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12 Attorneys for Plaintiffs

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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

18 BERNARD PAUL PARRISH, and
19 HERBERT ANTHONY ADDERLEY, on
behalf of themselves and all others
20 similarly situated,

21 Plaintiffs

22 vs.

23 NATIONAL FOOTBALL LEAGUE
PLAYERS ASSOCIATION, a Virginia
24 corporation, and NATIONAL FOOTBALL
LEAGUE PLAYERS INCORPORATED
25 d/b/a PLAYERS INC, a Virginia
corporation,

26 Defendants.

CIVIL ACTION NO. C07 0943 WHA

**DECLARATION OF LEWIS T. LECLAIR IN
SUPPORT OF MOTION FOR LEAVE TO
FILE THIRD AMENDED COMPLAINT**

Date:
Time:
Judge: Honorable William H. Alsup

1 I, Lewis T. LeClair, do hereby declare and certify as follows:

2 1. I have personal knowledge of the following facts, and if called as a witness,
3 could and would competently testify thereto.

4 2. I am an attorney at law, duly licensed to practice before all the courts of the State
5 of California, and I am a shareholder with the law offices of McKool Smith P.C., attorneys of
6 record for Plaintiffs in the above-entitled action. I was the attorney who took the deposition of
7 Douglas A. Allen in this matter on September 7, 2007.

8 3. I hereby submit this Declaration in response to statements made in Defendants'
9 Opposition to Motion for leave to File Third Amended Complaint and in further compliance
10 with this Court's September 6, 2007 Order Granting Defendants' Motions to Dismiss Plaintiffs'
11 Second Amended Complaint ("SAC").

12 4. Defendants point out an error in Plaintiffs' Motion for Leave in that the Motion
13 mistakenly refers to the quotation of the sworn testimony of Mr. Allen in the proposed Third
14 Amended Complaint ("TAC"). The actual quotations from Mr. Allen were removed from the
15 TAC in editing the complaint in part because counsel believed that the language of the contracts
16 was more important. Unfortunately, I did not notice that the Motion language had not been
17 updated to match the TAC. I apologize to the Court for this error, and attach the Allen
18 testimony referenced in the Motion, which supports the allegations in the TAC.

19 5. Attached hereto as Exhibit A are true and correct excerpts from the September 7,
20 2007 deposition of Douglas Allen. These excerpts support Plaintiffs' allegations in the TAC,
21 and also provide context for Plaintiffs' Reply arguments in response to the additional Allen
22 testimony, and Allen Declaration, submitted by Defendants in their Opposition.

23 6. Attached hereto as Exhibit B are true and correct printouts from the website of
24 Electronic Arts, which provide information on the game called NFL Street 2.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on October 12, 2007.



Lewis T. LeClair