

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  
4 NOEL S. COHEN (California Bar No. 219645)  
E-mail: ncohen@manatt.com  
5 1001 Page Mill Road, Building 2  
Palo Alto, CA 94304-1006  
6 Telephone: (650) 812-1300  
Facsimile: (650) 213-0260  
7 McKOOL SMITH, P.C.  
LEWIS T. LECLAIR (Bar No. CA 077136)  
8 E-mail: lleclair@mckoolsmith  
300 Crescent Court, Suite 1500  
9 Dallas, TX 75201  
Telephone: (214) 978-4000  
10 Facsimile: (214) 978-4044

11 Attorneys for Plaintiffs

12  
13 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

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

17 Plaintiff

18 vs.

19 NATIONAL FOOTBALL LEAGUE  
20 PLAYERS ASSOCIATION, a Virginia  
corporation, and NATIONAL  
21 FOOTBALL LEAGUE PLAYERS  
INCORPORATED d/b/a PLAYERS  
22 INC, a Virginia corporation,

23 Defendants.

CIVIL ACTION NO. C07 0943 WHA

**DECLARATION OF LEWIS T.  
LeCLAIR IN SUPPORT OF  
CLASS COUNSELS' MOTION  
FOR APPROVAL RE SECOND  
DISTRIBUTION FROM THE  
SETTLEMENT FUND**

1 LEWIS T. LeCLAIR declares:

2 I am an attorney and a member of the bar of the State of California. I am a shareholder at  
3 the law firm of McKool Smith, P.C. in Dallas, and served as lead counsel for my firm and co-  
4 counsel for plaintiff Herb Adderley and the certified class in this action  
5

6 1. On December 11, 2009, Class Counsel caused to be delivered, through our  
7 professional mailing service, The Garden City Group, Inc. (“GCG” or the “Class Administrator”),  
8 via U.S. mail to each Class Member for whom we had a known address, a Claim Form and  
9 Release in the form attached hereto as **Exhibit A**. The Claim Form stated that the recipient must  
10 return a completed Claim Form to the Claims Administrator on or before February 9, 2010.

11 2. In March 2010, Class Counsel instructed GCG to deliver a second Claim Form  
12 and Release in the form attached hereto as **Exhibit B** to each Class Member who had yet to  
13 submit a completed Claim Form and for whom we had a known address. The Claim Form stated  
14 that the recipient must return a completed Claim Form to the Claims Administrator on or before  
15 June 1, 2010. *Id.*

16 3. The Class Administrator reported that it received 1,792 Claim Forms that were  
17 postmarked on or before the June 1, 2010 deadline and has provided Class Counsel with a list of  
18 the names of each such individual, a true and correct copy of which is attached hereto as **Exhibit**  
19 **C**.  
20

21 4. According to the Class Administrator, the remaining Class Members have either  
22 (i) failed to submit a Claim Form, (ii) submitted a Claim Form after the June 1, 2010 deadline or  
23 (iii) submitted a deficient claim form. The Class Administrator has provided Class Counsel with  
24 a list of those players that failed to submit a claim form and who submitted deficient claims  
25 forms. True and correct copies of each list are attached hereto as **Exhibits D** and **Exhibit E**.  
26  
27  
28

1 5.

Status	Number
Class Members That Submitted a Timely Claim Form	1792
Class Members That Submitted a Late Claim Form	1
Class Members that Submitted a Deficient Claim Form	7
Class Members That Did Not Submit a Claim Form	259
<b>Total</b>	<b>2059</b>

2  
3  
4  
5  
6  
7  
8  
9  
10 6. In June 2010, Defendants funded the second installment of the Gross Settlement  
11 Amount and Class Counsel is preparing to distribute these funds to the Class Members. Pursuant  
12 to the Plan of Distribution, any unclaimed funds from the first installment of the Gross  
13 Settlement Amount will be pooled with the second installment of the Gross Settlement Amount  
14 and distributed to the Class Members that have submitted a completed a Claim Form.<sup>1</sup>

15 7. Class Counsel has created a payment matrix attached hereto as **Exhibit F** in order  
16 to calculate the amount due to each Class Member in connection with the second installment.  
17 Because the payment matrix contains personal information of class members, it is being filed  
18 under seal.

19 8. The payment matrix contemplates that \$111,415.43 will be reserved from the pool  
20 of money that will be distributed to the Class Members in order to pay (i) the seven Class  
21 Members who submitted deficient claim forms and have yet to be paid their respective share of  
22 the initial distribution of the Gross Settlement Amount and (ii) administrative expenses. Class  
23 Counsel has reserved \$38,098.44 in order to pay the seven Class Members who have submitted  
24  
25

26  
27 <sup>1</sup> Class counsel intends to include those players who submitted deficient forms in the second  
28 distribution.

1 deficient claim forms once those deficiencies are corrected. Class Counsel has reserved an  
2 additional \$73,303.99 to pay for the administration of the Settlement Fund. Of this amount,  
3 \$65,597.35 will be paid directly to the Class Administrator in connection with its June 24, 2010  
4 invoice attached hereto as **Exhibit G**. Another \$7,139.64 will be used to reimburse McKool  
5 Smith, as McKool Smith inadvertently paid one-half of the Class Administrator's April 21, 2010  
6 invoice which should have been paid from the Settlement Fund. A true and correct copy of  
7 McKool Smith's June 7, 2010 check to the Class Administrator in the amount of \$7,139.64 is  
8 attached hereto as **Exhibit H**. Lastly, \$580 will be used to compensate Class Counsel's damages  
9 expert, LECG, for its work in confirming the accuracy of the payment matrix referenced in  
10 Paragraph 7 above. A true and correct copy of the invoice from LECG is attached hereto as  
11 **Exhibit I**.

12  
13  
14 I declare under penalty of perjury under the laws of the State of California  
15 that the foregoing is true and correct, and that this declaration was executed July 1, 2010  
16 in Dallas, Texas.

17  
18 /s/ Lewis T. LeClair

19  
20 300119824.1  
21  
22  
23  
24  
25  
26  
27  
28