

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

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

Kenneth L. Steinthal (*pro hac vice*)
kenneth.steinthal@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

Attorneys for Defendants National Football League Players Association
and National Football League Players Incorporated d/b/a Players Inc

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

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

Plaintiffs,

v.

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

Defendants.

Case No. C 07 0943 WHA

**DECLARATION OF ROY TAUB IN
SUPPORT OF DEFENDANTS'
MOTION TO SHORTEN TIME ON
THEIR MOTION TO DECERTIFY
THE GLA CLASS**

DECLARATION OF ROY TAUB

I, Roy Taub, hereby declare as follows:

1. I am an attorney with Dewey & LeBoeuf LLP, attorneys for Defendants National Football League Players Association (“NFLPA”) and National Football League Players Incorporated d/b/a Players Inc (“Players Inc”) in this action. I am a member of the bar of the State of New York and am admitted to practice before this Court *pro hac vice*. I make this Declaration in support of Defendants’ Motion to Shorten Time on Their Motion to Decertify the GLA Class. I have personal knowledge of each of the facts stated herein, and if called to testify, could and would testify completely hereto.

2. 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.

3. As set forth in Defendants’ Motion to Shorten Time and in Defendants’ concurrently-filed Motion to Decertify the GLA Class (“Decertification Motion”), the Court’s recognition of this legal claim raises a number of issues that require the decertification of the GLA Class.

4. 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, which would be during the trial in this case. Defendants submit that, as set forth in further detail in the Motion to Shorten Time, the parties and the Court would be substantially prejudiced by proceeding with the trial if the GLA Class is going to be decertified. There is thus ample reason to shorten the time on the Decertification Motion so that it can be heard by the Court on September 8 at 2:00 p.m., which is the date and time of the pre-trial conference in this case, 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.

7. Defendants could not have submitted their Decertification Motion at an

1 earlier time, as the event prompting the Decertification Motion – the Court’s recognition of a
2 new legal claim for the class – arose from the Court’s Summary Judgment Order issued only
3 nine days ago, and Defendants acted with full diligence in researching the issue and analyzing its
4 significance and implications for Defendants and the GLA Class.

5 8. I spoke with Laura M. Franco, counsel for Plaintiffs, by telephone on
6 August 15, 2008 to obtain a stipulation to the briefing schedule and hearing date and time
7 requested by Defendants in this Motion. After conferring with her colleagues, Ms. Franco
8 informed me later during the day that Plaintiffs would not agree to enter into any such
9 stipulation.

10 9. The only time modification in this case so far was pursuant to the Court’s
11 Order Re-Setting Deadlines, dated December 7, 2007, which was the result of the parties’
12 agreement and had the effect of extending discovery and postponing the class certification and
13 summary judgment motion deadlines in this case, but left the current dates of the pre-trial
14 conference and the trial intact.

15 10. The requested time modification is limited to the briefing and hearing of
16 the Decertification Motion, and would have no effect on the schedule for the case.

17 I declare under penalty of perjury under the laws of the United States of America
18 that the foregoing is true and correct.

19
20 Dated: August 15, 2008

21 _____
22 /s/
23 Roy Taub
24
25
26
27
28