

**Exhibit A**  
**to the**  
**Declaration Of Ronald S. Katz In Support Of**  
**Motion For Class Certification**

ORIGINAL  
FILED

07 FEB 15 AM 9:20

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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

CIVIL ACTION NO. C07 0943 JCS

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Plaintiffs,

**DECLARATION OF RONALD S. KATZ IN  
SUPPORT OF PLAINTIFFS' MOTION TO  
APPOINT MANATT, PHELPS & PHILLIPS,  
LLP AS INTERIM CLASS COUNSEL**

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vs.

Date: Friday, March 23, 2007  
Time: 9:30 am  
Judge: Honorable Joseph C. Spero

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

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Defendant.

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I, Ronald S. Katz, declare and state as follows:

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1. I am an attorney at Manatt, Phelps & Phillips, LLP and am one of the lawyers representing Plaintiffs Bernard Paul Parrish and Herbert Anthony Adderly, on behalf of themselves and others similarly situated (collectively, "Plaintiffs"), in this matter. I have personal, first-hand knowledge of the matters stated herein, and, if called upon to do so, I could

1 and would competently testify thereto.

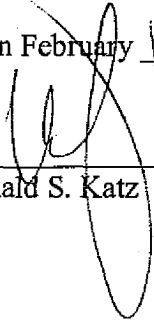
2 2. Attached hereto as Exhibit A is a true and correct copy of a February 18, 1998  
3 article from the San Francisco Chronicle entitled "Baseball Old Timers Settle Score."

4 3. Attached hereto as Exhibit B is a true and correct copy of my current CV.

5 4. Attached hereto as Exhibit C is a true and correct copy of a June 8, 2001 article  
6 from the Wall Street Journal entitled "Former Worker's Suit Gets Class Action Certification."

7 5. Attached hereto as Exhibit D is a true and correct copy of an article from the  
8 October 13, 2000 edition of the *Daily Journal* entitled "Aggressive Approach."

9 I declare under penalty of perjury under the laws of the United States that the foregoing is  
10 true and correct and that this declaration was executed on February 15, 2007, at Palo Alto,  
11 California.

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14 Ronald S. Katz  
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**EXHIBIT A**

1 of 1 DOCUMENTS

Copyright 1998 The Chronicle Publishing Co.  
The San Francisco Chronicle

FEBRUARY 18, 1998, WEDNESDAY, FINAL EDITION

**SECTION:** NEWS; Pg. A1

**LENGTH:** 784 words

**HEADLINE:** Baseball Old Timers Settle Score  
Jury sides with them on memorabilia sales

**BYLINE:** Kevin Fagan, Chronicle Staff Writer

**DATELINE:** OAKLAND

**BODY:**

Baseball greats Willie Mays and Hank Aaron teamed up with bench warmers dating to World War II yesterday to score what's believed to be the first jury trial victory ever against Major League Baseball.

The players said the finding that they had been underpaid on sales of limited-issue cards and other keepsakes would lead to an avalanche of lawsuits seeking millions of dollars from baseball.

"It's historic and will absolutely open the floodgates against Major League Baseball," said attorney Ronald Katz, who filed the class action suit in Alameda County Superior Court on behalf of 384 great and not-so-great former players. "We feel like we've batted one thousand in this case, and we're just getting started."

League attorneys shot back with their own interpretation, saying it was actually their side that had hit the legal home run with the jury.

They pointed out that back royalties and interest to the plaintiffs amount to only about \$ 85,000 -- around \$ 220 each and a far cry from the \$ 400,000 the ex-players sought when the trial began last month.

And the jury rejected the former players' argument that they were defrauded, which eliminated the possibility of being awarded millions of dollars in punitive damages.

"This case was not about the old-timers who played baseball, like the other side would have everyone believe," said league attorney Martin Glick. "It was about whether this program they sued over defrauded these players, and the jury ruled that it didn't.

"We think it was total vindication for our side."

Both sides said they did not know of another case in which a jury had ruled against Major League Baseball.

The trial was limited to an old-timers memorabilia program that sold special cards, chess sets and other trinkets between 1990 and last December. The ex-players asserted that they were either underpaid or paid late for some of the merchandise.

And it's not over yet: The players are appealing Superior Court Judge ' ruling during the trial that they couldn't get revenue from sales of videotapes -- by far the most lucrative part of the case.

But for guys like Pete Coscarart, an all-but-forgotten 1940 All-Star second baseman for the Brooklyn Dodgers, the trial wasn't about getting big cash for himself. It was the principle.

