

Exhibit 26

****REDACTED****

Case No. C07-0943 WHA

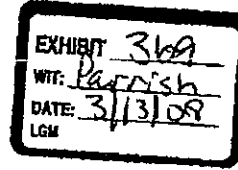
Parrish v. National Football League Players Association

From: Bernard Parrish

Sent: 1/24/2007 9:02 PM

To:

Subject: Great Job



you did a great job for us on _____ program. I have another set of attorney's for the class action suit. We can't announce it yet but we are ready to proceed. I am trying to put together a second set of attorneys and I'll know tomorrow about them. The second set will go at them from a different angle the disability angle and I may need you to be the case for the suit. I supplied _____ producer with tons of information over the last three months. The tide has turned. Call me if you wish, we are where we thought we were before the Kansas City attorney meeting let us down. I'll keep you posted. Bernie

Here is what I have been doing:

NFLPA WORSE THAN WE THOUGHT
Summary by Bernie Parrish

The following lays out the issues that face the National Football League players and retired players in relation to:

- * Groom Law Group drafted the 1993 NFL Collective Bargaining Agreement (CBA) which they turned into a self serving cash cow that the Groom Law Group has been milking since 1993. After the disability insurance companies told the NFL owners they didn't want their business because there are too many disabling injuries and the premiums would be too high for the NFL's business to be feasible; in a bizarre solution the owners then turned the NFL Player Retirement Plan into the owner's disability insurance policy. The Groom Law Group remained the NFLPA's attorneys and then also went to work for NFL Players Retirement Plan in 1994 altering and amending it to make qualifying for disability near impossible, then using those complex alterations to frustrate and defeat injured disabled Plan beneficiaries claims in court, these complex Plan amendments in turn pumped up their outrageous multi-million dollar legal fees while Groom charged those fees to those same injured beneficiaries own retirement plan. A complex cynical and perverse \$15+ million scheme accommodated by Gene Upshaw and the NFLPA legal staff.
- * The mismanagement (waste and abuse of discretion) of the Bert Bell/Pete Rozelle NFL Retirement Plan includes creation of 4 or 5 "complex financial and insurance schemes" generating legal, consulting, and management fees while using these new plans to diabolically excluding pre 1982 retired players; abusing their power by using pension funds to buy \$42,414 of Super Bowl tickets then claiming none of the Plan fiduciaries know who used the tickets; Board Members never questioned any expenses while unanimously approving outrageous travel and entertainment expenses; there also is the matter of the totally unexplained \$138 million loss of investment income in the 2004 to 2005 audit of the Player Retirement Plan and there is the ULLICO scandal that Upshaw was caught in, which left the NFLPA as the proud owner of 100,000 shares of ULLICO stock with a Fair Market Value of \$1 a share which could have cost the NFLPA as much as \$146 a share but there is no explanation of that Upshaw deal either.
- * The manipulation of the Retirement Plan to the benefit of a small group of National Football Players Association (NFLPA) leaders and their allies at the expense of the Plan beneficiaries is malfeasance that includes discrimination issues, collusion, and violations of their own Collective Bargaining Agreement and ERISA and union labor laws.
- * The allies of the NFLPA insiders benefiting from these manipulations are, among others, Aon Corporation Controlled by Exec. Chairman; Chicago Bear Owners and Directors;
- * Having Aon Corporation as NFL Player Retirement Plan Actuary is a conflict of interest that violates the Plan terms, ERISA, and other laws. Aon is already paying \$190 million of restitution to the NY, IL, and Conn for corruption, and "conflicts of interest" that cheated customers and _____ must at NY Gov.

CONFIDENTIAL

CLASS 004139

REDACTED

demand write a letter of apology to Aon customers;

* Using the Bert Bell/Pete Rozelle NFL Player Retirement Plan, as the NFL owners disability insurance policy, is an example of a collusive Tagliabue/Goodell/Upshaw arrangement, using the player retirement Plan funds to pay upwards of \$12,669,114 (2000-2005) of outrageously high legal fees to the Groom Law Group to defeat retired player beneficiaries disability claims while risking depleting all of those same beneficiaries retirement fund assets; Groom Law Group's duplicity includes a sneak trip to the Supreme Court to diminish disabled players, especially retired players rights in Black and Decker vs Kenneth Noor case 02-469; the plan paid Groom \$6,700 per page to prepare this brief.

* The *Diminished Plan* is a device that denies claims of disabled retired players by setting benchmarks for qualification so high that they can only be met by extreme cases, only 1% qualify while 50% leave the game because of football injuries, over \$12,669,114 of retirement Plan assets have been wrongfully wasted on Groom Law Group legal fees to diminish player's rights and impose "abuse of discretion" decisions, by an owner biased conflict of interest compromised Retirement Board, on injured players families, like while Groom Law Group drag out litigation time and costs until players die as
 a) died or their families run out of money;

* Players Inc, intended to benefit 1,800 current and 3,500 former players through endorsements and licensing, has been used to pay enormous salaries and benefits to NFLPA insiders while operating behind a veil of secrecy and calculated public relations confusion with payments going to high profile retired players doled out as part of an agenda to control media commentary about Upshaw and the NFLPA while excluding the 3,200 of the 3,500 retired players they claim to represent; Upshaw is paid \$1,017,350 for his retirement benefits by Players Inc while Players Inc keeps \$60 million of its \$106 million income and 21% of the \$60 million goes to the thus far unknown 21% owner(s) of Players Inc stock;

* \$24 million of payments were made by NFL Ventures to Players, Inc whose top officers are also union officers while NFL Ventures is an NFL owner's company run by CEO Roger Goodell NFL Commissioner. Players Inc is controlled by Gene Upshaw and other union representatives of its NFLPA members. I am not a lawyer but this in my opinion is a violation of S 302 of the Labor-Management Relations Act (LMRA), 29 U.S.C. S 186. Violations of S 302 constitute predicate acts of racketeering under [RICO] 18 U.S.C. S 1961(1)(C) (defining as a 'racketeering activity' any act indictable under 29 U.S.C. S 186). Section 302 prohibits employers, employer associations, and their agents from paying money or any other 'thing of value' to employee representatives, and prohibits employee representatives from accepting any such payment. 29 U.S.C. S 186(a), (b).

* Player agents have been treated in an arbitrary and capricious fashion because of being subjected to Gene Upshaw's absolute control working "at the beck and call" of the NFLPA's Upshaw who acts as a recruiter for his own agent and cronies the more agents Upshaw suspends the more player clients his agents can recruit; with Upshaw's agent suspensions and endorsement of stable is up to 140 active players far more than any other NFL agent is also a Retirement Board Member who voted against did he vote against because Upshaw wanted him to vote that way or out of fear of the damage Upshaw could do him as an agent? Upshaw was clearly against's family, with such issues hanging in the balance should never be a Retirement Board Member, as he has been for nearly 20 years in a clear conflict of interest denied in writing by the Groom Law Group;

* Current player safety, including that of football players at all levels are influenced by the NFL example; college, high school, and youth football have been jeopardized by the failure of the NFLPA leadership to hold to account the NFL for its manipulation of medical studies, and medical practices, to cover up the effects of football injuries, particularly in relation to concussions and brain injuries with the outrageous continued employment of as the Chairman of the NFL's Mild Traumatic Brain Injury Committee after being exposed by the NY Times and other publications along with both medical and legal brain injury experts as unqualified in the field of brain injuries; had the union, had Gene Upshaw met its responsibility and forced removal and exposure of his flawed medical studies and surveys on brain injury may have recognized his depression brought on by numerous brain concussions an rotten treatment for it and still be alive today. Upshaw's partnership with Tagliabue who appointed have failed the players he is supposed to represent and all College, High School, and Youth football players in America who follow the NFL lead. In my opinion death is a direct result of Upshaw's illicit collusion with Tagliabue and the owners protecting their brain injury scheme run by for them just as they want it run. Upshaw was advised to back Tagliabue's by NFLPA staff attorney and by the Groom Law Group, the

NFLPA's attorneys who lost th [redacted] as the Bert Bell/Pete Rozelle NFL Player Retirement Plan's attorneys. How can they represent both the NFLPA and the Retirement Plan at the same time, it is another conflict of interest in a house filled with conflicts of interest.

* Upshaw et al are using the tools of labor racketeering by organized crime as described by the DOL Inspector General on his website, diverting available player benefit plan funds to "complex financial schemes" that generate fees for the Groom Law Group, Aon Corporation, Callan Associates, Joseph Yablonski, Dewey Ballentine, Akin Gump, Calibre CPA Group schemes (legal, management, and consulting fees) using an NFL owner owned actuary Aon Corporation with obvious conflicting interests, reduces the benefits that retired NFL players receive to less than one-third of those of retired Major League Baseball players, when they should be at least on a par or exceeding them. An annual \$6 billion NFL gross vs. \$4.3 billion Major League Baseball make the 1/3 benefits a highly likely indication of collusion confirmed by the "unprecedented" \$800 million voluntary rebate of salary cap by Upshaw to the NFL owners made in December 2006. This \$800 million Grandstand Play is part of Upshaw's campaign to get himself a new \$30 million contract enabling him to fleece his current flock of active players. The NFL Commissioner's PR promotion of his leashed pet is in high gear with the [redacted] making all sorts of deliberately confusing PR announcements like "we nearly \$60 million in benefits a year" neglecting to add that MLB pays nearly \$90 million a year to fewer players.

* Retirees sued the UAW and won in January 2006 for a situation similar to the NFLPA's relationship with the retired NFL players. Upshaw and the league office's [redacted] work together on PR damage control for the league having taken the "We" position against [redacted] in his case and "we are studying the problem" defense on the concussion depression caused suicide issue. Upshaw and boss [redacted] are hiding their NFL brain injury expert [redacted] from the media and others who are calling for the truth about their scheme to cover up the disabling effects of repeated concussions on NFL Player [redacted] has conducted 13 NFL studies that true medical experts on brain injuries such as NYU's Dr. William Barr and attorney Michael V. Kaplen, President of the Brain Injury Association of NY State call flawed and biased toward justifying what the league wants the studies to show and not the truth about the effects of concussions and brain injuries on football players, and the general public.

NFLPA Worse than We Thought

(Updated 12/01/06 based on new MLB IRS Form 5500 for 2004) This report is still in progress a very few numbers are still being verified. This is not the final draft but Congresspersons may use any of this material that they choose to question any one or any organization connected in any way with the NFLPA or the NFL the NFL Player Retirement Plan. These issues are raised to get at the truth that is now being concealed by those in control.

The Comparison of the Bert Bell/Pete Rozelle NFL Player Retirement Plan to Major League Baseball's (MLB) these numbers are from BEFORE the new MLB collective bargaining agreement was made last month in October of 2006 which will improve the MLB retirement Plan and make the differences in the superiority of the MLB pension even greater than in this comparison

The following MLB vs. NFL Pension comparison counters the NFLPA insiders and the NFL office's usual self-serving statements about the performance of the two pension plans. Their statements are designed to confuse NFL players, both active and retired, and the public. Their usual response when asked about this comparison is "We pay out nearly \$5 million a month in benefits," they don't point out that "MLB pays out nearly \$7 million a month in benefits," and, too often, the NFL stooges of the press just accept their Super Bowl Week invitations and print it. Another myth that adequate benefits are paid to NFL player retirees was brandished on July 27, 2006, when NFL Management Council negotiator Harold Henderson stated, "we offer the most extensive benefits package in professional sports." Both the NFLPA and the NFL point proudly to a retirement plan that provides inadequate benefits, destroys disability claimants, and rewards insiders, the NFLPA leaders (especially Gene Upshaw) and their allied lawyers (the Groom Law

Group) and consultants (Aon Corporation) with huge payoffs.

The following provides the full MLB vs. NFL Pension comparison again. Other than the MLB 2004 IRS report update there have been no substantial corrections necessary since I first published it in April 2006.

1) Total Pay out annual benefits	MLB \$88.9 Mil	vs. NFL \$50.58 Mil
2) Average annual benefit	MLB \$36,700	vs. NFL \$12,165
3) Monthly benefits paid (nearly)	MLB \$7 Mil	vs. NFL \$5 Mil
4) % of revenue of MLB	MLB \$175,000	vs. NFL \$12,000
5) Percent total salaries of benefits	MLB 5.5%	vs. NFL 2.2%
6) Participants included (21% diff.)	MLB 7,540	vs. NFL 9,560
7) Active players covered	MLB 1,200	vs. NFL 1,800
8) Investment income	MLB \$92.1 Mil	vs. NFL \$54.7 Mil
9) Assets available for benefits	MLB \$1.4 Bill	vs. NFL \$1.2 Bill ***
10) Current liabilities	MLB \$2.3 Bill	vs. NFL \$1.04 Bill
11) Ave player salary	MLB \$2.8 Mil	vs. NFL \$1.25 Mil
12) Median salary	MLB \$1.1 Mil **	vs. NFL \$631,675
13) Exec. Director Pay	MLB \$1 Mil	vs. NFL \$3.5 Mil
14) Plan actuary fee	MLB \$538,733	vs. NFL \$492,951
15) Two year legal fees (2003+2004)	MLB \$309,726	vs. NFL \$5.6 Mil
16) Number monthly benefits checks	MLB 2,419	vs. NFL 3,500
17) Employer contributions	MLB \$109.6 Mil	vs. NFL \$64.7 Mil

18) Both Plans meet the minimum funding requirements of ERISA.

