

# **EXHIBIT 7**

**Case No. C 07 0943 WHA**

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

Certified Copy

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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1 APPEARANCES:

2  
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8 (214) 978-4000

9 On behalf of the Plaintiffs

10  
11 DAVID FEHER, ESQUIRE

12 Dewey & LeBoeuf LLP

13 1301 Avenue of the Americas

14 New York, New York 10019

15 (212) 259-8000

16 On behalf of the Defendants

17  
18  
19 ALSO PRESENT: Ken Nuzzi, Videographer

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1 consultant, and there would be no reason to  
2 compromise that model by inclusion of a group  
3 that was not included when it was created. And  
4 for me that's why retired players have to be  
5 completely separate.

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

13 MR. FEHER: Objection to form.

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

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

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

12 MR. FEHER: Objection to form.

13 A. A player can play a given season and  
14 help generate group licensing money for active  
15 players that season and then retire between the  
16 time the money is generated and when he gets  
17 his share, yes. But again, players get  
18 injured. Sometimes they come back. You have  
19 to deal with players every year who leave the  
20 league.

21 Q. Were you involved in setting up the  
22 equal share royalty that's paid to active  
23 players?

24 A. What do you mean by "setting up"?

25 Q. Somebody came up with the concept of

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

3 A. I was not involved in that.

4 Q. Do you know who did create that?

5 A. It was -- I'm sure Steve Saxon was  
6 involved. I'm sure Doug Allen was involved.  
7 I'm sure Gene Upshaw was involved. But again,  
8 it was based on a model that was set up at the  
9 beginning.

10 Q. Why was it set up as equal share, if  
11 you know?

12 A. As opposed to like giving a  
13 quarterback more?

14 Q. Yes.

15 A. I can only speak to this, counsel, and  
16 it goes really back to when I started, that  
17 with a union, there comes along the argument  
18 from time to time that people should pay as  
19 their dues to the union a percentage of their  
20 salaries. And in our business that's been  
21 discussed at many different meetings. And it's  
22 always been voted down on the basis that well,  
23 the stars, the ones who make more money, make  
24 up for that when they participate in the  
25 licensing program. So it's kind of an

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1 equalizer.

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

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

19           MR. FEHER: Objection to form.

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

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REPORTER'S CERTIFICATION

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

*LSI*  
*Linda A. Crockett*  
Linda A. Crockett

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