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

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

23 Plaintiffs,

24 v.

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

27 Defendants.
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Case No. C 07 0943 WHA

**DEFENDANTS' MOTION TO
SHORTEN TIME ON THEIR
MOTION TO DECERTIFY THE GLA
CLASS**

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TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that at such date and time as the Court may order, Defendants National Football League Players Association (“NFLPA”) and National Football League Players Incorporated d/b/a Players Inc (“Players Inc”) (collectively, “Defendants”), will and hereby do move, pursuant to Civil Local Rule 6-3, for an order shortening the time to hear Defendants’ Motion to Decertify the GLA Class (“Decertification Motion”) and that the hearing on the Decertification Motion be held on Monday, September 8, 2008 at 2:00 p.m., which is the date and time of the pre-trial conference in this matter, with Plaintiffs’ Opposition to be filed and served by no later than August 27, 2008, and Defendants’ Reply to be filed and served by no later than September 3, 2008.

This Motion is based on the accompanying Memorandum of Points and Authorities, the accompanying declarations, the pleadings in this matter, and on such further evidence and argument as may be presented at the hearing on this Motion.

Date: August 15, 2008

DEWEY & LEBOEUF LLP

BY: /s/Jeffrey L. Kessler

Jeffrey L. Kessler

Attorneys for Defendants

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to Civil Local Rule 6-3, Defendants National Football League Players Association (“NFLPA”) and National Football League Players Incorporated (“Players Inc”) (collectively, “Defendants”) hereby submit this Motion to Shorten Time on Their Motion to Decertify the GLA Class. Defendants respectfully request that the Court grant Defendants’ Motion and issue an order providing that Defendants’ Motion to Decertify the GLA Class (“Decertification Motion”) be heard on Monday, September 8, 2008 at 2:00 p.m., which is the date and time of the pre-trial conference in this matter, with Plaintiffs’ Opposition to be filed and served by no later than August 27, 2008, and Defendants’ Reply to be filed and served by no later than September 3, 2008.

This Motion concerns the GLA Class certified in this Court’s Order Granting in Part and Denying in Part Plaintiffs’ Motion for Class Certification of April 29, 2008. On August 6, 2008, the Court issued its Order Denying Defendants’ Motion for Summary Judgment (“Summary Judgment Order”). In the Summary Judgment Order, the Court ruled that GLA Class members have available to them a possible legal claim challenging the use in retired player group licensing of ad hoc agreements, rather than GLAs, to the alleged detriment of the GLA Class members who did not participate in ad hoc deals.

As detailed in Defendants’ Decertification Motion, which is also being filed today, the Court’s recognition of this legal claim raises a number of issues that require the decertification of the GLA Class. One such issue is the irreconcilable conflicts of interest that the GLA Class’s sole class representative – Mr. Adderley – and class counsel have with the interests of the majority of GLA Class members in determining whether and how to litigate this legal claim. Another issue requiring decertification arises from the fact that Mr. Adderley has no claim for any ad hoc group licensing revenues, and thus his claims can no longer be found typical of all GLA Class members’ claims.

Under the applicable Local Rules and the Standing Order in this case, the earliest date that the Decertification Motion could be heard without leave of court is September 25, 2008,

1 which would be during the trial in this case. Defendants submit that the parties and the Court
2 would be substantially prejudiced by this result, since it makes no sense to proceed with the trial
3 if the GLA Class is going to be decertified. There is thus ample reason to shorten the time on the
4 Decertification Motion so that it can be heard by the Court on September 8 at 2:00 p.m., which is
5 the date and time of the pre-trial conference, with Plaintiffs' Opposition to be filed and served by
6 no later than August 27, 2008, and Defendants' Reply to be filed and served by no later than
7 September 3, 2008.

8 First, Defendants' Decertification Motion must be resolved prior to the
9 commencement of trial to avoid the waste of the jury's time and judicial resources (as well as the
10 parties' time and resources) that would occur if the GLA Class was subsequently decertified.

11 Second, the Decertification Motion should be heard prior to trial to prevent the
12 substantial prejudice to Defendants that would result if they prevail at trial only to have absent
13 GLA Class members then seek to have the class decertified due to the newly-raised conflicts of
14 interest and inadequacy of Mr. Adderley's conflicted representation.

15 Third, Defendants could not have submitted their Decertification Motion at an
16 earlier time, as the event prompting the Decertification Motion – the Court's recognition of a
17 new legal claim for the class – arose from the Court's Summary Judgment Order issued only
18 nine days ago, and Defendants acted with full diligence in researching the issue and analyzing its
19 significance and implications for Defendants and the GLA Class.

20 Defendants respectfully request that given the importance and potentially
21 dispositive effect of the Decertification Motion, the Court hold the hearing on the Decertification
22 Motion at the same date and time at which the pre-trial conference in this case is to be held.

23 As further described in the Declaration of Roy Taub in Support of Defendants'
24 Motion to Shorten Time, Defendants unsuccessfully sought to obtain a stipulation to the
25 requested time change. Pursuant to Civil Local Rule 6-3(a), Defendants note that the only time
26 modification in this case so far was pursuant to the Court's Order Re-Setting Deadlines, dated
27 December 7, 2007, which was the result of the parties' agreement and had the effect of extending
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1 discovery and postponing the class certification and summary judgment motion deadlines in this
2 case, but left the current dates of the pre-trial conference and the trial intact. The requested time
3 modification is limited to the briefing and hearing of the Decertification Motion, and would have
4 no effect on the schedule for the case.

5 **CONCLUSION**

6 For all of the foregoing reasons, Defendants respectfully request that the Court
7 grant Defendants' Motion to Shorten Time and issue an order providing that Defendants'
8 Decertification Motion be heard on Monday, September 8, 2008 at 2:00 p.m., which is the date
9 and time of the pre-trial conference in this matter, with Plaintiffs' Opposition to be filed and
10 served by no later than August 27, 2008, and Defendants' Reply to be filed and served by no
11 later than September 3, 2008.

12 Date: August 15, 2008

DEWEY & LEBOEUF LLP

13 BY: /s/ Jeffrey L. Kessler

14 Jeffrey L. Kessler

15 *Attorneys for Defendants*