EXA

## Baseball Old Timers Settle Score Jury sides with them on memorabilia sale

"A win is a win, and I really feel good about this one after all these years," Coscarart, 84, said from his Escondido home. "A guy's got to take a stand now and then, and we did this for all the guys who are playing after us."

The jury had been deliberating the case in Oakland since last Wednesday.

Katz said although yesterday's verdict didn't yield much money, it paves the way for several other cases being readied for court, including three he is handling. It is these follow-up cases -- as well as the crucial videotape appeal in yesterday's trial -- that could lead to a big-bucks payout by baseball.

Among the lawsuits Katz is preparing are those seeking compensation on behalf of all players who were in the game before 1947, and on behalf of Bernie Carbo over an MCI telephone commercial aired during last year's World Series that showed his famous home run for the Boston Red Sox in the 1975 series.

Similar lawsuits against major baseball card companies, such as Fleer, also may be in the offing, Katz said.

"Just think of the money the league, and other people, make with all the videos and films they sell that have images of these players," Katz said. "If they have to cut the players in on all that income -- which they don't now -- it could amount to a significant sum. . . . It would be millions of dollars."

That means that clips like the famous over-the-shoulder catch that Mays made in the 1954 World Series, played countless times over the decades, could suddenly open a cash register for the ex-Giants star every time it aired.

"Think of the thousands of times you've seen that Mays clip, and do the addition," Katz said. "The league has been getting away with murder for years, and pretty soon they're going to have to pay."

Not all the 384 plaintiffs in the old-timers suit were long-ago players who were paid the pittance that used to be the norm in professional baseball.

About one-third of them played in the big-bucks 1980s, another one-third in the relatively well-paying 1970s, and the rest dated before that. More than two dozen are in the Hall of Fame.

"The dedicated workers who established this old-timers memorabilia program worked hard, got thank-you notes from the players, and then they find the program's been sued," Glick said. "These plaintiffs said we cheated them, but the real lesson here is that no good deed goes unpunished."

**LOAD-DATE:** February 18, 1998



**Ronald S. Katz**

Partner  
Intellectual Property  
650/812-1346  
rkatz@manatt.com

**Professional Experience**

Mr. Katz, who heads the litigation group in the Palo Alto office, specializes in complex commercial dispute resolution with an emphasis on intellectual property, antitrust and technology matters. During his career, he has been involved in high-profile and novel cases for major clients both internationally and in Northern California.

Prior to joining Manatt, Mr. Katz served as Managing Partner of the four California offices of a prominent multinational firm as well as a member of its Executive Committee. His previous experience also includes the position of Deputy Director of the Law of the Sea Negotiations at the U.S. State Department, as well as the position of attorney at the Foreign Commerce Section of the U.S. Justice Department's Antitrust Division, where he was recipient of the Attorney General's Outstanding Performance Award. In addition, he was an Overseas Fellow of the International Legal Center in Bandung, Indonesia, where he assisted the Minister of Justice on law reform projects.

**Representative Recent Litigation**

Mr. Katz won a jury verdict in 2006 in a patent infringement case in Marshall, Texas, involving remote email as reported in the Wall Street Journal on May 4, 2006 on page B4.

Mr. Katz obtained an injunction in 2006 in the Federal Court in the Southern District of New York against a company seeking to circumvent a device protecting electronically stored data.

Mr. Katz won a jury verdict in 2006 in the Federal Court in the Northern District of California in a contract/copyright infringement case involving two electronic search companies.

Mr. Katz obtained an injunction in 2004 in the Federal Court in the Southern District of New York preventing the company formerly known as 321 Studios from selling DVDXCOPY software.

## Education

Harvard Law School, J.D., 1972.

Oxford University, M.A., 1969. Rhodes Scholarship.

New York University, B.A., summa cum laude, 1967. Honorary Woodrow Wilson Fellow.

## Memberships & Activities

Admitted to practice in California.

Member, the State Bar of California.

Overseer, New York University College of Arts and Science.

## Publications

"Patents Give the DMCA Needed Teeth: Salvaging Copy Protection in the Post-*Grokster* Era," *Journal of Internet Law*, September 2004.

"Back to the Future: Patent Parallels Between SARS, HIV/AIDS," *BNA Pharmaceutical Law & Industry Report*, July 11, 2003.

"Whither the DMCA? A Tale of Two Cases," *Journal of Internet Law*, May 2003.

"Internet Speech and the Limits of Jurisdiction," *The American Society of International Law*, Proceedings of the 97th Annual Meeting, Washington, DC., April 2-5, 2003.

