

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

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

Date: Thursday, July 8, 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 a May 24, 2010 invoice  
4 from Garden City Group, Inc. (“Garden City”), the class administrator in this matter. Class  
5 Counsel have contacted Defendants’ counsel, who have indicated that Defendants do not oppose  
6 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. This invoice is for costs  
15 incurred and services rendered in connection with the processing of the additional claim  
16 validation forms that were sent after the last invoice. It also covers the costs associated with  
17 fielding phone calls from retired players and with running a website with additional information.  
18 On April 29, 2010, the Court issued an Order approving a disbursement from the Settlement Fund  
19 to Garden City Group to cover this invoice.

20 On May 24, 2010, Garden City submitted a fifth invoice in the amount of \$8,621.06 for  
21 services rendered from April 1, 2010 through April 30, 2010 (the "Invoice"). This invoice is for  
22 costs incurred and services rendered in connection with fielding phone calls from retired players  
23 and with running a website with additional information. It also covers the costs associate with  
24 printing checks and related tax concerns.

25 Because the May 24, 2010 Invoice relates to services rendered in connection with the  
26 administration of the Settlement Agreement, Class Counsel respectfully request that the Invoice  
27 be paid from the Settlement Fund pursuant to paragraph 36 of the Settlement Agreement.

28 Class Counsel have contacted Defendants' counsel, who have indicated that Defendants