19) Both plans are defined benefit plans despite the misinformation given out by the NFLPA. Both Plans mark form 5500 page 2 item 8(a) Characteristics Code, as 1B and 1G exactly the same.

*If the NFL paid out \$88.9 Mil as MLB does the average annual benefit would be \$25,400 instead of the sub-poverty level benefit of \$12,165.

**Florida Marlins median salary \$1.1 Mil, Yankees median salary \$5.8 Mil.

***Upshaw stated in a May 16, 2006 telephone conference call that the "net assets available for benefits" had grown from the \$841,761,127 in the financial statement to over \$1.2 billion now.

**** MLB's investment income appears to be more than NFL's.

NFL pays their Exec Director 3 times as much and gets back less than half as much as MLB. Donald Fehr was paid \$1,002,064 in 2004.

Pension plans too numerous to list here (including MLB, GE & Congress) improve their benefits after beneficiaries start drawing benefits for cost of living and other adjustments debunking another NFLPA-NFL pension myth.

MLB goes back and improves their benefits regularly too.

The MLB numbers are now from 2004 and the NFL's from 2005 so the comparison is still even worse than it appears here.

Groom's Cash Cow: Huge Legal Fees and Groom Law Group conflicts of Interest

Legal fees deserve special attention. MLB's legal fees totaled only \$170,000 (2003) and \$139,726 (2004) while the NFL pension plan paid Groom Law Group \$2,122,750 (2005) and \$3,114,538 (2004) and over \$10,146,361 for legal fees from (2000 to 2004) (Add \$2,122,750 for 2005 fees). The sad fact is that, because of the perverse disability provision redrafted in 1993 into the collective bargaining agreement by Tagliabue, Upshaw, and which provided that the major portion of disability benefits "and all legal expenses" are to be paid out of the Ben Bell/Pete Rozelle NFL Player Retirement Fund. If either of the Plans should be paying disability at all it should be NFL Supplemental Disability Plan which should also be paying the huge legal fees. The \$12,269,111 Groom legal fees were paid out almost exclusively to defeat retired player's disability claims from 2000 to 2005. \$155,000 is about average per year for MLB legal fees because they don't pay lawyers millions upon millions of dollars to defend their pension plan against its own disabled player beneficiaries and neither should the NFL player pension plan. There are also legal fees of \$1,379,787 to labor attorney Dewey Ballentine in 2005. So the union and pension legal fees

exceed \$13,569,111.

I ran my own commercial construction company for many years building in excess of \$250,000,000 of housing, hotels, office, and medical buildings, Corps of Engineer projects at Kelly, Scott, Shepard, and Allair Air Force bases working in 9 states using over 3000 employees half union and half non-union and I carried "disability insurance." Normal American businesses carry disability insurance but NFL teams do not need to buy "disability insurance" because with the help of the player's own union leaders, the owners have shifted that disability insurance risk to their employees, to their Players Retirement Plan. This amounts to the players own union selling their members out

Two of the brightest ladies in American politics Rep. Maxine Waters (CA) and Rep. Sheila Jackson Lee (TX) made the observations that the NFL disability plan was similar to the large industries strategy that "it will cost less to defend the wrongful death lawsuits than fix the faulty design problems" and the union is "working hand in glove with management" in other words in collusion with NFL owners.

The situation has gotten worse in recent years. The Retirement Plan has paid the Groom Law Group \$10,146,361 in legal fees to diminish player's rights and defeat retired player's disability cases between 2000 and 2004. In addition in 2004 the NFLPA paid "Legal fees" to unnamed lawyers of \$2,332,453 and in addition to that the NFLPA pays an in-house legal staff of 8 employees another \$1,716,155 a year in salaries. These legal fees are outrageous, you'd think Groom and the NFLPA were defending organized crime not a retirement Plan and football players union. At least \$12,269,111 of legal fees has been paid out of the player's own retirement Plan for actions against active and retired players not for the benefit of those players. In addition there is \$1,716,155 NFLPA legal payroll plus \$3,114,538 Groom Law fees from the Player Retirement Plan plus \$2,332,453 in other legal fees = \$7,163,146 in 2004 legal fees plus there are legal fees to Akin-Gump \$189,647, Lindquist & Vennum \$111,771, Joseph Yablonski \$140,481, Baach Robinson & Lewis \$96,690, Weil Gotshal & Manges \$141,012, Marvin Peterson \$22,969, Nelson Mullins Riley & Scarborough \$21,304, Roger P. Kaplan (NFLPA arbitrator) \$131,853, Groom Law Group another \$113,610, and others fees we don't know about yet. And there are additional NFLPA fees to Groom Law, for a new Web page, for other cases, for new investment and insurance plans, and compliance services that unnecessarily compete for funds with the "Plan," the Bert Bell/Pete Rozelle NFL Player Retirement Plan where Groom in their ubiquitous conflicts of interest glory claims to represent all sides.

The deception is insidious and incessant. NFLPA attorney Joseph Yablonski wrote in a threatening letter to me on August 29, 2006 page 7, line 1 "Thirdly, The Groom Law Group's occasional legal defense of benefit denials by the Board in court cases has been totally consistent with the interests of the Plan and its beneficiaries, including yourself. In contrast to the NFLPA lawyer Joseph Yablonski's self-conscious characterization of Groom's role as occasional in NFL Retirement Plan litigation, The Dept of Labor report on an interview of Board Member Jeff Van Note states the obvious "Plan expenses are weighted heavily in the area of legal expenses primarily due to the litigation undertaken when former players that have been denied disability benefits sue the Plan."

What is the truth about the \$12,269,111 paid the Groom Law Group from 2000 to 2005? Is the \$12.2 million of Groom booty "weighted heavily...legal expenses" against our plan or just fees for "occasional legal defense" as the NFLPA's other attorney's claim. This claim was made during an attempt to coerce me to stop looking into these outrageous legal fees and other questionable acts of the Retirement Board, the NFLPA, the NFL and Upshaw and his cabal. It is typically absurd for Upshaw's attorney's to contend that these huge legal fees are occasional and totally consistent with the interests of the Plan and its beneficiaries, including me. I ask the Dept of Labor and Justice Dept now, which is it weighted heavily or occasional, the legal fees to Groom Law are without question at least \$12,269,111 million of from 2000 to 2005?

There are ERISA laws forbidding the Plan Administrators and fiduciaries from trying to mislead or confuse or coerce or lie to beneficiaries. When ask to explain "Group" in Groom Law Group by DOL investigator, Doug Ell told him "OH, NO. They try to keep the number of attorney's, like myself down to a absolute minimum." What is most insane about this answer is the DOL investigator David Johnston accepted it, without challenging it. I believe the total legal fees including the \$12,269,111 to Groom through 2005 will top \$15,000,000 and I won't be surprised if investigators discover that the legal fees top \$20,000,000 spent

by the NFL-NFLPA cabal to deny retirement and disability benefits to retired and disabled retired players. DOL investigator David Johnston should have given Eli an illegal head slap for his ridiculous condescending remark instead of accepting an obvious misrepresentation in a Dept of Labor investigation. The DOL's policy seems to be that it is OK to distort and hide the facts to government investigators as long as they are representing NFL interests. Who is the "they" Eli refers to and how do "they" "try to keep the number of attorney's, like (Eli) down to an absolute minimum?" Do you think Mike Webster's family would agree with Eli's summation?

The ERISA laws on "False Statements or Concealment of Facts in Relation to documents Required by the ERISA (18 U.S.C. Section 1027) are criminal violations." They need to be enforced, now.

The nebulous legal entity the "Plan" is the client whenever Groom justifies screwing the beneficiaries, the retired players, on disability or for whatever reason, the "Plan", meaning the Retirement Board both the Owners Board Members and the Players Board Members even though Groom can not represent the interests of the Owners, and the Players (as defined in the Plan Document Article 1.28), and the NFLPA at the same time. Protecting "The Plan" in reality is Groom protecting the NFL owners from its own retired player beneficiaries. This is Groom Law and Upshaw's and the NFLPA's perverse mission. A mission given the union by NFL Commissioner Tagliabue and the owners in 1993. "The number of times the courts have agreed shows the quality of the leadership," says ? "One of the things we want to make sure of is that the plan is kept safe so that the owners can have confidence that the bargain they made will be upheld." That bargain to be "upheld" is a sell out of the retired players by ? Upshaw to Tagliabue. Shifting the NFL owner's employee disability liabilities to their employees own retirement Plan, then keeping the retirement plan benefits so low that the Plan assets will buffer the owners from their responsibilities to their injured employees who do win their claims.

The NFL disability payments come out of the player's percentage of the gross. The owners take no financial responsibility for their employees disabling injuries as all other American employers do.

The secret sellouts of the players include Groom Law Group going to the Supreme Court to intervene in Black and Decker Disability Plan vs. Kenneth L. Nord case 02-469, to diminish players rights, to prevent players "treating physician," that is a players doctor, who is treating a players injury, from having the deciding medical opinion on your disability case. In Groom's anti-player position they argued the retirement plan's hand picked and paid examining physicians known as Medical Advisory Physicians (MAP), who fear being fired for qualifying players and who know little about your injury will have the final say.

Groom Law argued against player's doctors having the deciding opinion on your medical condition, even though Social Security Administration accepts it in its disability cases. They don't want a player's doctor who knows a player's condition better than anyone, and who must ethically advocate for a player, his patient, being the determining factor in a player's case. So in secret Groom amends the terms of the Plan documents so they protect the owner's bank accounts by using the Players Retirement Plan assets as a shield for the owners as was the cabal's plan from 1993 forward.

These Plan MAP selected physicians and the NFL Retirement Board have an established record where only 1% of the 7,561 players who have played since the 1960s draw any disability for football injuries. According to the Wall Street Journal, only 90 players got payments in 2005, down from 110 in 2003 and 106 in 2004. Groom and the Plan's self proclaimed "Gang of Six" have confirmed "a perfect 22-0 record in defending itself (as of 12/9/03) against claims where disability benefits have been denied to participants", that is injured retire players. ? one of the retirement Board's "Gang of Six" told retired player that "...it is practically impossible for anyone to qualify for the benefit you are seeking. The NFL sets the benchmark for qualification so high that I have never given an impairment that would qualify someone for this benefit. The NFL doesn't want to pay out a lot of money." ? confirmed "Not even ? would qualify for Line of Duty Disability benefit based on the Board's requirements but the NFL would give it to him anyway because they would not want the bad press." ? I broke his neck during an NFL game which temporarily paralyzed him and ended his NFL career.) At that point I was dumbfounded and the conversation was concluded. I was then informed by the

Board based on report I did not qualify for the benefits I was seeking." appealed to NFLPA Director of Benefits Mickey Yaris-Davis but never heard back from her.

As of last week the Groom won loss record is 22 and 1: one huge loss with the appellant court's decision in favor of Mike Webster's family. It was a 16 year battle over denied "disability benefits." The battle was lost by Gene Upshaw, the NFLPA, the Groom Law Group (whoever they really represent), and the NFL, and it will result in new litigation against Upshaw his insiders (

, etc.) the NFLPA, and the NFL. Upshaw and from the NFL Office the union and the owners answered their defeat by the court in unison as you would expect from collusive RICO violating partners. Their sour grapes PR statements said in essence "We are still right because our appointed henchmen on the NFL Retirement Board voted unanimously against Webster and we will treat everyone, who has the temerity in the future to confront us, the same way we treated we will "abuse our discretion" and cause as much suffering for as long a period of time as our NFLPA lawyers can string out their cases."

Groom Law Group has been secretly amending the Bert Bell/ Pete Rozelle NFL Player Retirement Plan and Disability Plan documents, then conveniently referring to those changes as carved in stone terms of the Plan as if they had nothing to do with creating them. The ERISA amendment approval process has not been followed and requests for a summary showing all the changes and amendments to the Plan and the dates they were made and where in the Plan document they are located, since 1993 have been requested from the Plan Administrator well over 60 days ago. ERISA requires the "Plan" to notify the beneficiaries within 120 days of any amendment to the Plan. This notification of changes and amendments within 120 days has never been made by our Plan Administrator as required.

Groom Law Group change the Plan Documents, changes the terms of the Plan, then claims that Federal Law requires them to do whatever the Plan's terms call for, the terms they just changed to make the Plan's disability requirements so high they are nearly impossible to qualify for.

A Phoenix attorney representing disability case told the Wall Street Journal, "The NFL keeps changing the rules of the game while it's in play" to keep former players from collecting benefits, says Susan Martin, a lawyer at Martin & Donnet in Phoenix, who is representing Mr. Washington. "And it drags these cases out so long that people give up, or die." With the Webster decision not even death will save Upshaw, Roger Goodell, the NFL owners and their perverse disability scheme from the truth.

The NFL (Groom Law Group) has filed an appeal of the Phoenix judge's decision on Washington's case.

Playing Hurt Running the Gauntlet of the Disability Plan Fiasco

Now consider this for perspective of what retired players face. From Sports Illustrated June 2006: "They are the wincing, hobbling wounded; the men who played professional football, a notoriously joint-shearing, disk-popping, nerve-numbing exercise that has grown only more dangerous since Curt Marsh last crashed into a defensive lineman as a Los Angeles Raider."

"If you go to a retired player's convention, there are older retirees who walk around like Maryland crabs," says Mickey Yaris-Davis, Director of Benefits for the NFLPA. "It's an orthopedic surgeon's dream. I'm surprised the doctors aren't standing outside the door handing out their cards. Hardly one (former player) you see doesn't need a hip replacement. Everybody comes out of pro football with some injury. It's only the degree that separates them."

