

# **EXHIBIT 3**

**Case No. C 07 0943 WHA**

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

**Bernard Parrish  
CONFIDENTIAL**

1           IN THE UNITED STATES DISTRICT COURT  
          FOR THE NORTHERN DISTRICT OF CALIFORNIA  
2                           SAN FRANCISCO DIVISION

3  
          BERNARD PAUL PARRISH,           )  
4 HERBERT ANTHONY ADDERLEY,           )  
          and WALTER ROBERTS, III,       )  
5 on behalf of themselves            )  
          and all others similarly        )  
6 situated,                                )  
  )  
7           Plaintiffs,                    )    CIVIL ACTION  
  )    NO. C07-0943-WHA  
8                           v.                )  
  )  
9 NATIONAL FOOTBALL LEAGUE            )  
          PLAYERS ASSOCIATION, a        )  
10 Virginia corporation and            )  
          NATIONAL FOOTBALL PLAYERS, )  
11 INC., d/b/a PLAYERS, INC.,         )  
          a Virginia Corporation,        )    ©   ©   ©   ©  
12    )  
          Defendants.                     )

13    - - - - -  
14  
15           VIDEOTAPED DEPOSITION OF BERNARD PAUL PARRISH  
16  
17    Thursday, March 13, 2008  
18  
19  
20  
21 Reported by: Lori Goodin Mackenzie, RPR-CLR  
22 Job No.: 200716

**Bernard Parrish  
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1                   The deposition of BERNARD PAUL  
2 PARRISH was convened on Thursday, March 13, 2008,  
3 commencing at 9:16 a.m., at the offices of Dewey  
4 & LeBoeuf, 975 F Street, N.W., Washington, D.C.,  
5 before Lori Goodin Mackenzie, Registered  
6 Professional Reporter, Certified LiveNote  
7 Reporter, and Notary Public for the State of  
8 Maryland.

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**Bernard Parrish  
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1 APPEARANCES

2

3 For Plaintiffs:

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11 AND

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1 APPEARANCES (Continued)

2

3 For Defendants:

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13

14 Also present: TJ O'Toole, Videographer

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1 purpose was to find out the truth about what was  
2 happening with the money from the endorsements  
3 and so forth of the Madden video games and all of  
4 that sort of thing.

5                   And our Topps trading cards and all  
6 of the, you know, to find out the truth about  
7 what the Players' Association was doing with our,  
8 with the income from it, which we felt like  
9 was -- should be going to the retired players and  
10 it was not.

11           **Q. Did you tell him that you thought**  
12 **they were using retired player rights without**  
13 **paying for those rights?**

14           A. Yes, I did. He agreed.

15           **Q. Okay. And what products did you**  
16 **identify to Mr. Adderley where you thought your**  
17 **rights were being utilized, but you weren't being**  
18 **paid?**

19                   MR. KATZ: Object.

20                   THE WITNESS: In particular, I  
21 brought up Madden video games in which both the  
22 Cleveland Browns and the Packers are mentioned in

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1 the vintage 2005 issue of that, of the video game  
2 and which the Browns 1964 and '65 teams are in it  
3 and the 1965 or '66 Packers were in it.

4                   And Herb and I had a discussion  
5 about that. And that was something, he said,  
6 hell, I've never gotten anything out of it.

7                   I said I've never gotten anything  
8 out of it. I don't know anybody who has.

9 BY MR. KESSLER:

10            **Q.     Your name is not included in that**  
11 **video game, is it, your name?**

12            A.     My identity is in there without my  
13 name, yes.

14            **Q.     Okay.**

15            A.     I understand you played on that team  
16 with me.

17            **Q.     Your name's not there, is it?**

18                   MR. KATZ: Just answer the question.  
19 Object. You may answer.

20                   THE WITNESS: Excuse me.

21 BY MR. KESSLER:

22            **Q.     Is your name in the game, yes or no?**

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1           A.     You know, I don't have the game. My  
2 grandson has it.

3           **Q.     Okay.**

4           A.     He says, Grandpa, you're in it. So,  
5 I was identified to the point that my grandson  
6 could identify me by height, weight, years in the  
7 league and rating as a cornerback.

8           **Q.     Okay.**

9           A.     So he didn't have any trouble. And  
10 the numbers that are -- that were allowed in the  
11 game included my number and not other numbers.

12                     So he assumed that that was Grandpa.  
13 And I did play for the '64 Browns.

14           **Q.     Okay. Your name is not there,**  
15 **right?**

16                     **Yes or no, please?**

17           A.     I don't know. I haven't seen it.  
18 My grandson saw it.

19           **Q.     Okay. You reviewed all of the**  
20 **complaints that were filed in this case before**  
21 **they were filed?**

22           A.     Yes. I have.

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1           **Q.     Okay.  There's no allegations about**  
2 **your name being used or your image or your**  
3 **identity being used in that video game in any of**  
4 **the complaints filed in this action, is there?**

5                   MR. KATZ:  Object.

6                   THE WITNESS:  I don't recall it,  
7 maybe it ought to be added.

8 BY MR. KESSLER:

9           **Q.     Okay.  But, it's not in any one of**  
10 **the complaints, is it?**

11                   MR. KATZ:  Object.

12                   THE WITNESS:  You object.  I -- I  
13 don't think so.  I don't think so.  But -- and I  
14 have looked at them, I've read them.

15                   MR. KATZ:  Also I will state for the  
16 record with respect to the Third Amended  
17 Complaint, he's only seen the redacted version.

18                   THE WITNESS:  And it is redacted so  
19 I don't know what's in the redacted part, yes.  
20 It could well have my name in there, couldn't it.

21 BY MR. KESSLER:

22           **Q.     There would be no need to redact**

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1                    CERTIFICATE OF COURT REPORTER  
2 UNITED STATES OF AMERICA    )  
3 DISTRICT OF COLUMBIA        )  
4                    I, LORI G. MACKENZIE, the reporter before  
5 whom the foregoing deposition was taken, do  
6 hereby certify that the witness whose testimony  
7 appears in the foregoing deposition was sworn by  
8 me; that the testimony of said witness was taken  
9 by me in machine shorthand and thereafter  
10 transcribed by computer-aided transcription; that  
11 said deposition is a true record of the testimony  
12 given by said witness; that I am neither counsel  
13 for, related to, nor employed by any of the  
14 parties to the action in which this deposition  
15 was taken; and, further, that I am not a relative  
16 or employee of any attorney or counsel employed  
17 by the parties hereto, or financially or  
18 otherwise interested in the outcome of this  
19 action.

*Lori G. Mackenzie*

20

\_\_\_\_\_  
LORI G. MACKENZIE

21

Notary Public in and for the  
District of Columbia

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My Commission expires April 14, 2011