

EXHIBIT 34

Case No. C 07 0943 WHA

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
(SAN FRANCISCO DIVISION)

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

Plaintiffs,

vs.

CIVIL ACTION 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.

30(b)(6) Videotaped Deposition of
GLENN M. EYRICH

Tuesday, February 12, 2008,
9:30 a.m.

Mannatt, Phelps & Phillips, LLP,
One Metro Center, 700 12th Street N.W.
Washington, D.C.

Linda Ann Crockett, a Notary Public.

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Reported by:

Linda A. Crockett

APPEARANCES:

RONALD S. KATZ, ESQUIRE
NOEL S. COHEN, ESQUIRE
Mannatt, Phelps & Phillips, LLP
One Metro Center
700 12th Street, N.W.
Suite 1100
Washington, D.C. 20005
(650) 812-1346
On behalf of the Plaintiffs

DAVID FEHER, ESQUIRE
ROY TAUB, ESQUIRE
Dewey & LeBoeuf, LLP
1301 Avenue of the Americas
New York, New York 10019-6092
(212) 259-7164
On behalf of the Defendants

ALSO PRESENT:

Philip Rowley
G. Marks, Videographer

30(b)(6) Deposition of GLENN
EYRICH, taken with simultaneous videotape
recording on Tuesday, February 12, 2008,
beginning at 9:30 a.m., at Mannatt, Phelps &
Phillips, LLP, One Metro Center, 700 12th
Street, N.W., Washington, D.C., before Linda
Ann Crockett, a Notary Public.

P A U L S O N



1 A. I had a few questions relating to
2 the calculation of the equal share pool that I
3 asked Ms. Douglas about.

4 Q. And why did you speak with
5 Mr. Nora?

6 MR. FEHER: Mr. Nora is inside
7 counsel. To the extent that it involves
8 communications with attorneys about privileged
9 matters, I would instruct you not to answer to
10 that extent. If there's anything left after
11 that instruction you can testify to, but you
12 have to comply with that instruction since
13 Mr. Nora is an attorney of the NFLPA.

14 A. There was no additional
15 conversations with Joe.

16 Q. You have referred so far in your
17 testimony to something called an equal share
18 pool; is that correct?

19 A. Correct.

20 Q. Can you tell me what is that,
21 please?

22 A. The equal share pool is referred
23 to as the active player licensing pool that is
24 allocated between Players, Inc., the NFLPA,
25 and active players.

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1 A. Yes.

2 Q. So the PI receives 60 percent of
3 that from let's say Topps and the NFLPA
4 receives 40 percent; is that correct?

5 MR. FEHER: Objection.

6 A. No.

7 Q. Can you tell me how that works?

8 A. Sure the gross licensing equal
9 share pool has three components to it of
10 allocation. The first is the NFLPA receiving
11 40 percent of the active player gross
12 licensing share. The players, the eligible
13 players receiving 37 percent of the gross
14 licensing share, and Players, Inc. for
15 operations receives approximately 23 percent
16 of the gross licensing equal share pool.

17 Q. When you say the players, do you
18 mean the active players or the retired players
19 or both?

20 A. The active players.

21 Q. How do retired players receive
22 money?

23 MR. FEHER: Objection to form.

24 A. It's my understanding that the
25 retired Players have certain deals, designated

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1 deals that are not part of the gross licensing
2 equal share pool.

3 Q. Well, let me direct your attention
4 to Exhibit 86 again. Would Exhibit 86 be one
5 of those designated deals to which you are
6 referring?

7 MR. FEHER: Objection to form.

8 A. The designated deals that I'm
9 referring to are separate distinct deals
10 between the retired players and the actual
11 companies, the licensing companies.

12 Q. So is it your testimony that, as
13 far as you know, no money flows to retired
14 players pursuant to documents like Exhibit 86?

15 MR. FEHER: Objection.

16 Q. A so-called group licensing
17 authorization form?

18 MR. FEHER: Objection to form.

19 A. I don't understand what you mean
20 by flows.

21 Q. Well, are there any monies that go
22 to the people who sign these group licensing
23 authorizations that you know of, the retirees?

24 MR. FEHER: Objection.

25 A. I don't know.

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1 includes the licensing revenues, doesn't it,
2 sir?

3 A. Correct.

4 Q. Isn't it a fact that the trust is
5 in part funded from licensing revenues?

6 MR. FEHER: Objection to form.

7 A. Yes.

8 Q. And what is the purpose of the
9 trust?

10 MR. FEHER: Objection to form.

11 And not only objection to form, I'm
12 instructing him not to answer.

13 Can we take a quick break? I just
14 want to consult with the witness briefly as to
15 the subject of the last instruction to be sure
16 that it's correct.

17 THE VIDEOGRAPHER: Off the record,
18 11:46:19.

19 (Off the record.)

20 THE VIDEOGRAPHER: On the record,
21 the time is 11:50:04.

22 BY MR. KATZ:

23 Q. Directing your attention to note
24 11, refers to an 8 million dollar reallocation
25 from Players, Inc. to the NFLPA. Do you see

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1 that?

2 A. Yes.

3 Q. And can you just describe to us as
4 best you can what that is; what that was?

5 A. The 8 million dollars was a
6 reallocation based on changing market
7 conditions in the overall licensing operation
8 for Players, Inc. and the NFLPA.

9 Q. And was that reflected in an
10 agreement?

11 A. Yes.

12 Q. And have you seen the agreement?

13 A. Yes.

14 Q. When it says to reflect changed
15 market conditions, what were those changed
16 market conditions, sir?

17 A. The basis for the 8 million
18 dollars was increase over time in the logo
19 value of the NFLPA and Players, Inc.

20 MR. FEHER: Ma'am, could you just
21 tell me where we are pagewise?

22 Q. So if I'm getting this correctly,
23 the increase in -- the change in market
24 conditions was an increase in the logo value
25 of the logo of both Players, Inc. and the

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1 A. I don't understand.

2 Q. Do you understand what the effect
3 of Exhibit 91 is?

4 A. Yes.

5 Q. Please tell me.

6 A. The change in market conditions
7 was designated that the logo value of the
8 NFLPA and Players, Inc. was 8 million dollars.
9 That was determined to be reallocated from the
10 equal share pool to both NFLPA and Players,
11 Inc.

12 Q. So the NFLPA -- of the 8 million
13 dollars, how much of it went to the NFLPA?

14 A. 60 percent.

15 Q. And how much of it went to PI?

16 A. 40 percent.

17 Q. And one hundred percent of it was
18 taken from the equal share pool which went to
19 active players; is that correct?

20 A. Correct.

21 Q. So this is an agreement that
22 financially benefited the NFLPA and Players,
23 Inc., and it was financially detrimental to
24 the players; is that correct?

25 MR. FEHER: Objection to form.

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1 (The record was read, as
2 requested.)

3 MR. FEHER: You can disclose the
4 fact that legal counsel was consulted. But
5 you can't disclose the content of legal
6 counsel's advice.

7 A. We requested support for an
8 understanding of this reallocation of 8
9 million dollars.

10 Q. And what support did you receive,
11 if any?

12 A. The primary support for that 8
13 million dollars was a peer review of another
14 sports organization's logo use revenue.

15 Q. And who conducted that peer
16 review?

17 A. Legal counsel.

18 MR. FEHER: Well, you can't
19 divulge the contents of any conclusion -- the
20 general subject matter is as far as you can
21 go, and I think we've gone as far as we can go
22 in terms of the general subject matter.

23 Q. Was this evaluation -- what was
24 the other sports organization?

25 A. The NBA Players Association.

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