Curt Marsh described his NFL career this way, "When I came to my first NFL camp, it was like I was a tall, cold can of beer. They popped the top, and all that energy and desire and ability poured out. I gave of myself with the passion that I had in high school and college. When I was empty, when I had no more to give, they just crumpled me up and threw me on the garbage heap. Then they grabbed another new can and

popped him open, and he flowed out until he was empty."

Ironically Ms. Yaras-Davis who stated that "Everybody comes out of pro football with some injury. It is only the degree that separates them." is also the person that the Disability Initial Claims Committee made up of two unqualified ladies (Ms Smith, appointed by Gene Upshaw and Ms Fleming, appointed by the NFL Management Council) confer with when they need advice on making rulings to disqualify disabled applicants or not. Neither Ms Chris Smith nor Ms Fleming has any medical or other qualifications to hold their positions on this medical Disability Committee.

Sarah Gaust is another unqualified Upshaw appointee, who has been the Retirement Plan Administrator from 1989 to 1993 then she became Plan Director in 1993. Her qualifications are that she was an English major in college and she knew people in the NFL and the NFLPA. She wrote manuals for a psychiatric association but has no qualifications for the NFL Retirement Plan position she holds.

I believe the two person Disability Initial Claims Committee sub-committee is a violation of Taft Hartley provisions. If one of these two ladies decides the retired football player applicant is not qualified then he is denied disability benefits. However they do say that they occasionally go to Ms. Yaras-Davis for advice in deciding who is qualified as disabled and who is not when they have questions. Yaras-Davis is part of the disability approval rate of only 1% of those who have played in the NFL since the 1960's. Ms. Yaras-Davis has been on the job, helping deny benefits for the NFLPA and the Retirement Board for over 20 years, that is helping to deny disability benefits to those who remind her of hobbling "Maryland Crabs," those that make up "an orthopedic surgeon's dream."

7online.com and ABC New York affiliate carried the following article about the Appellant Court decision in favor of surviving family against the NFL and NFLPA. The article raised more questions than it answered. I take a look and try to explain the perverse arguments that the union and the owners offered to try to spin the courts decision to control the damage.

I congratulate Mike Webster's family and the dedicated legal team Robert Fitzsimmons (Wheeling WV) and Cyril Smith (Baltimore) for carrying on Mike's battle against Goliath, and never giving up. Mike was fighting for his family and all NFL players past and present. Mike has put his "face on those benefits" the face that Upshaw says doesn't exist. Mike's face is one that Commissioner Roger Goodell and his leashed pet Gene Upshaw will never forget. Mike's fight for all the retired players will carry on. There are 3,500 retired players who are going to make damn sure Upshaw, Goodell and the NFL owners they represent never forget Mike's face.

Q. Gene Upshaw refers to "We" when he tries to spin his comments to control the court's damage to the owners the union and himself but who is he really referring to?

A. "We" is Upshaw, his union, Roger Goodell and the NFL owners together.

Q. Upshaw said, "He (Mike Webster and his family) wasn't denied benefits."

A. A panel of three appellant court judges wrote that a six-member board representing the NFL's retirement plan "abused its discretion in denying Webster" the larger benefit.

Refusing to pay benefits for 16 years while paying Groom Law Group millions (over \$12,269,111 just from 2000 to 2005) out of our NFL Player Retirement Plan dollars to appeal to a high court that ruled Upshaw et al's wrongful actions were an "abuse of discretion" is in itself another abuse of discretion. Groom's fees probably exceed \$2,000,000 in Mike Websters case. This Upshaw, NFLPA, NFL defeat was inspite of the fact that Groom Law Group are the ones who constantly amend and rewrite the outrageous "terms" of the Retirement Plan, "terms" that they then refer to whenever it suits them as if they, Groom had nothing to do with creating those "terms" of the Plan, Grooms conflicts of interest are outrageous, representing the healthy retired player beneficiaries against the injured retired disabled player beneficiaries while at the same time representing the owners interests and the NFLPA's interests.

Upshaw appoints three Retirement Board members, one Disability Initial Claims Committee member and Mickey Yaris-Davis the Benefits Director. Upshaw controls the denial of disability benefits.

Upshaw arrogantly insulted the court saying "we" are going to do the same thing in all similar cases in the future. Upshaw should be held in contempt for his in-your-face statement meant to be intimidating to the court and to others who have been denied legitimate disability claims. The court ruling proves Upshaw and his NFL owner "partner's" position is not just wrong and unfair but another "abuse of discretion" and a blatant attempt to intimidate disabled players, and coerce Retirement Plan player beneficiaries. This certainly is a violation of ERISA retirement plan laws on coercion, conflicts of interest, deliberate attempts to confuse and misrepresentation.

Q. NFL office's Greg Aiello says Webster's issue was a "narrow issue".

A. Aiello and his boss Roger Goodell hope that the issue is narrow. "The NFL shouldn't be able to define what disability is. This opens a huge door for players with problems."

Q. "All six trustees of the plan saw it differently," NFL spokesman Greg Aiello said on Thursday, "but the judges decided to overrule the board's unanimous decision."

A. The six trustees are owner/Goodell/Upshaw henchmen. They are made up of three owners plus Gene Upshaw's personal agent Tom Condon, and member of the Atlanta Falcons broadcast team Jeff Van Note and Upshaw's personal political hack Len Teeuw now deceased. These six trustees also unanimously approved the Retirement Plan buying \$42,414 of year 2000, Super Bowl tickets, now claiming that they don't know who used the tickets. Caught by the Dept of Labor in 2005 the NFLPA and the NFL Management Council paid back the Plan but still answered no questions about who used the tickets and why the Plan trustees had approved this frivolous purchase, another "abuse of discretion" in the first place.

The Board's conflicts of interest are obvious. If Upshaw doesn't approve Tom Condon's agent's status each year he can't make a living representing NFL players while Van Note needs the Atlanta Falcons good will and approval to work as a Falcons announcer and Len Teeuw before his death, voted any way Upshaw told him to vote, keeping a record string of NFLPA and Retirement Plan paid trips to resort destinations in tact. Upshaw and Condon are cronies. Upshaw suspends other agents for questionable reasons while publicly endorsing Condon which gives Condon an unfair advantage and allows Condon to solicit the suspended agent's player clients to become his clients. Condon now represents 140 NFL players up by 80 clients since Upshaw has been pushing his wagon for him by suspending other agents like Steve Wienberg and Carl Poston.

The three so called "Player" Board Members do not really represent the players and they voted 3-0 against Mike Webster. These "Player" Board Members are Upshaw appointees and they have established a record of having turned down so many disability applicants that only 1% of the 7,561 players who have played since the 1960's collect disability insurance when 50% of players end their careers because of football injuries. These three Player Trustees, Tom Condon, Jeff Van Note, and Len Teeuw should and probably will be sued for their consistent anti-player "abuse of discretion" the same way they abused their discretion in Mike Webster's case. The biggest questions are about paying exorbitant legal fees to the Groom Law Group to defeat retired disabled players while allowing obvious conflicts of interest like having a Chicago Bears owner's company to be the players retirement plan actuary, insurance, and investment consultants along with other abuses of discretion that are costing players and retired players millions of dollars.

Van Note told the Dept of Labor's rather coddling investigator David Johnston, that he never ask a question about Plan expenses and voted unanimously to approve all expenses for his 12 years as a Board Member trustee. Johnston made no comment about this strange seemingly impossible record of fiscal irresponsibility.

"...there are a lot of players who go through similar circumstances," Upshaw told the New York Times. "But you just don't award a benefit to someone who is going through a tough time." Upshaw says "...lots of players..." have the same problems refusing to acknowledge that if retirement benefits were as much as they should be "lots of players" would not be going through similar "tough times". Upshaw has breached his CBA duty to make his "best effort" to increase benefits for ALL retired players. Upshaw's best efforts go for increasing his own salary, profiteering using his cabal of Tom Condon, Troy Vincent, and Richard Berthelson (\$624,000). Troy Vincent, NFLPA President, a well worn 16 year defensive back, is the beneficiary of a odd new 3 year contract from the Washington Redskins, just in time for him to "negotiate"

a new \$20 million a year contract through 2010 with Gene Upshaw.

Upshaw is Vincent's hero. Vincent is an Upshaw promoter, how can Vincent negotiate on behalf of his 1,800 union members when he is in bed with the person he is supposed to be negotiating with having said, Upshaw is "underpaid because he is a man of color" even though the people who pay him are 75% men of color themselves?

Vincent will be the only defensive back to play in the NFL for 19 years. A typical NFLPA mystery.

After I published the information that Upshaw's agent [redacted] had negotiated Upshaw's last contract with Upshaw himself, [redacted] as disappeared from the Upshaw/Condon generated publicity about Upshaw's current negotiations with Vincent. In the last attempt an April 2006 ESPN article to increase Upshaw's contract, Condon had their pawn Vincent play the race card saying Upshaw is underpaid because he is a man of color. It didn't work. Upshaw and Condon are playing Vincent like a ping pong ball. Vincent has been convinced by Upshaw and [redacted] that he will succeed Upshaw when his Redskins contract is up. Changed his mind he wants more money Upshaw

If the Redskins are participating in some three way deal between Upshaw/ [redacted] the Redskins, and Vincent they are all risking RICO litigation.

Upshaw and [redacted] joint effort attempt to minimize losing the [redacted] case; exposes this union-owner damage control is further proof of Upshaw's collusion with the NFL owners. It is as damning evidence as Upshaw's "unprecedented" voluntary rebating \$800 million of the player's compensation to the owners. These actions clearly illustrate the hand in glove collusion between Upshaw and the NFL owners that has and continues to cost the players and retired players millions of dollars.

Upshaw uses the Bert Bell NFL Player Retirement Plan as a shield to hide a calculated sham of a disability system that protects the owners from having to pay for their employees disabilities like all the other employers in America.

Have the disability insurance companies refused to insure NFL clubs or quoted them premiums that made disability insurance too expensive to be feasible?

Because of [redacted] families victory in appellate court, "There is now an avenue of redress to be properly compensated, just like any other workplace in this country. These players give their body and souls for this job. Now, there's some hope for people with these injuries and disabilities."

Thanks again [redacted] you have inspired us at a crucial point in the battle. Your face will not be forgotten.

NFL Concussions are just "Dings" not brain injuries.

The NFL's [redacted] who was appointed by Tagliabue to head the NFL's Mild Traumatic Brain Injury Committee (MTBI) hired [redacted] The NY Times revealed that [redacted] is a rheumatologist with a degree from Universidad Autonoma de Guadalajara in Mexico not from SUNY Stony Brook as his resume once claimed. He has no neurological credentials to head a committee on brain injuries.

Tagliabue was obviously looking for another NFL "yes" man, not some one with medical expertise on brain injuries, when he appointed [redacted] the head of his NFL Mild Traumatic Brain Injury Committee. After a short period [redacted] refused to go along with the NFL's act and blew the whistle on the biased, fraudulent and dangerous information being published by the NFL under [redacted] on concussions. [redacted] and Brain Injury attorney Michael Kaplen both dispute [redacted] and NFL's fraudulent contentions on concussions and brain injuries and spoke up in the media to try to bring about Congressional Hearings to protect NFL players and to try to prevent the dangerous misinformation about concussions from trickling down to college, high school, and youth programs. [redacted] remains the NFL's expert on concussions and brain injuries in spite of his lack of training and credentials and the

problem with his inaccurate resume. Both Commissioner's Tagliabue and Roger Goodell and NFLPA Executive Director Gene Upshaw know all about [redacted] problems and the threat he poses to the health of NFL, college, high school, and the youth of the nation and incredibly they have done nothing about it.

Once [redacted] became Tagliabue's endorsed medical expert baseball felt safe hiring him to be a steroids expert. A NY Times reporter who witnessed his steroid testimony in baseball's hearings, decided to find out who [redacted] is and why he knew so little. Here is some of the watershed.
"Dr. Pellman did his undergraduate training at New York University (1971-73) and medical school at the Autonomous University of Guadalajara (1975-79) and the SUNY Stony Brook's Fifth Pathway Program (1979-80). He is the National Football League Medical Liaison, a past President of the NFL's Physician Society, Chairman of the NFL Committee on Mild Traumatic Brain Injury and a member of the NFL Injury and Safety Panel. He became the Medical Advisor for Major League Baseball in 2003."

The New York Times followed up with some letters to the editor:

Baseball Should Bar Pellman for Deception
Published: April 3, 2005 New York Times
To the Sports Editor:

Dr. Elliot J. Pellman's attempt to brush off his false claim to have graduated from medical school at Stony Brook ("Medical Adviser Says He Regrets Resume Errors," March 31) is an outrage. In 1971, I was one of more than 2,000 unsuccessful applicants for the first class of 16 students at the school, and I understand it is as difficult to gain admission today. In contrast, the medical school in Guadalajara, Mexico, where Pellman actually completed his course work, requires little more than a college diploma and a hefty tuition fee. He compounds his deception by claiming it is a minor error. Like the baseball players who will not own up to using steroids, Pellman is in denial. He should be barred from baseball.

Alan Blum, M.D.
Tuscaloosa, Ala.

