

Exhibit A
to
Plaintiffs' Letter Brief Striking
Statements by Defendants' Witnesses

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM H. ALSUP

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

PLAINTIFFS,)

VS.)

NO. C 07-0943 WHA

NATIONAL FOOTBALL LEAGUE PLAYERS)
ASSOCIATION AND NATIONAL FOOTBALL)
LEAGUE PLAYERS INCORPORATED D/B/A)
PLAYERS INC,)

DEFENDANTS.)

SAN FRANCISCO, CALIFORNIA

MONDAY

NOVEMBER 3, 2008

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFFS:

MANATT, PHELPS & PHILLIPS
1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO, CALIFORNIA 94304

**BY: RONALD S. KATZ, ESQ.
RYAN S. HILBERT, ESQ.**

MANATT, PHELPS & PHILLIPS
7 TIMES SQUARE
NEW YORK CITY, NEW YORK 10036

BY: L. PETER PARCHER, ESQ.

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LOS ANGELES, CALIFORNIA 90064

BY: CHAD HUMMEL, ESQ.

(APPEARANCES CONTINUED ON NEXT PAGE)

1 THERE WERE TIMES WHERE THERE WAS SOME SCREAMING, SHOUTING,
2 FINGER-POINTING.

3 **THE COURT:** KIND OF LIKE THIS COURTROOM.

4 (LAUGHTER)

5 **THE WITNESS:** AND SOME HUMOR IN THERE, TOO. SO IT
6 WAS A GOOD MIX. BUT A LOT OF HEALTHY DEBATE.

7 WE SAY, YOU KNOW, THE MINORITY -- EVERYONE WOULD BE
8 HEARD, BUT IN THE END THE MAJORITY WOULD RULE. AND THAT'S HOW
9 WE FUNCTIONED.

10 **BY MR. KESSLER:**

11 **Q.** TAKE A LOOK AT PAGE 13 OF EXHIBIT -- TRIAL EXHIBIT 132.
12 SECTION 406.

13 **A.** YES.

14 (DOCUMENT DISPLAYED.)

15 **Q.** IT SAYS:

16 "THE PRESIDENT SHALL BE THE PRINCIPLE EXECUTIVE
17 OFFICER OF THE NFLPA AND, SUBJECT TO THIS CONSTITUTION AND THE
18 DIRECTION OF THE BOARD OF REPRESENTATIVES, SHALL SUPERVISE AND
19 DIRECT THE BUSINESS AND AFFAIRS OF THE NFLPA."

20 MR. ARMSTRONG, DID YOU EXERCISE THOSE
21 RESPONSIBILITIES WHEN YOU WERE PRESIDENT OF THE NFLPA?

22 **A.** YES.

23 **Q.** NOW, AT THE ANNUAL PLAYER MEETINGS THAT YOU ATTENDED,
24 WOULD THERE BE REPORTS FROM THE DIFFERENT DEPARTMENTS OF THE
25 NFLPA?

1 **A.** THAT'S RIGHT. THE MEETINGS TYPICALLY LASTED FOUR DAYS.
2 THEY WOULD RUN -- A TYPICAL DAY WOULD BE EIGHT HOURS, BUT
3 SOMETIMES IF THERE WAS A BIG ISSUE OR SOMETHING THAT WAS HOTLY
4 DEBATED WE HAD MEETINGS GO 14, 16 HOURS IN A PARTICULAR DAY.

5 **Q.** YOU WOULD HAVE PLAYERS MEETING FOR 14, 16 HOURS IN A ROOM
6 IN HAWAII?

7 **A.** YEAH. WE'VE HAD MANY MEALS CATERED IN AND FAMILIES,
8 WIVES, KIDS, ALL WAITING ON THE OUTSIDE WHERE WE'RE KIND OF
9 LOCKED IN THE ROOM TRYING TO REACH AN ACCORD ON SOMETHING.

10 **Q.** AND DURING THOSE MEETINGS, WOULD THERE ALWAYS BE -- WOULD
11 THERE BE REPORTS FROM THE LICENSING OPERATIONS OF THE NFLPA OR
12 PLAYERS INC?

13 **A.** YES, THAT'S RIGHT.

14 TYPICALLY, YOU'D HAVE THE PRESIDENT WOULD GIVE A
15 REPORT. THE EXECUTIVE DIRECTOR WOULD GIVE A REPORT. THERE
16 WOULD BE A REPORT FROM LEGAL, LICENSING AND MARKETING, AND FROM
17 RETIRED PLAYERS. THOSE WERE THE BIG AREAS THAT WE ALWAYS HAD
18 REPORTS ON.

19 **Q.** WOULD THERE BE A LICENSING REPORT EVERY YEAR OR JUST SOME
20 YEARS?

21 **A.** EVERY YEAR.

22 **Q.** OKAY. AND DURING THOSE LICENSING REPORTS -- WITHDRAWN.
23 LET ME DO IT THIS WAY.

24 WHEN YOU WERE AT THE BOARD OF PLAYER REPRESENTATIVES
25 DID MEMBERS -- SOME MEMBERS OF THE RETIRED PLAYERS STEERING

1 COMMITTEE SOMETIMES GET INVITED TO THOSE MEETINGS.

2 **A.** YES. LYNN TAVIS (PHONETIC) WAS THERE EVERY YEAR THAT I
3 WAS THERE. HE WAS PART OF THE STEERING COMMITTEE. SO THERE
4 WAS ALWAYS A MEMBER OF THE RETIRED PLAYERS GROUP THERE.

5 **Q.** AND WOULD THE RETIRED PLAYERS STEERING COMMITTEE MEMBER BE
6 ABLE TO ATTEND THE PART THAT WAS THE LICENSING REPORTS?

7 **A.** YES.

8 **Q.** AND AT THOSE LICENSING REPORTS WAS THERE A DISCUSSION OF
9 ALL THE RETIRED PLAYERS WHO WERE GETTING LICENSING MONEY?

10 **A.** YES.

11 **Q.** OKAY. WERE LISTS GIVEN OUT OF THOSE RETIRED PLAYERS?

12 **A.** YEAH, DETAILED LISTS. LINE ITEM LISTS THAT WOULD LIST
13 PAYMENTS TO ALL ACTIVE AND RETIRED PLAYERS.

14 **Q.** SO IT WASN'T JUST THE ACTIVE, BUT THE RETIRED PLAYERS WHO
15 GOT MONEY, AS WELL?

16 **A.** THAT'S RIGHT. EVERYBODY WHO GOT A PAYMENT WAS LISTED IN A
17 DETAILED REPORT.

18 **Q.** OKAY. AND WAS IT DISCUSSED AT THOSE MEETINGS HOW RETIRED
19 PLAYER GROUP LICENSING WORKED?

20 **A.** YES.

21 **Q.** OKAY. NOW, LET ME SHOW YOU NEXT -- SHOULD BE IN FRONT OF
22 YOU -- TRIAL EXHIBIT 2245.

23 DO YOU RECOGNIZE THIS, MR. ARMSTRONG?

24 **A.** I DO.

25 **Q.** WHAT IS THIS?

