

EXHIBIT A

to the Declaration of Ryan Hilbert
in Support of Plaintiffs' Opposition to
Defendants' Motion for Summary Judgment

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Federal papers reveal shredding

By Charles Chandler

The NFL Players Association spent more than \$12,000 on document shredding last fiscal year, according to recent federal disclosures.

The NFLPA is required to make annual financial filings with the U.S. Department of Labor and on May 28 turned in its report for the period covering March 1, 2007 to Feb. 29, 2008. It showed that the players' union paid \$12,461 for document shredding to Office Shredders, an Elkridge, Md., company.

The NFLPA moved its Washington offices four-tenths of a mile, from 2021 L Street NW to 1133 20th Street NW, last year. According to industry experts, it is not unusual for a company to purge documents as part of a move.

The union is under intense scrutiny for its treatment of retired players, especially those with financial problems and physical disabilities.

The U.S. Senate and House held hearings last year about the plight of retired players amid their claims that the NFL's disability system is corrupt. Congressional oversight of the issue is ongoing.

The NFLPA and its for-profit subsidiary, Players Inc., also are the subject of a legal battle with a group of retired players. A lawsuit filed by Bernie Parrish, formerly of the Cleveland Browns, and others sought extensive document discovery from the union.

NFLPA executive Gene Upshaw reacted sharply to the Observer's e-mailed questions about the document shredding.

"Your knowingly malicious attempt to link the routine practice of protecting the confidentiality of financial and other proprietary business records (a practice that every prudent business follows) with ongoing litigation and Congressional oversight hearings is libelous," Upshaw wrote in an e-mail Friday afternoon.

About an hour after receiving his response, the Observer asked Upshaw via e-mail if the NFLPA kept a record of what documents were shredded and, if so, if the union would provide a copy of the record to the newspaper.

Upshaw did not respond to that e-mail, or to e-mail and voice mail messages left Saturday and Monday at his office.

The owner of Office Shredders, John Kane, declined to speak to the Observer and, through an office assistant, referred all questions to the NFLPA.

Office Shredders is a division of a company, also owned by Kane, that was paid \$59,897 by the NFLPA for relocation services last year, according to the federal filing.

Representatives from two document shredding companies, one in Charlotte and the other in Washington, told the Observer that pricing methods for paper destruction vary, but a commonly used rate for large jobs is 10 cents per pound.

At that rate, the amount paid by the NFLPA to Office Shredders would equal 124,610 pounds, more than 62 tons.

The Observer calculated how much that would be if all the paper were standard 8.5-by-11-inch copy paper and discovered the stack would have been 4.8 times the height of the Bank of America tower, Charlotte's tallest building at 875 feet.

David Wright, owner and general manager of Proshred in Charlotte, said most shredding companies have about two or three jobs a year the size of the one done for the NFLPA.

"In our experience, it tends to be a company that has no ongoing purging calendar for their record retention process," Wright said.

The union's annual reports for fiscal 2006 and 2007, filed after the Labor Department began requiring unions to make detailed accounting of receipts and disbursements, did not list any expenses for paper shredding.

Carolina Panthers NFLPA player representative Jason Kyle said he wasn't aware of the document shredding but said it didn't strike him as unusual.

"I don't know what we spent cleaning out the toilets, either," said Kyle, who was elected by teammates to serve as their primary representative to the players' union.

Rep. Linda Sanchez (D-Calif.) said the NFLPA surrendered most of the documents requested by the House subcommittee – which she chairs – that held an oversight hearing last summer regarding the NFL disability system.

"I'm not really in a position to say that I can really make anything of the amount of money they spent on shredding documents, or what documents they might have been shredding," Sanchez said. "I don't really have a sense as to why, or what they might have been trying to get rid of.

"All I can really say about the matter (of) the NFLPA (is) I have not really been impressed with their past lack of advocacy for retired players."

Parrish declined to comment on the document shredding and referred questions to his attorney, Ron Katz of Palo Alto, Calif.

Katz said he has received numerous discovery documents from the NFLPA in the Parrish case and that the union has resisted providing certain papers. For example, he said the union resisted providing documents related to Upshaw's income and that the judge in the case sided with the union.

"Obviously, you don't know what they haven't produced," Katz said. "We have no way of knowing. I can't say whether they have or haven't (provided all required documents in the case). They've told me they have, and we have no independent reason to believe they haven't.

"It strikes me that it would be normal to get rid of documents when you move. We have to go by the integrity of their lawyers, and I have no reason to question the integrity of their lawyers.

"They are officers of the court, just like me, and (document discovery) is done on the honor system."

Katz said the case is under a judge's protective order, requested by the NFLPA. As a result, he said, certain documents are for attorneys' eyes only and he cannot show them to Parrish or other retired players involved in the case.