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20 **UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION**

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

23 Plaintiffs,

24 v.

25 NATIONAL FOOTBALL LEAGUE
 26 PLAYERS INCORPORATED d/b/a/
 PLAYERS INC., a Virginia Corporation,
 27

28 Defendant.

Case No. C 07 00943 WHA

**SUPPLEMENTAL DECLARATION
 OF EAMON O'KELLY IN FURTHER
 SUPPORT OF DEFENDANT'S
 MOTION FOR SANCTIONS**

Date: May 31, 2007
 Time: 8:00 am
 Ctrm: 9
 Judge: William H. Alsup

DECLARATION OF EAMON O'KELLY

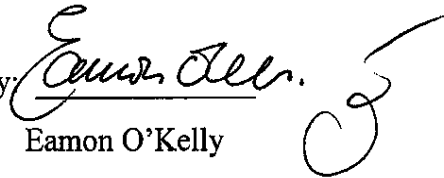
Eamon O'Kelly, hereby declares, under penalty of perjury, as follows:

1. I am a member of Dewey Ballantine LLP, and attorney for Defendant in this action. I submit this declaration in further support of Defendant's motion for sanctions.

2. Attached hereto as Exhibit F is a true and correct copy of an article published by The Atlanta Journal-Constitution entitled NFL: Week 14 Breakdown: Inside The NFL: House Tackles NFLPA, by D. Orlando Ledbetter, dated December 10, 2006.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: May 17, 2007

By: 
Eamon O'Kelly

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EXHIBIT F

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Main Edition

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HEADLINE: NFL: WEEK 14 BREAKDOWN;
INSIDE THE NFL: House tackles NFLPA

BYLINE: D. ORLANDO LEDBETTER; Staff

BODY:

With the playoff races heating up, it was easy to miss the National Football League Players Association being brought before the House Judiciary Committee on Capitol Hill.

The union, in a dispute over the decertification of agent Carl Poston, appeared before the subcommittee on commercial and administrative law on Thursday to examine the NFLPA's arbitration process.

Linebacker LaVar Arrington of the New York Giants, NFLPA's general counsel Richard Berthelsen, professor Richard Karcher, director of the Center for Law and Sports at Florida Coastal School of Law, and attorney Larry Friedman spoke to the committee.

This collision of sports and politics occurred with much less fanfare than baseball's steroids hearings. Rep. Shelia Jackson Lee (D-Texas), Rep. Chris Cannon (R-Utah) and Rep. Henry Hyde (R-Ill.) are the subcommittee members.

"The baseball [steroids] hearings, that subject was of more interest and concern on Capitol Hill than the issues we talked about," Berthelsen said.

The Poston camp contends he was suspended by the union without a hearing.

The Union contends that Poston botched the paperwork on a \$6.5 million signing bonus that Arrington was set to receive in 2006. Berthelsen told the committee that Poston backed out of three hearings.

"His suspension was put into effect right away because he wouldn't come to hearings," Berthelsen said. "For him to say that he was suspended without a hearing is really just the opposite. He was suspended because he kept refusing, he kept coming up with excuses to postpone hearings."

The committee did chastise the union for having just one hearing arbitrator, the same one since 1994.

"The arbitrary and capricious treatment of the agents is just one of the problems," said Bernie Parrish, a retired NFL player and founder of the NFLPA who submitted a statement to the subcommittee. "There are problems with the retirement plan. There are problems with the disability plan. There are problems with the medical situation, in regards to concussions in particular."

Each of the witnesses had five minutes to speak. Berthelsen considered the other three witnesses to be anti-union.

NFL: WEEK 14 BREAKDOWN; INSIDE THE NFL: House tackles NFLPA The Atlanta

"It was not enough [time] to hear all of the issues and correct some of the mis-impressions that were created," Berthelsen said. "It was the last day of the session, so I'm told. So one would not expect anything to come out of it. Certainly, it can't in this session. What might come out in the next session is obviously not up to us."

UNION MAY BE IN HOT WATER

This just may be the first of several trips to Capitol Hill for the NFLPA if a band of retired players have their way. Parrish said the old-timers have questions about the union's handling of the retirement fund, its disability program and the licensing arm, Players, Inc.

"This Congressional thing is just now getting started," Parrish said. "John Conyers (D-Mich.) is taking over this committee starting Jan. 1. There's going to be a thorough investigation of the NFLPA and how it's operated."

Parrish, a former Florida Gators player, played in the NFL from 1959 to 1966 with the Cleveland Browns. He played one year with Houston in the old AFL.

"Oh gosh, watch out there," said Berthelsen, when asked about Parrish. "The statements that he has made are so off base that they do not need to be dignified with a response."

DISABILITY ISSUES

Parrish said former Miami running back Mercury Morris filed a Freedom of Information request and found that of the 7,561 former NFL players since the 1960s, only 1 percent were receiving disability.

"That means it's safer to work at McDonald's than to play football," Parrish said. "There's a little something wrong here."

Parrish contends the union spends \$2.5 million annually to fight its retirees' disability claims.

MILLOY SUPPORTS POSTON AND UPSHAW

Falcons safety Lawyer Milloy is represented by Poston and is the team's union representative.

"He's my agent, and I know a lot of the guys he represents, I know they believe in him and [have] his 100 percent backing," Milloy said. "He has our 100 percent backing."

Milloy started to get involved in the union three years ago at the behest of teammate Troy Vincent, when he was with the Buffalo Bills. Vincent is the union president.

"A lot of guys didn't want to be involved with it," Milloy said. "Troy Vincent got up there and he encouraged me to get involved and I did."

Milloy likes the job NFLPA executive director Gene Upshaw does with the union.

"Gene has done a lot for this union," Milloy said. "He's made the union what it is. It is probably one of the stronger unions in all of sports and really all of business. Our benefits are second to none, but it takes 100 percent participation."

GRAPHIC: Photo: Staff photo illustration; photo by CHUCK KENNEDY / MCTThe U.S. Capitol/ImageData* ImageData*

Photo: DAVID ADAME / Associated PressMercury Morris (right, from 2002 photo) is looking into former players' disability payments/ImageData*

LOAD-DATE: December 10, 2006