

MCKOOL SMITH
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

CIVIL ACTION NO. C07 0943 WHA

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

Plaintiff

vs.

**CLASS COUNSELS' MOTION
 FOR APPROVAL OF
 REIMBURSEMENT TO
 MCKOOL SMITH, P.C.**

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

Defendants.

1 **I. INTRODUCTION**

2 By this motion, Class Counsel seeks an order approving a reimbursement to McKool
3 Smith for amounts inadvertently paid to the Class Administrator, The Garden City Group, Inc.
4 (“Garden City”).

5 **II. ARGUMENT**

6 On April 21, Garden City sent Class Counsel an invoice in the amount of \$14,279.27 for
7 services rendered in connection with the administration of the claims process, mailing of notices
8 and distribution of the settlement proceeds. Declaration of Lewis LeClair, at ¶ 2 and Ex. A.
9 Paragraph 36 of the June 5, 2010 Settlement Agreement between class representative Herbert
10 Anthony Adderley and defendants National Football League Players Association and National
11 Football League Players Incorporated provides that such costs, including administrative costs
12 incurred in connection with effectuating the settlement agreement and distributing monies from
13 the settlement, will be paid from the Settlement Fund:
14

15 [d]isbursements for Notice and Administration Costs, including reasonable
16 expenses associated with providing notice of the settlement to the Class
17 [and] expenses associated with administering the settlement . . . shall be
18 paid from the Settlement Fund when incurred.

19 LeClair Decl. at ¶ 3 and Ex. B.

20 However, rather than submitting Garden City’s invoice to the Court for approval for
21 payment from the Settlement Fund, McKool Smith inadvertently paid Garden City \$7,139.64 —
22 an amount representing half of Garden City’s April 21, 2010 invoice. LeClair Decl., ¶ 4 and Ex.

23 C. McKool Smith made this clerical error due to the fact that it had been splitting all expenses
24 with its co-counsel, Manatt, Phelps & Phillips, LLP prior to the time the Court approved the
25 Settlement Agreement.
26
27
28

1 **III. CONCLUSION**

2 Class Counsel respectfully requests that the Court approve a reimbursement to McKool
3 Smith, P.C. in the amount of \$7,139.64 as the entirety of Garden City's April 21, 2010 invoice
4 should have been paid from the Settlement Fund.

5
6 Respectfully submitted,

7 Dated: October 12, 2010

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