

Exhibit 3
to the
Declaration of Ronald Katz in Further Support of
Plaintiffs' Motion for Class Certification

Bernard Parrish

1 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
2 SAN FRANCISCO DIVISION
3

BERNARD PAUL PARRISH,)
4 HERBERT ANTHONY ADDERLEY,)
and WALTER ROBERTS, III,)
5 on behalf of themselves)
and all others similarly)
6 situated,)

COPY

7 Plaintiffs,)

CIVIL ACTION
NO. C07-0943-WHA

8 v.)

9 NATIONAL FOOTBALL LEAGUE)
PLAYERS ASSOCIATION, a)
10 Virginia corporation and)
NATIONAL FOOTBALL PLAYERS,)
11 INC., d/b/a PLAYERS, INC.,)
a Virginia Corporation,)

12)
Defendants.)

13 - - - - -

14
15 VIDEOTAPED DEPOSITION OF BERNARD PAUL PARRISH

16
17 Thursday, March 13, 2008

18
19
20
21 Reported by: Lori Goodin Mackenzie, RPR-CLR
22 Job No.: 200716

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1 Roy Taub of Dewey & LeBoeuf representing the
2 defendants.

3 MR. KATZ: Ron Katz and Noel Cohen
4 of Manatt, Phelps & Phillips, LLP, representing
5 the plaintiffs.

6 THE VIDEOGRAPHER: Will the reporter
7 please swear in the witness.

8 BERNARD PAUL PARRISH,
9 a witness called for examination, having been
10 first duly sworn, was examined and testified as
11 follows:

12 EXAMINATION BY COUNSEL FOR DEFENDANTS

13 BY MR. KESSLER:

14 Q. Good morning, Mr. Parrish. My name
15 is Jeffrey Kessler and I represent the defendants
16 in this matter.

17 Mr. Parrish, can you please state
18 your address for the record, please, current home
19 address.

20 A. 4129 Northwest 32nd Street in
21 Gainesville, Florida, 32605.

22 Q. And what is your current occupation,

1 Q. Give me a guess.

2 A. 10.

3 Q. Okay.

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

6 THE WITNESS: Maybe more, I don't
7 know, that's a guess.

8 BY MR. KESSLER:

9 Q. How many litigations have either you
10 been personally involved in or has a company you
11 have owned been involved in?

12 MR. KATZ: I object. You may
13 answer.

14 THE WITNESS: You object. Okay.
15 I'd have to guess, so, you know.

16 BY MR. KESSLER:

17 Q. Would it be more than 30?

18 A. No. I doubt that it's more than 30.

19 Q. More than 20?

20 A. More than 20, yeah. But, maybe more
21 than 30, yeah.

22 Q. Do you consider yourself to be

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1 suit is the way to kick their asses, and we
2 already have it filed in California."

3 Now, Mr. Parrish, is that a
4 reference to this action?

5 A. Yes. Uh-huh. That's a reference to
6 this action.

7 Q. Okay.

8 A. Uh-huh. Since it's already filed in
9 California, there's no other suits filed in
10 California that I know of.

11 Q. And then you go on to say
12 "Merlin" -- I'm going a few lines down.

13 "Merlin is right. I'm not inclined
14 to compromise with these bastards. They think we
15 are gutless of the playing field."

16 A. Off the playing field.

17 Q. Off the playing field. Okay.

18 Is Merlin, Merlin Olsen?

19 A. Yes. I think -- he's the only
20 Merlin I know, yes.

21 Q. Another retired player?

22 A. Yes.

1 Q. Okay.

2 A. Yes.

3 Q. And then it goes on to say: "I'll
4 have the list of those we want to depose and the
5 documents we need to subpoena from TV contracts
6 to Upshaw's contract with Condon, Retirement
7 Board transcript, Tagliabue and Goodell's
8 contracts, phone and e-mail records, personal
9 relationships, Mullins -- et cetera, by the end
10 of next week.

11 "I don't know how we are going to
12 select our own witnesses without offending
13 people."

14 Did you write this paragraph, sir?

15 A. Yes. I wrote this letter, I think.
16 Well, I wrote this part that I'm reading, yes, I
17 wrote that.

18 Q. Okay. And you were stating here
19 that you intended to depose all of these
20 individuals and subpoena their documents in this
21 letter?

22 A. Yes. That was my intent, yes.

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1 MR. KATZ: Object.

2 THE WITNESS: Well, you know, things
3 kind of, things change as time goes by and we get
4 more information.

5 And the Players Association and
6 Mr. Upshaw do things like make announcements that
7 he does not -- that it's illegal for the NFLPA to
8 represent retired players, that he doesn't
9 represent retired players.

10 So from that point on, what -- why
11 would you have anything -- why would the retired
12 players have anything to do with Gene Upshaw?

13 BY MR. KESSLER:

14 Q. Okay. So I'd just like you to
15 answer. I think your answer is --

16 A. Well, I'm sorry. Tell me -- ask me
17 again.

18 Q. I think your answer is yes, that one
19 of the objectives of all of these actions is to
20 get rid of Gene Upshaw because the retired
21 players you believe should oppose Mr. Upshaw.