Also from the NY Times April 2005: "Wherever American doctors come from, however, nothing is likely to alter the importance of a physician telling the truth about his or her background:

"If a patient can trust you with his life, he should certainly be able to trust you for an honest report of your credentials," said Dr. Catherine DeAngelis, the editor in chief of The Journal of the American Medical Association."

So there is a credible cry for Tagliabue, Goodell, and Upshaw's Dr. Yes to be barred from both the NFL and baseball.

Michael V. Kaplen, president of the Brain Injury Association of New York State, has called upon Congress to conduct hearings regarding the medical research on concussions relied upon by the National Football League in determining when players who suffered concussions can return to play.

Kaplan, an attorney who represents victims of concussions and traumatic brain injury, called for the hearings, citing recent stories in ESPN The Magazine, Outside the Lines and Sports Center that raised question about the qualifications of [redacted], the Jets' team physician who oversees NFL research on concussions, and the conclusions of several NFL studies on the long-range ramifications of concussions.

Pro football's powers-that-be (Tagliabue, Groom Law Group) began to study the subject formally in 1994. Following a rash of head injuries to stars such as Troy Aikman and Steve Young, then-commissioner Paul Tagliabue established the Mild Traumatic Brain Injury (MTBI) Committee. He named [redacted] M.D., its chairman.

1994 is year the Groom Law Group became the Retirement Plans attorneys. Since then Tagliabue,

Goodell, Groom Law,

Yaris-Davis, the NFLPA legal staff, the Management Council, the NFL PR staff are the NFL owner's defensive team.

and his group have also stated repeatedly that their work shows "no evidence of worsening injury or chronic cumulative effects of multiple MTBIs in NFL players." But a 2003 report by the Center for the Study of Retired Athletes at the University of North Carolina found a link between multiple concussions and depression among former pro players with histories of concussions. A 2005 follow-up study at the Center showed a connection between concussions and both brain impairment and Alzheimer's disease among retired NFL players.

"Medical understanding of brain trauma has steadily improved in recent times. A general consensus exists that if you have one concussion, you're more likely to have a second, and each subsequent concussion is likely to increase in severity.

Specific research on football players fits in with this consensus. A 2003 study showed college football players with one concussion were more vulnerable to subsequent brain injuries. Other research confirms the vast toll taken by such injuries. A University of North Carolina study of nearly 2,500 former NFL players found that 61 percent had suffered concussions and about one in six believed that as a result they had suffered long-term brain damage, including depression, slurred speech and blurred vision. Other research links concussions and Alzheimer's.

Amazingly enough, this doesn't appear to matter much to the NFL's go-to guy on concussions; a New York rheumatologist (no kidding) named Elliot Pellman. He continues to argue that it is sometimes safe for a player with a concussion to quickly resume playing "sometimes in the same game. Some NFL teams heed him instead of the universe of neurosurgeons and neuropsychologists who disagree.

Which is why "even though Polansku suffered at least his sixth concussion last Sunday" the Steelers may allow him to play again this Sunday. How can the NFL players union possibly tolerate this? How can league Commissioner Roger Goodell? The NFL's concussion policy isn't just blithe and oblivious. It's barbaric."

"A recent Outside the Lines article on concussions in the NFL. Bob Ley reported on the NFL's investigation into the long-term consequences of multiple concussions. A few years ago, the NFL appointed Dr. Elliot Pellman, a rheumatologist by training to head a study committee about the long-term effects of "mild traumatic brain injuries" essentially, concussions. OTL interviewed a neurologist, Dr. William Barr, head of neuro-psychology at New York University (NYU) who consulted the committee at one time but was eventually fired. Barr says he was fired for openly criticizing the league's findings, which have argued, in more than a dozen studies over the past three years, that there is no long-term damage due to repeat concussions. Barr told OTL that the methodology used by the study committee did not follow accepted scientific practices. He also pointed out that Pellman has no prior track record in the field of neurology and, unsurprisingly, Pellman was not allowed to speak to OTL. Barr observed that the NFL is a product that is studying itself and therefore, "there is an inherent bias in its studies" due to the fact that the NFL has a clear interest in one particular set of findings "that there is no additional risk to its players from playing after repeat concussions."

"Several of the country's prominent neurosurgeons and neuropsychologists have grown increasingly concerned that the league is putting players at risk by following Pellman's lead. They've had their doubts since the early days of his appointment to lead the committee. For one thing, Pellman is a rheumatologist by training — a specialist in the treatment of joints and muscles — not a neurologist. For another, when he started out, he often professed ignorance about the subject in question. "I would hear him say things in speeches like, 'I don't know much about concussions, I learn from my players,' and, 'We as a field don't know much about concussions,' and it used to bother me," says one doctor. "We knew what to do about concussions, but he was acting like it was new ground." Their dismay has only increased since The New York Times revealed last year that Pellman attended medical school in Guadalajara, Mexico, and does not hold a medical degree from SUNY Stony Brook, as he once claimed. "When neuropsychologists sit around telling jokes, we call him 'Mr. Pellman,'" says a colleague."

Mr. Pellman and the Groom Law Group will be Paul Tagliabue's legacy.

A Ball State University study commissioned by the NFLPA showed that of those who played in the 70s and 80s nearly 50% reported that they retired because of injuries; up from 30% before 1959. Later studies show and even higher rate of injuries. If 50% retire because of injuries how can the true disability rate be 1% of the 7,561 players who have played in the NFL since the 1960's. These are more NFL/NFLPA numbers that don't make any sense.

One can make other interesting comparisons:

- * MLB Plan legal fees average between \$150,000 and \$160,000 a year compared to average payments to beneficiaries of \$36,700. NFL Plan legal fees are over \$2,000,000 million a year, while average benefits are \$12,126 a year.
- * MLB's Player Association Executive Director Donald Fehr is paid around \$1 million a year. Gene Upshaw's annual take is over three times that salary at \$3.5 mil. Upshaw also holds a job as the Chairman of Players Inc., the corporation that exclusively manages royalties for 1,800 active players and 3,500 retired players for endorsements, appearances, etc., from which he draws over \$1 million a year in personal "employee benefit plan contributions."

The core problem is an old one. "Power corrupts and absolute power corrupts absolutely." Gene Upshaw worked with Paul Tagliabue for many years. Some, like Bryant Gumbel, viewed Upshaw as working for Tagliabue when he remarked that Upshaw was his leashed pet. If this was an apt description, it should have been added that this pet is one that is more pampered than any poodle owned by a Hollywood celebrity.

Upshaw is elected by the current NFL players, who are young men fresh out of college football. As he has reminded us on a number of occasions, the retired players don't have a vote. Upshaw claims "I don't represent them." These young players face a life in the spotlight of only three and one-half years. Most are gone from the League by the time they are 25 years old. When they elect Upshaw, urged on by the likes of NFLPA President Troy Vincent, whose is kissing up to and angling for Upshaw's job, and union approved Agents, who Upshaw told the AP work at his "...beck and call." These young players are hardly thinking of how they will be treated as 55-year-old retirees. When they vote on Upshaw, they are probably sitting

around feeling invincible in a boring meeting that they cannot wait to end so that they can get back to what they are thinking about, playing football, making the team or lending off other players who want to replace them, buying a new car or house or whatever, while retirement plans and being disabled by football injuries are the furthest things from their minds.

We would prefer an advocate other than Upshaw, one we can trust since he spends much of his time attacking us and subverting our interests. His "best efforts" to improve retired players benefit credits have to date been non-existent. We believe the main characteristic of Upshaw's "1993 bargain" with Tagliabue is to keep the retired players, particularly those retired players with disabilities out of the owner's sight, and out of their bank accounts.

Upshaw has taken advantage of this unique situation and carved out an extraordinarily lucrative fiefdom for himself. Unfortunately, as the facts show, he is more committed to the riches and perks of office than the duties of service. He rides in chartered jets with the NFL Commissioner, chauffeured limousines, while the average retired player struggles on \$12,165 a year riding in the rear of the bus. Financial abuses like \$42,414 worth of Super Bowl tickets used by people "unknown" to the Plan Administrator or Upshaw's agent Retirement Board Member ^{who conveniently has no records as to who used those} tickets, \$15,443.80 and \$20,000+^r for two day week end meeting in Miami, for just two of their MAP's (Medical Advisory Physicians) and \$4,050 and \$4,236 party meals at L'Academie De Cuisine are just the beginning of waste and abuse of power by Upshaw and the Retirement Board members. \$12,269,111 in legal fees has been paid to Groom Law Group to defeat beneficiary retired player disability claims. The NFLPA has its own problems being sued over recommending an investment manager as a competent and honest investment manager who ran a \$185 mil Ponzi scheme. Another

investment manager, an Upshaw buddy, had to be removed as a \$60,000 a year NFLPA Investment Manager, he was also an NFLPA approved Agent, but after being ruled against by the NASD for causing \$500,000+ of losses to an NFL player client the NFLPA was forced to remove him.

Upshaw Pays Homage and Lip Service to retired players but diverts the Cash From the Basic Bert Bell/Pete Rozelle NFL Player Retirement Plan to other legal, management, and consulting fee generating side plans that exclude the 3500 retired players who built the NFL and won the Plan itself under extreme repressive anti-trust violating conditions.

Upshaw and his gang Groom Law and Aon Corporation seem bent on destroying the Bert Bell/Pete Rozelle NFL Player Retirement Plan by diverting funds that would have gone into the Bert Bell/Pete Rozelle NFL Player Retirement Plan into the NFL Player Second Career Savings Plan, 401k Plans, and the NFL Player Annuity Program, Medical Savings Plan, Professional Football Players Insurance Trust all coming out the 3500 retired players who actually won the Plan in the first place and who hired Upshaw to begin with. This diversion of Employer Contribution funds increases legal fees to Groom Law Group and consultant and investment fees to Aon Corporation while drastically reducing the employer contribution to the Bert Bell/Pete Rozelle NFL Player Retirement Plan. This is a Tagliabue/Upshaw strategy of pitting the current players against the retired players who they are cutting out. When we won the Retirement Plan in 1959 and gifted it to all future players, we intended for there to be one pension plan forever as baseball has done. These underhanded Tagliabue/Gene Upshaw/ maneuvers diverting funds have greatly diminished the benefit payments to the 3500 retired vested players who played before 1982.

Former NY Giant great Sam Huff's March 16, 2000 letter below is accurate. Sam and I were there when the Retirement Plan was won and put into existence. A gift to all future players.

March 16, 2000

Dear Gene:

Thank you for your correspondence of March 10, 2000 regarding the pension plan for former NFL players.

I was an original representative when this plan was introduced. Never did we intend for there to be separate pension plans negotiated. I do not have to tell you that the players of today are paid far more money than we could even imagine.

What I am saying is develop one pension plan for all, as has been done in baseball.

Guys like John Unitas and others made this game great and no one from the past will be happy until you make this right with them. Only you can do it!

Sincerely,

Sam Huff

Cc: John Unitas

Groom Law Group, Upshaw, and the Disability Plan treated Johnny Unitas grossly unfairly over his disability claim.

Last week Texas NFL sports agent Steve Wienberg filed a \$36.7 mil suit against the NFLPA and Gene Upshaw for arbitrary and capricious "...beck and call" type treatment. The same type treatment Upshaw showed agent Player agents have been treated in this arbitrary and capricious fashion because of being subject to the absolute control of the NFLPA leadership Upshaw who acts as a recruiter for his own agent and cohort the more agents Upshaw suspends the more player clients his cronies can recruit.

Here are some telling observations by ESPN writer Jason Whitlock in a 3/3/2006 article: "Condon, the head of IMG, is the only agent with the intellect and credibility to usurp any of Upshaw's authority. But that won't happen. Condon, a former guard with the Chiefs, is Upshaw's underboss. Upshaw's critics claim Condon is Tony Soprano and Upshaw is junior Soprano, meaning Upshaw carries the title but Condon wears the crown. Whatever the case, Upshaw and Condon have a strong alliance, and the NFLPA is infiltrated with IMG-trained lawyers and lieutenants."

"While Tagliabue, (the NFL Commissioner now Roger Goodell), must build a consensus among a group of ~~many~~ ~~called~~ ~~businessmen~~ Upshaw need only please himself, a small group of lawyers retained by the NFLPA and IMG super agent Tom Condon, Upshaw's confidant. Upshaw's real bosses- the 1,500 players he represents-are in no way engaged in this process. The majority of Upshaw's constituency has no idea what is going on right now."

Players Inc another money puzzle signed a new \$1 billion 4 year Contract with Madden EA Video Games. Questions it raises are who gets the \$1 billion and why suddenly 4 out of the top 5 highly paid execs resign at Players Inc in November? And why did 20+ year insiders and 1 resign from NFLPA posts in the past month?

Here follows a letter from NFLPA Assistant Executive Director to Retired NFL Players about Players, Inc. in December 2003. I have double-checked this re-typed letter for accuracy and it is accurate.

Several questions are raised by the 1994 date of Players Inc creation being thrust upon us in the following letter. There is Google available media coverage of Players Inc back to at least 1989 about marketing Fantasy Football. This raises the question in my mind of who got screwed, other than the retired players, in the 1994 re-organization and what role did Groom Law Group play in this 1994 subsidiary creation and did it deliver control of Players Inc to Gene Upshaw.

December 2003

Dear NFLPA Member:

In 1994 the NFLPA created a separate marketing and licensing subsidiary, Players Inc. Since then, Players Inc has marketed NFL players, active and retired, in a variety of ways: licensed products such as trading cards and videogames, television and radio programming, personal appearances, autograph signings, an all-player internet site (nflplayers.com) and at events such as the NFL Kick-Off and the Super Bowl.

