



ORIGINAL TRANSCRIPT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BERNARD PAUL PARRISH, HERBERT
ANTHONY ADDERLEY, and WALTER
ROBERTS III, on behalf of
themselves and all others
similarly situated,

Plaintiffs,

vs.

CIVIL ACTION NO. C07 0943 WHA

NATIONAL FOOTBALL LEAGUE PLAYERS
ASSOCIATION, a Virginia
corporation, and NATIONAL
FOOTBALL LEAGUE PLAYERS
INCORPORATED d/b/a PLAYERS INC,
a Virginia corporation.

Defendants.



VIDEOTAPED DEPOSITION OF DOUG ALLEN
LOS ANGELES, CALIFORNIA
SEPTEMBER 7, 2007

Reported by Terrie C. Barker, CSR No. 12000

P
A
U
L
S
O
N

Doug Allen

September 7, 2007

58

1 players who were members of the NFLPA.

2 Q. So you, as the president of Players Inc.
3 believed it was accurate to say that Players Inc.
4 represented all of retired members of the NFLPA?

5 A. Yes.

6 Q. And represented them for the purposes --

7 MR. FEHER: Wait. Objection to form on the
8 prior question.

9 BY MR. LeCLAIR:

10 Q. And represented them for purposes of group
11 licensing?

12 MR. FEHER: Same objection.

13 THE WITNESS: For the purpose of providing
14 access to them for a number of opportunities. Group
15 licensing was part of it, but not all of it.

16 BY MR. LeCLAIR:

17 Q. Is it correct that Players Inc. did not have
18 3,000 retired players who had signed GLAs, Group
19 Licensing Authorizations?

20 A. During what period of time?

21 Q. Between 2003 -- at any one time did --

22 A. I don't know that that's accurate. They may
23 well have. I don't recall without researching the
24 record.

25 Q. You mentioned that there were -- in your

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

59

1 answer, there were three ways that retired players
2 could be represented. One was signing a GLA;
3 correct?

4 A. I think I was describing the circumstances
5 under which Players Inc. had access to those players
6 and could provide that access to the marketplace. I
7 think those were the words I used.

8 Q. Which you defined as representing them;
9 correct?

10 A. Right.

11 MR. FEHER: Objection.

12 BY MR. LeCLAIR:

13 Q. And the three ways that you mentioned were:
14 signing a GLA. That's one way; correct?

15 A. Um-hmm.

16 Q. Is that --

17 A. Yes.

18 Q. The second way would be being a member -- a
19 retired member of the NFLPA; correct?

20 MR. FEHER: Objection to form.

21 THE WITNESS: Because we had access to those
22 players and knew where they were and how to reach
23 them and contact them, yes.

24 BY MR. LeCLAIR:

25 Q. And the third way would be that the player

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

76

1 A. No. I think this was more in the nature of
2 explaining things and education.

3 Q. What is a contract advisor?

4 A. It's a person who represents an active NFL
5 player who is negotiating with an NFL club for that
6 player's services -- for a contract for that player's
7 services under the authority of the NFLPA and the
8 collective bargaining agreement.

9 Q. Is that any different than a player's agent?

10 A. Well, you could be a player's agent and not
11 be a contract advisor -- but not be an NFLPA contract
12 advisor. It depends on whether you want to represent
13 players in negotiations with NFL teams.

14 Q. All right. Let's look at the first
15 paragraph of your memo. You state, "The NFL and
16 Players Inc. have been working for five years under a
17 productive agreement which provides for Players Inc.
18 to exclusively license NFL sponsors for player group
19 licensing rights and for Players Inc. to be the
20 exclusive source of player participation in such
21 sponsors' programs."

22 Was that accurate?

23 MR. FEHER: Objection to form.

24 THE WITNESS: Yes.

25 MR. LeCLAIR: I don't normally do this, but

PAULSON

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

77

1 help me out. What's your objection? Can you explain
2 your objection so I can cure it?

3 MR. FEHER: Well, you've asked, so I
4 wouldn't have otherwise said this. But this and a
5 number of your other questions aren't clear in terms
6 of distinguishing between retired players and active
7 players. This quote refers to players, and so unless
8 the questions are cleared up in terms of whether it
9 applies to active or retired, whenever it just talks
10 about players, I'm going to need to object to form so
11 that the question isn't misused later on in reference
12 to retired players as opposed to potentially just
13 active.

14 MR. LeCLAIR: Understood. Fair enough.

15 BY MR. LeCLAIR:

16 Q. Go ahead, Mr. Allen. Do you recall the
17 question?

18 A. No.

19 Q. I read the first sentence into the record,
20 and I asked you if it was accurate.

21 A. Yes, I believe it is.

22 MR. FEHER: Same objection.

23 BY MR. LeCLAIR:

24 Q. And when you refer to player participation,
25 are you referring to active players, retired players,

PAULSON

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

78

1 or both?

2 A. It depends on the circumstances, but in this
3 memo, we were essentially referring to active players
4 because this was a seminar for active player contract
5 advisors.

6 Q. Is it correct, Mr. Allen, that with respect
7 to the exclusivity provisions, you interpreted them
8 the same for retired players as you did for active
9 players?

10 MR. FEHER: Objection to form.

11 THE WITNESS: I think we've been over that.
12 And it depends on the circumstances. And among the
13 differences is the fact that -- is the fact that the
14 GLAs for active and retired players are different.

