

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

\_\_\_\_\_  
IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION  
\_\_\_\_\_

No. 2:12-md-02323-AB

MDL No. 2323

**Hon. Anita B. Brody**

Kevin Turner and Shawn Wooden,  
*on behalf of themselves and  
others similarly situated,*  
Plaintiffs,

CIVIL ACTION NO: 14-00029-AB

v.

National Football League and  
NFL Properties, LLC,  
successor-in-interest to  
NFL Properties, Inc.,  
Defendants.  
\_\_\_\_\_

THIS DOCUMENT RELATES TO:  
ALL ACTIONS  
\_\_\_\_\_

**JOINT STATUS REPORT ON THE  
IMPLEMENTATION OF THE SETTLEMENT PROGRAM**

Co-Lead Class Counsel and the National Football League and NFL Properties LLC (collectively, the "Parties") submit this Joint Status Report on the Implementation of the Settlement Program (the "Report") as an update to our June 15, 2017 report (the "June Report") (ECF No. 7827). Accompanying the Report as Exhibits A and B are the Declaration of Orran L. Brown, Sr. for Claims Administrator BrownGreer PLC, and the Declaration of Matthew Garretson for BAP Administrator Garretson Resolution Group, Inc.

The June Report highlighted numerous notable milestones of the Settlement program, including the February 6, 2017 opening of registration, the March 23, 2017 launch of the claims

process for Monetary Awards, and the June 6, 2017 commencement of the Baseline Assessment Program (the “BAP”). Since the June Report, the registration deadline for Retired NFL Football Players expired on August 7, 2017 with over 17,000 Retired NFL Football Players or their Representative Claimants seeking to register, over 1,300 Retired NFL Football Players or their Representative Claimants have submitted Monetary Award claims, and the BAP Administrator has scheduled over 1,900 Retired NFL Football Players for baseline assessment examination appointments. As detailed below, the Parties have continued to work on a daily basis with BrownGreer and Garretson Resolution Group, as well as the Special Masters, to address these and other issues.

### **Registration**

Since the June Report, Co-Lead Class Counsel continued their extensive efforts to ensure that the Settlement Class was aware of the August 7, 2017 deadline for registration,<sup>1</sup> including by addressing Settlement Class Members directly at NFL alumni events and webinars, seeking to reach the Settlement Class indirectly through continuing media and social-media outreach, and responding to nearly 700 calls from Settlement Class Members. In addition, BrownGreer, in conjunction with the Parties, has consistently maintained an up-to-date Settlement Website that provided reminders about and guidance on registration, including the deadline for registration.

These efforts were successful. As of November 1, 2017, 20,376 people have submitted registration forms, including 15,950 Retired NFL Football Players, 1,183 Representative Claimants, and 3,243 Derivative Claimants. Nearly 6,000 individuals registered this summer between the June Report and the August 7, 2017 registration deadline for Retired NFL Football

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<sup>1</sup> Representative Claimants may also register within 180 days of receiving authorization by a court or other official of competent jurisdiction to be the authorized representative of the subject deceased or legally incapacitated or incompetent Retired NFL Football Player, and Derivative Claimants may register within 30 days of the date when their Retired NFL Football Player files a claim for a Monetary Award.

Players. A slight majority of Settlement Class Members (53%) registered *pro se* (*i.e.*, not represented by counsel), and most (62%) used the online Registration Portal established by the Settlement program for ease of use.

As of November 1, 2017, BrownGreer has processed and issued registration notices to 20,354 of the 20,376 individuals who sought to register and continues to work with Settlement Class Members to cure any deficiencies that may exist. To date, BrownGreer has determined that over 12,500 Retired NFL Football Players are eligible for the BAP.

In addition, this Court issued a July 25, 2017 order approving a centralized process for Representative Claimants and Derivative Claimant Representatives to be authorized to register and pursue benefits in the Program. (ECF No. 8107.) BrownGreer continues to work with individuals to submit the documentation necessary for authorization through this centralized process, and the Special Master has authorized over 150 Representative Claimants and Derivative Claimant Representatives through this process to date.

### **The Claims Process**

The claims process for Monetary Awards opened on March 23, 2017. As of November 1, 2017, over 1,400 Retired NFL Football Players or their Representative Claimants have submitted Claim Packages and over 375 Derivative Claimants have submitted Derivative Claim Packages, thereby doubling the claim submissions since the June Report. To date, 140 Notices of Monetary Awards have been sent to Settlement Class Members with gross awards (before holdbacks) of approximately \$195 million, although many of these claims remain subject to potential appeal. To date, the NFL Parties have paid over \$99 million in gross Monetary Awards. In addition, new Notices of Monetary Awards are issued daily and new Monetary Awards are being distributed each month by the Trustee. As of November 1, 2017, 20 claim

determinations have been appealed—12 by Settlement Class Members and 8 by the NFL Parties. Co-Lead Class Counsel has submitted Statements in 6 of these appeals. Each of these appeals is either pending before the Court (which may, in its discretion, refer the appeal to the Special Master(s)) or the briefing remains ongoing.