Hundreds of retired NFL players have received payments from Players Inc for these activities but every retired NFL player has benefited from Players Inc's creation. How? Because 40% of Players, Inc.'s operating revenue is paid to the NFLPA as a royalty for the active player name and image rights secured by the NFLPA and licensed to Players Inc. This allows the NFLPA to provide extensive services and benefits to retired players in return for modest retired player dues of \$50 per year. For example, the NFLPA Retired Players Department and Benefits Department serves almost 4000 NFLPA retired player members at an annual cost to the NFLPA of \$1.5 million. Retired player dues offset less than \$200,000 of that amount. The \$1.3 million difference in the cost of retired player representation by the PA (Players Union) is paid for by active player licensing. Retired players deserve this kind of support because you built the game and the union. We live every day by the NFLPA's motto: "Past, Present and Future."

We have the participation of almost every active NFL player in group licensing. And we need your support for the licensing program as well. You have signed the NFLPA Group Licensing Assignment ("GLA") in the past but your GLA is about to expire. Please sign the enclosed GLA and return it today. This agreement is non-exclusive and will not interfere with any other licensing or endorsement opportunities you may have.

Join the thousands of retired NFL players who have provided their name and image rights to the NFLPA and Players Inc. You may get the opportunity to receive royalty payments or appearance fees. And, as explained above, Players Inc funds the NFLPA, giving the NFLPA the financial and staff resources to:

- * negotiate better pension and disability benefits
- * publicize a network of medical facilities that treat players without insurance
- * organize 32 NFLPA local chapters
- * hold a retired players convention
- * endow the Players-Assistance Trust for retired players in need

Help us market retired NFL players and show your support for the NFLPA and Players Inc by signing and returning the enclosed GLA today!

If you have any questions about the GLA or retired players licensing, please call Beverly Halton at the NFLPA Retired Players Department (202-463-2213 or 800-372-2000).

Thanks for your prompt attention and for your help. Enjoy the rest of the 2003 NFL season!

Happy Holidays,

Assistant Executive Director

This letter is replete with misrepresentations and inaccuracies by Allen. Players Inc has signed a \$1 billion 4 year contract with Madden EA video games and will pay the 3500 retired players nothing, and nothing is scheduled to be paid to the NFL Retirement Plan. But Allen and Upshaw raised retired player's dues to \$100 a year and refuse to represent those retired players even though Players Inc pays Upshaw \$1,017,351 dollars a year for his Retirement Plan. There is no network of medical facilities for the 3500 retired players as is promised or at least described above and the retirement benefits for the 3,500 will be increased by only \$12.6 mil and there are no improved disability benefits as claimed. The Retired Player NFLPA local chapters are a method of controlling the complaints of retired players. A recent Washington, DC meeting (November 2006) of local chapter Presidents addressed by Upshaw did not produce a single question asked of Upshaw about increasing retirement benefits for retired players even though this is the number one issue today with every one of the 3500 retired NFL players. The local chapters have done nothing and accomplished nothing on behalf of retired NFL players. These Retired players Chapters act as a social club buffer between the retired players and the NFLPA and ultimately the NFL owners.

Suddenly in November Doug Allen took a pay cut and a job heading the Screen Actors Guild, his wife Pat and two other top Players, Inc. executives also resigned as new stricter reporting requirements were published and retired players began to organize an action to withdraw their participation in Players Inc and to sue Players Inc to find out what is going on behind their very private doors and to recover whatever amounts are owed the 3500 retired players that has been "withheld" from them utilizing the monopoly status of the NFLPA, NFL, Players Inc, NFL Properties, NFL Films, TV contractors, the Vendors and whoever else is involved.

The fact is the Groom Law Group was arguing to diminish the players disability rights before the Supreme Court and Groom was getting paid more than \$500,000 to do it, out of our Retirement Plan funds while Doug Allen was writing the above letter in 2003. Groom was in fact helping the government formulate its position against the player's rights. Not only did Groom Law Group act against their own clients the NFL Player Retirement Plan beneficiaries, Groom also helped the government draft their opposition to the Plan beneficiary's rights in an outrageous contravention of the law.

The Player Board Members Condon, Van Note, and Teeuws voted with the owner Board Members for this Supreme Court intervention against the interests of the retired player beneficiaries they are supposed to represent, violating their trust, their fiduciary responsibility to those retired players and are personally liable for their reprehensible act. One law firm cannot represent both the Owner Board Members and the Player Board Members or the Owners and the Players at the same time when one side's rights are being damaged.

The Representation Dilemma when are the Retired Players Represented

The 2003 Holiday Players Inc Doug Allen letter does not exactly square with Gene Upshaw's taunting of the retired players at the Hall of Fame saying "They (retirees) say they don't have anybody in the (bargaining) room. Well, they don't and they never will. I'm the only one in that room. They're not in the bargaining unit. They don't even have a vote."

The NFLPA Constitution and By Laws specifically exclude the Executive Director from voting on NFLPA business. The Executive Director Gene Upshaw has a voice but no vote.

Upshaw opened an NFLPA Frequently Asked Questions web page. The first thing he had to do was correct a "major error!" Upshaw claims it was an "Honest error..." Upshaw said in a rare personal email that an Amendment to the CBA made in Hawaii in March 2006, should read "Be it resolved the NFLPA shall use its best efforts in bargaining with the NFL to increase the benefit credit amounts for ALL retired Players" and should not read "for retired players who have credited seasons during the period from 1977 to 1991" as it appeared on his new FAQ web page.

Legal scholars agree that a union's "best effort" culminates with a work stoppage, a strike, or successful litigation if negotiations fail. It is my understanding that Upshaw simply announced the 25% increase without any proposals or counter proposals, no best efforts at bargaining of any kind between Upshaw and or the NFL Management Council about anything. Upshaw / simply issued a joint news release with Upshaw announcing the insulting 25% (\$12.6 mil) increase proposal on July 27, 2006. The union membership or even the player reps took no vote on the 25% insult and under the NFLPA Constitution & By Laws Upshaw has no vote on any NFLPA issue. After Upshaw told retired players there was not enough money for more than a 25% increase he voluntarily rebated \$800 million of salary back to the owners. Upshaw displays moments of insanity and is constantly making nonsensical statements that go unquestioned by the NFL press footmen.

From page 2 paragraph 4 line 7 a threatening letter to me from Upshaw and the NFLPA says "This year the NFLPA negotiated for and additional \$250 million to be spent on improving retired player benefits as part of the 2006 extension of the CBA." It only took \$19.4 million in 2002 to increase benefits by \$6,082 a year which doubled the benefits in 2002. In order to double the benefits again in 2006 it would cost \$38.8 million well within the bounds of \$250 million. Of course there is the usual NFLPA slimy double talk in the letter which says "This amount includes increases in retired players' pensions (25% in your case), disability benefits and the new 88 Plan. These decisions were made without regard to racial make-up of the retired player population."

Six years times \$12.6 equals \$75.6 million. \$250 million minus \$75.6 million leaves \$174.4 million for the new 88 dementia program and disability payments. This division of assets is typically idiotic.

If you consider that Upshaw gifted back \$800 million to the owners in salary cap it makes little sense for him to say there isn't enough money to raise the retired players benefits 100% again. 100% would not make up for the abuse and anti trust exploitation of the early players.

The new CBA as amendment in March 2006 says Upshaw/NFLPA is legally obligated to make his "best effort in bargaining with the NFL to increase the benefit credit amounts for ALL retired Players" even though he has said he doesn't represent retired players or bargain for them. If Upshaw doesn't make his "best effort" the 3,500 retired players have legal recourse against him and the NFLPA and at this point we intend to exercise that option. Further if the Union doesn't make it's best effort to live up to its contractual obligations it is also responsible.

The decision comes just at the beginning of a first look, in the light of day at actions taken and expenses approved by Upshaw and/or the Retirement Board members that do not appear reasonable or necessary. Retirement Board members are fiduciaries personally responsible for their decisions. The Plan Documents clearly state that Board Members'

and : have fiduciary responsibilities described in Article 8 (c) Pay all reasonable and necessary expenses of the Plan; (that means only reasonable and necessary expenses of the Plan)

The Doctor they paid \$15,443.80 for the two day week end in Miami was later fired by the Groom Law Group because he advised a player that he qualified for certain disability benefits. A transcript from an ESPN interview describes this incident between and "angry (NFL) attorneys" in some detail.

Income Reports - G.O.P. for NFL PA and Retirement Board

The NFLPA had not been concerned about making accurate reports that is not until the new regulations for more detailed, more transparent reports were issued earlier this year 2006. Consider that the IRS Forms filed by the NFLPA says Upshaw works 40 hours a week for the union, and the PAT reports say Upshaw works 20 hours a week for PAT (Players Assistance Trust), and Players Inc pays Upshaw \$1,017,351 a year which indicates he works for Players Inc full time 40 hours a week as well. He also works for other legal entities I am not aware of yet like the NFLPA's 2021 L Street Corporation real-estate speculation department. That is a certified 80 hours per week of extremely highly paid work, 20 hours of volunteer work, which is doubtful at best.

Most of the expenses discussed in this report are from only a few pages of records from a FOIA request to the Dept of Labor by Mercury Morris a retired disabled Miami Dolphin star running back. The Dept of Labor is holding many more pages of itemized expenses in secret in collusion with Groom Law Group. The question again is why? The Retirement Plan information Mercury is requesting is important to all retired players they should all have access to it and he is working hard on their behalf and will be making the information obtained available to all the retired players.

The Dept of Labor has been uncooperative at best.

As you fellows in our email community know I have been writing about the issues of the retired players and abuses by the NFLPA and Gene Upshaw and his cabal since March 2006.

After January 7, 2007 retired players and their spouses should write to (Address below) and copy her boss Elaine L. Chao, Secretary of Labor to demand that the Department of Labor release to Mr. under his FOIA request all the documents relevant to Morris, disability case and the operation of the retirement Plan and the NFLPA and the NFL Management Council including all the expenses and any information from any and all investigations they have conducted regarding the Bert Bell/Pete Rozelle NFL Player Retirement Plan and NFL Player Supplemental Plan. will make this information available to all retired players.

Violations have gone virtually unpunished. The NFL and the NFLPA repaying the money for the \$42,414 of Super Bowl tickets is an attempt to help the Board Members escape having to answer for their "abuse of discretion" and violation of their fiduciary duty. The act of violating the trust's fiduciary obligations to the retired player beneficiaries is ignored and the same Board Members have been left in power to continue to do it again. Now appears to be conducting a cover up refusing to produce over 100+ relevant pages of information under Morris, FOIA request. and the Dept of Labor are also allowing the Retirement Board to cover up the identities of those who used the tickets which will probably be embarrassing to them and the politically connected people who used them.

Aon Corporation permeates the NFL as an actuary for many individual Club retirement plans and as an insurance advisor, which is representing both management and employees at the same time. Aon was paid \$2,039,174 in 2002 and \$1,929,509 in 2003 and I assume at least \$2,000,000+ for 2004, 2005, and 2006 to be Contract Administrator for the Professional Football Players Insurance Trust as well as \$492,951 from Bert Bell/Pete Rozelle NFL Player Retirement Plan as Plan actuary and in both cases the filing party claims NONE on IRS Form 5500 when asked if there is a (d) Relationship to employer, employee, or person known to be a party-in-interest. This question is asked to find out if there are any conflicts of interest, like being an employer plan participant like a Chicago Bears owner. Aon actually prepared the Insurance Trust

5500 form report for 2003 so the NONE answer was not from any 3rd party filling out the form; it came directly from the Chicago Bears owner's company. A quick calculation approximately \$2.5 million a year for 5 years shows approximately \$12,500,000 to Aon Corporation from NFL players and retired players and this is just from research without the power of subpoena. That is a minimum of \$25,000,000 to Groom Law Group and Aon Corporation from funds that would have gone to retired players in the last 5 years alone.

Department of Justice Tells Dept of Labor You Take It on November 8th after they saw the results of the ~~mid term election~~

I received a 30 page email letter from the Criminal Division of the Dept of Justice dated November 7, 2006 Election Day, then it was not e-mailed to me until the next morning of November 8. Ms Bond is the same person who has been dancing around over his FOIA request cherry picking what she sends to him after conferring with the NFLPA attorney Groom Law Group while withholding over 100+ relevant pages and appearing to withhold items to protect Groom and the Retirement Board. She did however send a few itemized billings that showed \$6,121,348 of Groom Legal fees when added to the \$5,000,000+ we already know about from 2003 & 2004 brings the total to over \$10,146,361 of legal fees to litigate against (to beat up) plan beneficiary retired players who apply for disability benefits. Add the 2005 Groom Legal Fees and the total is \$12,269,111. These anti-player legal fees are paid out of those same retired player beneficiaries's Retirement Plan.

Groom Law's 1994 contract rate of \$265 per hour, then \$10,146,361 divided by \$265 is 38,288 hours or at 2000 hours per year that is delivering 19 years of legal services in 5 years from 2000 to 2004. Charging \$140,000 for two briefs to intercede in a Supreme Court case to diminish the rights of retired disabled players, rights of the beneficiaries of the "Plan" that Groom claims to represent is outrageous. These briefs cost the retirement Plan, the player beneficiaries \$6,700 per page to diminish their own rights.

