

EXHIBIT 7

Case No. C 07 0943 WHA

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

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11 *Attorneys for Plaintiffs*

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT
14 SAN FRANCISCO DIVISION
15

16 BERNARD PAUL PARRISH, HERBERT
ANTHONY ADDERLEY, and WALTER
17 ROBERTS III, on behalf of themselves and
all others similarly situated,

18 Plaintiffs,
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20 NATIONAL FOOTBALL LEAGUE
21 PLAYERS ASSOCIATION, a Virginia
corporation, and NATIONAL FOOTBALL
22 LEAGUE PLAYERS INCORPORATED
d/b/a PLAYERS INC, a Virginia
23 corporation,

24 Defendants.
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CIVIL ACTION NO. C07 0943 WHA

**PLAINTIFFS' SUPPLEMENTAL
RESPONSES AND OBJECTIONS TO
DEFENDANTS' FOURTH SET OF
INTERROGATORIES**

Plaintiffs hereby serve their supplemental objections and responses to Defendants' Fourth Set of Interrogatories (collectively, the "Interrogatories" and individually, an "Interrogatory"), pursuant to the Federal Rules of Civil Procedure, as follows:

PRELIMINARY STATEMENT

The following objections and responses are based upon the information currently known to Plaintiffs, including information ascertained pursuant to Plaintiffs' reasonable inquiry in response to each Interrogatory. Discovery and investigation are on-going and may disclose the existence of additional responsive information. Plaintiffs reserve the right to amend or supplement these responses and objections as additional information is discovered, revealed, recalled or otherwise ascertained. Plaintiffs specifically reserve the right to utilize subsequently discovered information at trial.

GENERAL OBJECTIONS

The following General Objections apply to, and are specifically incorporated in, each response to each of the Requests, whether or not expressly stated in each individual response:

1. Plaintiffs object to the Requests to the extent that they seek to impose obligations beyond those set forth in the Federal Rules of Civil Procedure.

2. Plaintiffs object to the definition of the terms “You,” “Your” and “Plaintiffs” to the extent that they purport to require the disclosure of information in the possession, custody or control of anyone other than Herbert Anthony Adderley. Plaintiffs further object to the definitions of these terms to the extent that they purport to require the disclosure of information in the possession, custody or control of “attorneys” on the ground and to the extent that such information is protected by the attorney-client privilege, work product doctrine or any other applicable privileges or protections from discovery.

1 3. Plaintiffs object to the definition of the term "Statute of Limitation" on the grounds
2 that it misstates the applicable statute of limitations period for the claims at issue in this action.
3 For purposes of these Interrogatories, Plaintiffs will interpret "Statute of Limitations" to mean the
4 period from February 14, 2003 through February 14, 2007 inclusive.

5 4. Plaintiffs object to the Requests to the extent that they seek privileged information,
6 including but not limited to information or documents protected by the attorney-client privilege,
7 the work product doctrine, the joint defense or common interest privilege, the protection afforded
8 to settlement discussions, any agreement between parties, any court order or any other privilege
9 or immunity. Insofar as the disclosure of information by Plaintiffs in response to any
10 Interrogatory may be deemed to be a waiver of any privilege or right, such waiver shall be
11 deemed to be a limited waiver with respect to that particular information only.

12 5. Plaintiffs objects to the Interrogatories to the extent they seek information that is
13 not relevant to the claim or defense of any party and not reasonably calculated to lead to the
14 discovery of such information.

15 6. Plaintiffs object to the Interrogatories to the extent that they seek information that
16 is publicly available, has already been furnished to, or is in the possession, custody or control of
17 Defendants, or to the extent that they seek information already available to Defendants, available
18 from public records or otherwise in the public domain and available to Defendants.

19 7. Plaintiffs object to the Interrogatories to the extent that they seek information that
20 is not within Plaintiffs' possession, custody or control. Plaintiffs construe each Interrogatory as
21 requiring it to engage in a reasonable inquiry and base their responses on information that is
22 known or ascertainable through a reasonable inquiry.

1 8. Plaintiffs responses to the Interrogatories are based on the information available as
2 of the date hereof, and Plaintiffs reserve the right to supplement and/or amend their responses and
3 objections if necessary.

