

Exhibit B
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.

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

BY: CHAD HUMMEL, ESQ.

(APPEARANCES CONTINUED ON NEXT PAGE)

1 Q. -- ASSOCIATION ITSELF?

2 DO YOU THINK AS AN NFLPA RETIRED PLAYERS ASSOCIATION
3 MEMBER YOU SHOULD HAVE A VOTE IN NFLPA ISSUES?

4 MR. KATZ: OBJECT. LEADING.

5 THE COURT: OVERRULED.

6 PLEASE ANSWER.

7 THE WITNESS: NO.

8 BY MR. GREENSPAN:

9 Q. WHY NOT, SIR?

10 A. I'M NOT MAKING THE MONEY. I'M NOT PLAYING THE GAME. IT'S
11 NOT MY BLOOD, SWEAT AND TEARS. I HAD MY DAY. IT'S OVER.

12 Q. MR. GOICH, SINCE YOU RETIRED -- LET ME ASK THIS: DO YOU
13 KNOW WHAT THE ACTIVE PLAYER ANNUAL BOARD MEETINGS ARE?

14 A. I'VE BEEN TO TWO OF THEM.

15 Q. THAT'S WHAT I WAS GOING TO ASK YOU.

16 A. YEAH.

17 Q. WHEN YOU ATTENDED THESE MEETINGS, WHERE DID THESE MEETINGS
18 TAKE PLACE?

19 A. THE TWO I WENT TO, HAWAII.

20 Q. AND CAN YOU DESCRIBE GENERALLY TO THE JURY WHAT THE
21 PURPOSE OF THESE MEETINGS ARE, WHAT HAPPENS?

22 A. THEY STEER THE DIRECTOR IN WHICH WAY THEY WANT TO GO WITH
23 THE COLLECTIVE BARGAINING.

24 Q. WHEN YOU SAY "THEY" WHO ARE TALKING ABOUT?

25 A. THE 32 PLAYER REPS.

1 Q. OKAY. AND AS A RETIRED PLAYER YOU WERE INVITED TO --

2 A. I WAS INVITED BY GENE UPSHAW, BECAUSE IT WAS ON -- I WAS
3 PRESIDENT OF THE RETIRED PLAYERS EXECUTIVE COMMITTEE.

4 Q. NOW, AT THESE ANNUAL ACTIVE PLAYER BOARD MEETINGS, WHAT
5 MEETINGS, IF ANY, WERE YOU PERMITTED TO ATTEND?

6 A. I COULD ATTEND ANY MEETING I WANTED TO.

7 Q. WHAT INFORMATION, IF ANY, DID YOU HAVE ACCESS TO?

8 A. I STILL HAVE THE BOOK, THE FINANCIALS, EVERYTHING THAT THE
9 PLAYER REPS GOT.

10 THE COURT: IT'S UNCLEAR WHETHER THESE QUESTIONS ARE
11 WHILE HE WAS AN ACTIVE PLAYER OR WHETHER HE STILL GETS THIS
12 ACCESS AS A RETIRED PLAYER.

13 MR. GREENSPAN: I'M SORRY, YOUR HONOR.

14 THE COURT: YOU SHOULD MAKE THAT CLEAR.

15 BY MR. GREENSPAN:

16 Q. WHEN YOU ATTENDED THE ACTIVE PLAYER ANNUAL BOARD MEETINGS,
17 WERE YOU A RETIRED PLAYER OR AN ACTIVE PLAYER AT THE TIME?

18 A. I WAS RETIRED.

19 Q. YOU WERE RETIRED?

20 A. I WAS ON THE EXECUTIVE MEETING, OUR STEERING COMMITTEE FOR
21 RETIRED PLAYERS. THE ACTIVE PLAYERS INVITE TWO TO THREE
22 PLAYERS TO THEIR MEETINGS IN HAWAII EVERY YEAR.

23 Q. DO YOU KNOW WHETHER THIS PRACTICE OF STEERING COMMITTEE
24 MEMBERS OF THE RETIRED PLAYERS ASSOCIATION, DO YOU KNOW IF THE
25 PRACTICE CONTINUES OF THESE MEMBERS BEING INVITED TO THE ACTIVE

1 PLAYER BOARD MEETINGS CONTINUES TO THIS DAY?

2 A. ABSOLUTELY.

3 Q. OKAY.

4 A. IT CONTINUES TO THIS DAY.

5 Q. MR. GOICH, HAVE YOU ATTENDED ANY -- LET ME ASK YOU FIRST,
6 ARE YOU FAMILIAR WITH THE ANNUAL RETIRED PLAYERS ASSOCIATION
7 CONVENTIONS?

8 A. YEAH. I ATTENDED ALL OF THEM, YEAH.

9 Q. CAN YOU EXPLAIN TO THE JURY, GIVEN THE PICTURE OF WHAT IT
10 IS, WHAT HAPPENS?

11 A. COUPLE HUNDRED GUYS COME WITH THEIR WIVES AND THERE'S
12 PRESENTATIONS BY THE UNION. GENE GIVES A STATE OF, QUOTE, LIKE
13 THE UNION ADDRESS. AND ALL THE INFORMATION. WE HAVE
14 POWERPOINTS. WE HAVE THE PENSION DEPARTMENT TALK TO US. WE
15 HAVE THE RETIRED PLAYERS DEPARTMENT TALK TO US.

16 SOMETIMES THE ACTIVE PLAYERS' PRESIDENT COMES TO THE
17 CONVENTION AND TALKS TO US.

18 MEANWHILE, PEOPLE ARE GOING IN AND OUT, IN AND OUT.
19 AND THERE'S A DESK, AND THERE'S ALWAYS AN OPEN FORUM TO ASK
20 QUESTIONS ABOUT ANYTHING FROM ANYBODY. IT'S WIDE OPEN.

21 ARGUMENTS TAKE PLACE. THIS TAKES PLACE, ET CETERA.

22 BUT THE INFORMATION -- WE GET ALL THE INFORMATION
23 THAT'S THERE, YEAH.

24 Q. MR. GOICH, WAS THE RETIRED PLAYER GLA EVER DISCUSSED AT
25 THESE RETIRED PLAYERS ASSOCIATION CONVENTIONS?

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
10 YOU AT 7:30 IN THE MORNING.

11 I HAVE A HEARING IN HERE IN AN HOUR. I APPRECIATE IT
12 IF YOU WOULD MAKE ENOUGH ROOM FOR THE LAWYERS AND THE
13 DEFENDANTS IN A CRIMINAL CASE TO GET SITUATED. THANK YOU.

14 **MR. KATZ:** THANK YOU, YOUR HONOR.

15 **MR. KESSLER:** THANK YOU, YOUR HONOR.

16 (THEREUPON, THIS TRIAL WAS CONTINUED UNTIL TUESDAY,
17 NOVEMBER 4, 2008, AT 7:30 O'CLOCK A.M.)

18 - - - -

19 **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

23 S/B KATHERINE POWELL SULLIVAN

24 _____
25 KATHERINE POWELL SULLIVAN, CSR #5812, RPR, CRR
 U.S. COURT REPORTER