The terms of the "Plan" say the "Plan Assets" "No assets will be used for any purpose other than to pay benefits to Players (or their families, beneficiaries or Dependents), or to pay the costs of administering the Retirement Plan."

Hiding the information?

\$42,414 was spent on Super Bowl tickets and again notes the Board members claim they don't know who used those tickets. The Board Member questioned by the DOL investigator was not under oath. Instead of forcing the Board Member fiduciaries to personally pay the pension back the \$42,414, they allowed the NFLPA and the NFL Management Council to pay back the Plan for the Super Bowl tickets leaving the same fiduciaries on the Board where they can make other capricious expenditures such as \$8,286 for 2 Christmas parties at one of DC's fanciest restaurants, and a Doctor \$15,443 for a two day week end meeting in Miami, there is also \$40,956 payment to NFL Management Council, and \$39,820 to NFLPA which raises the question of whether or not these payments could have been part of a scheme where our Plan assets were used to fund the ticket payback deal with our Plan paying for the tickets twice; and there are many other suspect expenses like a \$1,610 Super Bowl Game, \$16,188 to the Miami Dolphins, \$1,277 to the IMG-Football, and \$8,363 to Baltimore Ravens probably for more tickets and other suspected unnecessary and unreasonable expenses. Out of 5 partial pages of expenses 4 pages have REDACTED stamped on them meaning at least half the information on the page has been withheld by the Dept of Labor, Elizabeth Bond so we can't see them. Makes you wonder what Ms Bond is hiding for the Cabal.

The question is why would any information regarding our NFL Player Retirement Plan be hidden by either the Plan fiduciaries or the government from the Plan participants and beneficiary's? The obvious answer is that it might be damaging to those who are hiding it.

The Board member's claim that the Board doesn't know who used the \$42,414 of Super Bowl tickets certainly seems to lead itself to a probable cover up of the embarrassing identities of those who might have

CONFIDENTIAL

REDACTED

CLASS 004157

used them. Since they are not known to the Board members who bought the tickets we are left to speculate, like perhaps the tickets were used by politicians, people with influence in government, perhaps labor or justice department big wigs, maybe who? I believe these people will be identified through congressional subpoenas despite the Dept of Labors participation in the Retirement Board,s attempted cover up. Maybe the names of who used the Super Bowl tickets are in the Retirement Board minutes routinely recorded by a court recorder?

There are also bills for private investigator [redacted] \$38,935 for two months for services like trying to [redacted] that will allow the Board to disqualify the disabled players from their disability. This \$38,935 investigator cost would not even be in the equation if our Retirement Plan had not "stupidly" or in a "collusive scheme" shifted the NFL owner's liability for employee disabilities to our Player Retirement Plan. Maybe [redacted] Upshaw's private eye can discover who used the Super Bowl tickets in 2000 that nobody can remember who used. New LM2 reports show Sutton Associates being paid \$92,519 for "INVESTIGATIVE SERVICES." The NFLPA was investigating [redacted] family during their law suit.

A Dept of Labor investigator named [redacted] interviewing Board Member [redacted] accepted answers like, 1. "Van Note has never personally questioned any of the expenses paid by the Plan." 2. "The Board unanimously approves plan expenses." [redacted] has been a Board member for 12 years, or 26 years [redacted] or 33 years and the expenses have been unanimously approved forever.

There is one notation that indicates the DOL investigator might be awake during his investigation when he said "Plan expenses are weighed heavily in the area of legal expenses primarily due to the litigation undertaken when former players that have been denied disability benefits, sue the Plan." That said these \$10,146,361 of heavily weighted legal expenses were noted, then ignored by the DOL investigator, in favor of pursuing \$42,414 of Super Bowl tickets that [redacted] can remember who used those tickets or remember who ever raised any questions about any expenses or what any questions raised were about," ever. The DOL investigator [redacted] made no attempt other than asking the question then accepting [redacted] lame answer to find out who used those Super Bowl (year 2000 Ravens v Giants) tickets.

A court recorder takes the minutes of every Retirement Board meeting. They meet quarterly. One would think the investigator would have obtained and reviewed those minutes before questioning [redacted] or unless the investigator was trying to assume a deliberate position of ignorance to aid in a cover up for the Retirement Board, the NFLPA, and the NFL owners to the detriment of retired NFL players.

"When [redacted] became a Board member in 1994, [redacted] the unwritten guidelines to be followed by the NFLPA Board members. [redacted] reminded [redacted] to be reasonable with Plan money because it was not his money, but was for the retirement and disability benefits of NFL players and their beneficiaries." What an absurd way to run any business let alone a \$1.6 billion retirement Plan built on trusting 7 people, the 6 Retirement Board members the NFL Commissioner and their herd of lawyers.

Terms of the Plan say under Article 3.2 Authority of the Retirement Board (c) Pay all reasonable and necessary expenses of the Plan;

ERISA law 404 states: "(a) (1) a fiduciary shall discharge his duties with respect to a plan solely in the interest of the participants and beneficiaries and-(A) for the exclusive purpose of: (i) providing benefits to participants and their beneficiaries; and (ii) defraying reasonable expenses of administering the plan;"

The outrageous legal fees relate directly to the fact that the Bert Bell/Pete Rozelle NFL Player Retirement Plan was turned into the NFL owner,s disability insurance defense fund, whereby the assets of the plan can be depleted by paying legitimate player disability claims. DEPLETED! It seems unbelievable that our retirement plan can be DEPLETED by disability payments. Why? This terrible irrational consequence was raised and confirmed by Joseph Yablonski NFLPA attorney in an August 29, 2006 letter page 7 the 1st

paragraph. 50% of the 7,561 players who have played since the 1960s ended their careers due to injuries, but only 1% of those injured retired players receive disability benefits today, a fact that makes no rational sense.

The Plan's outrageously high legal fees are part of an ongoing assault on the 3,500 retired players who are drawing only \$12,165 average annual benefits. That assault continues with the NFL Commissioner in the back ground moving his chess men through the NFL Management Council and PR staff, the NFLPA, Gene Upshaw and Players, Inc. Aon Corporation principals whose Aon subsidiaries are in my opinion and others with a more expert opinion, causing the situation to lower the benefit contributions to the Plan and thereby lower retired player benefits. No Chicago Bear owner or any other NFL owner can legally be a contributing employer and also be their employee's retirement plan actuaries or investment advisors whose work determines the amount of their own NFL employer contributions to the Plan.

The "Pay to Play" Investment Manager Callan Associates is Our Plan Manager too

Another troubling issue has surfaced concerning the Bert Bell/Pete Rozelle NFL Player Retirement Plan's Investment Manager Callan Associates and their kick back scheme of operation called "Pay to Play" by Bloomberg's reporters who describe the investment losses that Callan Associates "Pay to Play" has caused the city of San Diego's pension plan. San Diego's pension plan is suing Callan Associates.

How Much Did Callan Cost Its Pension Clients?: John F. Wasik

By John F. Wasik

Sept. 26 2006 (Bloomberg) — If your pension-plan consultant was recommending awful money managers, wouldn't you smell something rotten?

Something sure stunk in San Diego, where Callan Associates Inc., one of the oldest and largest U.S. pension-consulting firms, allegedly monitored and approved money-losing managers for the city's underfunded pension plan.

What 19,000 current and former city employees didn't know is how much Callan, a San Francisco-based firm with revenues of about \$42 million last year, received in side payments from money managers for various services.

The conflicts were described in recent court documents from a lawsuit that the city of San Diego filed against Callan.

"The evidence reflected in these filings shows several shocking breaches of duty by Callan," said Bryan Vess, a San Diego-based attorney hired to represent the city.

... Pay-to-Play

In addition to providing advice to pension funds by suggesting advisers and monitoring performance, Callan also receives fees from more than 200 investment managers "managing approximately 74 percent of total U.S. industry assets" with 30 percent of its income coming from investment manager clients, the firm states on its Web site.

A separate suit filed by the city attorney against Callan and two other companies alleges Callan recommended that the city "employ investment managers from whom Callan received under-the-table fees that were not disclosed to the city."

In these arrangements, sometimes known as pay-to-play, managers allegedly were recommended for pension-fund management by Callan if they spend from \$16,000 to \$50,000 to attend "colleges" or "institutes" or buy marketing services offered by the firm.

"The average, or middle-of-the-road manager, outperformed the (Callan-recommended) manager in 11 of 12 quarters, resulting in an opportunity loss of approximately \$8 million," the suit claimed of one underperforming manager cited in the complaint.

(The rest of this Bloomberg article is available online.)

Gene Upshaw, are shilling for the Groom Law Group and Aon Corporation while shielding the NFL Commissioner and the owners from their responsibility to injured and all retired players. The NFL's gated community does not include the 3500 retired players or the disabled players. Tagliabue built a wall, and a moat infested with vicious lawyers and pulled up the drawbridge protecting the owners inside, then he assigned Upshaw to mind the gate and keep the retired and disabled players out. The league office used its PR machine to promote Upshaw so the current active

CONFIDENTIAL

CLASS 004159

REDACTED

players will believe he is their savior. Upshaw knows if the 3500 retired (or disabled) players get in, he is gone.

When an NFL health insurance plan went belly up and former NY Giant _____ went to Upshaw for help after his wife had given birth, and the insurance company wouldn't pay the bills, Upshaw told him that "I'm making too much money. I can't rock the boat."

_____ a Harvard graduate, (a Minnesota Vikings player) "... When you go to those CBA meetings (NFLPA meetings with Upshaw), you always feel like you're being sold something instead of being given the straight deal. _____ Ethics Professor's Opinion

Ethics is a major problem, the union acted against Jones because a Texas court upheld a National Association of Securities Dealers award of more than \$500,000 against Jones. In that case, Jones' former teammate, Cris Dishman, alleged that Jones engaged in unauthorized trading and churning." Ebenezer' Ekuban's credit was severely damaged by Upshaw's buddy Sean Jones, Ekuban's agent.

Upshaw was involved in the ULLICO/Global Crossing insider trading stock scheme and was caught. The following is from a Business Week On-Line story:

THE WORKPLACE By Aaron Bernstein

"The profit-taking has attracted the interest of a Washington grand jury, which has subpoenaed ULLICO officials and others. It's not clear if there were illegal acts by the 30-plus union officials on ULLICO's board, including AFL-CIO President John J. Sweeney and the heads of about 12 unions--among them the carpenters' Douglas J. McCarron, the football players' Eugene Upshaw, and the hotel workers' John W. Wilhelm. While some, including Sweeney and Wilhelm, took no profits, most voted for the scheme, ULLICO documents show.

If labor's leaders don't try to clean up the mess, the entire labor movement could be tarnished. Already, critics inside labor are pushing Sweeney and the other union presidents to kick out those responsible for setting up the complex stock plan. Their prime target: ULLICO CEO Robert A. Georgine, a former top AFL-CIO official for 26 years, who stood to make by far the most out of the transactions. Some are also insisting that the union leaders return much of their profit to the company. "Let's see them repay the money they ripped off," snaps one labor official who wasn't involved. "Unions shouldn't be doing this stuff, even if it was legal." ULLICO declined to comment, while Upshaw and Wilhelm didn't return phone calls.

To his credit, Sweeney knows labor's credibility as a critic of corporate greed is on the line. He has demanded a probe by an outsider, citing as a model the one William C. Powers, dean of the University of Texas law school, undertook at Enron Corp. On Mar. 21, Sweeney wrote to Georgine insisting on this after Georgine balked. One name floated: former Labor Secretary John T. Dunlop.

Labor must move fast to avoid big damage. If it doesn't, conservative groups could point fingers at unions as labor mounts campaigns in the fall congressional elections. Employers, too, could use the charges to campaign against unions in organizing drives at companies such as Honda Motor and Wal-Mart Stores Inc. Already, the mess has undercut the AFL-CIO's clout. It was gearing up to push for corporate-governance reforms and had launched a campaign with the machinists' union to pressure Lockheed Martin Corp. not to renominate Enron director Frank Savage to its own board. The day the federation started getting media calls on ULLICO, though, AFL-CIO Secretary-Treasurer Richard L. Trumka pulled the plug, leaving machinists to lead the battle on their own. "He didn't want us to look like hypocrites," says one union official involved.

The chance for Georgine and others to profit arose because of the peculiar nature of ULLICO, the parent of Union Labor Life Insurance Co. The company, which sells insurance to union members, invested \$7.6 million in seed money in Global Crossing in 1997. ULLICO sold about half its Global shares for a \$335 million after-tax profit. But ULLICO is private, so its shares don't trade publicly. Instead, the company sets

the price for the upcoming year every Dec. 31, based on its prior year's book value.

ULLICO directors gained handsomely from this procedure. On Dec. 17, 1999, Georgine offered to sell 4,000 shares to each of them at \$54 apiece, the 1998 book value—even though ULLICO already knew its Global Crossing profits had lifted its stock value to \$146. The union pension and general funds that own most of ULLICO's shares weren't given the same offer, or even told about it, officials say. Georgine himself went from holding 8,868 shares in 1998 to 52,868 in 1999, according to ULLICO's proxies.

In 2000, ULLICO directors again took advantage of the trading stock-valuation system to cash out. Before the Dec. 31 price adjustment that year, ULLICO offered to repurchase shares, as it had done annually since 1997. The tender, at \$146, was limited to 205,000 shares out of 7.9 million outstanding. All shareholders could sell a prorated amount based on their total holding. Yet those with fewer than 10,000 shares—mostly the directors—could sell all their stock.

The result: Georgine and other directors, knowing the price would be cut to \$75, were able to sell at \$146, while the pension funds with much larger stakes were restricted in how much they could sell. Overall, ULLICO's directors sold 73,000 of their 120,000 shares, AFL-CIO officials say, giving them combined profits of at least \$6.7 million.

It's not clear if the grand jury will find anything illegal about all this. One question is whether ULLICO's union directors breached fiduciary responsibilities to their union's pension and general funds. Even those who took little or nothing could have a problem if they merely approved the moves, insiders say. Still, unions hire Wall Street firms to manage their ULLICO holdings, which may insulate labor leaders from liability, legal experts say.

Liable or not, ULLICO directors have damaged their credibility as union leaders. Nearly all of the insurer's capital comes from union members, which means these labor leaders have shortchanged the very people who voted them into office—at least politically. Gene Upshaw was one of the ULLICO directors who have damaged his credibility as union leader and the NFLPA and the Bert Bell/Pete Rozelle NFL Player Retirement Plan, the 2nd Career Savings Plan, and the NFL Player 401k plans the NFL Players insurance Trust, the Player Assistance Trust should all be researched to see if any of them ever purchased ULLICO or Global Crossing stock. A NFLPA Congressional investigation should examine in detail Upshaw's financial maneuvers in ULLICO, Global Crossing, Amaroq, Aon Consulting, and Callan Associates for other stock schemes like the ULLICO scheme. ULLICO is the only one Upshaw has been caught being involved in, the leopard doesn't change his spots.

While the New York Times' Dave Anderson describes Wednesday's Giants practice as uneventful <http://select.nytimes.com/2006/12/07/sports/football/07anderson.html?ref=sports>, and compared to the prior two weeks, perhaps it was. But he failed to acknowledge LB LaVar Arrington joining Matt Birk <http://www.cantstopthebleeding.com/?p=5125> and Bryant Gumbel <http://www.cantstopthebleeding.com/?p=7160> in attacking the NFLPA. From USA Today http://www.usatoday.com/sports/football/nfl/2006-12-06-notes_x.htm?POE=SPONSVA.

New York Giants linebacker LaVar Arrington equated the players union with organized crime Wednesday, 24 hours before he was scheduled to testify before Congress at a hearing involving his former agent. Lawmakers will be looking into the NFL Players Association's suspension of Arrington's former agent, Carl Poston <http://sports-law.blogspot.com/2006/09/wh-its-nflpa-after-carl-poston.html>, stemming from his handling of a contract the linebacker signed with the Washington Redskins near the end of the 2003 season.

Arrington contends the union acted unfairly in taking away Poston's livelihood.

"They suspended him without a hearing, the NFLPA," Arrington said, sitting in front of his locker at Giants Stadium. "If you are educated and you pay attention to what is going on around you, they do a lot of foul stuff. It's like organized crime, to be honest with you. They are bad."

"You have a serious problem here," said George Brenkert, professor of business ethics at Georgetown University. "When the leaders or stars of any industry, be it Enron or the heads of the U.S. executive branch, are doing the types of things you are describing, there is something rotten in the state of the athlete

agency business.

"When those people at the very top are found to have engaged in ethically questionable behavior, it's a sign there may be something wrong, not just with those individuals but with the system or institution in which they are operating."

New information supplied by the FOIA request claims that \$16,000,000 a year is paid to 146 disabled retired players. Since the total amount paid by the NFL Player Supplemental Disability Plan is \$7,958,761 to 106 disabled players then approximately \$8,000,000 is paid in disability benefits out of the Bert Bell/Pete Rozelle NFL Player Retirement Plan. This means that \$8,000,000 of disability payments should be deducted from the total \$50.58 million total retirement benefits paid reducing the retirement benefits total to \$42.58 million total in retirement benefits divided by 3,500 recipients for an average benefit of only \$12,163 not even as much as the sub-poverty level \$14,451 average previously thought. Worse than embarrassing.

I am making a FOIA request for all work papers and correspondence, minutes of meetings, and research papers and notes used by Aon Corporation and any other actuary used in their NFL pension actuarial analysis in possession of the Dept of Labor that has been used to determine the owner's employer contributions to the plan for the past 20 years.

Write to: Elizabeth Bond, District Director
Washington District Office
Employee Benefits Security Administration
United States Department of Labor
335 East-West Highway, Suite 200
Silver Spring, MD 20910
Tel 301-713-2000 Fax 301-713-2008

Her Boss: Mabel Capolongo, Regional Director at the same above address
and or
Elaine L. Chao, Secretary of Labor
Francis Perkins Bldg.
200 Constitution Ave.,
NW, Washington, DC 20210
Tel 1-866-4-USA-DOL

If you don't feel like writing a letter print this email out and send it to Ms. Bond, Ms. Capolongo, Ms. Chao and the NFL Commissioner Goodell and the New York Times and your local newspaper. Write your Congressman and send him this report.

This from an interested party in our issues from our email community: Bernie,

Here are the details you requested on Players Inc's top four executives, who have all either resigned or retired within the past few months.

Apparently, the Federal Government changed the reporting requirements for labor unions starting in 2006, and all four of these executives abandoned Players, Inc. just prior to this information, and the tax returns going public on or about November 1, 2006.

Coincidence? You make the call.

Don't forget that Players, Inc. is owned only 79% by the NFLPA, while the other 21% is owned by someone else. The same goes for 2021 L Street Corporation, which is the private company that owns the Washington, DC building housing the NFLPA. The NFLPA appears to have become a real estate speculator buying a medical building at 1133 20th Street, Washington, DC L Street for \$48,060,288; just in time for a deflating real-estate market.

Now I've learned the owners, the shareholders of 2021 L Street Corporation whoever the shareholders are have sold the NFLPA office building as the new building was bought with a \$26,462,588 mortgage on it. The question is who are the shareholders of 2021 L Street Corporation and other lesser known entities that may include shareholders hiding their identity. Does this deal and \$11,025,755 of DEFERRED COMPENSATION have anything to do with Doug Allen leaving the NFLPA? ROYALTIES DUE TO PLAYERS \$24,029,719, the question is which players and why? NFL Ventures owned and operated by the employers (the owners) paid Players Inc \$24,647,576, close to what ROYALTIES DUE TO PLAYERS was. Employers are forbidden by labor RICO laws from giving or paying money to union leaders who represent their employee members. I'm still working on this situation but the Congressional Committee should look into this without waiting for me.

Good luck finding out who owns the other 21% of these two private corporations Players, Inc. and 1133 NW 20th Street and 2021 L Street Corporation Washington, DC. When you find out, please let me know. Real-estate deals are a good way to launder money and there is a great deal of cash swirling around the NFLPA real-estate wheeler dealers like Richard Berthelson who is involved in several real-estate deals in the Washington area and Hilton Head with one of the NFLPA's printing contractors.

Remember, the biggest shock of all is going to be when this information is released to the active NFL players. These players have always believed (or assumed) that their union (the NFLPA) owns 100% of Players Inc. and that 100% of Players, Inc.'s profits went to the NFLPA. However, this apparently is NOT true. Won't those players be in for a big surprise when it is finally revealed who owns this other 21% of these two companies?

2005 - 2006 TOP EXECUTIVES @ PLAYERS, INC. (AND THEIR SALARIES LAST YEAR)

1. GENE UPSHAW, CHAIRMAN (\$2,064,526) - STILL ACTIVE AT BOTH
2. DOUG ALLEN, PRESIDENT OF PLAYERS, INC.; ALSO HELD TITLE OF ASSISTANT EXECUTIVE DIRECTOR OF THE NFLPA (\$469,695) -
3. PAT ALLEN, EXECUTIVE V.P., COO OF PLAYERS, INC. (\$338,479)
4. CLAY WALKER, SENIOR V.P. OF PLAYERS, INC. (\$203,334)
5. HOWARD SKALL, VICE PRESIDENT OF PLAYERS, INC. (\$144,533)

NOTES ON THE ABOVE 4 INDIVIDUALS WHO HAVE LEFT OR RESIGNED THIS YEAR:

1. HOWARD SKALL - RESIGNED ON OR ABOUT JULY 6, 2006.

SKALL'S RESIGNATION FROM HIS JOB WITH PLAYERS, INC. BECAME EFFECTIVE ON JULY 19, 2006. HIS RESIGNATION WAS ANNOUNCED BY LIZ MULLEN ON JULY 10, 2006. SKALL HAD WORKED FOR PLAYERS, INC. AND THE NFLPA SINCE 1991 (FOR A TOTAL OF 15 YEARS).

NOTE: SKALL ANNOUNCED THAT HE WOULD BE JOINING TOM CONDON'S NEW

COMPANY, CREATIVE ARTISTS AGENCY (CAA)

2. CLAY WALKER - RESIGNED ON OR ABOUT AUGUST 31, 2006.

WALKER'S RESIGNATION FROM HIS JOB WITH PLAYERS, INC. WAS SOMETIME IN LATE AUGUST, 2006. WALKER'S RESIGNATION WAS ANNOUNCED BY LIZ MULLEN ON SEPTEMBER 4, 2006. WALKER HAD WORKED FOR PLAYERS, INC. AND THE NFLPA SINCE 1994 (A TOTAL OF 12 YEARS).

NOTE: PLAYERS, INC. SPOKESMEN REFUSED TO SAY WHY WALKER LEFT.

IN ADDITION, UPSHAW, BERTHELSEN AND DOUG ALLEN ALL REFUSED TO SAY WHY WALKER LEFT PLAYERS, INC.

Note: Why does Richard Berthelsen give inside NFLPA information to reporter Liz Mullen?

3. PAT ALLEN - ANNOUNCED RETIREMENT ON OR ABOUT SEPTEMBER 14, 2006.

PAT ALLEN'S RETIREMENT WAS TO BE EFFECTIVE ON OCTOBER 15, 2006. HER RETIREMENT WAS ANNOUNCED BY LIZ MULLEN ON SEPTEMBER 18, 2006. PAT ALLEN HAD WORKED FOR PLAYERS, INC. AND THE NFLPA SINCE 1973 (A TOTAL OF 33 YEARS).

NOTE: PAT ALLEN IS DOUG ALLEN'S WIFE.

4. DOUG ALLEN - ANNOUNCED RESIGNATION ON OR ABOUT OCTOBER 26, 2006.

DOUG ALLEN STATED THAT HE WOULD BEGIN HIS NEW JOB ON JANUARY 8, 2007.

PREVIOUSLY, WHEN HIS WIFE ANNOUNCED HER RETIREMENT, DOUG ALLEN SAID HE HAD NO SIMILAR PLANS TO LEAVE EITHER PLAYERS, INC. OR THE NFLPA.

YET ONLY A FEW WEEKS LATER, JUST BEFORE SPORTS BUSINESS JOURNAL WAS ABOUT TO PUBLISH THE NEW TAX INFORMATION FOR THE NFLPA ON NOVEMBER 6, 2006, (BUT NOT THE TAX INFORMATION FOR PLAYERS, INC. WHICH IS A PRIVATE COMPANY, AS IS 2021 BUILDING CORPORATION), ALLEN ANNOUNCED THAT HE WAS LEAVING BOTH COMPANIES TO TAKE A JOB WITH THE SCREEN ACTORS GUILD (SAG).

ALLEN'S PUBLIC QUOTE WAS, "THIS HAPPENED VERY QUICKLY".

YET UPSHAW IS QUOTED SAYING, "HE (UPSHAW) HAS KNOWN FOR A LONG TIME THAT DOUG ALLEN WAS UP FOR THE SAG JOB.... I KNEW WHAT WAS COMING."

DOUG ALLEN HAD WORKED FOR THE NFLPA SINCE 1986, AND PLAYERS, INC. SINCE 1994. (A TOTAL OF 20 YEARS).

IN THE SPORTS BUSINESS JOURNAL ARTICLE, WRITTEN BY DANIEL KAPLAN (NOT LIZ MULLEN), THE FOLLOWING IS STATED:

"... SPORTS UNIONS FOR THE FIRST TIME ARE REPORTING PREVIOUSLY CONFIDENTIAL FINANCIAL INFORMATION IN THE WAKE OF ONEROUS NEW DEPARTMENT OF LABOR DISCLOSURE REQUIREMENTS THAT COVER ALL U.S. UNIONS."

IN RESPONSE TO THESE NEW PUBLIC DISCLOSURES, DOUG ALLEN IS QUOTED AS FOLLOWS:

"IT IS A REAL PROBLEM," SAID DOUG ALLEN, PRESIDENT OF THE NFLPA PLAYERS ASSOCIATION'S MARKETING AND LICENSING ARM, PLAYERS, INC.

ALLEN THEN ADDS, "WE WILL HAVE TO DEAL WITH THE CONSEQUENCES AND WE ARE NOT HAPPY ABOUT IT."

YOU CAN READ THE FULL ARTICLE TO GET MORE INFORMATION, BUT THE POINT IS THAT RIGHT AFTER ALLEN KNEW THAT THIS INFORMATION WAS GOING PUBLIC HE RESIGNED AS DID THE THREE OTHER TOP EXECUTIVES AT PLAYERS, INC.

OBVIOUSLY, THE BEST SOURCE IS TO TRY AND GET COPIES OF THE TAX RETURNS OF THESE TWO PRIVATE COMPANIES: PLAYERS, INC. AND 2021 BUILDING CORPORATION.