15 BY MR. LeCLAIR:

16 Q. Different how?

17 A. For active players, for group licensing,
18 they're exclusive; for retired players, they're not.

19 Q. Has that always been true?

20 A. No.

21

22

REDACTED

23

24

25

PAULSON

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

108

REDACTED

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

PAULSON

REPORTING & LITIGATION SERVICES

WWW.PAULSONREPORTING.COM

800.300.1214

619.239.4111

Doug Allen

September 7, 2007

109

REDACTED

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

PAULSON

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

110

REDACTED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

111

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REDACTED

PAULSON

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

124

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

REDACTED

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

133

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

REDACTED

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

134

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REDACTED

(Exhibit 16 marked)

BY MR. LeCLAIR:

Q. All right. I want to change subjects,
Mr. Allen, and ask you about the Group Licensing
Authorizations related to retired players.

Let me show you what I've marked as

PAULSON

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

145

1 BY MR. LeCLAIR:

2 Q. Was a retired player, as you understood it,
3 free to license his rights to anybody for anything at
4 any time after signing this Group Licensing
5 Authorization Form?

6 MR. FEHER: Objection to form.

7 THE WITNESS: Could you restate the
8 question?

9 MR. LeCLAIR: Why don't you read it back.
10 (Record read)

11 THE WITNESS: I think for the most part,
12 that was true.

13 BY MR. LeCLAIR:

14 Q. And this did not in any way, as you
15 understood it, limit the ability of a player to
16 market his image or rights in a group licensing
17 context after signing this form?

18 A. This document itself? I'm sorry. I'm
19 focused on more than one element in your question.
20 Could you repeat it?

21 MR. LeCLAIR: Read it back, please.

22 (Record read)

23 THE WITNESS: Certainly, to some extent.
24 For example, if we have the right to use him and we
25 put him in a program, he's not going to be able to

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

146

1 license himself to that program. We've got the right
2 to put him into the program, and he doesn't have --
3 that's why he's giving us the right to do this, so
4 that if we put him into a particular licensed program
5 he doesn't have an independent right to put himself
6 into that program as part of a group at the same time
7 that we have the right to put him. That wouldn't
8 make any sense.

9 So, for example, that's one -- one way that
10 this would constrain his ability to use his name and
11 image. Otherwise, this form doesn't have any
12 meaning.

13
14
15
16
17 **REDACTED**
18
19
20
21
22
23
24
25

PAULSON

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

147

1
2 **REDACTED**
3
4

5 MR. FEHER: Pardon me just one second. I
6 realized something relatively important, and I don't
7 want it to escape me.

8 This was produced by us to you, and it
9 wasn't designated as "confidential" because it's
10 Mr. Adderley's document. I just noted it includes
11 Mr. Adderley's social security number. And you may
12 want to designate it as "confidential" or "highly
13 confidential" down the road so that it's not
14 inadvertently produced in a public fashion with
15 Mr. Adderley's social security number out there.

16 MR. LeCLAIR: I think we -- we certainly
17 will designate -- we don't need to designate the
18 whole document. We'll designate the social security
19 number of Mr. Adderley as "highly confidential."

20 MR. FEHER: I just noted that potential, you
21 know, item. Whatever you want to do is fine, but
22 since I noticed it, I didn't want you to lose the
23 benefit of that.

24 MR. LeCLAIR: Thank you for that. We'll
25 similarly designate the social security number of

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

148

1 Mr. Adderley on Exhibit 17 as "highly confidential."

2 MR. FEHER: You should separately contact
3 the lawyers at my office who are dealing with
4 document production. Because I'm sure they had no
5 intent. It's just that they didn't want to make
6 designation decisions for you.

7 BY MR. LeCLAIR:

8 Q. Mr. Allen, the next to the last paragraph
9 states, "It is further understood that the moneys
10 generated by such licensing of retired player group
11 rights will be divided between the player and an
12 escrow account for all eligible NFLPA members who
13 have signed a Group Licensing Authorization Form."

14 Do you see that language?

15 A. I do.

16 Q. When it refers to an escrow account for all
17 eligible NFLPA members who have signed a Group
18 Licensing Authorization Form, was there such an
19 account created?

20 A. No, because all of the money was distributed
21 to the players who participated.

22 Q. So you did not divide the money at all
23 between the player and an escrow account. You didn't
24 even create an escrow account?

25 A. There was no money to create it with. We

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

149

1 wouldn't have been able to get the players to do it
2 in the first place if they weren't getting paid. We
3 learned that lesson. And all of the money secured
4 for retired player licensing was distributed to the
5 players who were involved in those license programs.
6 There was no other money to escrow. There was no
7 other money to divide. And if we had -- if we had
8 discounted it and taken money out of it, we wouldn't
9 have gotten the players to participate in the first
10 place.

11 MR. FEHER: Object to the form.

12 BY MR. LeCLAIR:

13 Q. How long did this language stay in the
14 Retired Player GLA Form?

15 A. I don't know.

16 Q. I think it was in there probably about ten
17 years. Does that make sense to you?

18 A. I don't know.

19 Q. Do you know why you didn't take it out?

20 MR. FEHER: Objection to form.

21 THE WITNESS: I think -- well, my opinion is
22 because we were hopeful that we would be able to
23 generate through group player licensing of retired
24 players a sufficient amount of money to do that, but
25 that was never the case.

PAULSON

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

205

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

REDACTED

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

206

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REDACTED

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

207

REDACTED

PAULSON

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

208

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

REDACTED

PAULSON

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

Doug Allen

September 7, 2007

294

REPORTER CERTIFICATION

I, Terrie C. Barker, Certified Shorthand Reporter, in and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this 13th day of September, 2007.

151 Terrie C. Barker

Terrie C. Barker, CSR No. 12000

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111