

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Tom Brady, Drew Brees, Vincent Jackson, Ben : No: 0:11-cv-00639-SRN-JJG
Leber, Logan Mankins, Peyton Manning, Von :
Miller, Brian Robison, Osi Umenyiora, and :
Mike Vrabel, individually, and on behalf of all : Declaration of Barbara P. Berens
others similarly situated, :
:

:

Plaintiffs, :
:

vs. :
:

NATIONAL FOOTBALL LEAGUE, et al., :
:

Defendants.

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I, Barbara P. Berens, hereby declare as follows:

1. I am a partner at the law firm of Berens & Miller, P.A. in Minneapolis, Minnesota, which represents Plaintiffs Tom Brady, Drew Brees, Vincent Jackson, Ben Leber, Logan Mankins, Peyton Manning, Von Miller, Brian Robison, Osi Umenyiora, and Mike Vrabel in this action. I have personal knowledge of and am competent to testify to the following:

2. Exhibit A hereto is a true and correct copy of a letter from Dennis Curran to DeMaurice Smith dated March 11, 2011.

3. Exhibit B hereto is a true and correct copy of Article XVIII of the White Stipulation and Settlement Agreement, originally executed on February 26, 1993 and as amended on March 8, 2006.

4. Exhibit C hereto is a true and correct copy of Article LVII of the expired collective bargaining agreement between the National Football League Management Council and the National Football League Players Association, dated March 8, 2006.

5. Exhibit D hereto is a true and correct copy of the Department of Labor Form LM-2 for the period ending on March 11, 2011 filed by the National Football League Players Association.

6. Exhibit E hereto is a true and correct copy of the IRS Form 1024 filed by the National Football League Players Association.

7. Exhibit F hereto is a true and correct copy of the NFL Player Contracts of Plaintiffs Tom Brady, Drew Brees, Brian Robison, and Osi Umenyiora.

8. Exhibit G hereto is a true and correct copy of the brief filed in the Eighth Circuit by the National Football League in Powell v. NFL on April 3, 1989.

9. Exhibit H hereto is a true and correct copy of the transcript of proceedings held before the Supreme Court in Brown v. Pro Football, Inc. on March 27, 1996.

Dated: July 18, 2011

Respectfully submitted,

s/Barbara P. Berens
Barbara P. Berens