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12 *Attorneys for Plaintiffs*

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

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

**FOURTH MOTION REGARDING
 PAYMENT OF ADMINISTRATION
 COSTS FROM THE SETTLEMENT FUND**

Date: Thursday, June 17, 2010

Time: 8:00 a.m.

Judge: Honorable William H. Alsup

Place: Courtroom 9, 19th Floor

1 **I. INTRODUCTION**

2 By this motion, Class Counsel seeks an order approving a disbursement from the
3 Settlement Fund (as defined in the Settlement Agreement) in order to pay an April 21, 2010
4 invoice from Garden City Group, Inc. (“Garden City”), the class administrator in this matter.
5 Class Counsel have contacted Defendants’ counsel, who have indicated that Defendants do not
6 oppose this motion.

7 **II. ARGUMENT**

8
9 On June 5, 2009 the parties to this action entered into a Settlement Agreement
10 (“Settlement Agreement”). *See* Declaration of Lewis LeClair in Support of Third Motion
11 Regarding Payment of Administration Costs from the Settlement Fund (“LeClair Decl.”), Exhibit
12 A. Paragraph 36 of the Settlement Agreement provides that administrative costs incurred in
13 connection with effectuating the settlement agreement and distributing monies from the
14 settlement will be paid from the Settlement Fund:

15 [d]isbursements for Notice and Administration Costs, including reasonable
16 expenses associated with providing notice of the settlement to the Class
17 [and] expenses associated with administering the settlement . . . shall be
18 paid from the Settlement Fund when incurred.

19 Class counsel hired Garden City to act as the class administrator in this action. Garden
20 City has been tasked with administering the Settlement Agreement, including, but not limited to
21 (i) mailing class notices, (ii) establishing and maintaining a filing process from claims of Class
22 Members, (iii) processing returned and/or undeliverable mail, (iv) responding to class member
23 inquiries and (iv) distributing checks to class members.

24 On October 14, 2009, Garden City submitted an invoice to Class Counsel for services
25 rendered during the period from July 1, 2009 through September 30, 2009. This invoice was for
26 services that were rendered in connection with “Notice and Claims Administration.” On
27 November 23, 2009, the Court issued an Order approving a disbursement from the Settlement
28 Fund to Garden City Group to cover this invoice.

On January 20, 2010, Garden City submitted a second invoice to Class Counsel for

1 services rendered during the period from October 1, 2009 through December 31, 2009. This
2 invoice was for costs incurred and services rendered in connection with the preparation, printing
3 and sending of claim validation forms and with responding to retired player inquiries. On
4 February 1, 2010, the Court issued an Order approving a disbursement from the Settlement Fund
5 to Garden City Group to cover this invoice.

6 On March 9, 2010, Garden City submitted a third invoice to class counsel for services
7 rendered from January 1, 2010 through February 15, 2010. This invoice was for costs incurred
8 and services rendered in connection with the distribution of additional claim validation forms and
9 with processing the responses received from the players. It also covered the costs associated with
10 fielding phone calls from retired players and with running a website with additional information.
11 On March 15, 2010, the Court issued an Order approving a disbursement from the Settlement
12 Fund to Garden City Group to cover this invoice.

13 On April 21, 2010, Garden City submitted a fourth invoice in the amount of \$14,279.27
14 for services rendered from February 16, 2010 through March 31, 2010 (the "Invoice"). This
15 invoice is for costs incurred and services rendered in connection with the processing of the
16 additional claim validation forms that were sent after the last invoice. It also covers the costs
17 associated with fielding phone calls from retired players and with running a website with
18 additional information.

19 Because the April 21, 2010 Invoice relates to services rendered in connection with the
20 administration of the Settlement Agreement, Class Counsel respectfully request that the Invoice
21 be paid from the Settlement Fund pursuant to paragraph 36 of the Settlement Agreement.

22 Class Counsel have contacted Defendants' counsel, who have indicated that Defendants
23 do not oppose this motion.

