

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**

Civ. 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

- MOTION OF PROPOSED CLASS COUNSEL FOR AN ORDER:**
- (1) GRANTING PRELIMINARY APPROVAL OF THE CLASS ACTION SETTLEMENT AGREEMENT;**
  - (2) CONDITIONALLY CERTIFYING A SETTLEMENT CLASS AND SUBCLASSES;**
  - (3) APPOINTING CO-LEAD CLASS COUNSEL, CLASS COUNSEL AND SUBCLASS COUNSEL;**
  - (4) APPROVING THE DISSEMINATION OF CLASS NOTICE;**
  - (5) SCHEDULING A FAIRNESS HEARING; AND**
  - (6) STAYING MATTERS AS TO THE RELEASED PARTIES AND ENJOINING PROPOSED SETTLEMENT CLASS MEMBERS FROM PURSUING RELATED LAWSUITS**

Plaintiffs' Proposed Class Counsel move, pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(3), and 23(e), for the entry of the Proposed Preliminary Approval and Class Certification Order, attached as Exhibit A. The proposed order seeks: (1) preliminary approval

of the Class Action Settlement Agreement; (2) conditional certification of a Settlement Class and Subclasses; (3) appointment of Co-Lead Class Counsel, Class Counsel and Subclass Counsel; (4) approval of the dissemination of Class Notice; (5) scheduling of a Fairness Hearing; and (6) the stay of matters as to the Released Parties and enjoinder of proposed Settlement Class Members from pursuing Related Lawsuits.

1. The terms of the Settlement are set forth in the Settlement Agreement, dated June 25, 2014, attached as Exhibit B.

2. The relief sought in this Motion is supported by:

a. Declaration of Katherine Kinsella, attached as Exhibit C (which includes as exhibits thereto, the proposed Long-Form Notice to Retired NFL Football Players and their Representative Claimants and Derivative Claimants, and the Summary Notice);

b. Declaration of Mediator and Former United States District Court Judge Layn R. Phillips in Support of Preliminary Approval of Settlement, attached as Exhibit D.

c. Memorandum of Law In Support of Motion of Proposed Class Counsel for an Order: (1) Granting Preliminary Approval of the Class Action Settlement Agreement; (2) Conditionally Certifying a Settlement Class and Subclasses; (3) Appointing Co-Lead Class Counsel, Class Counsel, and Subclass Counsel; (4) Approving the Dissemination of Class Notice; (5) Scheduling a Fairness Hearing; and (6) Staying Matters as to the Released Parties and Enjoining Proposed Settlement Class Members from Pursuing Related Lawsuits, filed contemporaneously herewith.

WHEREFORE, Proposed Class Counsel request that the Court enter the proposed Preliminary Approval and Class Certification Order.

Dated: June 25, 2014

Respectfully Submitted:

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