

Claims of Players Who Died Before January 1, 2006

Under Section 6.2(b) of the Settlement Agreement, if a Retired NFL Football Player died before January 1, 2006, his representative may be paid a Monetary Award only if the Court determines that a wrongful death or survival claim by that representative would not be barred by the applicable state law statute of limitations, which define how long someone has to bring a lawsuit for an injury. In its Order of July 13, 2016 (Document 6871), the Court directed the Special Masters to do this analysis. The Special Masters handle these matters under the Rules Governing Statute of Limitations Proceedings, adopted on January 19, 2018.

Using their authority under Rule 26 of those Rules, the Special Masters have determined they will not issue any decisions on whether any of these claims are barred by a statute of limitations until after February 6, 2019, which is the deadline set by Section 8.3(a)(i) of the Settlement Agreement for Retired Players with a pre-Effective Date Qualifying Diagnosis (that is, a Qualifying Diagnosis before January 7, 2017) to submit a Monetary Award claim, and after all proceedings on such claims are fully briefed. This will permit all affected representatives to be heard before any ruling and allow for the consideration of all such claims in a uniform and efficient manner.

Contact David Smith at dsmith@browngreer.com if you have any questions about a statute of limitations proceeding or anything in this Alert.