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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

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

Plaintiff

vs.

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

Defendants.

CIVIL ACTION NO. C07 0943 WHA

**SUPPLEMENTAL 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. I am submitting this
5 declaration in support of Class Counsel’s Motion Regarding the Second Distribution from the
6 Settlement Fund and in response to the Court’s July 6, 2010 Order styled “Questions to Counsel
7 Regarding Final Distribution of Settlement Funds.”
8

9 1. In its July 6, 2010 Order, the Court correctly points out that the class list proffered
10 by Defendants at trial includes the names of 2,074 retired NFL players. (TX 2057). Twelve of
11 the players on the class list timely opted-out of the lawsuit.
12

13 2. Class Counsel used the class list (TX 2057) as the template for its payment
14 matrix. *See* Payment Matrix attached as Exhibit F to the Declaration of Lewis T. LeClair in
15 Support of Class Counsel’s Motion Regarding the Second Distribution from the Settlement Fund
16 (Dkt. No. 696). When preparing the payment matrix, Class Counsel identified three names on
17 the class list that were listed multiple times: Curt DiGiacomo (TX 2057 at pages 42 and 48); (ii)
18 Patrick D. Heenan (TX 2057 at pages 72 and 74); and (iii) Mike Schnitker (TX 2057 at page 152,
19 lines 4 and 7).¹ When one accounts for the twelve players who timely opted-out of the lawsuit
20 and the three duplicate entries, there are a total of 2,059 players that should have been mailed a
21 Claim Form.
22

23 3. The Garden City Group, Inc. (“GCG” or the “Class Administer) reported that it
24 mailed each of the 2,059 Class Members referenced above a Claim Form and Release (“Claim
25 Form”) as part of the initial mailing in December 2009. The Claim Form stated that the recipient
26

27 ¹ The second time Mr. Shnitker’s name appears on page 152 of TX 2057, it is misspelled
28 (“Schmitker”).

1 must return a completed Claim Form to the Claims Administrator on or before February 9, 2010.
2 The Class Administrator reported receiving Claim Forms from 1,571 Class Members in
3 connection with the initial mailing. The Claim Forms of 261 Class Members were returned to
4 the Class Administrator as “undeliverable”.
5

6 4. In total, 488 Class Members failed to return a completed Claim Form in
7 connection with the initial mailing. In March 2010, the Class Administrator mailed each of the
8 488 Class Members who failed to return a Claim Form in connection with the initial mailing a
9 second Claim Form. The Claim Form stated that the recipient must return a completed Claim
10 Form to the Claims Administrator on or before June 1, 2010.

11 5. Prior to instructing the Class Administrator to proceed with the second mailing,
12 Class Counsel instructed the Class Administrator to conduct “advanced address searches” in an
13 attempt to identify the addresses of 261 Class Members whose Claim Forms were returned as
14 “undeliverable” in connection with the initial mailing. Such “advanced address searches” are
15 explained in more detail in the Declaration of Jennifer M. Keough, filed concurrently herewith.
16

17 6. The Class Administrator reports that it mailed each of the 261 Class Members
18 whose initial Claim Forms were returned as “undeliverable” a second claim form in March 2010.
19 According to the Class Administrator, 203 of these Claim Forms were returned as
20 “undeliverable” for a second time.
21

22 7. Class Counsel believes that it has acted diligently and fairly in undertaking
23 reasonable efforts to notify each of the Class Members about this lawsuit. 1,571 of these Class
24 Members timely returned claim forms on or before February 9, 2010. Another 229 Class
25 Members timely returned claim forms on or before the extended June 1, 2010 deadline. Each of
26 these 1,800 players has been waiting patiently for his second payment from the settlement of this
27

1 lawsuit. For these reasons and the reasons given in Plaintiffs' July 2, 2010 Motion for Approval
2 Re Second Distribution From The Settlement Fund, Class Counsel respectfully request that that
3 Motion be granted.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct, and that this declaration was executed July 12, 2010 in Dallas,
6 Texas.

7
8
9 /s/ Lewis T. LeClair
10 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures,*
Ronald S. Katz hereby attests that concurrence in the filing of this document has been obtained.