

1 MANATT, PHELPS & PHILLIPS, LLP
 2 RONALD S. KATZ (Bar No. CA 085713)
 3 E-mail: rkatz@manatt.com
 4 RYAN S. HILBERT (California Bar No. 210549)
 5 E-mail: rhilbert@manatt.com
 6 NOEL S. COHEN (California Bar No. 219645)
 7 E-mail: ncohen@manatt.com
 8 1001 Page Mill Road, Building 2
 9 Palo Alto, CA 94304-1006
 10 Telephone: (650) 812-1300
 11 Facsimile: (650) 213-0260

12 McKOOL SMITH, P.C.
 13 LEWIS T. LECLAIR (Bar No. CA 077136)
 14 E-mail: lleclair@mckoolsmith.com
 15 JILL ADLER (Bar No. CA 150783)
 16 E-mail: jadler@mckoolsmith.com
 17 300 Crescent Court, Suite 1500
 18 Dallas, TX 75201
 19 Telephone: (214) 978-4000
 20 Facsimile: (214) 978-4044

21 Attorneys for Plaintiffs

22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA
 24 SAN FRANCISCO DIVISION

25 CIVIL ACTION NO. C07 0943 WHA

26 BERNARD PAUL PARRISH, HERBERT
 27 ANTHONY ADDERLEY, and WALTER
 28 ROBERTS, III on behalf of themselves and
 all others similarly situated,

**PLAINTIFFS' MISCELLANEOUS
 ADMINISTRATIVE REQUEST FOR
 LEAVE TO FILE A SUPPLEMENTAL
 DECLARATION IN SUPPORT OF THEIR
 JULY 30, 2008 LETTER BRIEF**

Plaintiffs

vs.

NATIONAL FOOTBALL LEAGUE
 PLAYERS ASSOCIATION, a Virginia
 corporation, and NATIONAL FOOTBALL
 LEAGUE PLAYERS INCORPORATED
 d/b/a PLAYERS INC, a Virginia
 corporation,

Defendants.

1 TO DEFENDANTS NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION
2 AND NATIONAL FOOTBALL LEAGUE PLAYERS INCORPORATED d/b/a PLAYERS INC
3 AND THEIR ATTORNEYS OF RECORD:

4 PLEASE TAKE NOTICE THAT pursuant to Local Civil Rules 7-3(d) and 7-11, Plaintiffs
5 Bernard Paul Parrish, Herbert Anthony Adderley and Walter Roberts III (“Plaintiffs”) hereby
6 move for leave from the Court to file a proposed, three-page supplemental declaration (Exhibit A
7 hereto), to correct material misstatements and omissions regarding a purported agreement barring
8 use of pre-statute of limitations documents in Defendants’ August 1, 2008 Response to Plaintiffs’
9 July 30, 2008 Letter Brief (“Defendants’ Response”).

10 Good cause exists here for two reasons. First, as Plaintiffs’ counsel, Mr. Katz, stated at
11 the July 24 hearing, the parties did not agree to any stipulation precluding the parties from relying
12 on pre-statute of limitations documents such as the 2001 LaShun Lawson letter. While Mr.
13 Kessler cites a May 20, 2008 email from Plaintiffs’ counsel Ryan Hilbert suggesting that such an
14 agreement was reached, Mr. Kessler failed to advise the Court that on May 22, 2008, Defendants’
15 counsel David Greenspan telephoned Mr. Hilbert to notify him of additional issues that needed to
16 be addressed before an agreement could be reached. The proposed declaration supplies the Court
17 with this additional communication.

18 Second, Defendants made their misstatements and omissions knowing that Plaintiffs have
19 no automatic right to reply to Defendants’ Response. Plaintiffs should be allowed to form a
20 complete and accurate record for the Court.

21 Third, Plaintiffs will be prejudiced if they are not allowed to rebut Mr. Kessler’s material
22 misstatement and remedy his material omission.

23 Due to the timing of this filing as well as the nature of the motion (to correct a material
24 misstatement and omission), Plaintiffs did not seek a stipulation from Defendants to file the
25 proposed supplemental declaration, but rather provided Defendants notice that the instant motion
26 is being filed.

27 For the foregoing reasons, Plaintiffs respectfully request that this Court grant it leave to
28 file the attached Supplemental Declaration.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: August 1, 2008

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Ryan S. Hilbert
Ronald S. Katz (SBN 085713)
Ryan S. Hilbert (SBN 210549)
Noel S. Cohen (SBN 219645)
MANATT, PHELPS & PHILLIPS, LLP
1001 Page Mill Road, Building 2
Palo Alto, CA 94304-1006
Telephone: (650) 812-1300
Facsimile: (650) 213-0260
Attorneys for Plaintiffs

Lewis T. LeClair, Esq.
Jill Adler, Esq.
McKOOL SMITH, P.C.
300 Crescent Court
Suite 1500
Dallas, TX 75201
214-978-4984
214-978-4044 (fax)