

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Case No. C 07-00943 WHA

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

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE PLAYERS INCORPORATED, et al.,

Defendants.

**DECLARATION OF JENNIFER M. KEOUGH  
IN SUPPORT OF CLASS COUNSELS’  
STATUS UPDATE AND MOTION FOR  
FINAL ORDER APPROVING PAYMENTS TO  
THE GLA CLASS**

I, JENNIFER M. KEOUGH, declare and states as follows:

1. I am Executive Vice President of the Garden City Croup, Inc. (“GCG”). The following statements are based on my personal knowledge and information provided by other GCG employees working under my supervision, and if called on to do so, I could and would testify competently thereto. I am over the age of 18, and competent to testify.

2. GCG was retained by the parties to the above-captioned litigation (the “Litigation”) to serve as the Class Action Administrator as described in the Order Preliminarily Approving Proposed Settlement executed August 18, 2009 (the “Stipulation”). I submit this Declaration in order to provide the Court and the parties to the Litigation with information regarding mailing of the Claim Form and Release (“Claim Form”) and the distribution of Settlement Funds.

1           3.       On or before December 11, 2009, GCG mailed each Class Member for whom it  
2 had a known address a Claim Form. The Claim Form stated that the recipient must return a  
3 completed Claim Form to the Claims Administrator on or before February 9, 2010.

4           4.       GCG received 1,571 Claim Forms that were postmarked on or before the  
5 February 9, 2010 deadline, and distributed funds to each of the Class Members whom submitted  
6 a Claim Form by that deadline. Nine Class Members timely returned Claim Forms but such  
7 forms were deficient in some manner. Four hundred eighty two Class Members did not submit  
8 a completed Claim Form by that deadline, and as a result, approximately \$1,619,787.71  
9 remained in the Settlement Fund. Per direction from Counsel, GCG mailed Claim Forms to an  
10 additional six individuals. Of those 488 Class Members who did not return a completed Claim  
11 Form, 261 Class Members had Claim Forms that were returned as “undeliverable”.

12           5.       In or around March 2010, Class Counsel instructed GCG to conduct “advanced  
13 address searches” for those 261 Class Members in an effort to identify updated addresses. This  
14 process entailed having GCG try to locate updated addresses by submitting the names,  
15 addresses, phone numbers and, if available, Social Security numbers to Choicepoint, a Lexis-  
16 based database that aggregates publicly available records, such as utility and financial records.  
17 GCG also used available address information to look up Class Member phone numbers using a  
18 reverse directory look-up on the internet and to subsequently make attempts to contact these  
19 individuals by phone in order to get an updated address. Class Counsel then authorized GCG to  
20 send a second notice to each of those Class Members who did not timely submit a Claim Form  
21 and for whom Class Counsel had a known address.

22           6.       GCG mailed each Class Member for whom it had a known address a second  
23 Claim Form in or around March 2010. This Claim Form extended the deadline to June 1, 2010.  
24 By the time the June 1, 2010 deadline had passed, GCG had received a total of 1,792 completed  
25 Claim Forms and had distributed funds to each of those 1,792 Class Members. GCG also  
26 received seven “incomplete” claim forms that were postmarked on or before the June 1, 2010.  
27  
28

1 Two Class Members – Lester Hayes and Eric Davis – submitted Claim Forms after the June 1,  
2 2010 deadline and thus have yet to be paid.

3 7. Two hundred two of the second Claim Forms that were sent in or around March  
4 2010 were returned as “undeliverable” a second time. As a result, GCG, with the assistance and  
5 under the supervision of Class Counsel, took the additional step of using social security  
6 information provided confidentially by Defendants to run additional advanced address searches  
7 in an attempt to find updated address information for those 202 Class Members whose Claim  
8 Forms were previously returned as “undeliverable”. As a result of these collective efforts, and  
9 based on information provided by Defendants and calls received by retired players, GCG (and  
10 Class Counsel) obtained updated contact information for 76 additional Class Members.

11 8. In or around mid-August 2010, the third Claim Forms were individually  
12 populated by GCG. These Claim Forms were then mailed on August 23, 2010 to those 76 Class  
13 Members for whom GCG was able to obtain updated addresses. Attached hereto as **Exhibit A**  
14 is a list of these 76 players. The new deadline to submit a completed third Claim Form was  
15 September 20, 2010.

16 9. As of September 27, 2010, 32 of the 76 additional Class Members (or their  
17 representatives) to whom GCG sent a third Claim Form had submitted completed Claim Forms.  
18 Attached hereto as **Exhibit B** is a list of those 32 players who submitted completed Claim  
19 Forms. In addition, Kerry L. Cash, Stephen Wisniewski, and Otis Wonsley all submitted  
20 completed Claim Forms.

21 10. Charles M. Patrick’s representative is Betty Patrick; Ed Pine is confirmed as  
22 trustee of the estate of Jack Pine; Judith Ballman is the surviving spouse of Gary Ballman; and  
23 Marian Klein is the surviving spouse of Richard J. Klein.

24 11. Attached hereto as **Exhibit C** is an invoice from GCG for all outstanding fees  
25 through completion of the project. GCG prepared this invoice after conducting an analysis of  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

the tasks required to complete the distribution and the invoice reflects the reasonable costs associated with completing those tasks.

12. Attached as **Exhibit D** is an accounting of all funds received and disbursed by the Claims Administrator.

I declare under the penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed on October 5 2010 at Seattle, Washington.

  
JENNIFER M. KEOUGH