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*Attorneys for Plaintiffs*

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

CIVIL ACTION NO. C07 0943 WHA

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

**CLASS COUNSELS' RESPONSE  
 TO JULY 21, 2010 ORDER**

Plaintiff

18 vs.

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

Defendants.

1 Counsel for the GLA Class (“Class Counsel”) hereby responds to the Court’s July 21,  
2 2010 Order Approving Additional Searches and Mailings (the “Order”) as follows.

3 **I. BACKGROUND**

4 Class Counsel and their claims administrator, the Garden City Group (the “Claims  
5 Administrator”), have worked diligently over the last seven months to locate and send claim  
6 forms to each member of the Class. Despite these efforts, 202 Class members were unable to be  
7 located. As a result, the claim forms for those class members were returned as “undeliverable.”

8 Following the Court’s July 21,2010 Order, the Claims Administrator, with the assistance  
9 and under the supervision of Class Counsel, took the additional step of using social security  
10 information provided confidentially by Defendants to run Lexis-based searches in order to  
11 identify updated addresses for those class members whose claim forms were previously returned  
12 as “undeliverable”. See Declaration of Jennifer M. Keough (“Keough Decl.”) ¶ 3. Where those  
13 efforts fell short, the Claims Administrator tried additional searching using other skip tracing  
14 engines. *Id* at ¶ 4. The Claims Administrator conducted two separate advanced address searches  
15 in an attempt to find updated address information for all 202 unlocated Class members. *Id*.

16 As a result of these collective efforts, and based on information provided by Defendants  
17 and calls received by retired players, Class Counsel have obtained updated contact information  
18 for 76 additional Class members. Attached as **Exhibit A** to the Keough Decl. is a list of those 76  
19 additional Class members. In light of this development, Class Counsel now have two options.

20 **II. THE FIRST OPTION**

21 The first option, recommended by Class Counsel, is that Class Counsel be authorized to  
22 send out a third claim form (the “Third Claim Form”) to these 76 class members substantially  
23 similar to **Exhibit 1** to the Declaration of Ronald S. Katz (“Katz Decl.”). Class Counsel  
24 recommends giving them six weeks to respond. Class Counsel will retain in the Settlement Fund  
25 enough money to pay each of the 76 Class members who returns the third claim form within the  
26 allotted time. However, rather than force the vast majority of the class who have already timely  
27 submitted their claim forms – some as early as December 2009 – to continue to wait, Class

1 Counsel also recommends that they be authorized to distribute second payments to each class  
2 member who timely returned his claim form and who has already received his first payment.  
3 Attached as **Exhibit 2** to the Declaration of Ronald S. Katz (“Katz Decl.”) is a chart showing  
4 these players and the updated amount each is expected to receive. Class Counsel further  
5 recommend that they be authorized to pay the Claims Administrator all outstanding fees through  
6 completion of the project, as well as their damages expert, LECG, for confirming the accuracy of  
7 the numbers. See invoice from Claims Administrator attached as **Exhibit B** to the Keough Decl.  
8 and invoice from LECG attached to Katz Decl. at **Exhibit 3**.

9 To the extent there remains any money in the Settlement Fund once the time to submit a  
10 third claim form has expired, such funds will be distributed to each Class member who returned  
11 a claim form at any time proportionate to his share. If it is not financially feasible to distribute  
12 this additional money (i.e., the cost of distribution exceeds the remaining funds), Class Counsel  
13 will donate such funds to an NFL charity, pursuant to the Proposed Plan of Distribution. See  
14 **Exhibit 4** to the Katz Decl. Class Counsel believe that this is the fairest and most reasonable way  
15 to proceed, and that it is in the best interest of the Class.

### 16 **III. THE SECOND OPTION**

17 The second option is that Class Counsel be authorized to send out the Third Claim Form  
18 to the 76 class members for whom Class Counsel now has updated contact information, giving  
19 them four weeks to respond. Unlike the first option, however, Class Counsel would refrain from  
20 distributing second payments to any other Class members until the time to return the third claim  
21 forms has expired and all the claim forms have been counted. Class Counsel also would refrain  
22 from paying the Claims Administrator anything more than its monthly statements. Class  
23 Counsel does not recommend this option because it further delays payment to those Class  
24 members who have been waiting patiently to receive their second payments.

### 25 **IV. CONCLUSION**

26 For these reasons, Class Counsel respectfully requests that they be authorized to (1) send  
27 out the Third Claim Form to the 76 class members for whom Class Counsel now has updated  
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