

Exhibit QQQ

**to the Declaration of Ryan Hilbert in Support of
Plaintiffs' Opposition to Defendants' Motion for
Summary Judgment**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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

Plaintiffs,

vs.

CASE NO. C07 0943 WHA

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

Defendants.

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VIDEOTAPED DEPOSITION OF JOEL LINZNER

SAN FRANCISCO, CALIFORNIA

FRIDAY, FEBRUARY 8, 2008

Reported by Quyen N. Do, RPR, CSR No. 12447

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1 10:40:13 A I don't believe I've ever even thought  
2 10:40:15 about it.

3 10:40:16 MR. FEHER: Same objections.

4 10:40:17 BY MR. KATZ:

5 10:40:18 Q Okay, fine. Let me -- as I say, I  
6 10:40:22 represent to you that is the NFLPA retired players  
7 10:40:29 directory. Let me direct your attention to page 7  
8 10:40:36 of this document, which is headed "NFLPA Retired  
9 10:40:39 Players Licensing Programs," and it reads as  
10 10:40:40 follows:

11 10:40:44 "PLAYERS INC, the for-profit licensing  
12 10:40:47 company of the NFL Players Association, is  
13 10:40:51 constantly working to develop retired  
14 10:40:54 players programs. The NFLPA Retired  
15 10:40:56 Players Department has obtained Group  
16 10:41:00 Licensing Assignment agreements (GLAs)  
17 10:41:03 from more than 2,900 retired NFL players,  
18 10:41:06 and is in the process of building up our  
19 10:41:09 list so that PLAYERS INC can provide more  
20 10:41:11 opportunities to retirees."

21 10:41:16 Were you aware that the NFLPA obtained  
22 10:41:19 GLAs from retired players?

23 10:41:22 A Again, I think I told you before that I  
24 10:41:26 understood that PLAYERS INC was representing some  
25 retired players, and they had gotten an

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1 10:41:32 authorization, whether it was through a GLA or some  
2 10:41:35 other form of agreement, to represent those retired  
3 10:41:37 players for purposes of merchandising licensing.

4 10:41:39 Q Okay. My question is more specific. Did  
5 10:41:42 you have knowledge, at any time during this period  
6 10:41:48 from 1999 to the present, that the Players  
7 10:41:53 Association was obtaining documents called GLAs from  
8 10:41:54 the retired players?

9 10:41:56 A I -- I think I just answered that. I said  
10 10:42:00 I didn't know whether it was a GLA or some other  
11 10:42:01 form of agreement --

12 10:42:01 Q Right.

13 10:42:04 A -- by which they could represent their  
14 10:42:05 interest for merchandising licensing.

15 10:42:07 Q Right. I don't mean to quibble with you.  
16 10:42:10 I just want to know, did you know it was a GLA?  
17 10:42:12 And -- and I think what you're saying is, you're not  
18 10:42:12 sure that it was --

19 10:42:14 A I -- I said it's -- it's either a -- a  
20 10:42:18 form of GLA -- see, the difference with a GLA, as I  
21 10:42:20 understood it, is, a GLA is group licensing  
22 10:42:22 agreement. Our license with PLAYERS INC is a group  
23 10:42:26 license. So I don't have the right to just use  
24 10:42:28 Randy Moss would be -- we can use Randy Moss as part  
25 of a large group of players, and I always understood

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1 10:49:50 MR. KATZ: All right. Can you read it  
2 10:49:50 back, please.  
3 10:50:03 (Record read as follows:  
4 10:50:03 "QUESTION: What do you recall that  
5 10:50:03 representatives from PI said with  
6 10:50:03 respect to whether PI represented  
7 10:50:04 retired players?")  
8 10:50:05 THE WITNESS: Well, we --  
9 10:50:08 MR. FEHER: Objection to form.  
10 10:50:13 THE WITNESS: They -- they said that they  
11 10:50:17 could secure the right for us to use retired players  
12 10:50:19 in our Madden NFL game.  
13 10:50:19 BY MR. KATZ:  
14 10:50:22 Q Okay. And did they do that through an  
15 10:50:24 agreement that you signed with retired player, or  
16 10:50:28 did they do that through an agreement that you  
17 10:50:29 signed with PI?  
18 10:50:30 MR. FEHER: Objection to form.  
19 10:50:33 THE WITNESS: In that time, it was my  
20 10:50:36 understanding they went out and secured the  
21 10:50:42 agreement of players to allow us to use their  
22 10:50:45 identity rights in our game in return for a certain  
23 10:50:49 amount of money, and the agreement was -- I signed  
24 10:50:51 an agreement with PLAYERS INC.  
25 BY MR. KATZ:

