

1 MANATT, PHELPS & PHILLIPS, LLP  
 2 RONALD S. KATZ (Bar No. CA 085713)  
 3 E-mail: rkatz@manatt.com  
 4 RYAN S. HILBERT (California Bar No. 210549)  
 5 E-mail: rhilbert@manatt.com  
 6 NOEL S. COHEN (California Bar No. 219645)  
 7 E-mail: ncohen@manatt.com  
 8 1001 Page Mill Road, Building 2  
 9 Palo Alto, CA 94304-1006  
 10 Telephone: (650) 812-1300  
 11 Facsimile: (650) 213-0260

12 McKOOL SMITH, P.C.  
 13 LEWIS T. LECLAIR (Bar No. CA 077136)  
 14 E-mail: lleclair@mckoolsmith.com  
 15 JILL ADLER NAYLOR (Bar No. CA 150783)  
 16 E-mail: jnaylor@mckoolsmith.com  
 17 300 Crescent Court, Suite 1500  
 18 Dallas, TX 75201  
 19 Telephone: (214) 978-4000  
 20 Facsimile: (214) 978-4044

21 Attorneys for Plaintiffs

22 UNITED STATES DISTRICT COURT  
 23 NORTHERN DISTRICT OF CALIFORNIA  
 24 SAN FRANCISCO DIVISION

25 CIVIL ACTION NO. C07 0943 WHA

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

Plaintiffs

vs.

**PLAINTIFFS' MISCELLANEOUS  
 ADMINISTRATIVE REQUEST TO FILE  
 CERTAIN CONFIDENTIAL MATERIALS  
 UNDER SEAL PURSUANT TO MARCH  
 31, 2008 COURT ORDER**

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

Defendants.

1 Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and Civil Local Rule 79-  
2 5(d), and the Court’s inherent authority over its own files and records, Plaintiffs, by and through  
3 their undersigned counsel, hereby move this Court for an order permitting certain confidential  
4 documents filed by Defendants National Football League Players Association (“NFLPA”) and  
5 National Football League Players Incorporated d/b/a Players Inc. (“PLAYERS INC”)   
6 (collectively, “Defendants”) to be filed under seal.

7 **I. PROCEDURAL BACKGROUND**

8 On March 28, 2008, Defendants filed a Miscellaneous Administrative Motion to File  
9 Under Seal certain documents designated by Plaintiffs as “Confidential” or “Highly Confidential  
10 – Attorneys’ Eyes Only.” Specifically, Defendants requested that the Court seal the following  
11 exhibits to the Declaration of David Greenspan in Support of Defendants’ Opposition to  
12 Plaintiffs’ Motion for Class Certification (“Greenspan Decl.”): Exhibits 1, 10, 13, 14, 16, 21-23,  
13 26, 29, 32, 33, and 35.

14 On March 31, this Court issued an Order asking Plaintiffs to show good cause for those  
15 documents of Plaintiffs the Defendants submitted for filing under seal. This Miscellaneous  
16 Administrative Request follows.

17 **II. ARGUMENT**

18 Whether or not a protective order is entered in any case is subject to the discretion of the  
19 court. *See Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36, 104 S. Ct. 2199, 81 L. Ed. 2d 17  
20 (1984) (holding that Rule 26(c) confers “broad discretion on the trial court to decide when a  
21 protective order is appropriate and what degree of protection is required”).

22 Plaintiffs are willing to remove any confidentiality objections to Exhibits 1, 10, 13, 21 and  
23 32 such that these documents may be filed in the public domain. However, for the reasons given  
24 below, good cause exists to file Exhibits 14, 16, 22, 23, 26, 29, 33 and 35 under seal and thus  
25 Plaintiffs respectfully request that such documents be filed accordingly.



1 received and sent these e-mails had a reasonable expectation of privacy in them and could not  
2 have expected them to become public.

3 Exhibit 33 is an e-mail sent by Bernie Parrish to a number of recipients, many of whom  
4 can be identified by their e-mail address. Public disclosure of these private, personally-controlled  
5 e-mail addresses – many of which are owned and used by well-known former NFL players –  
6 could subject those players to unwanted and harassing e-mail messages from members of the  
7 public. In addition, the retired NFL players who received this e-mail had a reasonable  
8 expectation of privacy in it and could not have expected the e-mail to become public.

9 **III. CONCLUSION**

10 For the reasons given above, Plaintiffs respectfully request that Exhibits 14, 16, 22, 23,  
11 26, 29, 33 and 35 be filed under seal.

12 Dated: April 2, 2008

MANATT, PHELPS & PHILLIPS, LLP

13  
14 By: /s/ Ryan S. Hilbert

Ronald S. Katz (SBN 085713)  
Ryan S. Hilbert (SBN 210549)  
Noel S. Cohen (SBN 219645)  
MANATT, PHELPS & PHILLIPS, LLP  
1001 Page Mill Road, Building 2  
Palo Alto, CA 94304-1006  
Telephone: (650) 812-1300  
18 Facsimile: (650) 213-0260  
*Attorneys for Plaintiffs*

19 Lewis T. LeClair, Esq.  
20 Jill Adler, Esq.  
McKOOL SMITH, P.C.  
300 Crescent Court  
Suite 1500  
22 Dallas, TX 75201  
214-978-4984  
23 214-978-4044 (fax)