

EXHIBIT BB

to the Declaration of Jill Adler Naylor
in Support of Plaintiffs' Motion for
Class Certification and Brief in Support
Thereof

Herbert Anthony Adderley

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

- - -
BERNARD PAUL PARRISH, : CIVIL ACTION
HERBERT ANTHONY :
ADDERLEY, and WALTER :
ROBERTS, III, on :
behalf of themselves :
and all others :
similarly situated, :
Plaintiffs :
:
V. :
:
NATIONAL FOOTBALL :
LEAGUE PLAYERS :
ASSOCIATION; a :
Virginia Corporation :
and NATIONAL FOOTBALL :
LEAGUE PLAYERS, INC., :
d/b/a PLAYERS, INC., :
a Virginia corporation:
Defendants : NO. C07-0943-WHA
- - -

February 20, 2008

- - -
Videotape deposition of HERBERT
ANTHONY ADDERLEY, held in the offices of
Blank Rome, One Logan Square, 9th Floor,
Philadelphia, Pennsylvania 19103,
commencing at 8:30 a.m. on the above
date, before Teresa M. Beaver, a
Federally-Approved Registered
Professional Reporter and a Notary Public
in the Commonwealth of Pennsylvania.
- - -

JOB NO. 200714

ESQUIRE DEPOSITION SERVICES, LLC.
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1 the 3500.

2 Q. Do you know what the number
3 is?

4 A. 2500.

5 Q. Okay. Did anyone tell you
6 that your claim now is only for people
7 who have signed the same group licensing
8 form as you've signed?

9 A. Yes.

10 Q. Did you know that?

11 A. Yes.

12 Q. Do you have any idea what
13 that number of players is?

14 A. 2500.

15 Q. How do you know that, sir?

16 A. My attorneys told me.

17 MR. KATZ: Well, I'm going
18 to instruct the witness not to --
19 don't disclose communications you
20 had with your attorneys.

21 THE WITNESS: All right.

22 MR. KATZ: Okay.

23 BY MR. KESSLER:

24 Q. Let me show you next --

1 answers in this document with anyone
2 before it was filed?

3 A. No.

4 MR. KATZ: I'm going to
5 object to that.

6 BY MR. KESSLER:

7 Q. Let me show you the Request
8 Number 4.

9 Request for Admission 4 says
10 that "admit that Adderley did not know
11 the specific terms of any GLA that he
12 signed that was in effect within the
13 statute of limitations until defendants
14 could do such GLAs to Adderley in this
15 action."

16 Do you see that, sir?

17 A. Yes.

18 Q. And the answer your counsel
19 filed is "denied."

20 Do you see that?

21 A. Yes.

22 Q. Please tell me, prior to
23 filing this action, and receiving the
24 copies of the GLAs produced by defendants

1 in this action, what specific terms of
2 the GLA did you know or remember?

3 A. That I signed the GLA, I
4 remember, and I was under the impression
5 that I would receive some compensation
6 for signing it.

7 Q. If I'm -- if your image was
8 used?

9 A. If it was used.

10 Q. And that's all that you knew
11 at the time?

12 A. Yes.

13 Q. Let me direct your attention
14 next to Request Number 6.

15 Request Number 6 in the
16 response says that "Plaintiffs admit that
17 Adderley has licensed certain rights,
18 including but not limited to his name, to
19 the HOF" -- which is Hall of Fame --
20 "within the statute of limitations."

21 Do you see that?

22 A. Yes.

23 Q. And you did license your
24 image to the Hall of Fame within the

1 are seeking damages in this case?

2 A. Yes.

3 Q. How have you been damaged,
4 sir?

5 MR. KATZ: Object.

6 THE WITNESS: By not
7 receiving any compensation from
8 the group licensing agreement; the
9 last one that I signed, that said
10 that there have been escrow
11 accounts set aside and to be
12 shared with retired players,
13 included.

14 BY MR. KESSLER:

15 Q. Other than the Reebok
16 program, do you know of any program where
17 your rights were utilized that you didn't
18 get paid for?

19 A. No.

20 MR. KATZ: Object.

21 BY MR. KESSLER:

22 Q. So, can you identify any
23 other specific program that damaged you,
24 other than the Reebok program?

1 know?

2 A. As far as I know, yes.

3 Q. Do you have an
4 understanding, sir, of your duties as a
5 class representative?

6 A. Yes.

7 Q. And can you tell us what
8 those are?

9 A. As a class representative, I
10 got to get the best deal that I can for
11 the class.

12 Q. In what area of endeavor?
13 On what subject?

14 A. On compensation.

15 Q. On the licensing?

16 A. On the licensing.

17 MR. KESSLER: Objection.

18 Leading.

19 BY MR. KATZ:

20 Q. And you have also been an
21 advocate for retired players for
22 pensions; is that right?

23 A. Yes.

24 Q. And what, if anything, does

1 that have to do with this case?

