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

VOLUME 9

PAGES 1824 - 2039

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.

MANATT, PHELPS & PHILLIPS
11355 WEST OLYMPIC BOULEVARD
LOS ANGELES, CALIFORNIA 90064

BY: CHAD HUMMEL, ESQ.

(APPEARANCES CONTINUED ON NEXT PAGE)

THERE WERE TIMES WHERE THERE WAS SOME SCREAMING, SHOUTING, FINGER-POINTING. 2 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 HEARD, BUT IN THE END THE MAJORITY WOULD RULE. AND THAT'S HOW 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 l Q. IT SAYS: 16 "THE PRESIDENT SHALL BE THE PRINCIPLE EXECUTIVE 17 OFFICER OF THE NFLPA AND, SUBJECT TO THIS CONSTITUTION AND THE DIRECTION OF THE BOARD OF REPRESENTATIVES, SHALL SUPERVISE AND 18 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 YES. A. 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
- $4 \parallel$ 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.
- DO YOU RECOGNIZE THIS, MR. ARMSTRONG?
- 24 **JA**. I DO.
- 25 Q. WHAT IS THIS?

1	MR. KESSLER: I KNOW WELL ENOUGH TO SAY NOTHING, YOUR
2	HONOR.
3	THE COURT: I THINK YOU'VE USED ABOUT I'M ROUNDING
4	OFF HERE ROUGHLY 800 MINUTES. AND THE PLAINTIFFS HAVE USED
5	886 MINUTES.
6	MR. KESSLER: WE'RE CATCHING UP.
7	THE COURT: YOU'RE CATCHING UP. SO TOMORROW, BY THE
8	END OF TOMORROW SOMEBODY WILL BE PRETTY CLOSE TO HAVING USED UP
9	ALL THEIR TIME. ALL RIGHT. HEARING NOTHING MORE, WE WILL SEE
LO	YOU AT 7:30 IN THE MORNING.
L1	I HAVE A HEARING IN HERE IN AN HOUR. I APPRECIATE IT
L2.	IF YOU WOULD MAKE ENOUGH ROOM FOR THE LAWYERS AND THE
L3	DEFENDANTS IN A CRIMINAL CASE TO GET SITUATED. THANK YOU.
.4	MR. KATZ: THANK YOU, YOUR HONOR.
.5	MR. KESSLER: THANK YOU, YOUR HONOR.
.6	(THEREUPON, THIS TRIAL WAS CONTINUED UNTIL TUESDAY,
.7	NOVEMBER 4, 2008, AT 7:30 O'CLOCK A.M.)
.8	
9	CERTIFICATE OF REPORTER
20	I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT
21	FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.
22	DATE: MONDAY, NOVEMBER 3, 2008
3	S/B KATHERINE POWELL SULLIVAN
4	KATHERINE POWELL SULLIVAN, CSR #5812, RPR, CRR
5	II S COURT REPORTER