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19 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
20 **SAN FRANCISCO DIVISION**

21 BERNARD PAUL PARRISH, HERBERT
ANTHONY ADDERLEY, WALTER
22 ROBERTS III,

23 Plaintiffs,

24 v.

25 NATIONAL FOOTBALL LEAGUE
PLAYERS ASSOCIATION and NATIONAL
26 FOOTBALL LEAGUE PLAYERS
INCORPORATED d/b/a/ PLAYERS INC,

27 Defendants.
28

Case No. C 07 0943 WHA

**DECLARATION OF JASON CLARK
IN SUPPORT OF DEFENDANTS'
SUPPLEMENTAL BRIEF TO
EXCLUDE STATEMENT BY GENE
UPSHAW REGARDING
COLLECTIVE BARGAINING**

DECLARATION OF JASON CLARK

I, Jason Clark, hereby declare as follows:

1. I am an attorney with Dewey & LeBoeuf LLP, attorneys for Defendants National Football League Players Association (“NFLPA”) and National Football League Players Incorporated d/b/a Players Inc (“Players Inc”) (collectively, “Defendants”) in this action. I am a member of the bar of the State of New York and my pro hac vice application in this matter was granted by the Court on July 23, 2008. I make this Declaration in support of Defendants’ Supplemental Brief To Exclude Statement By Gene Upshaw Regarding Collective Bargaining. I have personal knowledge of each of the facts stated herein, and if called to testify, could and would testify completely hereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of an article from the Charlotte Observer, titled “Ex-Players Say NFL Neglects Retirees, Hall of Famers: League, Union Leader Fall Short in Providing Benefits,” dated January 15, 2006 and designated as trial exhibit 117.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Declaration of Richard Berthelsen in Support of Defendants’ Opposition to Plaintiffs’ Motion for Leave to File a Third Amended Complaint, dated October 10, 2007.

4. Attached hereto as Exhibit 3 are true and correct copies of excerpts from the deposition transcript of Gene Upshaw, dated February 13, 2008.

5. Attached hereto as Exhibit 4 is a true and correct copy of a memorandum from Gene Upshaw to NFLPA Retired Player Members, dated January 20, 2006 that was marked as Exhibit 119 at Mr. Upshaw’s deposition.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Third Amended Complaint in this matter.

7. Attached hereto as Exhibit 6 is a true and correct copy of an article from the New York Times, titled “Upshaw Maintains Royalties Were Distributed Properly,” dated February 16, 2007, and designated as trial exhibit 1182.

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I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Dated: October 17, 2008

/s/ Jason Clark
Jason Clark

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