4 9. Plaintiffs reserve all objections or other positions they may have as to the
5 competency, relevance, materiality, privilege, or admissibility of any information disclosed in
6 response to the Interrogatories for any purpose whatsoever.
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8 **SPECIFIC RESPONSES TO INTERROGATORIES**

9 **INTERROGATORY NO. 14:**

10 Identify each (if any) occasion within the STATUTE OF LIMITATIONS when a
11 LICENSEE actually utilized the IDENTITY RIGHTS of a member of the putative GLA CLASS
12 without such retired player(s) receiving a payment from DEFENDANTS in connection with such
13 use of his IDENTITY RIGHTS.
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15 **RESPONSE TO INTERROGATORY NO. 14:**

16 Plaintiffs object to this Interrogatory on the grounds that it is vague, overbroad and not
17 likely to lead to the discovery of admissible evidence because it does not limit the information
18 sought to any rights licensed pursuant to a GLA, including in the form attached as Exhibit B to
19 the Third Amended Complaint (the "Adderley GLA"), which is the agreement at issue in this
20 action. Plaintiffs further object to this Interrogatory on the grounds that it calls for a legal
21 conclusion. Plaintiffs further object to this Interrogatory to the extent that it seeks information
22 regarding rights licensed under "ad hoc" agreements, agreements not at issue in this action.
23 Plaintiffs further object to this Interrogatory on the grounds that it calls for information that is
24 within the possession, custody or control of Defendants or third parties. Plaintiffs also object to
25 this Interrogatory on the grounds that the term "utilize" is vague and ambiguous, as is the
26 definition of "utilize" offered by Defendants. For purposes of responding to this Interrogatory,
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1 Plaintiffs will define "utilize" as meaning "to make use of" as requested by Defendants. Subject
2 to and without waiving these objections or the General Objections, Plaintiffs respond as follows:

3 Licensees make use of the Identity Rights of the retired players who are members of the
4 GLA class (just as they make use of the identity rights of active NFL players) by licensing them
5 and agreeing to make payment for such Identity Rights without regard to and whether or not the
6 Identity Rights are portrayed anywhere in physical form. Such use of Identity Rights (the
7 licenses for which have been previously identified by Plaintiffs) confers considerable value on
8 Licensees, such that they have been willing to pay substantial sums for such Identity Rights
9 whether or not the Identity Rights are actually portrayed anywhere in physical form. Despite
10 such use by Licensees, Plaintiffs allege that members of the putative GLA Class have received no
11 money from Defendants for such use.
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14 In addition, while the information necessary to fully answer this interrogatory resides with
15 Defendants and Defendants' Licensees, Plaintiffs are aware of instances in which a Licensee has
16 made use of the Identity Rights of a member of the putative GLA Class by portraying such rights
17 in physical form, without such retired player receiving a payment from Defendants. Specifically,
18 David Greenspan's February 8, 2008 letter to Ryan Hilbert and Defendants' Supplemental
19 Responses and Objections to Plaintiffs' Amended Interrogatories explain that there are instances
20 in which Players Inc has failed to distribute royalties that have accrued under its agreement with
21 Photo File even though retired players' rights have been portrayed in physical form by Photo File.
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Dated: June 3, 2008

MANATT, PHELPS & PHILLIPS, LLP

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1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT

3 SAN FRANCISCO DIVISION

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5 BERNARD PAUL PARRISH, HERBERT
6 ANTHONY ADDERLEY, and WALTER
7 ROBERTS III, on behalf of themselves and
8 all others similarly situated,

9 Plaintiffs,

10 NATIONAL FOOTBALL LEAGUE
11 PLAYERS ASSOCIATION, a Virginia
12 corporation, and NATIONAL FOOTBALL
13 LEAGUE PLAYERS INCORPORATED
14 d/b/a PLAYERS INC, a Virginia
15 corporation,

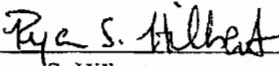
16 Defendants.

CIVIL ACTION NO. C07 0943 WHA

VERIFICATION

17 I, Ryan S. Hilbert, have reviewed Plaintiffs' Supplemental Objections and Responses to
18 Defendants' Fourth Set of Interrogatories and know the contents thereof. I believe to the best of
19 my knowledge that the matters stated therein are true and correct.

20 Declared under penalty of perjury this 3rd day of June, 2008.

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22 Ryan S. Hilbert
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3 **PROOF OF SERVICE**

4 I, Ryan S. Hilbert, declare:

5 I am a resident of the State of California and over the age of eighteen years, and not a party to the
6 within action; my business address is 1001 Page Mill Road, Building 2, Palo Alto, CA 94304.

7 On June 3, 2008, I served the foregoing document by the method(s) indicated below.

8 **Plaintiffs' Supplemental Responses and Objections to Defendants' Fourth Set of**
9 **Interrogatories**

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

18 Jeffrey L. Kessler, Esq.
19 David G. Feher, Esq.
20 Eamon O'Kelly, Esq.
21 David Greenspan, Esq.
22 Dewey & LeBoeuf LLP
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New York, NY 10019-6092

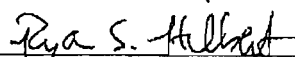
23 Email: jkessler@dl.com; dfeher@dl.com;
24 dgreenspan@dl.com; jclark@dl.com;
25 rtaub@dl.com; MDonovan@dl.com;
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27 I declare under penalty of perjury under the laws of the State of California that the foregoing is
28 true and correct.

Executed on June 3, 2008 at Palo Alto, California.


Ryan S. Hilbert