2 A. Nothing at all to do with
3 the lawsuit.

4 Q. And you've also been an
5 advocate for disability; is that right?

6 A. Yes.

7 Q. And what, if anything, does
8 that have to do with this case?

9 A. Not a thing with the
10 lawsuit.

11 Q. Why did you -- did you
12 authorize your lawyers to bring suit in
13 this case?

14 A. Yes.

15 Q. And why did you do that?

16 A. Because I needed legal
17 advice and legal help to do it. Couldn't
18 do it without it.

19 Q. And what's your
20 motivation -- was it your independent
21 decision to do that?

22 A. Yes, after Bernie Parrish
23 called and told me about it, it was my
24 independent decision to be involved.

1 Q. Did you do it because anyone
2 else told you to do it?

3 A. No.

4 Q. Not Mr. Parrish?

5 A. No.

6 Q. Not me?

7 A. No.

8 Q. It was your -- it was Herb
9 Adderley's decision?

10 A. Yes, 100 percent.

11 Q. And before you brought the
12 case, did your attorneys review all the
13 facts and legal theories, et cetera, with
14 you?

15 A. Yes.

16 Q. And were you satisfied that
17 that was a case that you wanted to
18 associate your name with?

19 A. Yes.

20 Q. And has the theory of the
21 case changed over time?

22 A. Yes.

23 Q. Okay. And do you have an
24 understanding of why it changed over

1 What did you mean by that,
2 sir?

3 A. They boast about in the
4 retirement directory and GLA agreements,
5 that all retired players, they represent,
6 all retired players.

7 Q. To the best of your
8 knowledge, sir, have you ever received
9 any payments as a result of having signed
10 the GLA, that Mr. Kessler showed you
11 before, the two GLAs?

12 A. No.

13 Q. And do you believe that you
14 should be compensated?

15 A. Yes.

16 Q. On what basis?

17 A. Going by what the GLA
18 states, that there would be, you know,
19 money set aside in the escrow account
20 that would be divided equally among the
21 players, retired players.

22 Q. Okay. And in that sort of
23 division, does Joe Montana's share have
24 any more value than the third string

1 quarter back of the 49ers?

2 A. No.

3 Q. Why is that?

4 A. Because it says equally
5 divided.

6 Q. Okay.

7 A. Doesn't say anything about
8 who is best or who is the best.

9 Q. Now, have you received any
10 response to this e-mail that you sent
11 out, Exhibit 159?

12 A. No. Not paper-wise, no.

13 Q. But have you received
14 responses, just phone calls?

15 A. Yes.

16 Q. And were those phone calls
17 supportive? Not supportive?

18 A. They were supportive.

19 Q. Did you get -- what idea, if
20 any, did you get from these phone calls,
21 whether others were dissatisfied with
22 their licensing payments?

23 A. Well, when they contacted
24 me, I thought maybe they would send

1 Q. Well let me ask you this:
2 Why did you sign the GLA?

3 A. Because I thought that
4 signing the GLA would give Players, Inc.
5 the permission to license my image and I
6 would get paid for it.

7 Q. And so you understood that
8 when you signed it; didn't you?

9 A. Yes.

10 Q. So, you understood some of
11 the terms when you signed it, didn't you?

12 A. Some of the terms, yes.

13 Q. It's not true that you
14 didn't understand any of the terms when
15 you signed it?

16 A. Correct.

17 MR. KESSLER: Objection to
18 the form of the question.

19 MR. KATZ: Okay.

20 BY MR. KATZ:

21 Q. Have you ever received any
22 money from that escrow account?

23 A. No.

24 Q. Have you ever received any

1 money as a result of signing a GLA?

2 A. No.

3 Q. Do you believe that you
4 should have received money?

5 A. Yes.

6 Q. Do you have any idea as you
7 sit here now how much money?

8 A. No.

9 Q. Why not?

10 A. Because I haven't seen any
11 of the documents as to how much money the
12 total is and how much should be received
13 or divided.

14 Q. And do you want to see those
15 documents?

16 A. Yes.

17 Q. Do you feel that you have to
18 see those documents in order to fulfill
19 your obligations as a class
20 representative?

21 MR. KESSLER: Objection to
22 the form of the question.

23 MR. KATZ: It's okay to make
24 an objection but let me finish.

C E R T I F I C A T E

I hereby certify that the proceedings and evidence noted are contained fully and accurately in the notes taken by me on the deposition of the above matter, and that this is a correct transcript of the same.

Teresa M. Beaver, RPR

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