

Dewey & LeBoeuf LLP
One Embarcadero Center, Suite 400
San Francisco, CA 94111

1 Todd Padnos (Bar No. 208202)
tpadnos@dl.com
2 DEWEY & LEBOEUF LLP
One Embarcadero Center, Suite 400
3 San Francisco, CA 94111
Tel: (415) 951-1100; Fax: (415) 951-1180
4

5 Jeffrey L. Kessler (*pro hac vice*)
jkessler@dl.com
6 David G. Feher (*pro hac vice*)
dfeher@dl.com
7 David Greenspan (*pro hac vice*)
dgreenspan@dl.com
8 DEWEY & LEBOEUF LLP
1301 Avenue of the Americas
New York, NY 10019
9 Tel: (212) 259-8000; Fax: (212) 259-6333

10 Kenneth L. Steinthal (*pro hac vice*)
kenneth.steinthal@weil.com
11 WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
12 Redwood Shores, CA 94065
Tel: (650) 802-3000; Fax: (650) 802-3100
13

14 Bruce S. Meyer (*pro hac vice*)
bruce.meyer@weil.com
15 WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
16 Tel: (212) 310-8000; Fax: (212) 310-8007

17 Attorneys for Defendants National Football League Players Association
and National Football League Players Incorporated d/b/a Players Inc
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19 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
20 **SAN FRANCISCO DIVISION**

21 BERNARD PAUL PARRISH, HERBERT
ANTHONY ADDERLEY, WALTER
22 ROBERTS III,

23 Plaintiffs,

24 v.

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

27 Defendants.
28

Case No. C 07 0943 WHA

**DECLARATION OF MOLLY
DONOVAN IN SUPPORT OF
DEFENDANTS' MOTION IN
LIMINE NO. 6**

DECLARATION OF MOLLY DONOVAN

I, Molly Donovan, hereby declare as follows:

1. I am an attorney with Dewey & LeBoeuf LLP, attorneys for Defendants National Football League Players Association (“NFLPA”) and National Football League Players Incorporated d/b/a Players Inc (“Players Inc”) in this action. I am a member of the bar of the State of New York and am admitted to practice before this Court *pro hac vice*. I make this Declaration in support of Defendants’ Motion in Limine No. 6 to Exclude the Testimony of Peter Rhee and to Exclude from Evidence the “Summary” Exhibits Prepared by Mr. Rhee.

2. I have personal knowledge of each of the facts stated herein, and if called to testify, could and would testify completely hereto.

3. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiffs’ Proposed Trial Exhibit 1239 entitled “Historic Teams NFL Teams Featured in Madden 03-PC.”

4. Attached hereto as Exhibit 2 is a true and correct copy of Plaintiffs’ Proposed Trial Exhibit 1240 entitled “Samples of ‘Scrambled’ Class Members Madden Xbox 2003-2007.”

5. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiffs’ Disclosure of Issues on which They Will Offer Expert Testimony in Support of their Case-in-Chief, dated April 25, 2008.

6. Attached hereto as Exhibit 4 is a true and correct copy of an email from Bernard Parrish, dated November 7, 2006, bearing bates number CLASS 003725.

7. Attached hereto as Exhibit 5 is a true and correct copy of a letter from Roy Taub of Dewey & LeBoeuf LLP, dated March 28, 2008.

8. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the transcript of the deposition of Bernard Paul Parrish, taken on March 13, 2008.

9. Attached hereto as Exhibit 7 is a true and correct copy of Plaintiffs’ Supplemental Responses and Objections to Defendants’ Fourth Set of Interrogatories, dated June 3, 2008.

10. Attached hereto as Exhibit 8 is a true and correct copy of the Supplemental Report of Daniel A. Rascher, dated August 27, 2008.

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11. Attached hereto as Exhibit 9 is a true and correct copy of the Reply Report of Daniel A. Rascher, June 26, 2008.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: September 25, 2008

/s/
Molly Donovan