

EXHIBIT 3

Case No. C 07 0943 WHA

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

Walter Beach, III
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Page 1

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

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

Plaintiffs,

8 Index No:
9 VS. C07-0943-WHA
10 NATIONAL FOOTBALL LEAGUE PLAYERS
11 ASSOCIATION, A Virginia corporation, and
12 NATIONAL FOOTBALL PLAYERS, INC., d/b/a
13 PLAYERS, INC., a Virginia corporation,

Defendants.

-----X
14 DEPOSITION OF WALTER BEACH, III
15 August 20, 2008
16 New York, New York

17 *** CONFIDENTIAL - ATTORNEYS' EYES ONLY ***

Confidential
For Attorney's Eyes Only

COPY

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23 Reported By:
24 LINDA J. GREENBERG
25 JOB NO. 204875

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1 August 20, 2008

2 9:34 A.M.

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Confidential deposition of
8 WALTER BEACH, III, taken by Defendants,
9 pursuant to Notice, held at Dewey &
10 LeBoeuf, L.L.P., 1301 Avenue of the
11 Americas, New York, New York, before Linda
12 J. Greenberg, a Certified Shorthand
13 Reporter and Notary Public of the State of
14 New York.

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1 A P P E A R A N C E S:

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4 McKOOL SMITH, P.C.

Attorneys for Plaintiffs

5 300 Crescent Court
Suite 1500

6 Dallas, Texas 75201

7 BY: BRETT CHARHON, ESQ.

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DEWEY & LeBOEUF, L.L.P.

10 Attorneys for Defendants

 1301 Avenue of the Americas
11 New York, New York 10019-6092

12 BY: DAVID GREENSPAN, ESQ.

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16

17 ALSO PRESENT:

18

Ian Papendick, Esq.

19 Dewey & LeBoeuf, L.L.P.

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1 **WALTER BEACH, III - CONFIDENTIAL**

2 **Did you have any concerns about**
3 **licensing issues, prior to this case coming**
4 **about?**

5 MR. CHARHON: Object to form.

6 A. That would be -- that is a
7 concern. It's a concern, but it's not a
8 complaint. I signed a document and hear
9 nothing and I'm concerned about, well,
10 what's going on. But I don't pursue that.
11 I didn't pursue it.

12 So I would say, yes, I had
13 concerns and I had complaints. I didn't
14 voice it because it was not that
15 significant to me.

16 I would say that at this
17 particular time I appreciate the fact that
18 Herb Adderley -- it had more significance
19 to him and he brought it forth. Had it
20 been anyone else, I would be in the same
21 position and say, I would support you on
22 that.

23 Q. **Did Mr. Parrish explain to you**
24 **during your phone conversation what his**
25 **role is in the lawsuit today?**

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1 **WALTER BEACH, III - CONFIDENTIAL**

2 A. No.

3 Bernie and I, we didn't --
4 Bernie and I were teammates, and I consider
5 him a very good friend, you know.

6 He called and he asked me would
7 I be a witness, and I told him I would.

8 And he didn't influence me or he
9 didn't say anything that I should be trying
10 to do or not trying to do.

11 He just asked, could he give my
12 name to the attorneys, and I told him, "Of
13 course."

14 **Q. Was that the extent of your**
15 **discussion, as you just described it?**

16 A. Yes. In reference to this
17 licensing agreement. He and I talk
18 football all the time.

19 **Q. But in the specific conversation**
20 **where he called you and asked if you would**
21 **be willing to serve as a witness?**

22 A. It was a very brief
23 conversation, very brief conversation.
24 That was the extent of it.

25 **Q. Did Mr. Parrish say anything to**

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1 WALTER BEACH, III - CONFIDENTIAL

2 At the top of the page

3 Mr. Parrish wrote: "Upshaw has his cadre
4 of agents, goons and NFLPA insiders out
5 trying to confuse and manipulate the
6 players, all the players, the active
7 players and the retired players, their
8 widows and survivors. You cannot believe
9 the vindictive Gene Upshaw."

10 Do you agree with Mr. Parrish,
11 that Mr. Upshaw and the NFLPA are trying to
12 confuse and manipulate retired players?

13 A. Do I agree with him?

14 On that particular issue I would
15 agree with him.

16 Q. Turn two pages. I'm now at
17 Class 3066. I'm at the very bottom of the
18 page. Mr. Parrish writes:

19 "The retired player retirement
20 benefits issue is tainted with vindictive
21 Upshaw and Vincent motives to get back at
22 the white pioneer-era players for how the
23 white NFL management and owners treated
24 blacks in the early days of the NFL.

25 "A case could be made that this

