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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiff,

v.

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

Defendants.

No. C 07-00943 WHA

CLASS ACTION

**ORDER APPROVING FINAL
ROUND OF PAYMENTS TO
THE GLA CLASS**

The undersigned judge has reviewed the submissions filed by class counsel regarding the additional due diligence ordered on July 21, 2010, to locate valid mailing addresses for approximately two hundred Group Licensing Agreement (“GLA”) class members whose first and second claim forms were returned as “undeliverable” to the claims administrator. While these extra efforts delayed the final distribution of settlement checks to GLA class members by several months, they were ordered to ensure that as many class members as possible were given the opportunity to participate in the settlement before the remaining funds were distributed.

As detailed in the declarations submitted by class counsel and the claims administrator, numerous advanced searches for these “missing” class members were performed using social

1 security information provided to class counsel by defendants (Keough Decl. ¶ 7). As a result of
2 these additional searches, the claims administrator was able to locate updated mailing addresses
3 for 76 additional class members (Dkt. No. 709; Keough Decl. Exh. A). A third round of claim
4 forms were then mail to these additional class members on August 23, as authorized by an order
5 issued on August 13 (Dkt. No. 714; Katz Decl. ¶ 4; Keough Decl. ¶ 8). These class members
6 were allowed four weeks to complete and return their claim forms, and 32 of them did so
7 (Keough Decl. ¶ 9, Exh. B).

8 During this four week period, three additional “missing” class members contacted class
9 counsel to inquire about the settlement (Katz Decl. ¶ 5). After these class members provided
10 class counsel with their current mailing addresses, claim forms were sent to them as well. All
11 three of these class members promptly completed and returned their forms to the claims
12 administrator. Additionally, two widows of GLA class members submitted forms during this time
13 period on behalf of their deceased husbands (*id.* at ¶ 6). Finally, six GLA class members
14 contacted class counsel and stated that they had either not received any claim forms from the
15 claims administrator (as part of the original mailings that were sent to the class) or that they had
16 timely returned their claim forms but had not received any settlement payments (Katz Decl. ¶ 7).
17 Since the claims administrator did *not* have any claim forms from these six individuals on file,
18 new claim forms were sent to these six individuals as well. All six of these class members
19 completed and returned their claim forms to the claims administrator (*id.* at ¶¶ 8–10, Exhs. 1–3).
20 In their motion, class counsel recommends that all GLA class members for whom the claims
21 administrator currently has a valid claim form on file be allowed to participate in the settlement.

22 Based upon the instant motion and all supporting declarations, class counsel’s motion for
23 an order approving the final distribution of payments to GLA class members is **GRANTED**. As a
24 result of the additional efforts detailed herein to locate “missing” GLA class members, more
25 retired football players and their families will be able to participate in the settlement (Katz Decl.
26 Exh. 4). In this connection, the undersigned judge agrees with class counsel that *all* GLA class
27 members for whom the claims administrator currently has a valid claim form on file should be
28 allowed to participate in the settlement, and that further delays to locate more GLA class

1 members would not be in the best interests of the nearly 90 percent of class members who filed
2 claim forms and are awaiting their final settlement checks.

3 Accordingly, for the reasons stated herein and based upon the submissions of class
4 counsel, **IT IS HEREBY ORDERED THAT:**

5 1. Class counsel is authorized to pay from the settlement fund those six class
6 members discussed herein and in Exhibit 1 to the Katz Declaration, as well as the two retired
7 football players whose claim forms were received after the deadline.

8 2. Class counsel is authorized to send final payments to each of the class members
9 who is entitled to a share of the settlement fund in the amount to which each class member is
10 entitled, as detailed in Exhibit 5 to the Katz Declaration.

11 3. Class counsel is authorized to pay the Garden City Group, the claims administrator
12 in this action, all outstanding fees through completion of the project in the amount of
13 \$119,505.21, as detailed in the invoice attached as Exhibit C to the Keough Declaration.

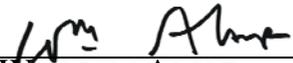
14 4. Class counsel is authorized to pay their damages expert, LECG, in the amount of
15 \$1,015 for its work in confirming the accuracy of the spreadsheets showing payments to class
16 members, as detailed in the invoice attached as Exhibit 6 to the Katz Declaration.

17 5. Class counsel is *not* authorized to reimburse McKool Smith, P.C. in the amount of
18 \$7,139.64 for funds that McKool Smith inadvertently paid to the claims administrator that should
19 have come out of the settlement fund. For whatever reason, this request was *not* supported by a
20 declaration detailing that such funds should be reimbursed. Counsel may resubmit this particular
21 request accompanied by a supporting declaration **BY NOON ON WEDNESDAY, OCTOBER 13, 2010.**

22 6. Class counsel shall notify the Court once all settlement checks have been
23 distributed to GLA class members and there is nothing left to do.

24
25 **IT IS SO ORDERED.**

26
27 Dated: October 12, 2010.

28 
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE