

# **EXHIBIT 26**

**Case No. C 07 0943 WHA**

**Parrish v. National Football League Players Association, et al.**

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

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

Case No. C 07 0943 WHA

Plaintiffs,

v.

**FILED UNDER SEAL**

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

Defendants.

**DECLARATION OF WARREN FRISS**

I, Warren Friss, declare as follows:

1. I am Vice President and Entertainment General Manager of Topps Company, Inc. ("Topps") and have held that position since February 2005. From June 1991 to February 2005, I held the position of Vice President and Internet Business General Manager and from February 2000 to June 2001, I held the position of General Counsel. I joined Topps as Deputy General Counsel in May 1995. I am over twenty-one years of age, and I have personal knowledge of each of the facts stated herein. If called upon to testify, I could and would testify completely thereto.

**2004 License Agreement**

2. Attached hereto as Exhibit A is a true and accurate copy of a License Agreement between Topps and the NFLPA with an effective date of March 1, 2004 ("2004 License Agreement"). It was Topps' understanding that it did not by virtue of the 2004 License Agreement obtain the rights of any retired players. As to retired players, the player would have to individually designate his participation in a specific Topps program involving retired players for Topps to have his licensing rights.

