

# manatt

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## Manatt Obtains \$28.1 Million Jury Verdict for Retired Professional Football Players

[Ryan S. Hilbert](#)

A nationwide team from Manatt's Sports Law Practice Group recently obtained a historic jury verdict in the amount of \$28.1 million (including \$21 million in punitive damages) for a class of more than 2,000 retired NFL players who had sued their union, the National Football League Players Association and its licensing arm, Players Inc. After a three-week trial during which both parties called numerous witnesses to the stand – including former NFLPA and Players Inc executive Doug Allen; his wife, former Players Inc executive Pat Allen; and former NFLPA President Trace Armstrong – the jury found that the union breached its contract with the retirees, violated its fiduciary obligations, and acted in willful disregard of the rights of the retirees that the union promised to represent.

The class action, *Bernard Paul Parrish, Herbert Anthony Adderley, and Walter Roberts, III on behalf of themselves and all others similarly situated vs. National Football League Players*



Class Representative Herb Adderley (L), who earned three Super Bowl rings playing for the Green Bay Packers and Dallas Cowboys, is pictured with one of the 2062 class members, Jeff Nixon, who played for the Buffalo Bills and who attended the trial.

*Association, a Virginia corporation, and National Football League Players Incorporated d/b/a Players Inc, a Virginia corporation (07-943, U.S. District Court, San Francisco), was initiated in February 2007 by class representative Herb Adderley, 69, a former Green Bay Packer and Dallas Cowboy*

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in the 1960s and 1970s, and a member of professional football's Hall of Fame. Adderley and each member of the retired player class had signed a Group Licensing Agreement (GLA) with the union, which they claimed entitled them to share in certain licensing revenue. Over a period spanning more than 14 years, the union paid little if anything to the players under the GLAs and ignored significant marketing opportunities, including Electronic Arts' (EA's) wildly successful Madden Football video game franchise.

One of the key pieces of evidence during the trial was a letter from a high-ranking Players Inc employee to EA in which Players Inc told EA to "scramble" the images of retired players instead of offering a license to those thousands of retired players for whom Players Inc already had rights.

Another key piece of evidence was a series of e-mails in which Players Inc bragged to EA about its ability to secure the rights to 142 Hall of Fame players at far below market rates. "The per player price for most of these guys was tens of thousands of dollars less than what they were guaranteed by Take Two Interactive so it's a real coup that [Players Inc] was able to pull this off so cheaply," one e-mail reads. "[Players Inc] was able to forge this deal with the HOF that provides them with \$400k per year (which is significantly below market rate) in exchange for the HOF player rights," another e-mail reads. "EA owes [Players Inc] a huge favor because that threat was enough to persuade Take Two to back off its plans, leaving EA as the only professional football videogame manufacturer out there."



L. Peter Parcher



Ronald S. Katz



Chad S. Hummel

The Manatt team was led by three partners: [L. Peter Parcher](#) of the NY office, [Ronald S. Katz](#) of the Palo Alto office, and [Chad S. Hummel](#) of the Los Angeles office. Working with them were associates [Ryan Hilbert](#) (Palo Alto office) and [Noel Cohen](#) (Los Angeles office), and legal assistant Donna Wishon (Palo Alto office). Below are a link to Manatt's press release on the victory and two links to articles describing the victory.

[Press Release](#)

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Class representative Herb Adderley described the magnitude of the victory: "I won three Super Bowls and this feels better than all of them combined. I always felt I had one big play left."

Perhaps the best description of the case comes from one of the ten jurors, all of whom voted in favor of the retirees. "We felt we had to send a message that the union needs to represent and protect all its members," the juror said. "We felt the players union didn't do that."

For questions about this article, or the lawsuit against the NFLPA and Players Inc., please contact [Peter Parcher](#), [Ronald S. Katz](#), or [Chad Hummel](#) at Manatt, Phelps & Phillips, LLP.



**Ryan S. Hilbert** Mr. Hilbert is an associate in the firm's Litigation and Intellectual Property Practice Groups. His practice focuses on litigation and counseling in the areas of trademark and unfair competition, copyright, and other intellectual property and commercial matters. He also has experience prosecuting trademarks worldwide, as well as managing domestic and foreign trademark portfolios.