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Attorneys for Plaintiffs

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.

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

Defendants.

CIVIL ACTION NO. C07 0943 WHA

DECLARATION OF ANTHONY
M. GARZA IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION IN
LIMINE NO. 1 TO EXCLUDE
EVIDENCE REGARDING
MONIES CLAIMED BY
PLAINTIFFS, AND EVIDENCE
REGARDING THE ECONOMIC
WEALTH OF DEFENDANTS AND
ACTIVE NFL PLAYERS

DECLARATION OF ANTHONY M. GARZA IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION IN
LIMINE NO. 1 TO EXCLUDE EVIDENCE REGARDING MONIES CLAIMED BY PLAINTIFFS, AND EVIDENCE REGARDING
THE ECONOMIC WEALTH OF DEFENDANTS AND ACTIVE NFL PLAYERS – Page 1

Civil Action No. C07 0943 WHA

1 I, Anthony M. Garza, declare as follows:

2 1. I am an attorney with McKool Smith, P.C., counsel for Plaintiff Herbert Anthony
3 Adderley and the GLA Class in this matter. I have personal knowledge of the matters stated
4 herein.
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6 2. Attached hereto as Exhibit A is a true and correct copy of an excerpt from Dr.
7 Roger G. Noll's expert report, dated June 12, 2008.

8 3. Attached hereto as Exhibit B is a true and correct copy of an excerpt from
9 Defendants' proposed exhibit list, served on August 27, 2008.
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11 I declare under penalty of perjury and the laws of the United States that the foregoing is
12 true and correct and that this declaration was executed on October 6, 2008, in Dallas, Texas.

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Anthony M. Garza
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28 **DECLARATION OF ANTHONY M. GARZA IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION IN
LIMINE NO. 1 TO EXCLUDE EVIDENCE REGARDING MONIES CLAIMED BY PLAINTIFFS, AND EVIDENCE REGARDING
THE ECONOMIC WEALTH OF DEFENDANTS AND ACTIVE NFL PLAYERS – Page 2**

Civil Action No. C07 0943 WHA

Exhibit A

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BERNARD PAUL PARRISH, *et al.*,

Plaintiffs,

v.

NATIONAL FOOTBALL LEAGUE
PLAYERS ASSOCIATION, *et al.*,

Defendants

Civil Action No. C07 0943 WHA

Expert Report of Roger G. Noll

My name is Roger G. Noll, and I reside in Palo Alto, California. My education includes a B. S. with honors in mathematics from the California Institute of Technology and a Ph. D. in economics from Harvard University. I am Professor *Emeritus* of Economics at Stanford University, a Senior Fellow in the Stanford Institute for Economic Policy Research (SIEPR), and Co-Director of the SIEPR Program in Regulatory Policy.

My primary area of scholarship is the field of industrial organization, which includes the economics of antitrust, regulation, and specific industries. I have taught these subjects at both the undergraduate and graduate level. I am the author, co-author or editor of thirteen books, and the author or co-author of over 300 articles. Much of my research for the past forty years has focused on the economics of sports. My *curriculum*

revenue that is accounted for by the cost of the licensing program has already been deducted from the revenues received by the NBPA. Thus, to the extent that a comparison between the two unions is valid, the NBPA share should be compared only with the share retained by the NFLPA, not including the share retained by NFLPI.

In the case of baseball, Dr. Rascher counts as payments to players a 2007 disbursement to players from a “strike fund” that the Major League Baseball Players had accumulated in case the last round of collective bargaining failed, leading to a strike or a lockout. Dr. Rascher apparently did not examine whether the defendants have a similar strike fund, or whether MLBPA’s disbursement from its strike fund rendered the comparison between the two unions meaningless. In fact, the NFL has exercised its option to terminate the current collective bargaining agreement at the end of the 2010 season. The NFLPA is accumulating funds for the possibility that 2011 will witness a strike or a lockout, or that the union will need to decertify as a collective bargaining unit in order to challenge whatever new player market rules NFL management might seek to impose unilaterally. Thus, it is meaningless to compare the revenues retained by a union that faces uncertainty and potentially large expenses regarding collective bargaining with a union that has just amicably resolved its collective bargaining issues.

5. The Bargaining Position of the Defendants

Dr. Rascher begins his answer to this question by stating that a licensing entity derives benefits from “exclusivity over the assets being licensed.” He then states that “exclusivity” gives the defendants other benefits: “one-stop shopping,” “market power” with respect to licensees, and “market power” with respect to players.

Exhibit B

PARRISH PROPOSED EXHIBIT LIST

Ex. No.	First Page	Last Page	Depo. Ex. #	Date	Description	Qualified Designation
371.	PI095955				FY 2004 GLR Calculation	
372.	PI095954				FY 2005 GLR Calculation	
373.	PI095963				FY 2006 GLR Calculation	
374.	PI095952				FY 2007 GLR Calculation	
375.	PI095961				Royalty Eligibility Roster – FY'03	
376.	PI095956				Royalty Eligibility Roster – FY'04	
377.	PI095960				Royalty Eligibility Roster – FY'05	
378.	PI095957		Eyrich Ex. 107		Royalty Eligibility Roster – FY'06	
379.	PI095958				Royalty Eligibility Roster – FY'07	
380.	PI140387	PI140443		3/1/2007-2/29/2008	NFLPA Annual Financial Report: 2007-2008	
381.	PI096027	PI096087	Eyrich Ex. 85	3/1/2005-2/28/2006	NFLPA Financial Statement: 2005-2006	
382.	PI096088	PI096150		3/1/2004-2/28/2005	NFLPA Financial Statement: 2004-2005	
383.	PI096151	PI096214		3/1/2003-2/29/2004	NFLPA Financial Statement: 2003-2004	

PARRISH PROPOSED EXHIBIT LIST

Ex. No.	First Page	Last Page	Depo. Ex. #	Date	Description	Qualified Designation
384.	PI096215	PI096276		3/1/2002- 2/28/2003	NFLPA Financial Statement: 2002-2003	
385.	CLASS000317	CLASS000320	Adderley Ex. 161	Undated	RFPJ Articles of Incorporation	
386.	CLASS000331	CLASS000332	Adderley Ex. 160	Undated	"About Us," from RFPJ Website	
387.	PI141267	PI141518		3/28/2004	PI Annual Review: 2004	
388.	PI140504	PI140568		3/12/2005	PI Annual Review: 2005	
389.	PI140583	PI140684		3/12/2006	PI Annual Review: 2006	
390.	PI140696	PI140778		3/16/2007- 3/23/07	Annual Report: 2007	
391.	PI141527	PI141893		3/16/2008	Annual Report: 2008	
392.	PI102942	PI102976		Undated	Overview of PI – Licensing Highlights, Media Promotion Etc.	
393.	PI000003	PI000010	Eyrich Ex. 84	12/1994	Articles of Amendment for PI	
394.	PI130970	PI130994	Upshaw Ex. 132	2007	NFLPA Constitution, 2007	