

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

No. C 07-00943 WHA

Plaintiffs,

v.

NATIONAL FOOTBALL LEAGUE
PLAYERS INCORPORATED, et al.,

**NOTICE OF FILINGS OF
TWO DRAFT CHARGES TO
THE JURY PROVIDED TO
COUNSEL ON OCTOBER 30
AND NOVEMBER 4, 2008**

Defendants.

For the benefit of the Court of Appeals and for the convenience of counsel on appeal, appended hereto are two earlier sets of proposed jury instructions given to counsel. Appendix A was given to counsel on October 31, 2008, midway during the trial and counsel were asked to submit a short critique in writing limited to the most important points counsel wished to make. Counsel were advised that they would have a subsequent opportunity to critique a more complete version of the instructions.

Appendix B is a more complete version of the instructions provided to counsel on November 4, 2008, which was subsequently discussed with counsel on the record. This is being made part of the record for the benefit of the Court of Appeals so that the court reporter's record of that charging conference will be more comprehensible.

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In addition, previously already made part of the record (Dkt. No. 546) was a subsequent draft provided to counsel for the final charging conference and prior to argument. This was also discussed on the record and counsel were admonished to raise any and all objections or proposals on pain of waiver.

The final charge as read to the jury appears as Docket No. 549.

In sum, counsel were provided four iterations of the instructions, counting the final version read to the jury (Dkt. No. 549) and given at least three opportunities to raise proposals and/or objections before settling on the final version.

IT IS SO ORDERED.

Dated: January 13, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE