

DEWEY & LEBOEUF

Dewey & LeBoeuf LLP
1301 Avenue of the Americas
New York, NY 10019-6092

tel +1 212 259 8050
fax +1 212 259 7013
jkessler@dl.com

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The Honorable William Alsup
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

**Re: *Parrish v. National Football League Players Association, et al.*
Case No. C07-0943 WHA**

Dear Judge Alsup,

Defendants respectfully submit this response to the Court's request on Monday, November 10, that the parties state their position regarding the procedure for a distribution plan and attorneys' fees based out of the verdict. Plaintiffs have not provided Defendants with any information about any proposed distribution plan or request for attorneys' fees, however, Defendants' position is that it would be premature to address these issues at this time. Defendants intend to renew their motion for judgment as a matter of law (a motion which the Court previously described as "very substantial" (Trial Tr. 2472:25 – 2473:14)), and plan to appeal the judgment to the Ninth Circuit in the event that the Rule 50 motion is denied. Given the very real possibility that the judgment in favor of Plaintiffs may be reversed or modified, Defendants believe that it would be a waste of judicial and party resources to now address attorneys' fees and a distribution plan that would not be put into effect any time soon (if at all). At the very least, Defendants believe that the Court should not address attorneys' fees and a distribution plan until it decides Defendants' renewed Rule 50 motion, and potentially until any subsequent appeal to the Ninth Circuit is decided.

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Respectfully submitted,

/s/ Jeffrey L. Kessler
Jeffrey L. Kessler
Counsel for Defendants