

EXHIBIT 12

Case No. C 07 0943 WHA

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

CERTIFIED COPY

UNITED STATES DISTRICT COURT
FOR THE 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.

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.

VIDEOTAPED DEPOSITION OF DOUG ALLEN
LOS ANGELES, CALIFORNIA
SEPTEMBER 7, 2007

Reported by Terrie C. Barker, CSR No. 12000

P
A
U
L
S
O
N

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Appearances:

For Plaintiffs:

McKool Smith

By: Lewis T. LeClair

300 Crescent Court

Dallas, Texas 75201

214.978.4984 Fax 214.978.4044

lleclair@mckoolsmith.com

Manatt, Phelps & Phillips, LLP

By: Noel S. Cohen

11355 West Olympic Boulevard

Los Angeles, California 90064

310.312.4388 Fax 310.312.4224

ncohen@manatt.com

For Defendants; Doug Allen:

Dewey Ballantine, LLP

By: David G. Feher

1301 Avenue of the Americas

New York, New York 10019-6092

212.259.8070 Fax 212.259.6333

dfeher@deweyballantine.com

Appearances (Continued):

Also Present: Todd Bullock, Videographer

P A U L S O N

REPORTING & LITIGATION SERVICES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VIDEOTAPED DEPOSITION OF DOUG ALLEN,
taken at 333 South Grand Avenue, Suite 2600,
Los Angeles, California, on Friday, September 7,
2007, at 9:03 a.m., before Terrie C. Barker,
Certified Shorthand Reporter, in and for the State of
California.

PAULSON



REPORTING & LITIGATION SERVICES

120

1 licensing income specifically given to at the NFLPA?

2 What person?

3 A. I'm sorry. Say that again.

4 Q. I'm just trying to get the name of the
5 person at the NFLPA who was given this accounting of
6 retired player income?

7 A. It was provided to -- it was provided in
8 financial accounting to the executive director and to
9 me. And it was provided to the Board of Player Reps
10 on an annual basis in a report to them, in both
11 writing and orally.

12 Q. Back to the group licensing revenue as
13 defined in this agreement, Exhibit 14. We looked at
14 the provision that provides that 60 percent of it
15 goes to the active players; is that correct?

16 MR. FEHER: Objection.

17 BY MR. LeCLAIR:

18 Q. Specifically, I was referring to the
19 provision on page 4, which in paragraph 4(B) refers
20 to "a royalty in the amount of 60 percent of gross
21 licensing revenues, as defined in Section 4(A)
22 above," paid to the players.

23 A. Yes, I see that.

24 Q. And that's to the active players; right?

25 A. It's to the players who meet the eligibility

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

1 requirements of that section including having
2 provided their group licensing rights and meeting the
3 eligibility requirements set forth in Section 4(D),
4 which is what we discussed earlier was determined by
5 the NFLPA player reps periodically and included the
6 requirement that you have played either the last game
7 of the previous season or the first game of the
8 season in question before you got a distribution of
9 the equal-share royalty.

10 Q. It was paid as an equal-share royalty to all
11 of such players?

12 A. Yes.

13 Q. In other words, every player who met the
14 eligibility requirements received the identical
15 royalty?

16 A. Yes.

17 Q. And if an active player became a retired
18 player, he might still get the equal-share royalty if
19 he met the eligibility requirements as established by
20 the NFLPA?

21 A. He would have to have been a recently
22 retired player, but yes.

23 Q. And actually, the eligibility requirements,
24 the NFLPA board could have set the eligibility
25 requirements to include retired players; correct?

122

1 MR. FEHER: Objection to form.

2 THE WITNESS: They had the authority to
3 determine the eligibility requirements. The NFLPA
4 had the authority to establish those requirements and
5 that was -- the board made a decision that they
6 wanted to be the ones to do that and did -- the
7 players.

8 BY MR. LeCLAIR:

9 Q. As you understood it, they had the power to
10 define the eligibility to include or exclude retired
11 players?

12 MR. FEHER: Objection to form.

13 THE WITNESS: I believe that the Board of
14 Players had the authority to determine the
15 eligibility requirements.

16 BY MR. LeCLAIR:

17 Q. Is there any reason that you know of that --
18 strike that? Let me ask it this way.

19 I think you earlier agreed with me that Herb
20 Adderley would have been defined within paragraph
21 4(B) if he gave -- assuming he gave a Group Licensing
22 Authorization, he met the definition of paragraph
23 4(B)?

24 MR. FEHER: Objection to form.

25 THE WITNESS: No. I said literally it

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

619.239.4111

123

1 applied to him, but he would have to meet the 4(D)
2 requirements and you, by virtue of your question and
3 me by my answer, affirmed that he didn't.

4 BY MR. LeCLAIR:

5 Q. Understood. So not only Herb Adderley but
6 all other retired players who signed a Group
7 Licensing Authorization literally met the terms of
8 paragraph 4(B), other than the eligibility
9 requirements of 4(D)?

10 MR. FEHER: Objection to form.

11 THE WITNESS: That's a little bit like
12 saying I'd have hair if I wasn't bald, but I am.

13 BY MR. LeCLAIR:

14 Q. Sure. But humor me and tell me if that's
15 accurate.

16 A. If what's accurate?

17 Q. That they met the definition of 4(B) but for
18 the eligibility requirements of 4(D).

19 MR. FEHER: Objection to form.

20 THE WITNESS: I don't -- I think that's
21 different from what I said, which is that 4(B) would
22 apply to them by its terms, but 4(D) would have
23 excluded retired players who didn't meet the
24 eligibility requirements established by the NFLPA
25 Board of Player Reps.

P A U L S O N

REPORTING & LITIGATION SERVICES

800.300.1214

WWW.PAULSONREPORTING.COM

818.239.4111

1 BY MR. LeCLAIR:

2 Q. And there's nothing that you know of that
3 would have prevented the NFLPA from establishing
4 eligibility requirements that included the retired
5 players; correct?

6 MR. FEHER: Objection to form.

7 THE WITNESS: I don't think that --
8 obviously, the NFLPA board of reps in their
9 consideration of that issue determined that wasn't
10 appropriate.

11 BY MR. LeCLAIR:

12 Q. I understand that's what they did. I'm just
13 saying there wasn't anything that you know of that
14 would have prevented them from saying, "Let's include
15 the retired players who signed GLAs within this
16 eligibility requirement"?

17 MR. FEHER: Objection to form.

18 THE WITNESS: Are you asking me if they
19 could have done that?

20 BY MR. LeCLAIR:

21 Q. Yes.

22 MR. FEHER: Objection to form.

23 THE WITNESS: I suppose so.

24 (Exhibit 15 marked)

25 ///

REPORTER CERTIFICATION

I, Terrie C. Barker, Certified Shorthand Reporter, in and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this 13th day of September, 2007.

1st Terrie C. Barker

Terrie C. Barker, CSR No. 12000