Zambelli Fireworks Mfg. Co. v. Wood*, 592 F.3d 412, 418 (3d Cir. 2010). Each Team within MLS is owned by MLS but is operated by an owner-operator that is a member of Major League Soccer, LLC. Pennsylvania Professional Soccer, LLC is the owner-operator that operates the Philadelphia Union MLS team, and is a Member of Major League Soccer, LLC. (See Fifth Amended and Restated Limited Liability Company Agreement of Major League Soccer, LLC, dated January 3, 2012, attached as Exhibit 1 to MLS MTD Mem. Law, at 1, Exh. A.) Pennsylvania Professional Soccer, LLC itself is a Delaware Limited Liability Company, and has its principal place of business at 2501 Seaport Drive, Switch House Suite 500, Chester, PA 19013. Per the enclosed Affidavit, as of the filing of the Complaint in the instant matter, Nick Sakiewicz is a citizen of the Commonwealth of Pennsylvania. Keystone Sports and Entertainment, LLC, a Delaware Limited Liability Company, is the sole "Unitholder" of Pennsylvania Professional Soccer, LLC. Mr. Sakiewicz holds 50% of the Class B Units in Keystone Sports and Entertainment, LLC. He was and still is the Chief Executive Officer and Operating Partner of both Keystone Sports and Entertainment, LLC, and Pennsylvania Professional Soccer, LLC. Pennsylvania Professional Soccer, LLC is a citizen of Pennsylvania because Mr. Sakiewicz is a citizen of Pennsylvania. Accordingly, MLS is itself a citizen of Pennsylvania, which defeats diversity jurisdiction in the instant case as Plaintiff is also a citizen of Pennsylvania.

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Please contact me should there be any additional information we may provide.

Thank you for your Honor's consideration.

Respectfully submitted,

Howard Z. Robbins (with initials in a circle)

Howard Z. Robbins

Enclosure

cc: Bill Ordower, Esq. (by e-mail)
Clifford E. Haines, Esq. (by e-mail)
Thomas G. Collins, Esq. (by e-mail)
Nayirie Kuyumjian, Esq.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PIOTR NOWAK

Plaintiff,

v.

MAJOR LEAGUE SOCCER, LLC AND
MAJOR LEAGUE SOCCER PLAYERS
UNION

Defendants.

Civil Action No. 2:14-cv-03503-MAM

Honorable Judge Mary A. McLaughlin

ECF CASE

AFFIDAVIT OF NICK SAKIEWICZ


Nick Sakiewicz, being duly sworn upon oath, states as follows:

1. At the time of the filing of the Complaint in this matter on June 12, 2014, I was and still am domiciled and a citizen of the Commonwealth of Pennsylvania, residing and working in the Commonwealth of Pennsylvania.
2. At the time of the filing of the Complaint in this matter on June 12, 2014, Keystone Sports and Entertainment LLC was and still is a Delaware Limited Liability Company; Pennsylvania Professional Soccer LLC, is a Delaware Limited Liability Company; and Keystone Sports and Entertainment LLC, is the sole "Unitholder" of Pennsylvania Professional Soccer LLC. I hold 50% of the Class B Units in Keystone Sports and Entertainment LLC. I was and still am the Chief Executive Officer and Operating Partner of both Keystone Sports and Entertainment LLC, and Pennsylvania Professional Soccer LLC.

3. At the time of the filing of the Complaint in this matter on June 12, 2014, Pennsylvania Professional Soccer LLC was and still is a member of Major League Soccer, LLC, a Delaware Limited Liability Company, and the owner-operator that operates the Major League Soccer team, the Philadelphia Union.

4. At the time of the filing of the Complaint in this matter on June 12, 2014, I was and still am Chief Executive Officer of the Philadelphia Union.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Nick Sakiewicz