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1 10:50:54 Q Okay. So you signed an agreement with  
2 10:50:56 PLAYERS INC, for a certain number of retired  
3 10:50:57 players, the right to use --

4 10:50:58 A Yes. We had given them a list of the  
5 10:51:02 people we were interested in. They could get some  
6 10:51:04 of those retired players. Some of them they  
7 10:51:06 couldn't get. And there was an agreement about an  
8 10:51:11 amount of money that we would pay incremental to our  
9 10:51:14 license fees that we were paying for the active NFL  
10 10:51:16 players, at that point in time, to secure the rights  
11 10:51:19 of the retired NFL players.

12 10:51:21 Q Okay. So do you recall what year this  
13 10:51:21 was?

14 10:51:24 A This would have been about 2000. It was  
15 10:51:26 shortly after I joined EA.

16 10:51:28 Q Okay. And did you have any knowledge, at  
17 10:51:34 the -- at the time, what sort of agreement PI had  
18 10:51:36 signed with the players, if any --

19 10:51:36 A No.

20 10:51:37 Q -- in order --

21 10:51:40 All you knew is that you signed with -- an  
22 10:51:42 agreement with PI; is that correct?

23 10:51:44 A We signed an agreement with PLAYERS INC,  
24 10:51:44 yes.

25 Q Yes. And -- and that agreement said that

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1 10:51:49 they represented a certain number of retired  
2 10:51:49 players?

3 10:51:50 MR. FEHER: Objection to form.

4 10:51:52 THE WITNESS: It wasn't a number. They  
5 10:51:53 were identified players.

6 10:51:53 BY MR. KATZ:

7 10:51:54 Q Identified players. And do you recall how  
8 10:51:55 many there were?

9 10:51:59 A I would say in the neighborhood of 150 or  
10 10:51:59 so.

11 10:52:01 Q Okay. And you don't know whether the  
12 10:52:06 basis of their statement was that they signed a GLA  
13 10:52:07 or not?

14 10:52:07 MR. FEHER: Objection to form.

15 10:52:10 THE WITNESS: "They" being the retired  
16 10:52:10 players?

17 10:52:10 BY MR. KATZ:

18 10:52:10 Q Well, "they" is probably the wrong  
19 10:52:10 pronoun.

20 10:52:14 You -- you don't know whether the basis of  
21 10:52:19 PI's representation to you that they represented  
22 10:52:21 these players was based on the fact that the players  
23 10:52:23 had signed GLAs?

24 10:52:24 MR. FEHER: Objection to form.

25 THE WITNESS: I didn't know. You know,

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1 10:52:27 there was -- there was another outfit that was  
2 10:52:31 representing the rights of retired players, as well,  
3 10:52:34 and I didn't -- you know, the form of agreement  
4 10:52:37 whereby the retired players had conveyed rights to  
5 10:52:39 a -- essentially, an agent to represent their  
6 10:52:41 interest, I did not know what it was.

7 10:52:41 BY MR. KATZ:

8 10:52:44 Q Okay. So, there's two kinds of agreements  
9 10:52:46 that you've had with retired players. One you  
10 10:52:48 signed directly with retired players; is that  
11 10:52:48 correct?

12 10:52:49 A Yes.

13 10:52:51 Q And one you signed with the PLAYERS INC?

14 10:52:54 A And, actually, there's a third, which was,  
15 10:52:56 we -- we also had an agreement that we signed  
16 10:52:59 directly with the Hall of fame, NFL Hall of Fame.

17 10:53:03 Q Okay. And you say there was another  
18 10:53:05 organization out there representing retired players;  
19 10:53:06 is that correct?

20 10:53:06 A Yes.

21 10:53:08 Q And which -- which organization was that?

22 10:53:14 A It was an acronym, so I may mess it up.  
23 10:53:19 It was something like ISM. I don't -- I don't know  
24 10:53:19 what that acronym stands for.