Now I am told that NFLPA District VP has suddenly resigned or retired from his cushy \$234,000 a year job after 20 years with the NFLPA as the exodus proceeds. Long time NFLPA insider also seems to be bailing out retiring from the NFLPA Steering Committee.

New LM2 reports from May 30, 2006 filed for the period through 2/28/2006 show a definite trend of Player Inc to pay off retired player TV and radio announcers for ESPN, etc with large checks to influence what they say or don't say about Upshaw and the NFLPA.

Marvin Zimmerman of Chicago has been involved with Players Inc for many years. Does Zimmerman own the 21% that the NFLPA doesn't own? There is a Marvin Zimmerman in the insurance business in Chicago. I will determine if it is the NFLPA/Upshaw Marvin Zimmerman. Being from Chicago, perhaps in the insurance business, is he connected in any way with or Aon Corporation? Every IRS/Dept of labor report form that I have seen has a request for an extension of time because "additional time is needed to gather information to complete the return." All but one request has been granted but I have never seen a final Form 990 or any other report such as the one granted for 2004 approved "Extension Granted Until 01-17-06." I am requesting copies of all extended reports, particularly those by Calibre CPA Group PLLC's Jo Ann Woodson, CPA.

It is appearing more likely that an NFL owners corporation like NFL Ventures, Inc (

owns the 21% of Players Inc.

s a former Gene Upshaw NFLPA secretary gave testimony that Upshaw had his in house accountant keeping two sets of books. The NFLPA's accounting practice is to use such vague terms that no one could tell without a physical audit what their creative labels on expenditures are really referring to.

of Groom Law Group tax attorney for Players Inc paid NFLPA \$6,600 for Super Bowl tickets. What are the circumstances of that purchase? Saxon works with Calibre CPA Group in creatively preparing NFLPA-Players Inc, Player Assistance Trust, Retirement Plans financial reports. Are Calibre and Saxon guilty of the type misleading accounting nomenclature and maneuvering as if Thomas Havey CPA's who are being prosecuted for hiding personal union officer expenses in union administrative and other expenses? Havey was involved in the ULLICO union scandal as was Gene Upshaw that has been described by journalist as labor's Eyrone.

A mortgage of \$26,000,000 was taken out on an NFLPA owned office building at 1133 20th Street, Washington, DC near the NFLPA's 2021 L Street Corporation building in Washington DC during 2006. Who are the shareholders of 2021 L Street Corporation other than the NFLPA? Are Gene Upshaw (\$3.5 mil), Doug Allen (\$469,695), (\$338,439), (\$624,470) or (\$230,000) or shareholders in Players Inc or 2021 L Street Corporation or any other legal entity related to the NFLPA? A lot financial mischief can be hidden in real estate deals and I wonder if the \$11,000,000+ of deferred income shown on the 2004 Form 990 but is gone or if it has been absorbed into

some other category in the 2/28/2006 LM2 report.

Under "Other Securities form 990 Statement 13 SECURITY DESCRIPTION Limited Partnership Interest FMV \$10,139,182 ". That is another nameless vague description for \$10,139,182 in some Limited Partnership that Upshaw and his accountant perhaps perhaps Calibre obviously don't want anyone to know what it is or who is involved in it.

How about INVESTMENT IN SUBSIDIARIES \$19,556,453 Form 990 2004 part IV line 56 column B, what subsidiaries?

How about SETTLEMENT PAYABLE \$598,990, payable to who for what?

NFL Properties 280 Park Avenue paid a \$5,000,000 settlement on 2/28/2006 the date of the LM2 Dept of Labor report form, to either the NFLPA or Players, Inc. what was it for? What did it settle?

NFL Properties LLC 280 Park Avenue paid Players Inc \$175,603 in 2005.

An owners corporation NFL Ventures 280 Park Avenue paid the union's Players Inc \$24,647,576; \$20,384,528 of which was also paid on 2/28/2006 the filing date of the LM2 report. I guess a reasonable person might wonder what's up guys what are you trying to push into the next reporting year? Is this not iron clad evidence of collusion between the NFL owners and the union?

Accounting fees Item 31 on Form 990 2004 \$627,947 that is in addition to paying \$221,543 to keep the "books" however many sets there might be as Upshaw the "Treasurer" directs.

Upshaw the 2006 NFLPA Treasurer has different responsibilities and liabilities than as Executive Director with no vote. When was Upshaw elected Treasurer? How was he elected? Did the membership vote on him? Troy Vincent NFLPA President listed as such on the 2006 LM2 IRS Forms is playing in a very dangerous game running over the labor laws with Upshaw, f

There is \$11,000,000+ of deferred income owed by the NFLPA. Who is it owed to? Is this \$11,000,000+ connected to the building sale or purchase of the new building.

paid the NFLPA \$11,000 and Gene Upshaw paid NFLPA \$8,300. The question is exactly when and why? used to be the head of the hapless ineffective NFLPA Retired Players Department.

Medical Advisory Physicians take at least two seminars a year on how to be a good NFL MAP. That curriculum and the doctor's notes from their participation in those indoctrinations in how to apply the NFL disability agenda to injured players should be subpoenaed immediately.

In my opinion RICO violations have been committed, along with ERISA and labor laws.

Attorney Houston, TX \$22,969.
Philadelphia PA \$24,403.
Hemenway & Barnes Boston \$6,436
Fildenwath Deenerline Groh & Towe Indianapolis \$11,223
(Arbitrator) Pittsburgh \$28,651
Burlinson Pate & Gibson LLP Dallas \$6,403
Esq. (Arbitrator) Wash DC \$26,647
(Arbitrator) Glenco, IL \$7,432
Univ of Penn Law School \$13,919

Political activities and lobbying 2005: Groom \$12,430, Beach Robinson & Lewis, D.C. \$96,690

NFL Management Council \$120,000 Drug Program.

The only Physician paid by NFLPA was 103 Eaton Place, Fairfax, VA \$23,400.
is described by the NFLPA as the NFLPA's expert physician on medical issues.

Thanks for not asking. Groom Law Group's Alvaro Anillo wrote Dept of Labor's Nathan Seidman Oct 23, 2003 saying "We appreciate that you have declined to request copies of many of these documents, including most disability rate files" Seems a cozy relationship for a DOJ investigation, too cozy. Seidman supported Groom's contention that their \$140,000 (\$6,700 per page) of legal fees were justified for intervening in the Supreme Court Case Black and Decker vs Kenneth Noor Case #02-469 to diminish players rights to use their treating physicians diagnosis as a deciding factor in disability cases as the Social Security department uses.

Item #1 Troy Vincent raised a racial issue in an ESPN 4/12/06 interview.

The older retired players pre1982 are 75% white. That 75% is an assumption from the old "only 13 blacks per team rule" from Paul Brown's era that followed the "only 6 blacks per team" from George Halas hey-day. Of course the players of those eras had nothing to do with management's racist policies or any of the NFL monopoly's rules. Of color or not we signed and served under slave contracts or we didn't play at all.

Under those stifling conditions (1959 to 1962) we tore a pension plan out of the hides of the 100% white owners and it is our "GIFT" to the current players. Now Vincent and Gene Upshaw feel they have the right to take the basics of that pension away from us. It isn't going to happen we paid too much for it.

For those reading this who don't know Troy Vincent he is the current, re-elected in Hawaii, President of the NFLPA being groomed by Upshaw to succeed him when he becomes NFL Commissioner or retires or... Vincent seems to be trying to give himself a raise before he ascends the throne calling for a increase in "benefits" to \$10 million a year from Upshaw's current \$3 million a year salary. It certainly serves Upshaw's interests to have Troy Vincent, believing he is Upshaw's hand picked successor. Vincent in his role as President of the NFLPA, sees unfairness in Upshaw being underpaid at \$3 million a year and has never said anything, that I know of about the unfairness of the average retired player's sub-poverty level \$14,451 pension benefits.

Vincent relates Upshaw being underpaid in relation to NFL Commissioner Tagliabue's \$10 million a year to racism. Don't you think that might be called "playing the race card?"

These are Vincent quotes from ESPN April 12, 2006 article. "You don't get much credit for being a man of color," said Troy Vincent, whose off season job is head of business development for Eltekon Securities in Trenton, NJ. "I can personally say that, because I'm a man of color. We always have to do an overabundance, say two or three times more than a non-color person. Gene and Paul are equals, but Tagliabue makes three times, almost four times what Gene does. Paul's salary isn't too high. Gene's [\$2.85 million] is too low."

Yablonski has misstated what I said numerous times in his threatening letter in an effort to try to spin the race issue to his client's advantage but the truth already is in black and white print and published on my Blog. www.bernienparrish12.blogspot.com <<http://www.bernienparrish.blogspot.com/>>

Vincent made the statement that Upshaw was underpaid because he is a man of color which implies the 100% white owners were underpaying Upshaw.

Troy Vincent raised the question of Upshaw being underpaid because he is a man of color. I said in emails and on my blog it doesn't make rational sense unless he is talking about the 100% white owners underpaying Upshaw, and they are not supposed to be paying Upshaw. Vincent says Upshaw is underpaid because he is a man of color and I observed that those who pay him, the current players are 75% men of color which doesn't make rational sense; so what was Vincent's point? My observation was since Vincent's

point is irrational perhaps it is based on racism.

Vincent further displayed another slant toward racism with his comment about Bryant Gumbel's remarks about Gene Upshaw, Vincent said "We talk about the right to freedom of speech but I was always taught that if I didn't have anything positive to say, especially about my peers or better, then don't say anything at all." "...or brother?" Am I misreading the "...or brother" reference to be racial? I have ask six former teammates and NFL opponents (3 black and 3 white) if they consider the "...or brother" reference to be a racial reference and the vote is 6-0 that it is. Vincent is chastising Gumbel for a man of color criticizing Upshaw another man of color as being especially bad which is in character with the previous racially tainted statements Vincent has made. Because I am critical of Tagliabue and the 100% white owners and Upshaw's Assistant Executive Director Doug Allen that doesn't mean I am racist against Caucasians.

I believe that Upshaw's agent Tom Condon is probably behind Vincent's comments, negotiating for his client Upshaw, using Vincent as a pawn. I believe Condon is also behind Upshaw's recent statements that the owners will lockout the players in 2008 and there will be a huge labor crisis. 2008 is coincidentally the year that Upshaw's current \$11.2 million contract ends. I believe Condon wants Upshaw to be the indispensable Commander in Chief in time of a choreographed labor war in 2008. Upshaw recently told Philadelphia and Boston papers of the coming labor strife when the owners realize in 2008 how badly he had outsmarted them in the CBA. One paper mentioned the players need to build up a war chest of cash for the coming 2008 owner lock-out/strike. I thought the owners voted 30-2 in favor of the CBA. This presents another opportunity for the Groom Law Group to charge a set of legal fees for setting up another Trust Fund called a strike fund for 2008.

The Tagliabue "leashed pet" labor peace acclaimed by Patriots owner Robert Kraft in March 2006 didn't last very long. Yablonski's paragraph discussing a \$110 million and \$250 million and relating it to the 25% retirement benefits is a ridiculous distorted mish-mash of inaccurate misleading NFLPA propaganda. A 25% benefit increase on \$50.58 million of total benefits paid in 2005 costs \$12.6 million, not \$110 million, and certainly not \$250 million, but \$12.6 million, peanuts. A 25% increase amounts to a total of only \$12.6 million not the phony claimed "\$120 million to bring the total to \$700 million" as stated by Upshaw and Harold Henderson on July 27, 2006. \$110 mil, \$120 mil, \$250 mil, \$700 mil you and your clients are sure loose with the money except when it comes to the 3,500 pre 1982 retired players. ($\$50.58 \text{ mil} \times .25\% = \12.6 mil)

The 2002 benefit increase of 100% from \$7,225 average annual benefit to \$14,451 per recipient had an exact cost of \$19.4 million. The employer contribution increased from \$23.6 million in 2001 to \$43 million in 2002 an Art Modell and owners victory in spite of Upshaw not because of him.

From a previous email: Examining what exactly has happened. The employer contributions were:

1999	\$24,211,136
2000	\$26,675,399
2001	\$23,654,464
2002	\$43,074,347
2003	\$49,599,601

The entire employer contribution in 2002 was only \$43,074,347 how could the benefits be increased by \$110 million as you and Upshaw have claimed repeatedly? How many times does \$110 million go into \$43,074,347. How many times does \$110 million go into \$19.4 million the true increase in 2002.

Upshaw and his gang act like if they say it enough times it will turn into the truth. It won't, your \$110 million is "wrong, incorrect, a bald faced..." You (Joseph Yablonski) know it is wrong and both you, Upshaw and the rest of his cabal continue to make these false statements to financially damage the retired players. I don't believe that that is legal. Now in your letter of 8/29/06 page 2, you (Yablonski) are spinning the tale that "This year the NFLPA negotiated for an additional \$250 million to be spent on improving retired player benefits as part of the 2006 extension of the CBA." The 25% benefit increase proposed will cost 25% of \$50.58 million the total benefit payout from 2005 which is \$12.6 million not \$250 million even

6 years times \$12.6 million is not \$250 million it is \$75.6 million.

You don't let the facts get in your way any more than your clients do. Is it legal for the Retirement Plan's lawyer to try to convince the beneficiaries that they are receiving 19.8 times as much in Plan benefits as the Union is actually proposing? Is it legal for the Plan lawyer to deceive the beneficiaries? Your numbers are as senseless as Upshaw's. I'll ask the Department of Labor's Inspector General and a few other folks if they agree with you or with me.