

## DEWEY &amp; LEBOEUF LLP

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April 1, 2008

The Honorable William Alsup  
United States District Court,  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

**Re: *Parrish v. National Football League Players Association, et al.*  
Case No. C07-0943 WHA**

Dear Judge Alsup,

I am lead counsel for the Defendants in the above-captioned action. I write in connection with the April 24, 2008 hearing date that Plaintiffs' have noticed for their Motion for Class Certification (the "Motion").

The outcome of Plaintiffs' Motion will have a great impact on this litigation, and it is important to my clients that I represent them at the hearing. Unfortunately, however, I am scheduled to be out of the country on April 24th, as well as on May 1st, Your Honor's next civil motion day. Specifically, I have meetings in Japan the week of April 21st (up to and including April 24th) involving several different companies and numerous counsel and my absence would impose significant disruption to those meetings, which were scheduled some time ago. The following week, I am serving as lead counsel in an arbitration in Switzerland (Oscar Pistorius v. Int'l Ass'n of Athletics Federation Council). The arbitration dates have just been set, and will prevent me from appearing in San Francisco on May 1st.

Both myself and lead counsel for Plaintiffs are available on Thursday, April 17th (the civil motion date preceding the date noticed by Plaintiffs), but we understand from Your Honor's calendar clerk that the calendar is currently full for that date. If that status should change, the parties have agreed to proceed on April 17th. If, however, April 17th remains unavailable, Plaintiffs have stated that they will not agree to continue the hearing until May 8th, the next civil motion day that I am presently available to appear before the Court. Defendants do not believe that continuing the hearing until May 8th, a mere two weeks past the noticed date, would impose any harm upon Plaintiffs or case management, especially in comparison to the prejudice against Defendants if their lead counsel could not appear at such an important hearing. All case deadlines could remain in place without interruption.

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I apologize to the Court for this situation and also apologize for involving Your Honor in these scheduling matters, but the parties are at an impasse. Thank you for your attention to this matter.

Respectfully yours,

/s/ Jeffrey L. Kessler  
Jeffrey L. Kessler  
Counsel for Defendants

cc: Ronald S. Katz, Esq.