

Exhibit 8

1 In The Matter Of

2 -----X
3 BERNARD PAUL PARRISH, HERBERT :
4 ANTHONY ADDERLEY, WALTER :
5 ROBERTS III, :
6 Plaintiffs :

7 -v- :

8 NATIONAL FOOTBALL LEAGUE :
9 PLAYERS ASSOCIATION and :
10 NATIONAL FOOTBALL LEAGUE :
11 PLAYERS INCORPORATED d/b/a/ :
12 PLAYERS INC, :
13 Defendants :

14 SUPPLEMENTAL REPORT OF
15 DANIEL A. RASCHER
16 -----X

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18 This report is submitted pursuant to Federal Rule of Civil Procedure 26(e)(2) and this Court's
19 standing orders for the purpose of identifying additional material identified since the filing of my
20 previous reports and/or deposition.¹ I have previously submitted two expert reports, one on May 23
("Expert Report") and a reply report ("Reply Report") on July 26, and identified the materials on
which I relied for the opinions expressed in those reports. Since then, I have identified sources that
provide additional support for my previously stated opinions. This supplemental report identifies
those sources, which are also documented in Appendix A.

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1 My understanding of this rule is that any additions or changes to the information an expert relied upon in an expert report or during deposition must be disclosed by the time the party's pretrial disclosures under Rule 26(a)(3) are due. Counsel informs me that this deadline has been extended to August 27, 2008.

1 First, since I filed my two expert reports, I performed an econometric analysis based on data
2 which I had previously used in my academic work showing the relationship between past Super Bowl
3 victories and team's licensing rankings. This analysis (along with the supporting materials) was
4 disclosed prior to my deposition, and I was asked questions about it and its underlying sources by
5 Defendants' counsel during my deposition.

6 Second, I have been provided with a summary exhibit of 581 class members whose names and
7 numbers do not appear in the Madden 2007, but for whom a near-substitute (un-named players with
8 virtually the same height, weight, years of service, team, and position) is included in the game. I
9 did not prepare this list, but I have reviewed the list generally for accuracy. I have also reviewed
10 the underlying materials that were used to create it, including (i) the 2007 Madden Game for the
11 PC; (ii) the retired player GLAs produced by Defendants in this case and (iii) several books used for
12 statistical reference: (a) the ESPN Pro Football Encyclopedia (second edition),² and Total Football
13 II: The Official Encyclopedia of the National Football League.³ I rely upon this list to the extent
14 that it supports and expands on the points raised in my Expert Report and in that section of my
15 Reply Report in which I referenced sixteen such players with near-substitutes included in the game.⁴
16 The list provides further support for my opinion that retired players' identities (or, in the case of

17 ² Pete Palmer is recognized as an accepted authority in the sports industry and his books, including, The ESPN Pro
18 Football Encyclopedia, are cited to by peer-reviewed economics and business literature. I have spoken with Doug
19 Drinen, the person responsible for the www.pro-football-reference.com website, a website relied on in my July 26th
20 report, and he confirmed that the statistical information on his website was taken directly from the ESPN Pro Football
Encyclopedia.

³ Total Football II: The Official Encyclopedia of the National Football League., Matthew Silverman (Managing Editor),
edited by Bob Carroll, Michael Gershman, David Nofi, John Thorn, and the Elias Sports Bureau. HarperCollins
Publishers, 1999. This encyclopedia relies on work by the Elias Sports Bureau, as well as archival research in
hundreds of libraries. Moreover, Jim Gigliotti of NFL Properties "cyberballed every word" (page vii) and the National
Football League was "an active participant in its creation." (page 1).

⁴ See Expert Report at 4-5; Reply Report at 13-15, footnote 37.

1 Madden 2007, near-identities) have value, including with respect to products such as football video
2 games.

3 Respectfully submitted this 27th day of August, 2008,

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5 _____
6 Daniel A. Rascher, Ph.D.

1 **PROOF OF SERVICE**

2 I, Donna L. Wishon, declare:

3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is 1001 Page Mill Road, Building 2, Palo
5 Alto, CA 94304-1006. On August 27, 2008, I served the following documents:

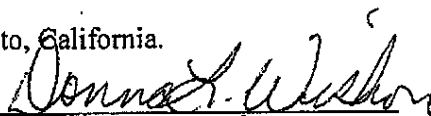
6
7 1. **Supplemental Report of Daniel A. Rascher**

- 8 By placing the document(s) listed above in a sealed envelope with postage thereon
9 fully prepaid, in the United States mail, addressed as set forth below.
10 By transmitting via facsimile the document listed above to the fax number(s) set forth
11 below on this date before 5:00 p.m.
12 By placing the document(s) listed above in a sealed Federal Express envelope and
13 affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal
14 Express agent for overnight delivery.
15 By electronic mail to the below email addresses:

16 Jeffrey L. Kessler, Esq. 17 David G. Feher, Esq. 18 Eamon O'Kelly, Esq. 19 David Greenspan, Esq. 20 Dewey & LeBoeuf LLP 21 1301 Avenue of the Americas 22 New York, NY 10019-6092 23 Email: jkessler@dl.com; dfeher@dl.com; 24 dgreenspan@dl.com; jclark@dl.com; 25 rtaub@dl.com; MDonovan@dl.com; 26 ipapendick@dl.com; lcaplan@dl.com	27 Kenneth L. Steintal, Esq. 28 Joseph Wetzel, Esq. Weil, Gotshal & Manges, LLP 201 Redwood Shores Parkway Redwood Shores, CA 94065 Email: bruce.meyer@weil.com; Joseph.Wetzel@weil.com
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21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 Executed on August 27, 2008, at Palo Alto, California.

24 
25 Donna L. Wishon

Appendix A: Documents Considered (Supplemental)

LITERATURE

Carroll, B., Gershman, M., Neft, D., Thorn, J., and the Elias Sports Bureau. Total Football II: The Official Encyclopedia of the National Football League, Matthew Silverman (Managing Editor), HarperCollins Publishers, 1999.

Palmer, P., Pullis, K., Lahman, S., Maher, T., Silverman, M., Gillette, G., The ESPN Pro Football Encyclopedia Second Edition, Sterling Publishing, 2007.

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