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August 25, 2008

The Honorable William Alsup
United States District Court,
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

**Re: *Parrish v. National Football League Players Association, et al.*
Case No. C07-0943 WHA**

Dear Judge Alsup,

I am writing on behalf of Defendants NFLPA and Players Inc.

As Your Honor already knows, Gene Upshaw, the long-time Executive Director of the NFLPA and the Chairman of Players Inc passed away on August 20, 2008. In light of this completely unexpected tragedy, Defendants request a 45-day postponement of the September 22, 2008 trial date in the above-captioned case.

Mr. Upshaw's passing has put an enormous emotional strain on both current and former employees of the NFLPA and Players Inc, many of whom had been supporting Defendants' pre-trial efforts, and some of whom are expected to be called as witnesses at the trial. Moreover, the NFLPA and Players Inc are now in a period of dramatic transition, and need to prioritize their efforts and focus on maintaining the continuity of their respective union and licensing operations during this difficult time.

For example, the General Counsel of the NFLPA, Richard Berthelsen, who has been integral to Defendants' case management and trial preparation, has now assumed the additional duties of Interim Executive Director. Defendants will likely call Mr. Berthelsen as a witness at trial, and in addition, Mr. Berthelsen plans on attending trial on as close to a daily basis as his new responsibilities will permit. Mr. Berthelsen, however, must now focus his time and attention on this transitional period for the union, including traveling to meet with union members (NFL players) who are located around the country, and putting in place and engaging in a process for identifying a permanent successor as NFLPA Executive Director.

Another illustration of the disruption to Defendants' ability to properly prepare for trial is our current inability to proceed with witness interviews that are necessary to finalize our pretrial witness lists, or to begin the process of preparing these individuals for their trial testimony. Most

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of the individuals supporting this work (including the potential witnesses themselves), are long-time colleagues of Mr. Upshaw's, and many of them are Mr. Upshaw's long-time friends. We are seeking a continuance of the trial, in part, so that these individuals may be afforded a period of time to grieve without prejudicing Defendants' trial preparations.

We have discussed this situation with class counsel, who have stated that they will not oppose a continuance of 30 to 40 days to allow a period of mourning and transition. Plaintiffs' non-opposition, however, is contingent upon the Court's ability to reschedule the trial for late October. Defendants' position, on the other hand, is that, given Mr. Upshaw's unexpected passing, it not practically possible for Defendants to prepare for, and proceed with, a trial in less than 45 days from September 22nd. Accordingly, Defendants request that the Court adjourn the trial for 45 days and then reschedule the trial for the Court's earliest availability after that period of time.

Both parties further request that, if the Court adjourns the trial, that the Court also reset the date for the Final Pretrial Conference and that all pretrial deadlines flow from that date. With respect to the two pending motions – Plaintiffs' Motion to Dismiss Plaintiff Parrish's Individual Claims and Defendants' Motion to Decertify the GLA Class – Defendants request that both motions be heard on September 18th, the date that Plaintiffs noticed for their motion. The parties' briefing deadlines on both motions would then flow from that September 18th hearing date.

We appreciate Your Honor's consideration of this difficult time for the NFLPA and Players Inc, and though unexpected and unavoidable, apologize for any consequent disruption of the Court's schedule.

Respectfully submitted,

/s/ Jeffrey L. Kessler
Jeffrey L. Kessler
Counsel for Defendants

cc: Ronald S. Katz, Esq.
Lewis LeClair, Esq.