

**NFL**

**CONCUSSION SETTLEMENT**

*IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION*  
No. 2:12-md-02323 (E.D. Pa.)

**RULES GOVERNING  
REGISTRATION DETERMINATIONS AND  
APPEALS**

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# RULES GOVERNING REGISTRATION DETERMINATIONS AND APPEALS

## TITLE I: GENERAL

**Rule 1. The Purpose of These Rules.** These Rules govern determinations by the Claims Administrator regarding Registrations in the Settlement Program under Article IV of the Settlement Agreement and appeals under Section 4.3(a)(iv) of the Settlement Agreement by a Settlement Class Member, Co-Lead Class Counsel, or the NFL Parties of the Claims Administrator's Registration challenge determinations.

**Rule 2. Adoption of These Rules.** The Special Masters have adopted these Rules in the exercise of their duties pursuant their appointment by the Court in its July 13, 2016 Order (Document 6871). The Special Masters may amend these Rules at any time *sua sponte* or after request by Co-Lead Class Counsel, the NFL Parties or the Claims Administrator and such input from Co-Lead Class Counsel, the NFL Parties and the Claims Administrator as the Special Masters deem appropriate.

**Rule 3. Definitions Used in These Rules.** All capitalized terms used in these Rules will have the meanings given to them in the Settlement Agreement. In addition:

- (a) "Appellant" means the party noting a Registration Appeal from a Notice of Registration Challenge Determination. This can be a Settlement Class Member or the NFL Parties. Co-Lead Class Counsel cannot appeal from any Notice of Registration Challenge Determination. These Rules refer to making or bringing a Registration Appeal as "noting" an appeal.
- (b) "Appellee" means a Settlement Class Member or the NFL Parties when responding to a Registration Appeal and not acting as the Appellant noting the appeal.
- (c) "Court Portal" means the online system created by the Claims Administrator for the exchange of materials and information between the Court and the Claims Administrator relating to the Settlement Program.
- (d) "Family Member" means a Settlement Class Member's (1) spouse and his or her parents; (2) sons and daughters and their spouses; (3) parents and their spouses; (4) brothers and sisters and their spouses; (5) grandparents, grandchildren and their spouses; (6) domestic partner and his or her parents, and the domestic partners of any of these family members; and (7) such other persons the Claims Administrator decides should be considered to be a family member for purposes of these Rules.
- (e) "Late Registration" means any attempt to register that was not timely under the terms of the Settlement Agreement.
- (f) "Notice of Registration Challenge Determination" means the notice issued by the Claims Administrator announcing its decision on (1) a challenge by a Settlement

- Class Member under Section 4.3(a)(ii) of the Settlement Agreement to an adverse Notice of Registration Determination issued by the Claims Administrator; or (2) a challenge by the NFL Parties under Section 4.3(a)(iii) of the Settlement Agreement to a favorable Notice of Registration Determination issued by the Claims Administrator.
- (g) “Objection to Special Master Registration Decision” means an objection to a conclusion of law made by the Special Master in a decision on a Registration Appeal, as described in Rule 39.
- (h) “Order Approving Centralized Process” means the Court’s July 25, 2017 Order Approving Centralized Process for Representative Claimants and Derivative Claimant Representatives (Document 8107).
- (i) “Party to the Registration Appeal” or “Parties to the Registration Appeal” means any one of or both the Settlement Class Member involved in the Registration Appeal and the NFL Parties.
- (j) “Portal” means the online system created by the Claims Administrator for the exchange of materials and information between Settlement Class Members and the Claims Administrator, or among Co-Lead Class Counsel, the NFL Parties and the Claims Administrator, in the Settlement Program.
- (k) “Record on Registration Appeal” means what may be considered by the Special Master when deciding a Registration Appeal, as described in Rule 30.
- (l) “Registration Appeal” means an appeal from a Notice of Registration Challenge Determination issued by the Claims Administrator. These Rules refer to making or bringing a Registration Appeal as “noting” an Appeal.
- (m) “Registration Appeal Alert” is the notice from the Claims Administrator to alert parties that there has been a Registration Appeal, as described in Rule 24.
- (n) “Registration Appeal Form” is the form used to note a Registration Appeal, as described in Rule 22.
- (o) “Registration Deadline” means August 7, 2017.
- (p) “Response of Appellee” means what an Appellee submits to set out its position on a Registration Appeal, as described in Rule 25.
- (q) “Settlement Agreement” means the Amended Class Action Settlement Agreement dated as of June 25, 2014, as amended on February 13, 2015 (the “Settlement Agreement”) and approved in the Court’s May 8, 2015 Amended Final Approval Order and Judgment (Document 6534).
- (r) “Settlement Class Member” means a Retired NFL Football Player (or the Representative Claimant of a deceased or incompetent Retired NFL Football Player),

