

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

7 MCKOOL SMITH, P.C.
 LEWIS T. LECLAIR (Bar No. CA 077136)
 8 E-mail: lleclair@mckoolsmith.com
 JILL ADLER NAYLOR (Bar No. CA 150783)
 9 E-mail: jnaylor@mckoolsmith.com
 300 Crescent Court
 10 Dallas, TX 75201
 Telephone: (214) 978-4984
 11 Facsimile: (214) 978-4044

12 *Attorneys for Plaintiffs*

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

17 HERBERT ANTHONY ADDERLEY, on
 behalf of himself and all others similarly
 18 situated,

19 Plaintiffs,

20 vs.

21 NATIONAL FOOTBALL LEAGUE
 PLAYERS ASSOCIATION, a Virginia
 22 corporation, and NATIONAL FOOTBALL
 LEAGUE PLAYERS INCORPORATED
 23 d/b/a PLAYERS INC., a Virginia
 corporation,

24 Defendants.
 25

CIVIL ACTION NO. C07 0943 WHA

**CLASS COUNSELS' NOTICE OF
 ATTEMPTS TO COMPLY WITH AUGUST
 7, 2009 ORDER RE BERNARD PAUL
 PARRISH**

1 Counsel for the GLA Class (“Class Counsel”) hereby respond to the August 7, 2009 Order
2 of this Court concerning Bernard Paul Parrish as follows:

3 1. On August 7, 2009, the Court ordered Class Counsel to meet and confer with
4 Mr. Parrish.

5 2. Mr. Parrish was a putative class representative in this case, but the Court
6 disqualified him as a class representative in an Order dated April 29, 2008 (Docket No. 275).
7 Mr. Parrish voluntarily dismissed his individual action with prejudice on September 4, 2008
8 (Docket No. 394), which dismissal was memorialized by this Court in an Order dated
9 September 9, 2008. (Docket No. 398). The attorney-client relationship between Mr. Parrish and
10 Class Counsel ceased on that date.

11 3. Attempts by Class Counsel to comply with the Court’s meet-and-confer Order
12 have been unsuccessful (*see Exhibit A*, a true and correct copy of the email chain between
13 Ronald S. Katz and Mr. Parrish). Mr. Parrish has insisted that Class Counsel travel to Florida to
14 meet with him despite the facts that (1) Local Rule 1.5(n) states that a telephonic conference is
15 sufficient; (2) Mr. Parrish is not a class member; (3) Mr. Parrish is not a client of Class Counsel;
16 and (4) Mr. Parrish will have the opportunity to comment on the proposed settlement under the
17 procedures that this Court will set out for that purpose. Notwithstanding the above, I was willing
18 to hear Mr. Parrish out and to respond in whatever way would be appropriate. In all likelihood,
19 that response would be that Mr. Parrish should follow the procedures that will be set out by the
20 Court for comments on the proposed settlement.

21 4. On August 18, 2009 at 7 a.m. Pacific Daylight Time / 10 a.m. Eastern Daylight
22 Time (the time zone in which Mr. Parrish resides), I dialed into the conference call number
23 indicated in my most recent e-mail to Mr. Parrish in *Exhibit A*. Also attending the call was my
24 colleague, Ryan Hilbert, as well as a certified court reporter who made a record of the call. Mr.
25 Parrish did not join the call and he has not suggested an alternate time for a call.

26 5. Under the circumstances set out above, Class Counsel has made a good faith effort
27 to meet and confer with Mr. Parrish as instructed by this Court.

28 6. A copy of this pleading has been sent to Mr. Parrish by e-mail. I will also send

1 him a copy of the court reporter's transcript from this morning as soon as it is ready.

2

3 Dated: August 18, 2009

Respectfully submitted,

4

MANATT, PHELPS & PHILLIPS, LLP

5

By: /s/ Ronald S. Katz
Ronald S. Katz (SBN 085713)
Ryan S. Hilbert (SBN 210549)
Noel S. Cohen (SBN 219645)

6

7

1001 Page Mill Road, Building 2
Palo Alto, CA 94304-1006
Telephone: (650) 812-1300
Facsimile: (650) 213-0260

8

9

10

MCKOOL SMITH, P.C.
Lewis T. LeClair (SBN 077136)
Jill Adler Naylor (SBN 150783)
300 Crescent Court
Dallas, TX 75201
Telephone: (214) 978-4984
Facsimile: (214) 978-4044

11

12

13

14

Attorneys for Plaintiffs

15

16

17

18

19

20

21

22

23

24

25

26

27

28