

1 MANATT, PHELPS & PHILLIPS, LLP
 2 RONALD S. KATZ (Bar No. CA 085713)
 3 E-mail: rkatz@manatt.com
 4 RYAN S. HILBERT (California Bar No. 210549)
 5 E-mail: rhilbert@manatt.com
 6 NOEL S. COHEN (California Bar No. 219645)
 7 E-mail: ncohen@manatt.com
 8 1001 Page Mill Road, Building 2
 9 Palo Alto, CA 94304-1006
 10 Telephone: (650) 812-1300
 11 Facsimile: (650) 213-0260

12 McKOOL SMITH, P.C.
 13 LEWIS T. LECLAIR (Bar No. CA 077136)
 14 E-mail: lleclair@mckoolsmith.com
 15 JILL ADLER (Bar No. CA 150783)
 16 E-mail: jadler@mckoolsmith.com
 17 300 Crescent Court, Suite 1500
 18 Dallas, TX 75201
 19 Telephone: (214) 978-4000
 20 Facsimile: (214) 978-4044

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

CIVIL ACTION NO. C07 0943 WHA

21 BERNARD PAUL PARRISH, HERBERT
 22 ANTHONY ADDERLEY, and WALTER
 23 ROBERTS, III on behalf of themselves and
 24 all others similarly situated,

Plaintiffs

**DECLARATION OF RYAN S. HILBERT IN
 SUPPORT OF PLAINTIFFS' OPPOSITION
 TO DEFENDANTS' RENEWED MOTION
 FOR JUDGMENT AS A MATTER OF LAW**

vs.

Date: January 8, 2009
 Time: 8:00 a.m.
 Judge: Honorable William H. Alsup

25 NATIONAL FOOTBALL LEAGUE
 26 PLAYERS ASSOCIATION, a Virginia
 27 corporation, and NATIONAL FOOTBALL
 28 LEAGUE PLAYERS INCORPORATED
 d/b/a PLAYERS INC, a Virginia
 corporation,

Defendants.

1 I, Ryan S. Hilbert, declare as follows:

2 1. I am an associate with Manatt, Phelps & Phillips, LLP, attorneys of record for
3 Plaintiff Herbert Anthony Adderley and the GLA Class in the above-captioned matter. The facts
4 below are true and correct and within my own personal knowledge. If called on to testify to
5 them, I could and would competently do so.

6 2. Attached hereto as Exhibit A is a true and correct copy of relevant excerpts from
7 the Trial Transcripts in this matter. Trial occurred from October 20, 2008 through November 10,
8 2008.

9 3. Attached hereto as Exhibit B is a true and correct copy of the 2000 Agreement
10 between the NFLPA and Players Inc (Trial Exhibit 95).

11 4. Attached hereto as Exhibit C is a true and correct copy of the royalty payments
12 made by each licensee during the relevant time period (Trial Exhibit 1217).

13 5. Attached hereto as Exhibit D is a true and correct copy of a chart showing the
14 annual payments made by each licensee during the relevant time period (Trial Exhibit 1218).

15 6. Attached hereto as Exhibit E is a true and correct copy of a list of license
16 agreements between the NFLPA and its licensees (Trial Exhibit 1221).

17 7. Attached hereto as Exhibit F is a true and correct copy of the 2005 License
18 Agreement between Electronic Arts, Inc. and Players Inc (Trial Exhibit 29).

19 8. Attached hereto as Exhibit G is a true and correct copy of a webpage that
20 previously could be found at nflplayers.com (Trial Exhibit 5).

21 9. Attached hereto as Exhibit H is a true and correct copy of Equal Share Licensing
22 Royalty Distribution Criteria Royalty Eligibility for 2002 Season, Payment during 2003 Season
23 (Trial Exhibit 96).

24 10. Attached hereto as Exhibit I is a true and correct copy of the June 2004 Touchback
25 magazine (Trial Exhibit 2046).

26

27

28

1 11. Attached hereto as Exhibit J is a true and correct copy of the NFL Players
2 Association Retired Player Group Licensing Authorization Form signed by Herb Adderley (Trial
3 Exhibit 110).

4 12. Attached hereto as Exhibit K is a true and correct copy of Players Inc Responses
5 and Objection to Plaintiffs' First Set of Requests for Admissions, dated August 1, 2007.

6 13. Attached hereto as Exhibit L is a true and correct copy of a letter to Jeremy
7 Strauser of Electronic Arts from LaShun Lawson of the NFLPA dated May 31, 2001 (Trial
8 Exhibit 1320).

9 14. Attached hereto as Exhibit M is a true and correct copy of an e-mail from Clay
10 Walker to Joe Nahra dated February 20, 2007 regarding EA Sports (Trial Exhibit 521).

11 15. Attached hereto as Exhibit N is a true and correct copy of the Complaint in the
12 matter *National Football League Players Association v. National Football League and National*
13 *Football League Management Council*, Case No. 08CV6254 RHK/JJG. D. Minn., dated
14 December 4, 2008.

15 16. Attached hereto as Exhibit O is a true and correct copy of a solicitation letter from
16 Doug Allen to retired players (Trial Exhibit 23).

17 17. Attached hereto as Exhibit P is a true and correct copy of the Retired Players
18 Group Licensing Agreement (Trial Exhibit 506).

19 18. Attached hereto as Exhibit Q is a true and correct copy of the License Agreement
20 between the NFLPA and Electronic Arts, Inc ("EA") and Electronic Arts C.V ("EACV") (Trial
21 Exhibit 65).

22 19. Attached hereto as Exhibit R is a true and correct copy of the License Proposal
23 sent to Clay Walker of Players Inc from Joel Linzer of Electronic Arts (Trial Exhibit 66).

24 20. Attached hereto as Exhibit S is a true and correct copy of Players Inc's Annual
25 Review dated March 28, 2004 (Trial Exhibit 1296).