BrownGreer also has been continuously working with Settlement Class Members to ensure that Claim Packages are as complete as possible before the claim is reviewed. To do so, BrownGreer has issued notices of preliminary review to claimants indicating documents and/or information that should be provided before claim review. BrownGreer provides its toll-free phone number on each of the notices to answer any questions that arise from the notice or from any other documents or communications made by BrownGreer. In addition, the Parties continue to address issues related to the implementation of the Settlement and the operation of the Settlement Program on a daily basis with BrownGreer.

Finally, BrownGreer (along with the Court and the Parties) continues to address deceptive trade practices targeting Settlement Class Members and to implement, administer and enforce procedures to prevent and detect potentially fraudulent conduct related to the Settlement program. On September 19, 2017, this Court held a hearing on deceptive practices targeting Settlement Class Members at which Co-Lead Class Counsel presented its findings to date and stated that it would subsequently make a formal submission to Court on additional steps necessary to further investigate and remedy such deceptive practices.

Separately, pursuant to Sections 10.3 and 10.4 of the Settlement Agreement, BrownGreer is conducting audits of claims and monitoring for potential fraud, including through the random selection of 10% of the total Claim Packages and Derivative Claim Packages that it has found to qualify for Monetary Awards or Derivative Claimant Awards during the preceding month, and

the selection of claims for review based on data analytics, other anti-fraud procedures and information received from the public. To date, several of the audited claims moved to further investigation due to potential fraud concerns, and may be referred to the Special Masters for further review and findings. In other cases, BrownGreer will conclude the audit and continue to process these claims. The Parties are working with BrownGreer on these matters to ensure the integrity of the Settlement program.

### **Qualified MAF Physicians**

On April 7, 2017, BrownGreer posted an initial list of Qualified MAF Physicians on the Settlement Website, and additional Qualified MAF Physicians have been, and will continue to be, regularly added to this national network of board-certified neurologists. Retired NFL Football Players may visit Qualified MAF Physicians anytime over the sixty-five year life of the MAF Program to be evaluated for potential Qualifying Diagnoses. In addition to professional credentials and board certifications, BrownGreer has prioritized geographic location as a key criterion to ensure that the Qualified MAF Physicians are reasonably convenient to the Retired NFL Football Players.

As of November 1, 2017, BrownGreer has contracted with over 125 Qualified MAF Physicians in or near 36 of the 53 target cities closest to where the majority of living Retired NFL Football Players reside. This represents a near doubling in contracted Qualified MAF Physicians since our June 2017 Report. The Qualified MAF Physicians operate independent of the Parties and contract directly with BrownGreer.

### **The Baseline Assessment Program**

The Baseline Assessment Program began operations on June 6, 2017. Each of the over 12,450 eligible Retired NFL Football Player who registers may receive a baseline assessment

examination (consisting of a standardized neuropsychological examination and a basic neurological examination) performed by two Qualified BAP Providers who have been selected by and contracted with the BAP Administrator. To date, Garretson Resolution Group has scheduled over 2,100 Retired NFL Football Players for baseline assessment examination appointments.

As of November 1, 2017, Garretson Resolution Group has contracted with 290 Qualified BAP Providers, including in 45 of the 53 target cities in or near where the majority of the living Retired NFL Football Players reside. Garretson Resolution Group is continuing its efforts to contract with Qualified BAP Providers in the remaining target cities. As with the Qualified MAF Physicians, the Qualified BAP Providers operate independent of the Parties and contract directly with Garretson Resolution Group.

Dated: November 3, 2017

Respectfully Submitted:

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*Attorneys for National Football League and  
NFL Properties LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served electronically via the Court's electronic filing system on the date below upon all counsel of record in this matter.

Dated: November 3, 2017

*/s/ Christopher A. Seeger*  
Christopher A. Seeger

# Exhibit A





accordance with the terms of the Settlement Agreement, and BrownGreer's work with Co-Lead Class Counsel and Counsel for the NFL Parties (the "Parties") and the Special Masters to that end. This Declaration focuses on actions taken since my last update to the Court on June 14, 2017.

**3. *Implementation Planning.*** We have been working with the Parties on weekly calls since April 19, 2016, to prepare and implement all the functions needed for this Program. As of November 1, 2017, we have conducted 71 regular weekly calls, held many more calls to deal with particular issues and developed more than 150 different notices, forms or procedure documents relating to each aspect and phase of the Settlement. We continue to have daily interactions with the Parties as matters arise in the implementation and operation of the Settlement. On January 23, 2017, we began conducting weekly working session calls with Special Master Verrier and Special Master Pritchett to apprise them of all plans and receive their input. We reduced the frequency of these calls to biweekly starting on September 8, 2017.

**4. *NFL Concussion Settlement Website.*** As required by Section 4.1 of the Settlement Agreement, and in consultation with the Parties and the Settlement Class Notice Agent, we developed a public, informational website, [www.NFLConcussionSettlement.com](http://www.NFLConcussionSettlement.com) (the "Settlement Website"), to provide notice and additional courtesy information and services to the Settlement Class. On July 7, 2014, immediately following the Court's entry of the Preliminary Approval Order, we launched an initial version of the Settlement Website to make available for viewing, printing, and downloading PDF versions of the Settlement Class Notice and Settlement Agreement. On July 14, 2014, we launched the comprehensive version of the Settlement Website that included notice materials, court documents, frequently asked questions ("FAQs"), and a link to sign up for more information. Since that date, and

with the approval of the Parties, we have regularly updated the Settlement Website to reflect progress and changes to the Settlement Program. For example, before the August 7, 2017 Registration deadline, we displayed prominently on the Settlement Website the Registration deadline as well as a “Register Now” button and instructions for how to register.

**5. Registration.** On February 6, 2017, we launched the Registration process as required by Article IV of the Settlement Agreement. The deadline to register expired on August 7, 2017, although Representative Claimants of deceased or legally incapacitated or incompetent Retired NFL Football Players may have additional time to register if they had not been ordered before August 7, 2017, by a court or other official of competent jurisdiction to be the subject Retired NFL Football Player’s authorized representative, or if the subject Retired NFL Football Player timely registered before his death or becoming legally incapacitated or incompetent. Also, the Registration deadline for Derivative Claimants is 30 days after the Retired NFL Football Player with whom they claim a familial relationship submits a Claim Package. As of November 1, 2017, we have received 20,376 Registrations, an increase of 5,869 since my last report on June 14, 2017, through the Settlement Website and by email and hard copy submissions. These Registrations include 15,950 Retired NFL Football Players, 1,183 Representative Claimants, and 3,243 Derivative Claimants. Of all registrants, 10,899, or 53%, registered as *pro se* and 12,703, or 62%, registered using the online Registration Portal. BrownGreer continues to work with Settlement Class Members to cure any deficiencies in registration submissions that may exist.

**6. Centralized Process for Representative Claimants and Derivative Claimant Representatives.** We worked with the Parties and the Special Masters to create a streamlined, centralized process for those wishing to act in the Settlement Program as a Representative

Claimant or Derivative Claimant Representative for a Retired NFL Football Player or Derivative Claimant, and the MDL Court approved this process on July 25, 2017. The process allows proposed Representative Claimants and Derivative Claimant Representatives who started the registration process with the Claims Administrator on or before the August 7, 2017 Registration Deadline to seek appointment by the MDL Court rather than by appointment of a local court. As of November 1, 2017, the Special Masters have approved 158 petitions from proposed Representative Claimants for deceased Players. We have received 105 additional petitions from proposed Representative Claimants, but they have provided insufficient documents for us to send their petitions to the Special Masters. We continue following up with those whose petitions remain incomplete to help them with this process. We have not received any petitions from proposed Representative Claimants for legally incapacitated or incompetent Players, nor have we received any petitions from proposed Derivative Claimant Representatives.

**7. *Registration Notices.*** We have worked with the Special Masters and the Parties to draft the various notices for use during the Registration process. These notices inform registrants if they: (1) are Settlement Class Members who timely and properly registered, and whether they are eligible for the Baseline Assessment Program; (2) provided incomplete Registration information and need to supplement their Registration submission; or (3) are ineligible for the Settlement Program because they opted out or do not satisfy the definition of a Settlement Class Member. If a Settlement Class Member is eligible for the Baseline Assessment Program, the notice provides instructions for the Retired NFL Football Player to schedule his baseline assessment examination by contacting Garretson Resolution Group (“GRG”), the Court-appointed BAP Administrator. As of November 1, 2007, we have

issued 20,354 Registration Notices. Of these, 12,591 Settlement Class Members are eligible to participate in the Baseline Assessment Program.

