

1 Mark Malin (Bar No. 199757)
mmalin@deweyballantine.com
2 DEWEY & LÉBOUEF LLP
1950 University Avenue, Suite 500
3 East Palo Alto, CA 94303
Tel: (650) 845-7000 Fax: (650) 845-7333
4

5 Jeffrey L. Kessler (pro hac vice)
jkessler@deweyballantine.com
6 David G. Feher (pro hac vice)
dfeher@deweyballantine.com
7 Eamon O’Kelly (pro hac vice)
eokelly@deweyballantine.com
DEWEY & LÉBOUEF LLP
8 1301 Avenue of the Americas
New York, NY 10019
9 Tel: (212) 259-8000; Fax: (212) 259-6333

10 Kenneth L. Steinthal (pro hac vice)
kenneth.steinthal@weil.com
11 Claire E. Goldstein (Bar No. 237979)
claire.goldstein@weil.com
12 WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
13 Redwood Shores, CA 94065
Tel: (650) 802-3000; Fax: (650) 802-3100
14

15 Bruce S. Meyer (pro hac vice)
bruce.meyer@weil.com
16 WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
17 New York, NY 10153
Tel: (212) 310-8000; Fax: (212) 310-8007

18 Attorneys for Defendants National Football League Players Association
and National Football League Players Incorporated d/b/a Players Inc
19

20 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
21 **SAN FRANCISCO DIVISION**

22 BERNARD PAUL PARRISH, HERBERT
ANTHONY ADDERLEY, and WALTER
23 ROBERTS, III,

24 Plaintiffs,

25 v.

26 NATIONAL FOOTBALL LEAGUE PLAYERS
ASSOCIATION and NATIONAL FOOTBALL
27 LEAGUE PLAYERS INCORPORATED d/b/a/
PLAYERS INC,

28 Defendants.

Case No. C 07 0943 WHA

**DECLARATION OF JOSEPH R.
WETZEL IN SUPPORT OF
MISCELLANEOUS ADMINISTRATIVE
REQUEST PURSUANT TO CIVIL
LOCAL RULES 7-11 AND 79-5 TO SEAL
DOCUMENTS**

Date:
Time:
Ctrm:
Judge: William H. Alsup

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DECLARATION OF JOSEPH R. WETZEL

I, Joseph R. Wetzel, based upon personal knowledge or following reasonable investigation, declare as follows:

I am admitted to practice before this Court, and I am an associate at the law firm of Weil, Gotshal & Manges LLP, which is counsel of record for Defendants National Football League Players Association and National Football League Players Incorporated d/b/a/ Players Inc (collectively, “Defendants”). I submit this declaration pursuant to Civil Local Rule 79-5(d). If called upon as a witness, I could competently testify to the truth of each statement herein.

1. Defendants are filing concurrently herewith Defendants’ Opposition to Plaintiffs’ Motion for Leave to File a Third Amended Complaint (“Defendants’ Opposition”) and Defendants’ Miscellaneous Administrative Request Pursuant to Civil Local Rules 7-11 and 79-5 to Seal Documents.

2. Attached as Exhibit A hereto is a true and correct copy of the Stipulated Protective Order, approved by this Court subject to stated conditions on July 31, 2007, which governs the exchange of confidential information in the above-captioned action.

3. Defendants’ Opposition includes information that qualifies for protection as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order because it contains commercially and competitively sensitive information related to Defendants’ licensing business. A copy of this document has been lodged with the Clerk.

4. The Declaration of Andrew Feffer in Support of Defendants’ Opposition to Plaintiffs’ Motion for Leave to File a Third Amended Complaint (“Feffer Declaration”) filed on October 11, 2007, includes information that qualifies for protection as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order because it contains commercially and competitively sensitive business information related to Defendants’ licensing business, including discussion of the terms of confidential agreements and the amounts of payments made pursuant to confidential agreements. A copy of this document has been lodged with the Clerk.

1 a. Exhibits D through F of the Feffer Declaration have been
2 designated “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective
3 Order because they contain commercially and competitively sensitive business information
4 related to Defendants’ licensing business. A copy of these documents has been lodged with the
5 Clerk.

6 5. The Declaration of David Greenspan in Support of Defendants’ Opposition
7 to Plaintiffs’ Motion for Leave to File a Third Amended Complaint (“Greenspan Declaration”)
8 filed on October 11, 2007, includes information that that qualifies for protection as “Highly
9 Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order because it
10 contains commercially and competitively sensitive business information related to Defendants’
11 licensing business, including discussion of the terms of confidential agreements and the amounts
12 of payments made pursuant to confidential agreements. A copy of this document has been lodged
13 with the Clerk.

14 a. Exhibit A to the Greenspan Declaration, the Affidavit of Andrew
15 Feffer, dated September 21, 2007, includes information that qualifies for protection as “Highly
16 Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order because it
17 contains commercially and competitively sensitive business information related to Defendants’
18 licensing business, including discussion of the terms of confidential agreements and the amounts
19 of payments made pursuant to confidential agreements. A copy of this document has been lodged
20 with the Clerk.

