

EXHIBIT 2

Case No. C 07 0943 WHA

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

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

3
4 BERNARD PAUL PARRISH,)
5 HERBERT ANTHONY ADDERLEY,)
 and WALTER ROBERTS, III,)
6 on behalf of themselves)
 and all others similarly)
7 situated,)
)
8 Plaintiffs,) CIVIL ACTION
) NO. C07-0943-WHA
9 v.)
)
10 NATIONAL FOOTBALL LEAGUE)
 PLAYERS ASSOCIATION, a)
11 Virginia corporation and)
 NATIONAL FOOTBALL PLAYERS,))
12 INC., d/b/a PLAYERS, INC.,)
 a Virginia Corporation,)
13 Defendants.)
)
14

COPY

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

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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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1 APPEARANCES

2

3 For Plaintiffs:

4 RONALD S. KATZ, Esquire

5 Manatt, Phelps & Phillips, LLP

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7 Palo Alto, California 94304

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11 AND

12 NOEL S. COHEN, Esquire

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1 APPEARANCES (Continued)

2

3 For Defendants:

4 JEFFREY L. KESSLER, Esquire

5 ROY TAUB, Esquire

6 Dewey & LeBoeuf

7 1301 Avenue of the Americas

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12

13

14 Also present: TJ O'Toole, Videographer

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1 this.

2 MR. KATZ: There's no question
3 pending. There's no question pending.

4 THE WITNESS: That's a current
5 event.

6 MR. KATZ: There's no question
7 pending.

8 THE WITNESS: All right.

9 BY MR. KESSLER:

10 Q. Okay. Mr. Parrish, in connection
11 with this lawsuit, which of your counsel did you
12 first talk to about filing this lawsuit?

13 A. About this lawsuit?

14 Q. Yes.

15 A. Well, I -- I researched on the
16 internet and found that Ron Katz had beaten
17 baseball in a similar situation and I contacted
18 him.

19 I called him and asked him if he
20 would be interested and it took us a while.
21 Talking about it for him to decide that he would
22 take it.

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1 **Q. So you were trying to find counsel**
2 **who might be interested in this case and you**
3 **found him?**

4 A. I was trying to find the best
5 counsel that I could find. And that was
6 Mr. Katz, yes.

7 **Q. Okay. Now, before you hired**
8 **Mr. Katz for this lawsuit, did you hire the**
9 **McCool Firm or was that afterwards?**

10 A. They came into the picture after Ron
11 brought them into the picture.

12 **Q. Okay. And when did Mr. Mutch become**
13 **involved in this?**

14 MR. KATZ: Object.

15 THE WITNESS: Okay.

16 MR. KATZ: You may answer.

17 THE WITNESS: Well, Sam has -- my
18 sister has worked for Sam Mutch for many years.
19 So he's represented me off-and-on for a long
20 time.

21 BY MR. KESSLER:

22 **Q. So he was involved in this lawsuit**

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1 **prior to Mr. Katz?**

2 MR. KATZ: Object.

3 THE WITNESS: No, not really. But,
4 I discussed the possibilities of it with him,
5 certainly, yes, and other suits as well. Yes.

6 BY MR. KESSLER:

7 **Q. Now, before this lawsuit was filed,**
8 **did you, yourself, try to recruit other people to**
9 **be class plaintiffs with you?**

10 MR. KATZ: Object.

11 THE WITNESS: I don't -- other
12 people to be class --

13 BY MR. KESSLER:

14 **Q. To be plaintiffs with you in this**
15 **case?**

16 A. To be plaintiffs with me, yes. Yes.
17 I talked to other retired players about being
18 involved in it. Yes, I did, yes.

19 **Q. And you found Mr. Adderley?**

20 A. Yes.

21 **Q. And you persuaded Mr. Adderley to**
22 **join this lawsuit?**

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1 MR. KATZ: Object.

2 THE WITNESS: I don't know if I
3 persuaded him, but I brought it to his attention
4 and he decided he'd like to be a part of it.

5 BY MR. KESSLER:

6 Q. Okay. Who else did you bring this
7 lawsuit to their attention for being possible
8 plaintiffs with you besides Mr. Adderley?

9 A. I believe I have discussed it with
10 Y.A. Tittle because he lived in California and
11 Ron is located in California.

12 I thought it would be good if Y.A.
13 would be in. But Y.A. said he's too old. He
14 didn't want to get involved in the fight.

15 Who else? I discussed it with, I
16 don't know, at least a half a dozen guys.

17 Q. And did all of the others decline to
18 get involved?

19 A. No, they didn't, they didn't
20 decline. I mean, we could go back and have 50 of
21 them join, if it would make you feel better.

22 Q. Well, did any of them agree to join?

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1 A. That really isn't -- you know, I
2 told them about the suit. I said do you have any
3 specifics with regard to the licensing, with
4 regard to the Players, Inc., or -- and -- and
5 Herb had the most interest and the most specific
6 information, direct information he had been
7 involved in.

8 I discussed it with Sam Huff. I
9 discussed it with a number of people. Sam almost
10 joined. But, he's an announcer for the Redskins
11 and we didn't feel like that would be good for
12 him, particularly.

13 **Q. So, when you spoke to Mr. Adderley,**
14 **what did you tell him was the purpose of this**
15 **lawsuit?**

16 MR. KATZ: I'm sorry. Could you
17 read the question back, please?

18 (Record read.)

19 BY MR. KESSLER:

20 **Q. Before, when you first approached**
21 **him about it?**

22 A. When I first talked to him, the

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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 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

22

My Commission expires April 14, 2011