**8. *Claims Review.*** We began accepting Claim Packages on March 23, 2017. We made the submission process as easy as possible for Settlement Class Members and will have an on-going dialogue with Settlement Class Members to ensure the completeness of Claim Packages and that they understand the steps in the claims process. As of November 1, 2017, we have received 1,421 Monetary Award Claim Packages from Retired NFL Football Players and their Representative Claimants, an increase of 682 since my June 2017 report, and 376 Derivative Claim Packages, an increase of 246 since June 2017, through the Settlement Website and by hard copy submissions.

As of November 1, 2017, we have issued 140 Notices of Monetary Award Claim Determination (worth a gross value of approximately \$195 million). To date, we have paid gross awards valued at \$99,916,866.66, while others are in the payment process or subject to potential appeal. To date, we have received a total of 20 Appeals, 12 from Settlement Class Members and 8 from the NFL Parties. Co-Lead Class Counsel has filed Statements in 6 of these Appeals.

To assist Settlement Class Members and their lawyers with submitting Claim Packages that are as complete as possible, we issue notices indicating missing documents or information that should be provided before a claim is reviewed. We include as a standard section in all notices a “How to Contact Us With Questions or For Help” section providing our toll-free number and information on how to reach us to answer questions about the notice content and deadlines:

If you are represented by a lawyer, consult with your lawyer if you have questions or need assistance. If you are unrepresented and have any questions about this Notice or need help, contact us at 1-855-887-3485 or send an email to

ClaimsAdministrator@NFLConcussionSettlement.com. If you are a lawyer, call or email your designated Firm Contact for assistance. For more information about the Settlement program, visit the official website at [www.NFLConcussionSettlement.com](http://www.NFLConcussionSettlement.com) to read the Frequently Asked Questions or download a copy of the complete Settlement Agreement.

We have a dedicated staff of Call Center Agents for unrepresented callers and Law Firm Contacts assigned to each law firm to answer questions about the Settlement Program and help them with all aspects of Registration and Claims Package submission.

**9. Audit.** Sections 10.3 and 10.4 of the Settlement Agreement require the Claims Administrator to establish and implement procedures to assure the integrity of Claim Packages and Derivative Claim Packages submitted to the Monetary Award Fund. In consultation with the Special Masters, Co-Lead Class Counsel and Counsel for the NFL Parties, we have established system-wide processes to prevent and detect fraud, including, without limitation, claims-processing quality standards, training and review, and data analytics to spot “red flags” of potential fraud. Under Section 10.3(c) of the Settlement Agreement, we audit 10% of the total claims found to qualify for Monetary Awards or Derivative Claimant Awards each month. The Settlement Agreement provides that we also audit any claim that falls into one of three fact patterns described in Section 10.3(d). Additionally, we have developed and periodically update instructions and training materials for our staff on certain “red flags” that might indicate potential fraud, we have created complex data analytics to identify suspect trends in supporting documents, and we have established several avenues for the public to report to us on potential fraud in the Program.

To date, we have placed a number of claims into audit for investigation because of potential fraud concerns and/or the audit requirements established under Sections 10.3(c) –

(d). We notify Settlement Class Members of their selection for audit by issuing Notices of Audit of Claim.

**10. *Qualified MAF Physicians List.*** Section 6.5 of the Settlement Agreement requires the Claims Administrator to establish within 90 days of the Effective Date a list of Qualified MAF Physicians eligible to provide Qualifying Diagnoses. Section 2.1(www) defines a Qualified MAF Physician as “a board-certified neurologist, board-certified neurosurgeon, or other board-certified neuro-specialist physician, who is part of an approved list of physicians authorized to make Qualifying Diagnoses.” Because board-certified neurologists also are eligible to serve as Qualified BAP Providers, we coordinate with GRG in identifying and recruiting key provider organizations in 53 target cities in or near where the majority of living Retired NFL Football Players currently reside, and together with GRG, we recruit the board-certified neurologists affiliated with each of these organizations to apply to be considered for both roles. Separately, we identify and contact additional providers who may wish to serve as Qualified MAF Physicians.

On April 7, 2017, which was 90 days after the Effective Date, we posted on the Settlement Website a list of 102 approved Qualified MAF Physicians in or near 31 of the 53 target cities. We continue to identify and contact providers, collect Provider Applications, verify credentials, submit applicants to the Parties for approval, and contract with approved Qualified MAF Physicians. We will add Qualified MAF Physicians to the posted list as these steps are completed. As of November 1, 2017, we have engaged in contract negotiations with 65 potential Qualified MAF Physicians and contracted with 126 Qualified MAF Physicians in or near 36 of the 53 target cities closest to where the majority of living Retired NFL Football Players reside. We expanded the posted list to include 157 of the total

191 approved Qualified MAF Physicians and will add the remaining 34 potential Qualified MAF Physicians as we contract with them.

I, Orran L. Brown, Sr., declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 3rd day of November, 2017.

A handwritten signature in blue ink, appearing to read "Orran L. Brown, Sr.", is written above a horizontal line.

Orran L. Brown, Sr.



# Exhibit B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

Kevin Turner and Shawn Wooden,  
*on behalf of themselves and  
others similarly situated,*  
Plaintiffs,

**Hon. Anita B. Brody**

CIVIL ACTION NO: 14-00029-AB

v.

National Football League and  
NFL Properties, LLC,  
successor-in-interest to  
NFL Properties, Inc.,  
Defendants.

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**DECLARATION OF MATTHEW L. GARRETSON**

I, Matthew L. Garretson, hereby declare as follows:

1. I am an adult over twenty-one years of age and am competent to testify to all matters contained herein. I am the Founder and Chief Executive Officer of The Garretson Resolution Group, Inc. ("GRG") and an attorney licensed to practice law in the State of Ohio. I have personal knowledge of the facts set forth herein and if called and sworn as a witness, I could and would testify competently thereto.

2. GRG serves as the BAP Administrator for the Settlement program in the above-captioned action.<sup>1</sup> Since its appointment to serve in this role, GRG has worked diligently with

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Settlement Agreement.

the Parties to discharge its responsibilities under the Settlement Agreement. I submit this declaration to provide an update to the Court on the status of GRG's work.

**BASELINE ASSESSMENT PROGRAM**

3. As the BAP Administrator, GRG is responsible for establishing and maintaining a network of Qualified BAP Providers to provide the specified baseline assessment examinations under the BAP and authorized medical services under the BAP Supplemental Benefits. (ECF No. 6481-1, Settlement Agreement § 5.7(a)(i).) Since the BAP commenced on June 6, 2017, GRG has made significant progress in creating a robust, nationwide provider network.

4. In order to plan for appropriate coverage, GRG analyzed preliminary ZIP-code-level data provided by the Claims Administrator to estimate the relative distribution of Retired NFL Football Players across the country. This analysis showed that by targeting its efforts toward fifty-three cities (comprising the fifty largest metropolitan statistical areas in the United States, plus Anchorage, Alaska; Honolulu, Hawaii; and Green Bay, Wisconsin), GRG would be able to effect coverage of seventy-eight percent of potential Settlement Class Members within fifty miles of one of the fifty-three target cities, eighty-five percent within 100 miles, and ninety-seven percent within 200 miles. This analysis also has enabled GRG to estimate the relative number of Qualified BAP Providers needed in each city.

5. GRG has identified key provider organizations with board-certified neurologists and ABPP- and ABCN-certified clinical neuropsychologists to serve as Qualified BAP Providers in each of the fifty-three target cities. GRG also has identified additional Qualified BAP Provider candidates outside the key provider organizations in order to ensure adequate network capacity for the forecasted level of participation in the BAP. As of November 1, 2017, GRG had secured applications for participation in the BAP from 550 board-certified neurologists and ABPP- or ABCN-certified clinical neuropsychologists, including clinical neuropsychologists in

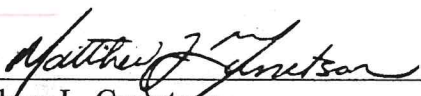
all fifty-three target cities and neurologists in fifty-two of fifty-three target cities (GRG is still pursuing a neurologist for participation in Anchorage, Alaska). Furthermore, as of November 1, 2017, GRG had engaged in contract negotiations with 464 potential Qualified BAP Providers and had contracted with 290 Qualified BAP Providers, including 161 clinical neuropsychologists in 50 of the 53 target cities in or near where the majority of the living Retired NFL Football Players reside, and 129 neurologists in 45 of the 53 target cities in or near where the majority of the living Retired NFL Football Players reside. GRG is continuing its efforts to enroll Qualified BAP Providers in the remaining target cities and to expand the network of Qualified BAP Providers wherever necessary to ensure sufficient depth of coverage.

6. GRG also has made significant progress in scheduling Retired NFL Football Players for baseline assessment examinations. As of November 1, 2017, GRG had scheduled 3,584 baseline assessment examination appointments on behalf of 2,136 Retired NFL Football Players. (Each baseline assessment examination consists of two appointments — one neurology appointment and one clinical neuropsychology appointment.)

THE DECLARANT SAYS NOTHING FURTHER.

I, Matthew L. Garretson, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 3rd day of November, 2017.

  
\_\_\_\_\_  
Matthew L. Garretson