

Dewey & LeBoeuf LLP
One Embarcadero Center, Suite 400
San Francisco, CA 94111

1 Todd Padnos (Bar No. 208202)
tpadnos@dl.com
2 DEWEY & LEOEUF LLP
One Embarcadero Center, Suite 400
3 San Francisco, CA 94111
Tel: (415)951-1100; Fax: (415)951-1180

4 Jeffrey L. Kessler (*pro hac vice*)
jkessler@dl.com
5 David G. Feher (*pro hac vice*)
dfeher@dl.com
6 David Greenspan (*pro hac vice*)
dgreenspan@dl.com
7 DEWEY & LEOEUF LLP
8 1301 Avenue of the Americas
New York, NY 10019
9 Tel: (212) 259-8000; Fax: (212) 259-6333

10 Attorneys for Defendants

11 Ronald S. Katz (Bar No. CA 085713)
rkatz@manatt.com
12 Ryan S. Hilbert (Bar No. CA 210549)
rhilbert@manatt.com
13 Noel S. Cohen (Bar No. CA 219645)
ncohen@manatt.com
14 MANATT, PHELPS & PHILLIPS, LLP
1001 Page Mill Road, Building 2
15 East Palo Alto, CA 94303-1006
Tel: (650) 812-1300; Fax: (650) 213-0260

16 Attorneys for Plaintiffs

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18 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
19 **SAN FRANCISCO DIVISION**

20 BERNARD PAUL PARRISH, HERBERT
ANTHONY ADDERLEY, WALTER
21 ROBERTS III,

22 Plaintiffs,

23 v.

24 NATIONAL FOOTBALL LEAGUE
PLAYERS ASSOCIATION and
25 NATIONAL FOOTBALL LEAGUE
PLAYERS INCORPORATED d/b/a/
26 PLAYERS INC,

27 Defendants.
28

Kenneth L. Steinthal (*pro hac vice*)
kenneth.steinthal@weil.com
claire.goldstein@weil.com
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Tel: (650) 802-3000; Fax: (650) 802-3100

Bruce S. Meyer (*pro hac vice*)
bruce.meyer@weil.com
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Tel: (212) 310-8000; Fax: (212) 310-8007

Lewis T. LeClair (Bar No. CA 077136)
lleclair@mckoolsmith.com
Jill Adler (Bar No. CA 150783)
jadler@sckoolsmith.com
MCKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
Tel: (214) 978-4984; Fax: (214) 978-4044

Case No. C 07 0943 WHA

**STIPULATION AND [PROPOSED]
ORDER TO WITHDRAW PLAINTIFFS'
MOTION TO STRIKE THE
DECLARATIONS OF LINDA
CASTILLON, ADAM SULLINS, JASON
BRENNER, CHRISTINE FINCH AND
STEVE BYRD**

1 Defendants National Football League Players Association (“NFLPA”) and
2 National Football League Players Incorporated d/b/a/ Players Inc (“Players Inc”) (collectively,
3 “Defendants”) and Plaintiffs Bernard Paul Parrish, Herbert Anthony Adderley, and Walter
4 Roberts III (collectively “Plaintiffs”) hereby file this Stipulation and [Proposed] Order to
5 withdraw Plaintiffs’ Motion to Strike the Declarations of Linda Castillon, Adam Sullins, Jason
6 Brenner, Christine Finch and Steve Byrd (“Motion to Strike”).

7 **JOINT STIPULATION**

8 WHEREAS, on July 1, 2008, Plaintiffs filed a Motion to Strike the Declarations
9 of Linda Castillon, Adam Sullins, Jason Brenner, Christine Finch and Steve Byrd (the
10 “Declarants”) and on July 17, 2008, Plaintiffs filed a Reply Brief in support of the Motion to
11 Strike;

12 WHEREAS, on July 10, 2008, Defendants filed an Opposition to Plaintiffs’
13 Motion to Strike;

14 WHEREAS, the dispute has been resolved on the following terms:

- 15 (i) Plaintiffs’ withdraw their Motion to Strike;
- 16 (ii) Plaintiffs will not object to the Declarants or any other witness that
17 Defendants have disclosed testifying at the trial in the matter currently scheduled
18 for September 22, 2008;
- 19 (iii) Plaintiffs may take one additional deposition of Steve Saxon;
- 20 (iv) Plaintiffs will identify by August 8, 2008, three class members who may be
21 called as witnesses at the trial in this matter currently scheduled for September 22,
22 2008, and who may be deposed by Defendants. Each of these depositions will
23 take place by the end of August. There will be no further depositions in this case,
24 including of any trial witnesses whom Defendants have previously disclosed but
25 whom have not been deposed by Plaintiffs;
- 26 (v) Plaintiffs will not object to the testimony of any witness whose name was
27 disclosed by Defendants prior to the close of fact discovery on the ground that
28 such disclosure was in any way inadequate; and,
- (vi) Plaintiffs may not call any retired players as witnesses at trial besides these
three newly identified retired players, Mr. Adderley and Mr. Parrish, who were
previously identified as a potential witness.

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES

HERETO, through their respective counsel, that:

- (i) Plaintiffs' withdraw their Motion to Strike;
- (ii) Plaintiffs will not object to the Declarants or any other witness that Defendants have disclosed testifying at the trial in the matter currently scheduled for September 22, 2008;
- (iii) Plaintiffs may take one additional deposition of Steve Saxon;
- (iv) Plaintiffs will identify by August 8, 2008, three class members who may be called as witnesses at the trial in this matter currently scheduled for September 22, 2008, and who may be deposed by Defendants. Each of these depositions will take place by the end of August. There will be no further depositions in this case, including of any trial witnesses whom Defendants have previously disclosed but whom have not been deposed by Plaintiffs;
- (v) Plaintiffs will not object to the testimony of any witness whose name was disclosed by Defendants prior to the close of fact discovery on the ground that such disclosure was in any way inadequate; and,
- (vi) Plaintiffs may not call any retired players as witnesses at trial besides these three newly identified retired players, Mr. Adderley and Mr. Parrish, who were previously identified as a potential witness.

Date: July 25, 2008

Dewey & LeBoeuf LLP

BY: /s/ Jeffrey L. Kessler

Jeffrey L. Kessler
Attorneys for Defendants

Date: July 25, 2008

McKool Smith, P.C.

BY: /s/ Lewis T. LeClair

Attorneys for Plaintiffs

Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Jeffrey L. Kessler hereby attests that concurrence in the filing of this document has been obtained.

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[PROPOSED] ORDER

Pursuant to the Stipulation above, it is hereby ORDERED that:

- (i) Plaintiffs' withdraw their Motion to Strike;
- (ii) Plaintiffs will not object to the Declarants or any other witness that Defendants have disclosed testifying at the trial in the matter currently scheduled for September 22, 2008;
- (iii) Plaintiffs may take one additional deposition of Steve Saxon;
- (iv) Plaintiffs will identify by August 8, 2008, three class members who may be called as witnesses at the trial in this matter currently scheduled for September 22, 2008, and who may be deposed by Defendants. Each of these depositions will take place by the end of August. There will be no further depositions in this case, including of any trial witnesses whom Defendants have previously disclosed but whom have not been deposed by Plaintiffs;
- (v) Plaintiffs will not object to the testimony of any witness whose name was disclosed by Defendants prior to the close of fact discovery on the ground that such disclosure was in any way inadequate; and,
- (vi) Plaintiffs may not call any retired players as witnesses at trial besides these three newly identified retired players, Mr. Adderley and Mr. Parrish, who were previously identified as a potential witness.

IT IS SO ORDERED.

Dated: _____

HONORABLE WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE