

EXHIBIT 3

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, and WALTER
ROBERTS, III, on behalf of
themselves and all others
similarly situated,

Plaintiffs,

vs.

CASE 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 JOEL LINZNER

SAN FRANCISCO, CALIFORNIA

FRIDAY, FEBRUARY 8, 2008

Reported by Quyen N. Do, RPR, CSR No. 12447

P  
A  
U  
L  
S  
O  
N

Appearances:

For Plaintiffs:

Manatt, Phelps & Phillips, LLP  
 By: Ronald S. Katz  
 Attorney at Law  
 1001 Page Mill Road, Building 2  
 Palo Alto, California 94304  
 650.812.1346 Fax 650.461.0309  
 rkatz@manatt.com

and

Manatt, Phelps & Phillips, LLP  
 By: Laura M. Franco  
 Attorney at Law  
 1001 Page Mill Road, Building 2  
 Palo Alto, California 94304  
 650.461.0304 Fax 650.213.0260  
 lfranco@manatt.com

and

McKool Smith  
 By: Jill Adler Naylor  
 Attorney at Law  
 300 Crescent Court, Suite 1500  
 Dallas, Texas 75201  
 214.978.4906 Fax 214.978.4044  
 jadler@mckoolsmith.com

For Defendant National Football League Players Association and PLAYERS INC.:

Dewey & LeBoeuf LLP  
 By: David G. Feher  
 Attorney at Law  
 1301 Avenue of the Americas  
 New York, New York 10019-6092  
 212.259.8070 Fax 212.259.6333  
 dfeher@dl.com

//  
//

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 (cont.):

For Joel Linzner:

Electronic Arts  
By: Jacob J. Schatz  
Attorney at Law  
209 Redwood Shores Parkway  
Redwood City, California 94065  
650.628.7241 Fax 650.628.1422  
jschatz@ea.com

Also Present:

Philip Y. Rowley, Senior Managing  
Director, LeCG  
Joseph Mourgos, Videographer

VIDEOTAPED DEPOSITION OF JOEL LINZNER, taken at  
One Embarcadero Center, 30th Floor, San Francisco,  
California, on Friday, February 8, 2008, at  
10:06 a.m., before Quyen N. Do, RPR, Certified  
Shorthand Reporter No. 12447, in and for the State  
of California.

**P A U L S O N**

1 10:50:54 Q Okay. So you signed an agreement with  
2 10:50:56 PLAYERS INC, for a certain number of retired  
3 10:50:57 players, the right to use --

4 10:50:58 A Yes. We had given them a list of the  
5 10:51:02 people we were interested in. They could get some  
6 10:51:04 of those retired players. Some of them they  
7 10:51:06 couldn't get. And there was an agreement about an  
8 10:51:11 amount of money that we would pay incremental to our  
9 10:51:14 license fees that we were paying for the active NFL  
10 10:51:16 players, at that point in time, to secure the rights  
11 10:51:19 of the retired NFL players.

12 10:51:21 Q Okay. So do you recall what year this  
13 10:51:21 was?

14 10:51:24 A This would have been about 2000. It was  
15 10:51:26 shortly after I joined EA.

16 10:51:28 Q Okay. And did you have any knowledge, at  
17 10:51:34 the -- at the time, what sort of agreement PI had  
18 10:51:36 signed with the players, if any --

19 10:51:36 A No.

20 10:51:37 Q -- in order --

21 10:51:40 All you knew is that you signed with -- an  
22 10:51:42 agreement with PI; is that correct?

23 10:51:44 A We signed an agreement with PLAYERS INC,  
24 10:51:44 yes.

25 Q Yes. And -- and that agreement said that



1 10:51:49 they represented a certain number of retired  
2 10:51:49 players?

3 10:51:50 MR. FEHER: Objection to form.

4 10:51:52 THE WITNESS: It wasn't a number. They  
5 10:51:53 were identified players.

6 10:51:53 BY MR. KATZ:

7 10:51:54 Q Identified players. And do you recall how  
8 10:51:55 many there were?

9 10:51:59 A I would say in the neighborhood of 150 or  
10 10:51:59 so.

11 10:52:01 Q Okay. And you don't know whether the  
12 10:52:06 basis of their statement was that they signed a GLA  
13 10:52:07 or not?

14 10:52:07 MR. FEHER: Objection to form.

15 10:52:10 THE WITNESS: "They" being the retired  
16 10:52:10 players?

17 10:52:10 BY MR. KATZ:

18 10:52:10 Q Well, "they" is probably the wrong  
19 10:52:10 pronoun.

20 10:52:14 You -- you don't know whether the basis of  
21 10:52:19 PI's representation to you that they represented  
22 10:52:21 these players was based on the fact that the players  
23 10:52:23 had signed GLAs?

24 10:52:24 MR. FEHER: Objection to form.

