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12 Attorneys for Plaintiffs

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT
15 SAN FRANCISCO DIVISION
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18 BERNARD PAUL PARRISH, HERBERT
ANTHONY ADDERLEY, and WALTER
19 ROBERTS, III on behalf of themselves and
all others similarly situated,

20 Plaintiffs

21 vs.

22 NATIONAL FOOTBALL LEAGUE
PLAYERS ASSOCIATION, a Virginia
23 corporation, and NATIONAL FOOTBALL
LEAGUE PLAYERS INCORPORATED
24 d/b/a PLAYERS INC, a Virginia
25 corporation,

26 Defendants.

CIVIL ACTION NO. C07 0943 WHA

**DECLARATION OF RONALD KATZ IN
FURTHER SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

Date: April 24, 2008
Time: 8:00 A.M.
Place: Courtroom 9, 19th Floor
Judge: Hon. William J. Alsup

**EXHIBITS 7, 10, 12, AND 14 FILED UNDER
SEAL**

1 I, Ronald S. Katz, declare as follows:

2 1. I am a partner with Manatt, Phelps & Phillips, LLP, attorneys of record for
3 Plaintiffs Bernard Paul Parrish, Herbert Anthony Adderley and Walter Roberts III in the above-
4 captioned matter. The facts below are true and correct and within my own personal knowledge.
5 If called on to testify to them, I could and would competently do so.

6 2. Attached hereto as **Exhibit 1** is a true and correct copy of a *New York Times* article
7 dated February 16, 2007, entitled "Upshaw Maintains Royalties Were Distributed Properly."

8 3. Attached hereto as **Exhibit 2** is a true and correct copy of an article located on the
9 ESPN.com website entitled "Report: DeLamielleure targeted by head of NFL's union."

10 4. Attached hereto as **Exhibit 3** are true and correct copies of excerpts from the
11 deposition of Bernard Parrish, taken on March 13, 2008.

12 5. Attached hereto as **Exhibit 4** is a true and correct copy of the letter dated January
13 23, 2008, to Judge Larson from David Feher, counsel for Defendants.

14 6. Attached hereto as **Exhibit 5** is a true and correct copy of the letter dated February
15 5, 2008, to me from Jeffrey Kessler, counsel for Defendants. In addition to refusing to make a
16 settlement counter-proposal as required by Judge Larson, Defendants failed to meaningfully
17 participate in the settlement conference and caused it to conclude after only a few hours.

18 7. Attached hereto as **Exhibit 6** is a true and correct copy of the letter dated January
19 28, 2008, to Jeffrey Kessler from me regarding settlement.

20 8. Attached hereto as **Exhibit 7** are true and correct copies of excerpts from the
21 deposition of Margaret Parrish, the 30(b)(6) representative of Retired Professional Football
22 Players for Justice, taken on March 5, 2008. (Filed under seal)

23 9. Attached hereto as **Exhibit 8** are true and correct copies of excerpts from the
24 deposition of Herbert Adderley with errata, taken on February 20, 2008.

25 10. Attached hereto as **Exhibit 9** is a true and correct copy of the letter (with exhibits)
26 dated March 12, 2008, to Jeffrey Kessler from me regarding Mr. Kessler's conduct at the
27 deposition of Herbert Adderley.

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1 11. Attached hereto as **Exhibit 10** are true and correct copies of e-mail
2 communications sent to and from various third party individuals, none of whom are parties and
3 all of whom have no direct involvement in this case. (Filed Under Seal)

4 12. Attached hereto as **Exhibit 11** is a true and correct copy of the Order (1) Denying
5 Defendant's Motion for Judgment on the Pleadings; (2) Denying Defendant's Motion for
6 Sanctions; (3) Denying Defendant's Motion for Transfer; and (4) Denying Plaintiffs' Motion to
7 Appoint Interim Class Counsel, signed by Judge Alsup on June 4, 2007.

8 13. Attached hereto as **Exhibit 12** is a true and correct copy of Defendants'
9 Supplemental Responses and Objections to Plaintiffs' Amended Interrogatories dated February
10 27, 2008. (Filed under seal)

11 14. Attached hereto as **Exhibit 13** is a true and correct copy of Players Inc's Motion
12 for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c), filed on April 4, 2007.

13 15. Attached hereto as **Exhibit 14** is a true and correct copy of a letter from
14 Defendants' counsel dated March 31, 2008, and errata sheet regarding the deposition of Gene
15 Upshaw taken on February 13, 2008. (Filed under seal)

16 16. The publicly available LM-2 Form filed in 2006 by the NFLPA states that over
17 \$33 million was paid by Electronic Arts to Defendants in 2006 alone.

18 17. Plaintiffs have already deposed Doug Allen, former President of PLAYERS INC
19 and Vice-Chairman of the NFLPA, and Pat Allen, former Executive Vice President and Chief
20 Operating Officer of PLAYERS INC, both of whom reside in California. Mr. Allen has
21 submitted at least one declaration in support of Defendants in this matter. Plaintiffs expect both
22 of these individuals to be critical trial witnesses.

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1 I declare under penalty of perjury under the laws of the United States of America and the
2 State of California that the foregoing is true and correct and that this declaration was executed on
3 April 4, 2008.

4 /s/ Ronald S. Katz
5 Ronald S. Katz
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