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

BERNARD PAUL PARISH, *et al.*,
Plaintiffs,

No. C 07-00943 WHA

v.

NATIONAL FOOTBALL LEAGUE
PLAYERS INCORPORATED, *et al.*,
Defendants.

**NOTICE RE AMENDED
SETTLEMENT AGREEMENT
AND NOTICE**

The Court has received the amended settlement agreement and notice submitted by plaintiffs. Additional revisions are necessary. While the term “Releasees” now excludes licensees of defendants, the notice should also state the following:

Any claims by class members, individually or as a class, against Electronic Arts or any other licensee of defendants concerning misuse of their images or identities, including scrambling, will not be released by the settlement. Those claims, however, will not be prosecuted as part of this case. This case will end upon distribution of the settlement proceeds. Class members would be responsible for pursuing those claims, if they are so inclined.

The notice should also quote the language in the Release (*i.e.*, paragraph 32 of the amended settlement agreement). The notice should include the proposed plan of distribution, and the notice should include an example of the lowest and highest possible amounts a class member could receive under the distribution plan. The notice should also clearly and specifically state that class members may object to the distribution plan. Finally, while the parties narrowed the release in the settlement agreement, the description of the release on page six of the notice is


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still very broad. The following language should be removed from that description: “whether known or unknown” and [conduct] “that could have been alleged.”

In order to obtain preliminary approval, the parties must file an amended notice **BY AUGUST 14, 2009 AT NOON**. The parties should also file a revised order preliminarily approving the proposed settlement. The revised order should not only reference the June 5 settlement agreement but it should also refer to the amended settlement agreement and provide a form of class notice with a timetable.

IT IS SO ORDERED.

Dated: August 6, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE