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19 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
20 **SAN FRANCISCO DIVISION**

21 BERNARD PAUL PARRISH, HERBERT
ANTHONY ADDERLEY, WALTER
22 ROBERTS III,

23 Plaintiffs,

24 v.

25 NATIONAL FOOTBALL LEAGUE
PLAYERS ASSOCIATION and NATIONAL
26 FOOTBALL LEAGUE PLAYERS
INCORPORATED d/b/a/ PLAYERS INC,

27 Defendants.
28

Case No. C 07 0943 WHA

**DEFENDANTS' MOTION TO
SHORTEN TIME ON THEIR
MOTION FOR STAY OF
EXECUTION OF JUDGMENT
PENDING DISPOSITION OF
DEFENDANTS' RENEWED
MOTION FOR JUDGMENT AS A
MATTER OF LAW**

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TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that at such date and time as the Court may order, Defendants National Football League Players Association (“NFLPA”) and National Football League Players Incorporated d/b/a Players Inc (“Players Inc”) (collectively, “Defendants”), will and hereby do move, pursuant to Civil Local Rule 6-3, for an order shortening the time so that Defendants’ Motion for Stay of Execution of Judgment Pending Disposition of Defendants’ Renewed Motion for Judgment as a Matter of Law (“Motion for Stay”) be calendared for the Court’s consideration on Tuesday, November 25, 2008, with Plaintiffs’ Opposition to be filed and served by no later than Friday, November 21, 2008, and Defendants’ Reply to be filed and served by no later than Monday, November 24, 2008.

This Motion is based on the accompanying Memorandum of Points and Authorities, the accompanying declarations, the pleadings in this matter, and on such further evidence and argument as may be presented at the hearing, if any, on this Motion.

Date: November 18, 2008

DEWEY & LEBOEUF LLP

BY: /s/Jeffrey L. Kessler

Jeffrey L. Kessler

Attorneys for Defendants

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to Civil Local Rule 6-3, Defendants National Football League Players Association (“NFLPA”) and National Football League Players Incorporated (“Players Inc”) (collectively, “Defendants”) hereby submit this Motion to Shorten Time on Their Motion for Stay of Execution of Judgment Pending Disposition of Defendants’ Renewed Motion for Judgment as a Matter of Law. Defendants respectfully request that the Court grant Defendants’ Motion and issue an order providing that Defendants’ Motion for Stay of Execution of Judgment Pending Disposition of Defendants’ Renewed Motion for Judgment as a Matter of Law (“Motion for Stay”) be calendared for the Court’s consideration on Tuesday, November 25, 2008.

This Motion concerns Defendants’ Motion for Stay, which is also being filed today, and which is based on Defendants’ forthcoming Renewed Motion for Judgment as a Matter of Law. See Fed. R. Civ. P. 62(b)(1). Defendants will renew their motion for judgment as a matter of law, which the Court previously described as “very substantial,” (Trial Tr. at 2472:25-2473:14), on Wednesday, November 26, 2008.

Under the applicable Local Rules and the Standing Order in this case, the earliest date that the Motion for Stay could be calendared without leave of court is January 8, 2009, which would be several weeks after the expiration of the automatic stay on the execution of judgment entered by this Court on November 12, 2008, and the same date as the hearing for the Renewed Motion for Judgment as a Matter of Law. Defendants would be substantially prejudiced by this result, since it exposes them to execution of a judgment that may very well be reversed or modified by the Court. There is thus ample reason to shorten the time on the Motion for Stay so that it can be calendared for the Court’s consideration (without oral argument) on Tuesday, November 25, 2008, with Plaintiffs’ Opposition to be filed and served by no later than Friday, November 21, 2008, and Defendants’ Reply to be filed and served by no later than Monday, November 24, 2008.

As further described in the Declaration of Ian Papendick in Support of Defendants’ Motion to Shorten Time, Defendants unsuccessfully sought to obtain a stipulation to

1 the requested time change. Pursuant to Civil Local Rule 6-3(a), Defendants note that the only
2 time modification in this case so far was pursuant to the Court's Order Re-Setting Deadlines,
3 dated December 7, 2007, which was the result of the parties' agreement and had the effect of
4 extending discovery and postponing the class certification and summary judgment motion
5 deadlines in this case, but left the current dates of the pre-trial conference and the trial intact.
6 Given that judgment has been entered in this case and it is closed, the requested time
7 modification would have no effect on the schedule for the case.

8 **CONCLUSION**

9 For all of the foregoing reasons, Defendants respectfully request that the Court
10 grant Defendants' Motion to Shorten Time and issue an order providing that Defendants' Motion
11 for Stay be calendared for consideration by the Court (without oral argument) on Tuesday,
12 November 25, 2008, with Plaintiffs' Opposition to be filed and served by no later than Friday,
13 November 21, 2008, and Defendants' Reply to be filed and served by no later than Monday,
14 November 24, 2008.

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16 Date: November 18, 2008 DEWEY & LEBOEUF LLP
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18 BY: /s/Jeffrey L. Kessler
19 Jeffrey L. Kessler
20 *Attorneys for Defendants*
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