

Dewey & LeBoeuf LLP
1950 University Avenue
East Palo Alto, California 94303-2225

1 Mark Malin (Bar No. 199757)
mmalin@dl.com
2 DEWEY & LEOEUF LLP
1950 University Avenue, Suite 500
3 East Palo Alto, CA 94303
Tel: (650) 845-7000; Fax: (650) 845-7333
4 Jeffrey L. Kessler (*pro hac vice*)
jkessler@dl.com
5 David G. Feher (*pro hac vice*)
dfeher@dl.com
6 Eamon O'Kelly (*pro hac vice*)
eokelly@dl.com
7 DEWEY & LEOEUF LLP
8 1301 Avenue of the Americas
New York, NY 10019
9 Tel: (212) 259-8000; Fax: (212) 259-6333

10 Attorneys for Defendants.

11 Ronald S. Katz (Bar No. CA 085713)
rkatz@manatt.com
12 Ryan S. Hilbert (Bar No. CA 210549)
rhilbert@manatt.com
13 Noel S. Cohen (Bar No. CA 219645)
ncohen@manatt.com
14 MANATT, PHELPS & PHILLIPS, LLP
1001 Page Mill Road, Building 2
15 East Palo Alto, CA 94303-1006
Tel: (650) 812-1300; Fax: (650) 213-0260

16 Attorneys for Plaintiffs.
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18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

20 BERNARD PAUL PARRISH, HERBERT
ANTHONY ADDERLEY, WALTER
21 ROBERTS III,

22 Plaintiffs,

23 v.

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

27 Defendants.
28

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

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

Lewis T. LeClair (Bar No. CA 077136)
lleclair@mckoolsmith.com
Jill Adler (Bar No. CA 150783)
jadler@schoolsmit.com
MCKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
Tel: (214) 978-4984; Fax: (214) 978-4044

Case No. C 07 0943 WHA

**JOINT STIPULATION TO DISMISS
PLAINTIFFS' CAUSE OF ACTION
ARISING UNDER CALIFORNIA
BUS. & PROF. CODE § 17200**

1 Defendants National Football League Players Association (“NFLPA”) and
2 National Football League Players Incorporated d/b/a/ Players Inc (“Players Inc”) (collectively,
3 “Defendants”) and Plaintiffs Bernard Paul Parrish, Herbert Anthony Adderley, and Walter
4 Roberts III (collectively “Plaintiffs”) hereby file this Joint Stipulation to Dismiss Plaintiffs’
5 Cause of Action Arising Under California Business & Professions Code § 17200 (“17200
6 Claims”).

7 **JOINT STIPULATION**

8 WHEREAS this Court in its Order Granting Motions To Dismiss, dated
9 September 6, 2007, dismissed the claims arising under California Bus. & Prof. Code § 17200
10 (“Section 17200”) that Plaintiffs alleged in the Second Amended Complaint;

11 WHEREAS Plaintiffs filed a Motion For Leave To File A Third Amended
12 Complaint, dated September 27, 2007, in which plaintiff Roberts requested leave to re-allege the
13 claims under Section 17200 “solely...for purposes of preserving the right to appeal dismissal” of
14 those claims;

15 WHEREAS Plaintiffs further requested in their Motion For Leave To File A
16 Third Amended Complaint that the Court dismiss Roberts’s Section 17200 claims with prejudice
17 in order to preserve those claims for appeal;

18 WHEREAS Plaintiffs’ Third Amended Complaint (“TAC”) asserts and alleges --
19 “[s]olely for purposes of preserving Plaintiffs’ right to appeal the Court’s September 6, 2007
20 Dismissal of claims arising under” Section 17200, as asserted by Plaintiff Roberts -- a Fifth
21 Cause of Action re-alleging and incorporating by reference the allegations made in their Second
22 Amended Complaint as to Section 17200 (TAC ¶ 114) (the “Section 17200 Cause of Action”);

23 WHEREAS Defendants now join in Plaintiffs’ request that this Court dismiss
24 with prejudice the Section 17200 Cause of Action;

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IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES

HERETO, through their respective counsel, that the Section 17200 Cause of Action alleged in the TAC be dismissed with prejudice for the reasons stated in the Court's Order Granting Motions To Dismiss, dated September 6, 2007.

Date: Dewey & LeBoeuf LLP

BY: /s/Jeffrey L. Kessler
Jeffrey L. Kessler
Attorneys for Defendants

Date: November 28, 2007 Manatt, Phelps & Phillips, LLP

BY: Ryan S. Hilbert
Ryan S. Hilbert
Attorneys for Plaintiffs

[PROPOSED] ORDER

Pursuant to the Joint Stipulation above, it is hereby ORDERED that the claims alleged in Plaintiffs' Third Amended Complaint arising under California Business & Professions Code § 17200 be dismissed with prejudice for the reasons stated in the Court's Order Granting Motions To Dismiss, dated September 6, 2007.

IT IS SO ORDERED.

Dated: _____

HONORABLE WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

Pursuant to General Order 45(X)(b), I hereby attest that concurrence in the filing of this document has been obtained from each of the signatories listed as counsel above.

Date: November 28, 2007 Weil, Gotshal & Manges LLP

By: /s/ Joseph R. Wetzel
Joseph R. Wetzel
Attorneys for Defendants