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19 *Attorneys for Plaintiffs*

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT
 22 SAN FRANCISCO DIVISION

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

27 Plaintiffs,

28 v.

29 NATIONAL FOOTBALL LEAGUE
 30 PLAYERS ASSOCIATION, a Virginia
 31 corporation, and NATIONAL FOOTBALL
 32 LEAGUE PLAYERS INCORPORATED d/b/a
 33 PLAYERS INC, a Virginia corporation,

34 Defendants.

CIVIL ACTION NO. C07 0943 WHA

**NOTICE OF PLAINTIFF’S MOTION TO
 DISMISS PARRISH’S INDIVIDUAL
 CLAIM WITHOUT PREJUDICE FOR
 LACK OF JURISDICTION**

Date: September 18, 2008
 Time: 8:00 a.m.
 Place: Courtroom 9, 19th Floor
 Judge: Hon. William H. Alsup

35 TO DEFENDANTS NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION
 36 (“NFLPA”) AND NATIONAL FOOTBALL LEAGUE PLAYERS INCORPORATED d/b/a
 37 PLAYERS INC (“PLAYERS INC”) (collectively, “Defendants”) AND THEIR ATTORNEYS
 38 OF RECORD:

1 PLEASE TAKE NOTICE that on Thursday, September 18, 2008 at 8:00 a.m., or as soon
2 thereafter as the matter may be heard in the above-referenced Court, Plaintiff Bernard Parrish will
3 move the Court to dismiss without prejudice Parrish's claim for breach of fiduciary duty against
4 Defendants on the ground that the Court lacks jurisdiction.

5 Parrish requests that (1) Parrish's individual claim for breach of fiduciary duty now be
6 dismissed without prejudice, (2) the right to appeal this Court's final judgment with respect to the
7 denial of class certification for Parrish's breach of fiduciary duty claim brought on behalf of
8 himself and others similarly situated (the "Retired NFLPA Member Class") be expressly
9 preserved, and (3) in the event of a successful appeal of the Court's final judgment with respect to
10 the denial of class certification for Parrish's breach of fiduciary duty claim, that such claim be
11 allowed to move forward before this Court.

12 This Motion is based on the accompanying Plaintiffs' Motion to Dismiss Parrish's
13 Individual Claim for Lack of Jurisdiction, the pleadings in this matter, and on such further
14 evidence and argument as may be presented at the hearing on this motion.

15 Dated: August 13, 2008

MANATT, PHELPS & PHILLIPS, LLP

16 By: /s/ Ryan S. Hilbert

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