

Dewey & LeBoeuf LLP
One Embarcadero Center, Suite 400
San Francisco, CA 94111

Todd Padnos (Bar No. 208202)
tpadnos@dl.com
DEWEY & LEOEUF LLP
One Embarcadero Center, Suite 400
San Francisco, CA 94111
Tel.: (415) 951-1100; Fax: (415) 951-1180

Jeffrey L. Kessler (*pro hac vice*)
jkessler@dl.com
David G. Feher (*pro hac vice*)
dfeher@dl.com
David Greenspan (*pro hac vice*)
dgreenspan@dl.com
DEWEY & LEOEUF LLP
1301 Avenue of the Americas
New York, NY 10019
Tel: (212) 259-8000; Fax: (212) 259-6333

Attorneys for Defendants.

Ronald S. Katz (Bar No. CA 085713)
rkatz@manatt.com
Ryan S. Hilbert (Bar No. CA 210549)
rhilbert@manatt.com
Noel S. Cohen (Bar No. CA 219645)
ncohen@manatt.com
MANATT, PHELPS & PHILLIPS, LLP
1001 Page Mill Road, Building 2
East Palo Alto, CA 94303-1006
Tel: (650) 812-1300; Fax: (650) 213-0260

Attorneys for Plaintiffs.

Kenneth L. Steinthal (*pro hac vice*)
kenneth.steinthal@weil.com
claire.goldstein@weil.com
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Tel: (650) 802-3000; Fax: (650) 802-3100

Bruce S. Meyer (*pro hac vice*)
bruce.meyer@weil.com
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Tel: (212) 310-8000; Fax: (212) 310-8007

Lewis T. LeClair (Bar No. CA 077136)
lleclair@mckoolsmith.com
Jill Adler (Bar No. CA 150783)
jadler@mckoolsmith.com
MCKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
Tel: (214) 978-4984; Fax: (214) 978-4044

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

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

Plaintiffs,

v.

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

Defendants.

Case No. C 07 0943 WHA

**AMENDED JOINT STIPULATED
FACTS**

Defendants National Football League Players Association and National Football League Players Incorporated d/b/a/ Players Inc (collectively, "Defendants") and Plaintiffs hereby respectfully submit the se Amended Joint Stipulated Facts.

STIPULATION

1. Herbert Adderley is a retired professional football player who played for more than 10 years in the National Football League ("NFL") for the Green Bay Packers and the Dallas Cowboys.
2. The National Football League Players Association ("NFLPA") is a nonprofit Virginia corporation. The NFLPA's headquarters are in Washington, D.C.
3. National Football League Players, Inc. ("Players Inc") is a Virginia corporation, owned 79% by the NFLPA and 21% by the Professional Athletes Foundation, that is engaged in, among other things, the business of licensing the rights of present and some former NFL players. Its headquarters are in Washington, D.C.
4. Plaintiff Adderley is the named representative of a class of all retired NFL players who executed a Retired Player Group Licensing Authorization (sometimes referred to as a "group licensing agreement") ("GLA") with the NFLPA that was in effect at any time between February 14, 2003 and February 14, 2007 and which contains the following language: "[T]he moneys generated by such licensing of retired player group rights will be divided between the player and an escrow account for all eligible NFLPA members who have signed a group licensing authorization form" (the "GLA Class").
5. The GLA Class consists of 2,062 members.
6. The NFLPA sublicensed the rights acquired by the GLAs to Players Inc pursuant to a March 1, 2000 agreement.
7. Plaintiff Adderley executed a GLA on May 1, 2001, which was effective from May 1, 2001 to December 31, 2003.
8. Plaintiff Adderley executed another GLA on November 22, 2002, which was effective from November 22, 2002 to December 31, 2005.
9. GLA Class member Walter Beach III executed a GLA on May 23, 2003, which was effective from May 23, 2003 to December 31, 2006.
10. GLA Class member Bruce Laird executed a GLA on April 19, 2000, which was effective from April 19, 2000 to December 31, 2003.
11. GLA Class member Laird executed a GLA on January 5, 2004, which was effective from January 5, 2004 to December 31, 2006
12. GLA Class member Clifton McNeil executed a Retired Player GLA on June 21, 2002, which was effective from June 21, 2002 to December 31, 2005.

- 1 13. Plaintiffs do not seek to recover in this case any moneys paid to some GLA Class members
2 under separate, so-called "ad hoc " license agreements.
- 3 14. Defendants entered into a license agreement with EA in 2005.
- 4 15. EA manufactures and sells a video game called EA Madden Football, a new version of which
5 has been released annually for the past 20 years. The game simulates pro football play and is
6 one of the top ten best-selling video games of all time.
- 7 16. Doug Allen was the Assistant Executive Director of the NFLPA from 1986 to 2006 and the
8 President of Players Inc from 1994 to 2006.
- 9 17. Beginning in June 1983, Gene Upshaw was the Executive Director of the NFLPA. For all
10 relevant times, he was also Chairman of Players Inc. Mr. Upshaw died on August 20, 2008.
- 11 18. Richard Berthelsen has served as General Counsel to the NFLPA since 1983, and also
12 currently serves as Interim Executive Director of the NFLPA following the death of Gene
13 Upshaw.
- 14 19. Patricia Allen was the Executive Vice-President & Chief Operating Officer of Players Inc
15 from 1994 to 2006.
- 16 20. The 2004-2006 NFLPA Retired Members Directory states: "The NFLPA Retired Players
17 Department has obtained Group Licensing Assignment agreements (GLAs) from more than
18 2,900 retired NFL players, and is in the process of building up our list so that PLAYERS
19 INC can provide more opportunities to retirees."
- 20 21. LaShun Lawson was an employee of Players Inc and acted as the Assistant Vice President of
21 Multimedia for Players Inc.
- 22 22. Trace Armstrong is a retired professional football player who played for 15 seasons in the
23 NFL, for the Chicago Bears, Miami Dolphins, and Oakland Raiders. He was President of the
24 NFLPA from 1995 to 2003.

Respectfully Submitted,

Date: October 18, 2008

Dewey & LeBoeuf LLP

BY: /s/Jeffrey L. Kessler

Jeffrey L. Kessler
Attorneys for Defendants

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Date: October 18, 2008

Manatt, Phelps & Phillips, LLP

BY: /s/Ronald Katz
Ronald S. Katz
Attorneys for Plaintiffs