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and National Football League Players Incorporated d/b/a Players Inc

18
19 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
20 **SAN FRANCISCO DIVISION**

21 BERNARD PAUL PARRISH, HERBERT
ANTHONY ADDERLEY, WALTER
22 ROBERTS III,

23 Plaintiffs,

24 v.

25 NATIONAL FOOTBALL LEAGUE
PLAYERS ASSOCIATION and NATIONAL
26 FOOTBALL LEAGUE PLAYERS
INCORPORATED d/b/a/ PLAYERS INC,

27 Defendants.

28 Defendants' Notice of Appeal

Case No. C 07 0943 WHA

**DEFENDANTS' NOTICE OF
APPEAL**

Civ. Action No. C07 0943 WHA

ORIGINAL
FILED
09 FEB -3 PM 1:49
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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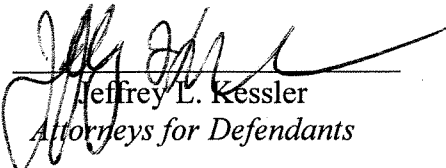
Notice is hereby given that National Football League Players Association (“NFLPA”) and National Football League Players Incorporated d/b/a Players Inc, Defendants in the above named case, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the following:

- The portion of the order dated January 13, 2009, denying Defendants’ Renewed Motion for Judgment as a Matter of Law pursuant to Federal Rule of Civil Procedure 50(b).
- The ruling made by the District Court on November 5, 2008, denying Defendants’ Motion for Judgment as a Matter of Law pursuant to Federal Rule of Civil Procedure 50(a).
- Jury verdict and damages awards dated November 10, 2008.
- Judgment entered against Defendants on November 12, 2008 and Amended Judgment entered against Defendants on January 28, 2009.
- The portion of the District Court’s order dated October 21, 2008, denying Defendants’ Motion in Limine No. 7 to exclude evidence with respect to the “scrambling” of GLA Class members in EA’s Madden NFL video games. Defendants also appeal from the evidentiary rulings made by the District Court at the pretrial conference held on October 15, 2008 and/or during the trial held on October 20, 2008 through November 10, 2008, admitting evidence relating to “scrambling” of GLA Class members in EA’s Madden NFL video games.
- The evidentiary rulings made by the District Court at the pretrial conference held on October 15, 2008 and/or during the trial held on October 20, 2008 through November 10, 2008, admitting evidence and argument relating to the purported membership of class members in the NFLPA.
- The instructions given by the District Court to the jury on November 8, 2008, including the instructions regarding fiduciary duty and damages.
- The order dated September 2, 2008, denying Defendants’ Motion to Decertify the Class.
- The order dated August 6, 2008, denying Defendants’ Motion for Summary Judgment.
- The portion of the order dated April 29, 2008, granting in part Plaintiffs’ Motion for Class Certification.

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Date: February 3, 2009

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