# **EXHIBIT 7**

Case No. C 07 0943 WHA

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



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

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

## **Plaintiffs**

VS.

CASE NO. C 07 00943 WHA

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

#### Defendants

VIDEOTAPED DEPOSITION OF RICHARD A. BERTHELSEN

May 13, 2008 10:12 a.m.

Manatt, Phelps, Phillips, LLP 700 12th Street, N.W. Washington, D.C.

Linda Ann Crockett, a Notary Public

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16	On behalf of the Defendants
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19	ALSO PRESENT: Ken Nuzzi, Videographer
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consultant, and there would be no reason to compromise that model by inclusion of a group that was not included when it was created. And for me that's why retired players have to be completely separate.

Q. I'm asking a little different question now, Mr. Berthelsen. I'm just asking you with respect to active players, is there any problem with the fact that some active players are used and some aren't, and you share the money with everybody, including those who are used and those who aren't used?

MR. FEHER: Objection to form.

Is there a problem with that, no. Α. That's been the policy. There have been players who shared in it who haven't been used but they're still active players. They all, when they sign up, have the potential to be used. Some guys get hurt; other guys go on to play better than they're expected to; others play worse than they're expected to. they're all active players. They're all going to be playing in the upcoming season. who's actually used becomes a function of a lot of variables that nobody can anticipate when

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the license is first granted. They all have the potential that year of being out on the field and scoring touchdowns and a doing great things and thereby attracting attention. So the policy has been to have them share. But only the active players.

Q. I understand your policy is to only share it with the active players. I fully understand that. And in fact, it includes, though, some players who are recently retired; isn't that correct?

MR. FEHER: Objection to form.

- A. A player can play a given season and help generate group licensing money for active players that season and then retire between the time the money is generated and when he gets his share, yes. But again, players get injured. Sometimes they come back. You have to deal with players every year who leave the league.
- Q. Were you involved in setting up the equal share royalty that's paid to active players?
  - A. What do you mean by "setting up"?
  - Q. Somebody came up with the concept of

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an equal share royalty; do you know who did that?

- A. I was not involved in that.
- Q. Do you know who did create that?
- A. It was -- I'm sure Steve Saxon was involved. I'm sure Doug Allen was involved.

  I'm sure Gene Upshaw was involved. But again, it was based on a model that was set up at the beginning.
  - Q. Why was it set up as equal share, if you know?
  - A. As opposed to like giving a quarterback more?
    - Q. Yes.
  - A. I can only speak to this, counsel, and it goes really back to when I started, that with a union, there comes along the argument from time to time that people should pay as their dues to the union a percentage of their salaries. And in our business that's been discussed at many different meetings. And it's always been voted down on the basis that well, the stars, the ones who make more money, make up for that when they participate in the licensing program. So it's kind of an

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equalizer.

You can make a great case that the stars and people that make more money should pay more in union dues. But the balance that's been struck by the players over time is that what differences there are among them by the stars being part of the group licensing, that's kind of their way of paying everybody back for what they don't pay extra in dues, if you can understand what I'm saying. Yes, I've been part of those discussions. And that same kind of thought I think probably went into the structure of the licensing originally when PLAYERS INC was created.

Q. How does the NFLPA determine whether money should be paid out in equal shares or paid to players directly in amounts that are negotiated?

MR. FEHER: Objection to form.

A. I think that was determined when the whole arrangement was set up in the first place. There's not a discussion that I'm aware of every year where somebody says, well, we ought to pay more to Peyton Manning than someone else. It's an accepted part of the

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### REPORTER'S CERTIFICATION

2 STATE OF MARYLAND
COUNTY OF BALTIMORE

I, Linda A. Crockett, a Notary Public of the State of Maryland, do hereby certify that the within named, RICHARD BERTHELSEN, was deposed at the time and place herein set out, and after having been duly sworn by me, was interrogated by counsel.

I further certify that the examination was recorded stenographically by me, and this transcript is a true record of the proceedings.

I further certify that the stipulations made herein were entered into by counsel in my presence.

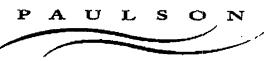
I further certify that I am not of counsel to any of the parties, nor an employee of counsel, nor related to any of the parties, nor in any way interested in the outcome of this action.

As witness my hand and notarial seal this 23rd day of May, 2008.

My commission expires: December 1, 2008

Linda A. Crockett

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