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United States District Court  
For the Northern District of California

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

BERNARD PAUL PARRISH, HERBERT  
ANTHONY ADDERLEY, and WALTER  
ROBERTS III,

No. C 07-00943 WHA

Plaintiffs,

**ORDER RE PLAINTIFFS'  
MOTION FOR LEAVE  
TO FILE MOTION FOR  
RECONSIDERATION**

v.

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

Defendants.

Even if the law of the District of Columbia would say that only a percentage-of-recovery approach is applicable, the ultimate amount of attorney's fees and percent to be awarded is in the discretion of the district court under Rule 23. We must always remember the funds in question *belong to the class*, the retired football players. The money does not belong to plaintiffs' counsel or defense counsel. Therefore, counsel may not stipulate to deny important information the district judge needs in protecting the class from possible overreaching on attorney's fees motions. Under Rule 23, in exercising the duty to protect the class members, the district judge in this case believes it is important to not only look at the benefit achieved for the

1 class but also the specific effort expended on behalf of the class. The Ninth Circuit has stated  
2 that

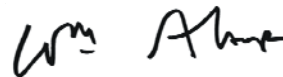
3 In a class action, whether the attorneys' fees come from a  
4 common fund or are otherwise paid, the district court must  
5 exercise its inherent authority to assure that the amount and mode  
6 of payment of attorneys' fees are fair and proper. This duty of the  
7 court exists independently of any objection.

8 *Zucker v. Occidental Petroleum Corp.*, 192 F.3d 1323, 1329 (9th Cir. 1999).

9 Plaintiffs have requested in the alternative that the deadline be extended from September  
10 24 to October 15 to file their detailed declaration regarding attorney's fees and costs. Two of  
11 plaintiffs' primary counsel will be in trial from September 14 through early October, and  
12 plaintiffs have represented that a "tremendous" amount of work would need to be re-done to  
13 comply with the Court's order. The class members, however, must be given ample time to  
14 review the attorney's fees request and to file objections. The class members' objections are due  
15 on October 29, and the hearing on final approval is November 19. Therefore, the deadline will  
16 be extended to October 2, 2009.

17 **IT IS SO ORDERED.**

18 Dated: September 15, 2009.



19 WILLIAM ALSUP  
20 UNITED STATES DISTRICT JUDGE  
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