21 i. Exhibits A through K of the Affidavit of Andrew Feffer
22 have been designated “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated
23 Protective Order because they contain commercially and competitively sensitive business
24 information related to Defendants’ licensing business. A copy of these documents has been
25 lodged with the Clerk.

26 b. Exhibits B and G through K to the Greenspan Declaration have
27 been designated “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated
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1 Protective Order because they contain commercially and competitively sensitive business
2 information related to Defendants’ licensing business. A copy of these documents has been
3 lodged with the Clerk.

4 c. Exhibits C through F to the Greenspan Declaration have been
5 designated “Confidential” pursuant to the Stipulated Protective Order because they contain
6 Retired Player Group Licensing Forms executed by retired players. A copy of these documents
7 has been lodged with the Clerk.

8 d. Exhibit L to the Greenspan Declaration, attaching portions of the
9 September 7, 2007 Doug Allen Deposition transcript, includes information that qualifies for
10 protection as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective
11 Order because it contains commercially and competitively sensitive business information related
12 to Defendants’ licensing business, including discussion of the terms of confidential agreements
13 and the amounts of payments made pursuant to confidential agreements. A copy of this
14 document has been lodged with the Clerk.

15 e. Exhibits M through R and U through W to the Greenspan
16 Declaration have been designated “Highly Confidential – Attorneys’ Eyes Only” pursuant to the
17 Stipulated Protective Order because they contain commercially and competitively sensitive
18 business information related to Defendants’ licensing business. A copy of these documents has
19 been lodged with the Clerk.

20 f. Exhibits S and T to the Greenspan Declaration include information
21 that qualifies for protection as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the
22 Stipulated Protective Order because it contains commercially and competitively sensitive
23 business information related to Defendants’ licensing business. A copy of these documents has
24 been lodged with the Clerk.

25 6. The Declaration of Doug Allen in Support of Defendants’ Opposition to
26 Plaintiffs’ Motion for Leave to File a Third Amended Complaint (“Allen Declaration”), filed on
27 October 11, 2007, includes information that qualifies for protection as “Highly Confidential –
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1 Attorneys' Eyes Only" pursuant to the Stipulated Protective Order because it contains
2 commercially and competitively sensitive business information related to Defendants' licensing
3 business, including discussion of the terms of confidential agreements and the amounts of
4 payments made pursuant to confidential agreements. A copy of this document has been lodged
5 with the Clerk.

6 a. Exhibits A through I of the Allen Declaration have been designated
7 "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective Order
8 because they contain commercially and competitively sensitive business information related to
9 Defendants' licensing business. A copy of these documents has been lodged with the Clerk.

10 b. Exhibit J to the Allen Declaration, attaching portions of the
11 September 7, 2007 Doug Allen Deposition transcript, includes information that qualifies for
12 protection as "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated Protective
13 Order because it contains commercially and competitively sensitive business information related
14 to Defendants' licensing business, including discussion of the terms of confidential agreements
15 and the amounts of payments made pursuant to confidential agreements. A copy of this
16 document has been lodged with the Clerk.

17 7. The Declaration of Joel Linzner, filed on October 11, 2007, includes
18 information that qualifies for protection as "Highly Confidential – Attorneys' Eyes Only"
19 pursuant to the Stipulated Protective Order because it contains commercially and competitively
20 sensitive business information related to Defendants' licensing business, including discussion of
21 the terms of confidential agreements and the amounts of payments made pursuant to confidential
22 agreements. A copy of this document has been lodged with the Clerk.

23 a. Exhibits A and D through F to the Declaration of Joel Linzner have
24 been designated "Highly Confidential – Attorneys' Eyes Only" pursuant to the Stipulated
25 Protective Order because they contain commercially and competitively sensitive business
26 information related to Defendants' licensing business, including the terms of confidential
27 agreements. A copy of this document has been lodged with the Clerk.

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1 b. Exhibits B and C to the Declaration of Joel Linzner qualify for
2 protection as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective
3 Order because they contains commercially and competitively sensitive business information
4 related to Defendants’ licensing business,

5 8. The Declaration of Warren Friss, filed on October 11, 2007, includes
6 information includes information that qualifies for protection as “Highly Confidential –
7 Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order because it contains
8 commercially and competitively sensitive business information related to Defendants’ licensing
9 business, including discussion of the terms of confidential agreements and the amounts of
10 payments made pursuant to confidential agreements. A copy of this document has been lodged
11 with the Clerk.

12 a. Exhibits A through D to the Declaration of Warren Friss have been
13 designated “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective
14 Order because they contain commercially and competitively sensitive business information
15 related to Defendants’ licensing business, including the terms of confidential agreements. A copy
16 of this document has been lodged with the Clerk.

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18 I declare under penalty of perjury under the laws of the United States of America and the
19 State of California that the foregoing is true and correct.

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21 Dated: October 11, 2007

WEIL, GOTSHAL & MANGES LLP

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23 By: /s/ Joseph R. Wetzel
24 Joseph R. Wetzel (Bar No. 238008)
 Counsel for Defendants

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