25 Q So you don't even know the nature of the

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1 10:53:22 organization?

2 10:53:29 A I think they were affiliated with a  
3 10:53:39 organization in Florida. And I don't -- it was --  
4 10:53:46 it -- it was somehow -- Jesus. I don't remember.  
5 10:53:50 It was, like, NFL alumni or something like that.

6 10:53:53 Q Okay. And just to keep the questioning  
7 10:53:58 sort of comprehensible, so we have GLAs. We --  
8 10:54:01 we -- we've -- we've defined GLAs between ourselves.

9 10:54:02 A Well, I'm not sure we --

10 10:54:03 MR. FEHER: Objection to form.

11 10:54:03 THE WITNESS: I --

12 10:54:05 MR. KATZ: All right. Well, let's do  
13 10:54:05 that.

14 10:54:05 THE WITNESS: Yeah.

15 10:54:05 BY MR. KATZ:

16 10:54:08 Q All right. So, when you say GLA, what do  
17 10:54:08 you mean? Well, I'll let you do it.

18 10:54:10 A A general -- you know, again, it's an  
19 10:54:13 acronym, and I -- when I saw your directory, it had  
20 10:54:16 a definition of that acronym that was different than  
21 10:54:20 what I'd understood. Just a general licensing  
22 10:54:20 agreement.

23 10:54:24 Q Okay. General licensing agreement is GLA.

24 10:54:24 A Excuse me.

25 Q All right. And have you ever --

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1 10:54:27 A I lost my microphone.

2 10:54:30 Q Have you ever heard it referred to as a

3 10:54:32 general licensing authorization?

4 10:54:34 A Again, that would fit for the same

5 10:54:35 acronym.

6 10:54:35 Q Have you ever heard it referred to as a

7 10:54:39 general licensing assignment?

8 10:54:39 A No.

9 10:54:43 Q Okay. This document actually says group

10 10:54:47 licensing -- actually, I've been saying general. I

11 10:54:48 should have been saying group.

12 10:54:49 A That's the acronym, right?

13 10:54:49 Q Right. Well, that's why I want to get --

14 10:54:54 I just want to get a way of referring to GLA that's

15 10:54:56 agreed for the record so just so we can understand

16 10:55:01 it, and I'm glad to let you choose that. On page 7

17 10:55:05 of this directory, it says "Group Licensing

18 10:55:08 Assignment." Those are the acronym numbers, and

19 10:55:11 then after that it has the word agreements. So I

20 10:55:15 suppose they could say GLAA, but the -- so that's

21 10:55:16 group licensing assignment. Is that your

22 10:55:18 understanding of the term? How -- how have you been

23 10:55:19 using it? Let's just --

24 10:55:22 A I just told you. General licensing

25 agreement.

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1 10:55:22 Q Okay. General licensing agreement.

2 10:55:22 A Right.

3 10:55:26 Q So, when we say GLAs, we're going to mean

4 10:55:28 general licensing agreement. Do you -- now, when I

5 10:55:31 refer to something else like a general licensing

6 10:55:33 assignment or a general licensing authorization, do

7 10:55:36 you want me to just not use the word G -- not use

8 10:55:39 the acronym, then? You want to separate those out,

9 10:55:39 or do you want to include --

10 10:55:42 A That would be fine. Separate them out.

11 10:55:44 Q All right, fine.

12 10:55:46 So, have you ever heard of a general group

13 10:55:51 licensing assignment?

14 10:55:54 A I -- I -- I don't know how to answer that.

15 10:55:58 Have -- have I ever heard of -- I -- I told you what

16 10:56:01 I thought GLA stood for.

17 10:56:02 Q Right. You -- you said --

18 10:56:02 A That's what I thought it stood for.

19 10:56:04 Q -- group licensing agreement.

20 10:56:07 A Yes. No. General licensing agreement.

21 10:56:09 Q Oh, you didn't think it was group?

22 10:56:12 A I said what I thought the acronym GLA

23 10:56:14 stood for was general licensing agreement.

24 10:56:17 Q All right. Fine.

25 A Now, that may not be what --

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DECLARATION UNDER PENALTY OF PERJURY

I, Joel Linzner, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on February 8, 2008; that I have made such corrections as appear noted herein in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_\_, California.

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 JOEL LINZNER

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