"Why Is One Patent Court Deciding Antitrust Law for the Whole Country?" *Antitrust Law Journal*, February, 2002.

"National Boundaries in Cyberspace? *Yahoo! v. LICRA*," *Journal of Internet Law*, September, 2001.

"It Pays to Pay Attention to Intellectual Property," *Intellectual Property Forum*, March, 2001.

"Intellectual Property vs. Antitrust: A False Dilemma," *The Computer Lawyer*, November, 1998.

"Uncertainty Reigns in Software Cases," *The National Law Journal*, May 12, 1997.

"A Post-Kodak Working Guide to Market Definition," *Antitrust*, Spring 1997; *The Antitrust Counsel*, November 15, 1997.

"WIPO Treaties: Euphoria Should Wait," *The Computer Lawyer*, April, 1997.

"New Case Complicates Proof of Infringement by Program Execution," *The Computer Lawyer*, June, 1996.

"Recent Cases Reveal Gaps in Draft Antitrust/IP Guidelines," *The Computer Lawyer*, November, 1994.

"Fair Use of Operating System Software: Square Pegs In Round Holes?" *The Computer Lawyer*, May, 1994.

"ADR Abroad," *The Recorder*, April 28, 1994.

"Water Marketing/Transfers and the Antitrust Laws," *California Water Law & Policy Reporter*, October, 1993.

"MAI v. Peak: An Unprecedented Opinion with Sparse Analysis," *The Computer Lawyer*, May, 1993.

"Is Antitrust Law Coming Alive?" *The California Lawyer*, December, 1992 (interview of William Baxter of Stanford Law School and former Assistant Attorney General in charge of the Justice Department's Antitrust Division).

"The Benefits and Burdens of Kodak from a Litigant's Perspective," *Antitrust*, Fall/Winter, 1992.

"A Method for Evaluating the Deep Seabed Mining Provisions of the Law of the Sea Treaty," 7 *Yale Journal of World Public Order* 114, 1980.

"Financial Arrangements for Seabed Mining Companies: An NIEO Case Study," 13 *Journal of World Trade Law* 209, 1979.

*Survey of Indonesian Economic Law*

Co-Author, *Labor Law* (Bandung: Institute of Legal Research, 1974)

Advisor, *Business Law* (Bandung: Institute of Legal Research, 1973).

Advisor, *Taxation* (Bandung: Institute of Legal Research, 1973).

Co-Author, *Mining Law* (Bandung: Institute of Legal Research, 1974).

Co-Author, "Law Reform in Post-Sukarno Indonesia," 10 *The International Lawyer* 335, 1976.



B6 THE WALL STREET JOURNAL FRIDAY, JUNE 8, 2001

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**Hewlett-Packard Co.**

### Former Worker's Suit Gets Class-Action Certification

A California Superior Court judge gave class-action certification to a lawsuit filed by a former employee of Hewlett-Packard Co. over retirement benefits. As a result of the ruling, more than 3,800 H-P retirees are now eligible to participate in the suit, which alleges that the Palo Alto, Calif., company reclassified some employees as retirees of Agilent Technologies Inc. H-P spun off the test-and-measurement company last year. The new classification caused retirees to lose their right to their 10% discounts on H-P products, the suit claims. The action was filed in January by Mark Leonard, of Los Altos, Calif., who spent 23 years at H-P as an engineer. Mr. Leonard said H-P reclassified him as a former Agilent employee several months after his retirement in 1999, even though he had never even heard of the company. Ronald Katz, Mr. Leonard's lawyer, estimated the value of the discounts for all retirees certified in the class action could total almost \$4 million. "We think [the suit] is completely without merit," an H-P spokesman said.

DAILY JOURNAL ARTICLE  
<http://www.dailyjournal.com>  
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# Daily Journal

Aggressive Approach -- Ronald S. Katz strikes fear in the hearts of opposing witnesses during cross-examinations, a skill that paid off handsomely for him and his client in a recent copyright infringement case.

Verdicts & Settlements - Oct 13, 2000

By Eron Ben-Yehuda

Attorney Ronald S. Katz struck fear in the hearts of opposing witnesses in a recent trial. In fact, after watching Katz tear apart the testimony of others, a defense expert was so shaken up when he took the stand that he forgot his own name. Even opposing counsel had to give Katz his due.

"Mr. Katz can make anyone look bad when he cross-examines," Samuel B. Shepherd says. That skill paid off handsomely when a jury in July awarded \$7.7 million to Katz's client for copyright infringement and conversion of its architectural plans. *Flying J Inc. v. Central California Kenworth*, CVF-955030, verdict July 24, 2000.