22 MR. KATZ: Object.

1 represented.

2 And that could spawn some suits.

3 Certainly it could, yes, in other areas.

4 Q. At the time you wrote this, you
5 believed it to be true, correct?

6 A. I'm not -- true, I didn't -- you
7 know, I don't write anything that I don't believe
8 to be true.

9 I'm just not sure exactly what this
10 is -- like I said, it looks like an incomplete
11 sentence. Didn't I say that? Is that the --

12 Q. You wrote this document --

13 A. Let me read it. Yes, I'm not
14 perfect.

15 Q. You wrote it just four months ago,
16 right?

17 A. Just four months ago.

18 Q. Yes.

19 A. You know how many documents I've
20 written in four months?

21 Yes, you do, you know, you know how
22 many.

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1 tobacco suit. He put together a number of firms
2 and put together a suit against the tobacco
3 industry.

4 Q. And who is Marlon Kimpson?

5 A. He is an attorney from Motley Rice,
6 who is suing you guys right now over the Ponzi
7 scheme in Atlanta. That's who he is.

8 MR. KATZ: I think I need to consult
9 with my client for a moment to find out whether
10 this is a privileged document that was
11 inadvertently produced.

12 So, we need to take a short break
13 while I --

14 MR. KESSLER: Well, why don't we --
15 I'll put it aside and you can do that at the next
16 break, okay?

17 MR. KATZ: Sure. That's fine. All
18 right.

19 MR. KESSLER: So I'll come back to
20 it.

21 THE WITNESS: Oh, Elliot Spitzer is
22 missing from it. We might want to talk about

1 this.

2 MR. KATZ: There's no question
3 pending. There's no question pending.

4 THE WITNESS: That's a current
5 event.

6 MR. KATZ: There's no question
7 pending.

8 THE WITNESS: All right.

9 BY MR. KESSLER:

10 Q. Okay. Mr. Parrish, in connection
11 with this lawsuit, which of your counsel did you
12 first talk to about filing this lawsuit?

13 A. About this lawsuit?

14 Q. Yes.

15 A. Well, I -- I researched on the
16 internet and found that Ron Katz had beaten
17 baseball in a similar situation and I contacted
18 him.

19 I called him and asked him if he
20 would be interested and it took us a while.
21 Talking about it for him to decide that he would
22 take it.

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1 Q. And it says: "Bernie, here are the
2 details you requested on Players, Inc.'s top four
3 executives have all either resigned or retired
4 within the past few months."

5 Do you see that?

6 A. Yes. I remember them retiring and
7 resigning, yes.

8 Q. So you were utilizing Mr. Weinberg
9 as a source to gather information to put into
10 your complaint; is that true?

11 MR. KATZ: Object.

12 THE WITNESS: Gosh, I guess you
13 would say I would gather information from anybody
14 I could, including Weinberg, and anybody else.

15 BY MR. KESSLER:

16 Q. Do you consider Mr. Weinberg a
17 reliable source of information about the NFLPA or
18 Players, Inc.?

19 MR. KATZ: Object.

20 THE WITNESS: I have no idea if he's
21 reliable or not. He has certainly not given me
22 any information that was not reliable.

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1 (Parrish Exhibit Number 368
2 marked for identification.)

3 BY MR. KESSLER:

4 Q. Let me mark next a document Class
5 4017.

6 A. Do you have this?

7 MR. KATZ: We have all of them.

8 THE WITNESS: Okay.

9 BY MR. KESSLER:

10 Q. This will be 368.

11 A. Ron --

12 MR. KATZ: Just answer the
13 questions.

14 THE WITNESS: All right.

15 BY MR. KESSLER:

16 Q. And this document, Mr. Parrish, is
17 an e-mail from you to Steven Brown; is that
18 correct?

19 A. To Steven Brown, yes.

20 Q. Who is Steven Brown?

21 A. He's an attorney from Memphis.

22 Q. Okay. Was this someone else you

1 were recruiting to be involved in your lawsuit,
2 this lawsuit?

3 A. Well, I think Steven contacted me, I
4 think. I didn't contact him.

5 MR. KATZ: Mr. Kessler, this is
6 another one that I think I should consult with
7 Mr. Parrish to find out whether it is privileged
8 or not and inadvertently produced.

9 So, would you like to put it aside
10 as I did with the other one and we'll deal with
11 it on a break?

12 BY MR. KESSLER:

13 Q. Well, I won't ask him about the top
14 part.

15 What I will ask about is, for the
16 moment is a second part which is an e-mail from
17 you to Steve Weinberg, Steven Brown, Carl Poston,
18 Gregory Barry, Dana Thompson and Perry Applebaum.

19 Do you see that?

20 A. I see that, yes.

21 Q. Now, Mr. Steven Brown is a lawyer
22 for Mr. Carl Poston; is that correct?

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1 If we have to put it into evidence
2 at trial, we'll put in the original book.