25 THE WITNESS: I didn't know. You know,

52

1 10:52:27 there was -- there was another outfit that was  
2 10:52:31 representing the rights of retired players, as well,  
3 10:52:34 and I didn't -- you know, the form of agreement  
4 10:52:37 whereby the retired players had conveyed rights to  
5 10:52:39 a -- essentially, an agent to represent their  
6 10:52:41 interest, I did not know what it was.

7 10:52:41 BY MR. KATZ:

8 10:52:44 Q Okay. So, there's two kinds of agreements  
9 10:52:46 that you've had with retired players. One you  
10 10:52:48 signed directly with retired players; is that  
11 10:52:48 correct?

12 10:52:49 A Yes.

13 10:52:51 Q And one you signed with the PLAYERS INC?

14 10:52:54 A And, actually, there's a third, which was,  
15 10:52:56 we -- we also had an agreement that we signed  
16 10:52:59 directly with the Hall of fame, NFL Hall of Fame.

17 10:53:03 Q Okay. And you say there was another  
18 10:53:05 organization out there representing retired players;  
19 10:53:06 is that correct?

20 10:53:06 A Yes.

21 10:53:08 Q And which -- which organization was that?

22 10:53:14 A It was an acronym, so I may mess it up.  
23 10:53:19 It was something like ISM. I don't -- I don't know  
24 10:53:19 what that acronym stands for.

25 Q So you don't even know the nature of the

**P A U L S O N**

**800.300.1214**

**REPORTING & LITIGATION SERVICES**  
**WWW.PAULSONREPORTING.COM**

**619.239.4111**

1 14:03:13 Q Are there more than are highlighted on the  
2 14:03:13 Web site?  
3 14:03:14 MR. FEHER: Objection to form.  
4 14:03:15 THE WITNESS: Well, again, I don't know  
5 14:03:17 because I never looked at the Web site. All I can  
6 14:03:17 say --  
7 14:03:18 MR. KATZ: Okay.  
8 14:03:19 THE WITNESS: -- is, I don't know if  
9 14:03:23 there's more in NFL Street 2 than are depicted in  
10 14:03:27 Exhibit 74 as you have reproduced it.  
11 14:03:28 MR. KATZ: Okay. Fair enough.  
12 14:03:39 Let me ask the reporter to mark the next.  
13 14:03:40 (Exhibit 75 marked)  
14 14:03:40 THE WITNESS: 75.  
15 14:03:58 BY MR. KATZ:  
16 14:04:04 Q Do you recognize Exhibit 75, sir?  
17 14:04:08 A I recognize my signature, and I recall  
18 14:04:12 entering into an agreement regarding members of the  
19 14:04:15 pro football -- Pro, excuse me, Football Hall of  
20 14:04:15 Fame.  
21 14:04:22 Q Okay. And what caused you to want to  
22 14:04:25 enter into such an agreement?  
23 14:04:29 A After we received exclusive licenses from  
24 14:04:33 NFL Properties and PLAYERS INC, one of our  
25 competitors started a program whereby they would



170

1 14:04:47 attempt to license retired NFL players for a video  
2 14:04:50 game, and we wanted to have a feature that would be  
3 14:04:54 competitive with that game as part of Madden NFL.  
4 14:04:57 So, one of the thing -- one -- you know, one of the  
5 14:05:00 ideas was to go to the Pro Football Hall of Fame,  
6 14:05:04 who, at the time, had some sort of collective rights  
7 14:05:08 to the members of the Pro Football Hall of Fame so  
8 14:05:12 that we could sort of do one-stop shopping there for  
9 14:05:14 people who were generally regarded as the, you know,  
10 14:05:18 most famous or most well-known retired football  
11 14:05:19 players.

12 14:05:21 Q And did that -- did the agreement allow  
13 14:05:25 you to use the marks of the Hall of Fame trademarks?

14 14:05:27 A You mean this Exhibit 75?

15 14:05:28 Q Yeah.

16 14:05:29 A I believe the answer is yes.

17 14:05:31 Q Okay. So it was an agreement for more  
18 14:05:33 than the rights to just the players; is that  
19 14:05:36 correct?

20 14:05:36 MR. SCHATZ: Objection to form.

21 14:05:38 THE WITNESS: Well, there was -- excuse  
22 14:05:45 me.

23 14:05:48 I'm -- if you give me a second, I'll read  
24 14:05:50 through this and --

25 MR. KATZ: Yeah, sure.

P A U L S O N

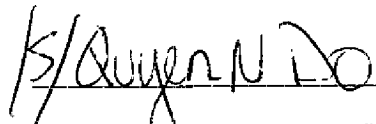
REPORTER'S CERTIFICATION

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

I, Quyen N. Do, 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 27th day of February, 2008.

  
\_\_\_\_\_  
Quyen N. Do, RPR, CSR No. 12447