The witnesses deserve some of the credit for the damaging admissions Katz managed to elicit from them, he jokes.

"It's easy to cross-examine people if they're not telling the truth," he says. But the Missouri native admits an aggressive approach is sometimes the only effective one.

"If somebody's trying to hide the truth, you have to use all of your skills to penetrate that," he says.

It is difficult for Katz to pinpoint where he developed his confrontational style. Perhaps the roots were set by his father who, as a first-generation Russian immigrant, never backed down from a challenge. Or maybe spending his college years in the pressured and intense world of Manhattan played a part.

"Gee, I don't know, I was a middle child," he offers as another explanation.

What's clear is the 56-year-old's early fascination with the law.

As a teen-ager, he recalls the United States sending envoys to negotiate with a hostile Cuba.

"I remember reading about that and thinking I would like to be an international lawyer," he says. It's not the typical childhood dream, he concedes.

"I never wanted to be a fireman," he says.

Certainly the competitive nature of law appealed to him. But there was more, a captivation with "the idea that you're trying to teach the jury something," he says.

Katz says his "pedagogical" inclination came in handy during the *Flying J* case because the controversy centered on a subject that jurors rarely consider in everyday life - the copyright of a floor plan for a truck stop.

His client Flying J Inc., one of the most successful truck stop operators, alleged that a businessman stole its protected plans and used them to help build a competing facility in Madera. When Katz first analyzed the case, he recognized the daunting challenge ahead of him - convincing jurors that the seemingly mundane floor layout is valuable.

"It's something that is so plain that I knew we were going to have a hard time conveying that to a jury," he says. "It's not sexy."

Katz proved up to the task scoring an unprecedented jury award, considered 37 times higher than any previous verdict for infringement of architectural plans.

"Obviously, we did get through to them," he says.

Despite his tough reputation, Katz says jurors don't respond well when litigators cross the line of decency.

"Even though you're trying to be tough, you have to be respectful," he says.

Attorneys also have to keep in mind that jurors are volunteers who are "coming out of nowhere," and therefore, shouldn't be expected to immediately pick up the details of a case.

"We never try to assume too much knowledge on the part of the jury," he says.

The bottom line for Katz is to make jurors sympathetic to his client's plight, "to make them care that it comes out right."

In addition to intellectual property, Katz also handles antitrust cases. The ever-changing, high-tech driven economy dramatically affects those areas of law, which were never intended to encompass such cutting edge development, he says. It offers the kind of mental stimulation Katz craves.

"How do you fit that round peg in a square hole?" he asks.

With his curious mind, he excelled as a student. After graduating summa cum laude from New York University in 1967, he qualified for a Rhodes scholarship at Oxford University.

In England, he received a broad education covering politics, philosophy and economics, which helped him as a litigator because of the wide variety of cases that came across his desk, he says.

Next came Harvard Law School. After graduating in 1972, he soon realized his childhood dream of globe-trotting as a lawyer. He worked in Bandung, Indonesia on behalf of the International Legal Center helping the country develop its own legal system after years of Dutch colonial rule. He speaks fluent Indonesian now.

After stints with the U.S. departments of State and Justice, he moved over to private practice. He joined the international firm Coudert Brothers in 1987. Today, he heads the firm's litigation department for its California offices. His cases take him all over the world, including a trip a few weeks ago to Australia.

The workload takes its toll, he says.

"You have to put in long hours, but my wife is also a lawyer [Elizabeth Roth of Mountain View-based General Counsel Associates], so I think that helps," he says. "She has the same problems I do."

For relaxation, he plays basketball, hikes and goes skiing at Squaw Valley with his boys Hart, 22, Jason, 21, and Elliot, 17.

#### SNAPSHOT

Ronald S. Katz

Law school: Harvard Law School, 1972

Career highlights: Partner, Coudert Brothers, San Francisco, 1987-present; partner, Kadison Pfaelzer (dissolved), Los Angeles, 1986-87; partner, Gaston, Snow, Ely & Bartlett (dissolved), Palo Alto, 1982-86; associate and partner, McCutchen, Doyle, Brown & Enerson, San Francisco, 1978-82; U.S. Department of State, attorney for ambassador to the United Nations Law of the Sea Conference; United States Department of Justice, antitrust division, foreign commerce section, 1975-77; International Legal Center, Bandung, Indonesia, 1972-74

Case types: Intellectual property, antitrust