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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BERNARD PAUL PARRISH,
HERBERT ANTHONY ADDERLEY,
and WALTER ROBERTS, III on behalf
of themselves and all others similarly
situated,

Plaintiffs

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

**DECLARATION OF RONALD S.
KATZ IN SUPPORT OF CLASS
COUNSELS' STATUS UPDATE
AND MOTION FOR FINAL
ORDER APPROVING
PAYMENTS TO THE GLA
CLASS**

1 I, Ronald S. Katz, declare as follows:

2 1. I am an attorney duly licensed to practice law before the Courts of the State of
3 California and am a counsel of record in this matter. I am a partner with the law firm of Manatt,
4 Phelps and Phillips, LLP (“Manatt”), co-counsel of record for the Plaintiff Class in this case. I
5 am submitting this Declaration in support of Class Counsels’ Status Update and Motion for Final
6 Order Approving Payments to the GLA Class. The following declaration is based upon my
7 personal knowledge. If called as a witness I could and would competently testify to the facts set
8 forth herein.
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10 2. On December 11, 2009, Class Counsel caused the Garden City Group, Inc. (the
11 “Claims Administrator”) to mail each Class Member for whom we had a known address a first
12 Claim Form and Release (“Claim Form”). The Claim Form stated that the recipient must return
13 a completed Claim Form to the Claims Administrator on or before February 9, 2010, to share in
14 the settlement amount.
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16 3. In or around March 2010, Class Counsel instructed the Claims Administrator to
17 deliver a second Claim Form and Release to each Class Member who had yet to submit a
18 completed Claim Form and for whom we had a known address. The second Claim Form stated
19 that the recipient must return a completed Claim Form to the Claims Administrator on or before
20 June 1, 2010.
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22 4. In mid-August 2010 Order, Class Counsel caused the Claims Administrator to
23 individually populate third Claim Forms and to deliver those Claim Forms to each of those 76
24 additional Class Members for whom we and the Claims Administrator were able to obtain
25 updated addresses.
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27 5. Around this time, Class Counsel also obtained updated contact information from
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1 three Class Members who called to inquire about the lawsuit. These Class Members were Kerry
2 L. Cash, Stephen Wisniewski, and Otis Wonsley. Because we never had current addresses for
3 these three Class Members, and thus previous efforts to reach them had been unsuccessful, we
4 instructed the Claims Administrator to immediately send them third Claim Forms.
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6 6. I am informed that, on July 27, 2010, former Oakland Raider Jack Tatum passed
7 away. Thereafter, a third claim form was sent to his widow, Denise Tatum, and returned to Class
8 Counsel. In addition, a third Claim Form also was returned to Class Counsel by the widow of
9 Don R. Paul.

10 7. Six Class Members contacted the Class Administrator or Class Counsel and
11 indicated that they did not receive the Claim Form that was mailed to them, or that they returned
12 the Claim Form even though the Class Administrator does not have a record of it. These six
13 Class Members are: Georgia Buchanan, Darrell Colbert, Ray Ethridge, Nick Lowery, Ray
14 Perkins and Doug Williams. Attached hereto as **Exhibit 1** is a summary of the individual
15 situations for each of those six Class Members.
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17 8. Class Counsel sent each of the six class members a letter informing them that they
18 were not entitled to any settlement funds under the strict terms of the claims process because of
19 the failure to return a completed Claim Form by the deadline. Nonetheless, Class Counsel
20 requested additional information so that Class Counsel could seek guidance from the Court with
21 respect to their specific situations. In order to assist the Court, Class Counsel asked these Class
22 Members to submit a completed third Claim Form, which was enclosed, along with a letter
23 explaining why they either did not or were unable to timely return a Claim Form within the
24 deadline. Collectively attached as **Exhibit 2** to the Katz Declaration are the six letters (with
25 enclosures) that Class Counsel sent. Five of these letters were sent Certified Mail Return Receipt
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1 Requested and Class Counsel received Return Receipts for all five letters. The sixth letter was
2 sent via e-mail because of time concerns.

3 9. Class Counsel also sent a letter and third Claim Form to a seventh Class Member,
4 Randy White. Mr. White claims that he never received a first or second claim form, and the
5 Class Administrator does not have a record of receiving any from him. Mr. White's letter and
6 claim form was sent Certified Mail Return Receipt Requested and Class Counsel received a
7 Return Receipt for Mr. White. Class Counsel also phoned Mr. White to follow up on their letter.
8 Unfortunately, as of the time of this filing, Mr. White has not responded to Class Counsel's
9 communications.
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11 10. As of September 27, 2010, five of the six Class Members referenced above
12 responded with written explanations: Georgia Buchanan, Darrell Colbert, Ray Ethridge, Ray
13 Perkins and Nick Lowery. These responses are collectively attached as **Exhibit 3** to the Katz
14 Declaration. One other player, Doug Williams, returned a completed Claim Form, but did not
15 submit an explanatory response.
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17 11. Attached hereto as **Exhibit 4** is spreadsheet showing how much each player who
18 has submitted a third claim form is expected to receive. This spreadsheet includes the six Class
19 Members mentioned above, as well for the two players whose Claim Forms were received after
20 the deadline. The accuracy of the numbers in this spreadsheet have been confirmed by Class
21 Counsels' damages expert, LECG.
22

23 12. After conferring with my co-counsel, we have determined to recommend to the
24 Court that payment be made for the claims of the six additional Class Members who recently
25 submitted late claim forms and the two additional Class Members, Hayes and Davis, who
26 submitted late claim forms. Balancing overall fairness and equity weighs in favor of payment to
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1 any eligible Class Member. We request that the Court rule upon this request.

2 13. Attached hereto as **Exhibit 5** is spreadsheet showing how much each player who
3 has submitted a third Claim Form would be expected to receive if the eight Class Members
4 discussed above were excluded. As above, the accuracy of the numbers in this spreadsheet also
5 have been confirmed by Class Counsels' damages expert, LECG.
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7 14. Attached hereto as **Exhibit 6** is an invoice from LECG for its work in confirming
8 the accuracy of the numbers that have appeared on Class Counsel's spreadsheets.

9 I declare under penalty of perjury under the laws of the United States of America that the
10 forgoing is true and correct to the best of my knowledge.

11 Signed this 5th day of October, 2010, at Palo Alto, California.
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13 /s/ RONALD S. KATZ _____

14 Ronald S. Katz
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