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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

CIVIL ACTION NO. C07 0943 WHA

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

**CLASS COUNSELS' NOTICE  
 REGARDING DISTRIBUTIONS  
 FROM THE SETTLEMENT  
 FUND**

vs.

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

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1 Pursuant to the Court’s November 23, 2010 Order, Counsel for the GLA Class (“Class  
2 Counsel”) hereby certifies and attests as follows:

3 1. On November 23, 2009, the Court granted Class Counsel’s Motion for Final  
4 Approval of the Settlement Agreement and Proposed Plan of Distribution.

5 2. Shortly thereafter, on December 11, 2009, Class Counsel caused The Garden City  
6 Group, Inc. (the “Class Administrator”) to mail each Class Member for whom Class Counsel  
7 has a known address a Claim Form and Release (“Claim Form”) in the form attached as Exhibit  
8 A to the Declaration of Lewis T. LeClair, filed concurrently herewith.<sup>1</sup> The Claim Form stated  
9 that the recipient must return a completed Claim Form to the Claims Administrator on or before  
10 February 9, 2010. *Id.*

11 3. The Class Administrator received 1,571 Claim Forms that were postmarked on or  
12 before the February 9, 2010 deadline, and has distributed funds to each of the 1,562 Class  
13 Members who submitted a Claim Form by the deadline. Keough Decl. at ¶ 4. Nine Class  
14 Members have yet to be paid due to the fact that their Claim Forms were incomplete. *Id.* In  
15 addition, the Class Administer received 17 Claim Forms that were postmarked after the February  
16 9, 2010 deadline. *Id.* Despite the fact that such Claim Forms were received after the deadline,  
17 Class Counsel has authorized the Class Administrator to pay these Class Members their  
18 respective portion of the Settlement Fund.<sup>2</sup> *Id.* The name of each Class Member who has  
19 received a distribution from the Settlement Fund is attached as Exhibit A to the Declaration of  
20 Jennifer Keough.

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24 <sup>1</sup> Despite the fact that each Class Member’s address was run through the United States Postal  
25 Service’s National Change of Address database, 261 Claim Forms were returned to the Class  
26 Administrator as undeliverable with no forwarding address. Class Counsel is currently working  
27 with the Class Administrator to conduct “advanced searches” to locate addresses for the 261  
28 Class Members whose forms were returned as undeliverable.

<sup>2</sup> Class Counsel intends to distribute funds to any Class Member that submits a completed Claim Form prior to June 1, 2010.

1 4. To date, the Class Administrator has distributed \$7,379,784.86 from the  
2 Settlement Fund.<sup>3</sup> Keough Decl at ¶ 5.

3 5. A total of 482 Class Members have yet to submit a completed claim form, and as  
4 a result, approximately \$1,619,787.71 remains in the Settlement Fund (the “Unclaimed Funds”).<sup>4</sup>  
5 Keough Decl at ¶ 6. Pursuant to the Plan of Distribution, the Unclaimed Funds will be  
6 distributed to those Class Members that have submitted a completed a Claim Form. Such  
7 distribution will occur at the same time as the distribution of the second installment of the Gross  
8 Settlement Amount (discussed below). However, prior to distributing the Unclaimed Funds,  
9 Class Counsel intends to re-send each of the Class Members who has yet to submit a Claim  
10 Form, and for whom Class Counsel has a known address, a second notice in the form attached as  
11 Exhibit B to the Declaration of Lewis T. LeClair.<sup>5</sup>  
12

13 6. Pursuant to Paragraph 34 of the Settlement Agreement, Defendants are required to  
14 fund the second installment of the Gross Settlement Amount totaling \$13,125,000 into the  
15 escrow account on June 5, 2010.  
16

17 7. Class Counsel anticipates that distributions related to the second installment of the  
18 Gross Settlement Amount will be made on or about June 30, 2010.  
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20 <sup>3</sup> In addition to authorizing distributions to the Class Members, Class Counsel has also  
21 authorized distributions from the Settlement Fund for the payment of (i) one half of the court  
22 ordered attorneys’ fees, (ii) the court ordered expenses incurred in connection with the litigation,  
23 (iii) administrative expenses related to the distribution of the Settlement Fund, and (iv) one half  
24 of the Court’s award to Herb Adderley, the Class Representative. Specifically, Class Counsel  
25 authorized a distribution for fees and expenses to Manatt, Phelps & Phillips in the amount of  
26 \$2,250,700 and a distribution to McKool Smith in the amount of \$1,814,300. Class Counsel  
27 authorized a distribution of \$5,000 to Mr. Adderley. Finally, Class Counsel authorized three  
28 distributions to the Class Administrator for expenses incurred in connection with the distribution  
of the Settlement Fund in the amount of \$11,689.75, \$27,113.91 and 24,614.71, respectively.

<sup>4</sup> A list containing the names of each Class Member who has yet to submit a completed Claim Form is attached as Exhibit B to the Declaration of Jennifer Keough.

<sup>5</sup> Class Counsel does not intend to resend a Claim Form to those Class Members whose initial Claim Forms were returned as undeliverable, unless the Class Administrator is able to find a new address for such Class Members through its “advanced searches”.

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Dated: March 18, 2010

Respectfully submitted,

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