

EXHIBIT B

Issued by the
UNITED STATES DISTRICT COURT
Southern District of New York

BERNARD PAUL PARRISH et al.

Plaintiffs,

SUBPOENA IN A CIVIL CASE

V.

CASE NUMBER: C07 0943 WHA
(Northern District of California)

NATIONAL FOOTBALL LEAGUE
PLAYERS ASSOCIATION et al.

Defendants.

TO: Topps Company, Inc.
c/o Mioko C. Tajika, Esq.
Ingram Yuzek Gainen Carroll & Bertolotti, LLP, 250 Park Ave.
New York, New York 10177

YOU ARE COMMANDED to appear in the United State District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. See Exhibit A for instructions, definitions, and topics.

PLACE OF DEPOSITION	DATE AND TIME
McKool Smith P.C., 399 Park Avenue, Ste. 3200, New York, New York 10022	April 4, 2008 8:45 am


YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matter on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 Bren M. Charhon, Attorney for Plaintiffs	March 31, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE
Bren M. Charhon, McKool Smith P.C., 300 Crescent Court, Suite 1500, Dallas, TX.
Ph. (214) 978-4000 Fax. (214) 978-4044

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PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE SIGNATURE OF SERVER

ADDRESS OF SERVER

1 **Rule 45, Federal Rules of Civil Procedure, Parts C & D**

2 **(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

3 (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid
4 imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued
5 shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but
6 is not limited to, lost earnings and a reasonable attorney's fee.

7 (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or
8 tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to
9 appear for deposition, hearing or trial.

10 (2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may,
11 within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after
12 service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the
13 designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and
14 copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection
15 is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to
16 compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party
17 from significant expense resulting from the inspection and copying commanded.

18 (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

19 (i) fails to allow reasonable time for compliance;

20 (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place
21 where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of
22 clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within
23 the state in which the trial is held, or

24 (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

25 (iv) subjects a person to undue burden.

26 (B) If a subpoena

27 (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

28 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in
dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100
miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena
or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be
otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably
compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of
business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial
preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the
documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

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EXHIBIT A

Instructions

A. For each of the topics in the Notice, Topps Company, Inc. shall designate one or more of its officers, directors, managing agents, or employees who are most knowledgeable with respect to each subject matter.

B. For each designee, Topps Company, Inc. shall identify the names, titles or positions, and subject matter on which each designee will provide testimony at least ten (10) days in advance of the deposition.

C. Designees shall testify as to matters known or reasonably available to Topps Company, Inc.

D. The deposition will be taken before a qualified, certified court reporter or other officer authorized to administer oaths and will be recorded stenographically, will be videotaped, and may employ LiveNote.

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Definitions

I. Unless otherwise indicated, the following definitions apply to the deposition topics:

A. "You," or "Your," refers to Topps Company, Inc. and all of its officers, directors, current and former employees, agents, assigns, affiliates, representatives (including advisors), partners, subsidiaries, affiliates, partnerships, predecessors in interest, attorneys, and all persons acting or purporting to act on its behalf.

B. PLAYERS INC. refers to PLAYERS INC. and all of its officers, directors, current and former employees, agents, assigns, affiliates, representatives (including advisors), partners, subsidiaries, affiliates, partnerships, predecessors in interest, attorneys, and all persons acting or purporting to act on its behalf.

C. "NFL Players Association" or "NFLPA" refers to NFL Players Association and all of its officers, directors, current and former employees, agents, assigns, affiliates, representatives (including advisors), partners, subsidiaries, affiliates, partnerships, predecessors in interest, attorneys, and all persons acting or purporting to act on its behalf.

D. "Retired Players" means any and all former NFL players.

E. "GLA" means any contract with a Retired Player (or solicitation or offer for such contract) relating to the licensing of a Retired Player's name or image.

Deposition Topics

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1. The collection, identification and authentication of documents produced by Topps Company, Inc. in response to the Rule 45 document subpoena dated December 18, 2008.
2. The relationship between PLAYERS INC. and/or the National Football League Players Association ("NFLPA") and Topps Company, Inc.
3. The negotiations of the license agreements between PLAYERS INC or the National Football League Players Association ("NFLPA") and Topps Company, Inc.
4. Representations made by PLAYERS INC or the NFLPA concerning licensing or representation of retired NFL players.
5. The royalties or other consideration paid by or to PLAYERS INC and/or the NFLPA, pursuant to any Licensing Agreement.
6. The royalties or other consideration paid by Topps Company, Inc. to any retired player.

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12 *Attorneys for Plaintiffs.*

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14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
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18 BERNARD PAUL PARRISH, HERBERT
19 ANTHONY ADDERLEY, and WALTER
20 ROBERTS III, on behalf of themselves and
all others similarly situated,

21 Plaintiffs,

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23 NATIONAL FOOTBALL LEAGUE
PLAYERS ASSOCIATION, a Virginia
24 corporation, and NATIONAL FOOTBALL
LEAGUE PLAYERS INCORPORATED
25 d/b/a PLAYERS INC, a Virginia corporation,

26 Defendants.
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CIVIL ACTION NO. C07 0943 WHA

**NOTICE OF DEPOSITION OF NON-
PARTY TOPPS COMPANY, INC.
CORPORATE REPRESENTATIVE**

Date: April 4, 2008
Time: 8:45 a.m.
Place: McKool Smith P.C., 399 Park
Avenue, Ste. 3200, New York, New York
10022

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that, pursuant to Rules 30 (b)(6) and 45 of the Federal Rules of
3 Civil Procedure, Plaintiffs Bernard Parrish and Herbert Adderley, by and through their
4 undersigned attorneys, will take the deposition of a Corporate Representative of Topps Company,
5 Inc. at 8:45 a.m. on April 4, 2008, at the law office of McKool Smith P.C., 399 Park Avenue, Ste.
6 3200, New York, New York 10022. The deposition will be taken before a qualified, certified
7 court reporter or other officer authorized to administer oaths and will be recorded
8 stenographically, will be videotaped, and may employ LiveNote.

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Respectfully submitted,

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Dated: March 31, 2008

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~~Lewis T. LeClair, Esq. (CA SBN 077136)~~

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~~Jill Adler Naylor, Esq. (CA SBN 150783)~~

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McKool Smith

A Professional Corporation

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214-978-4984

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Attorneys for Plaintiff

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