

MCKOOL SMITH
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DALLAS, TEXAS

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11 Attorneys for Plaintiffs

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

15 CIVIL ACTION NO. C07 0943 WHA

16 HERBERT ANTHONY ADDERLEY,
 16 on behalf of himself and all others
 16 similarly situated,
 17
 17 Plaintiff

**DECLARATION OF LEWIS T.
 LeCLAIR IN SUPPORT OF
 CLASS COUNSELS' MOTION
 FOR REIMBURSEMENT TO
 McKOOL SMITH**

18 vs.

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

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1 LEWIS T. LeCLAIR declares:

2 I am an attorney and a member of the bar of the State of California. I am a shareholder at
3 the law firm of McKool Smith, P.C. in Dallas, and served as lead counsel for my firm and co-
4 counsel for plaintiff Herb Adderley and the certified class in this action. I make this declaration
5 in support of the motion of Class Counsel for reimbursement to McKool Smith for the
6 inadvertent payment by McKool Smith of a bill from Garden City Group that should have been
7 paid from the settlement fund.
8

9 1. Attached hereto as **Exhibit A** is a true and correct copy of the Garden City
10 Group's April 21, 2010 invoice in the amount of \$14,279.27.

11 2. Attached hereto as **Exhibit B** is a true and correct copy of the June 5, 2009
12 Settlement Agreement between class representative Herbert Anthony Adderley and defendants
13 National Football League Players Association and National Football League Players
14 Incorporated.
15

16 3. When the invoice arrived from Garden City Group, I inadvertently marked it for
17 one half payment by McKool Smith in accordance with the practice that existed prior to the
18 approval of the final settlement. Attached hereto as **Exhibit C** is a true and correct copy of
19 McKool Smith's June 7, 2010 check to The Garden City Group in the amount of \$7,139.64. In
20 fact, the amount should have been tendered for payment in full from the settlement funds.
21

22 4. Paragraph 36 of the Settlement Agreement provides that such costs, including
23 administrative costs incurred in connection with effectuating the settlement agreement and
24 distributing monies from the settlement, will be paid from the Settlement Fund:

25 "... [d]isbursements for Notice and Administration Costs,
26 including reasonable expenses associated with providing notice of
27 the settlement to the Class [and] expenses associated with
28

1 administering the settlement . . . shall be paid from the Settlement
2 Fund when incurred.”

3 I declare under penalty of perjury under the laws of the State of California
4 that the foregoing is true and correct, and that this declaration was executed October 12,
5 2010 in Dallas, Texas.

6
7
8 /s/ Lewis T. LeClair

9 *Filer’s Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures,*
10 *Ronald S. Katz hereby attests that concurrence in the filing of this document has been obtained.*

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