3 MR. KATZ: Yes. We would request
4 that you just put in the actual book.

5 MR. KESSLER: I only have one copy
6 of the book and that's why we did it this way.
7 But, if we have to use the evidence at trial
8 we'll use the original book.

9 THE WITNESS: Well, there is at
10 least 600,000 of them in print. So it's pretty
11 easy to get.

12 BY MR. KESSLER:

13 Q. Let's take a look at Page 288, if we
14 can, of this document.

15 A. 288?

16 Q. 288. Yes. On the top.

17 A. 288. Okay.

18 Q. Yes. And you'll notice at the
19 bottom here it -- at the last paragraph it says:
20 "Thus the deceptive song and dance, the intrigues
21 are droning on within the Players' Association."

22 Now, you wrote that, right?

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1 A. Yes. I sure did, yes.

2 Q. And that Players' Association was
3 the NFLPA, correct?

4 A. Yes. That's right, yes.

5 Q. And you then wrote that: "Now Alan
6 Miller has been replaced by two Minneapolis labor
7 law attorneys," correct?

8 A. Right.

9 Q. One of those is Richard Berthelsen?
10 Do you remember who they were?

11 A. Not necessarily, no.

12 Q. Okay. Is it fair to say --

13 A. I did write -- it was, you know,
14 this was 30 years ago I wrote this.

15 Q. Is it fair to say that you have been
16 opposed to the policies of the NFL Players'
17 Association for more than 30 years?

18 MR. KATZ: Object.

19 THE WITNESS: To the policies? Yes.
20 They've had some very destructive policies from
21 the players' standpoint and the public, yes.

22 BY MR. KESSLER:

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1 Q. Let me show you next a document
2 that's been marked Exhibit 23. Well, hold that
3 for a second.

4 Let me show you a copy --

5 A. 23.

6 MR. KATZ: Just hold on.

7 BY MR. KESSLER:

8 Q. Let's move on to something else.
9 Let me show you next a document that's marked
10 Exhibit 166. Oh, we did this already, right?
11 Yes.

12 Let me mark next a document, Class
13 3426, that we'll mark as Exhibit 374.

14 (Parrish Exhibit Number 374
15 marked for identification.)

16 MR. KATZ: And after your question
17 on this one, if we could have a break that would
18 be good.

19 MR. KESSLER: Okay.

20 BY MR. KESSLER:

21 Q. Mr. Parrish, do you recognize this
22 as a document that you wrote?

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1 A. Is it an e-mail? What is it?

2 Q. It was produced by your counsel. I
3 assume from your computer.

4 A. It must be an e-mail.

5 MR. KATZ: The question is just
6 simply do you recognize it as something you
7 wrote.

8 THE WITNESS: Well, yes. Sounds
9 like something I wrote, yeah.

10 BY MR. KESSLER:

11 Q. If you look at the second paragraph
12 it says: "Bernie Parrish will run for executive
13 director of the NFLPA on the following platform.

14 "Provide it will not adversely
15 affect our class action suit against the NFLPA
16 and Players, Inc."

17 Do you see that, that you wrote
18 that?

19 A. Yes. Uh-huh.

20 Q. So, if you could, if it doesn't
21 adversely affect this action, you would like to
22 run for executive director on the following

1 says: "It will engage in activities like
2 bringing class action lawsuits, testifying before
3 Congress and providing information to the media
4 highlighting the situation of those whose former
5 physically demanding careers have resulted in
6 long-term damage to their health."

7 Was that the expectation when
8 Retired Players for Justice was formed that these
9 are the activities that it would engage in?

10 A. I don't remember that wording, but
11 we were -- it was to gather and distribute
12 information about all of our issues, and in
13 particular the testifying before Congress and the
14 issues that are -- that we've gotten before
15 Congress and about all lawsuits including this
16 one.

17 And, you know, in all of the issues.
18 It was going to be a focal point, but you guys
19 sort of shot that down with your demand that we
20 freeze it.

21 And sort of, you know, put us into
22 a, oh, a state of confusion, a bit of confusion.

1 CERTIFICATE OF COURT REPORTER

2 UNITED STATES OF AMERICA)

3 DISTRICT OF COLUMBIA)

4 I, LORI G. MACKENZIE, the reporter before
5 whom the foregoing deposition was taken, do
6 hereby certify that the witness whose testimony
7 appears in the foregoing deposition was sworn by
8 me; that the testimony of said witness was taken
9 by me in machine shorthand and thereafter
10 transcribed by computer-aided transcription; that
11 said deposition is a true record of the testimony
12 given by said witness; that I am neither counsel
13 for, related to, nor employed by any of the
14 parties to the action in which this deposition
15 was taken; and, further, that I am not a relative
16 or employee of any attorney or counsel employed
17 by the parties hereto, or financially or
18 otherwise interested in the outcome of this
19 action.

20

Lori G. Mackenzie

LORI G. MACKENZIE

21

Notary Public in and for the
District of Columbia

22

My Commission expires April 14, 2011