or a Derivative Claimant, which is how this term is defined in the Settlement Agreement. In addition, for purposes of these Rules the terms “Settlement Class Member,” “Retired NFL Football Player” and “Derivative Claimant” also mean a purported Settlement Class Member, Retired NFL Football Player or Derivative Claimant attempting to register in the Settlement Program under Article IV of the Settlement Agreement but who has not been found to satisfy those Settlement Agreement definitions.

- (s) “Settlement Program” means the program for benefits for Settlement Class Members established under the Settlement Agreement.
- (t) “Special Master” and “Special Masters” mean any one or both of the two Special Masters appointed by the Court in its July 13, 2016 Order (Document 6871) or appointed in any subsequent Order of the Court.
- (u) “Special Master Portal” means the online system created by the Claims Administrator for the exchange of materials and information between a Special Master and the Claims Administrator relating to the Settlement Program.
- (v) “Summary of Registration Review” is what the Claims Administrator will submit in a Registration Appeal, if directed to do so by the Special Master to explain what it did on the registration being appealed, as described in Rule 26.

**Rule 4. Registration Appeals Will Be Handled by the Special Masters.** The Court has referred to the Special Masters all Registration Appeals, to be determined in accordance with these Rules.

**Rule 5. How Things are Submitted and Served Under These Rules.**

- (a) General Rule: All submissions, notices and decisions under these Rules will be made and served through a Portal or, for anyone not using a Portal, through hard copy by mail or delivery. If a party is represented by a lawyer, service will be made on that lawyer only.
- (b) Party Using a Portal: When submitting any item under these Rules, anyone who uses a Portal will upload the item to the Portal, which will cause it to be served on all other Parties to the Registration Appeal who use a Portal, and the uploader will mail or deliver the item to any other Party to the Registration Appeal who does not use a Portal. At the beginning of a Registration Appeal, the Claims Administrator will identify to the Parties to the Registration Appeal anyone involved who does not use a Portal.
- (c) Party Not Using a Portal: When submitting any item under these Rules, anyone who does not use a Portal will mail or deliver the item to the Claims Administrator, which will upload the item to the Portals of other Parties to the Registration Appeal, and the uploader will mail or deliver it to any other Party to the Appeal who does not use a

Portal. To safeguard their confidentiality, materials may not be submitted by email.

- (d) **Special Masters:** The Special Masters will access all Registration Appeals and enter orders and decisions on them using the Special Master Portal. No party may send any material directly to a Special Master. Instead, all materials must be submitted to the Claims Administrator.
- (e) **No Filings on the Court's Docket:** The Court will access all Objections to Special Master Registration Decisions and enter rulings on them using the Court Portal. Proceedings under these Rules will not be filed on the Court's docket. No submissions under these Rules may be filed on the Court's docket.
- (f) **References in these Rules to a page limit on a submission mean double-spaced pages without counting exhibits. Single-spaced submissions cannot exceed one half the number of permitted double-spaced pages. While handwritten submissions are discouraged, the page limit means that number of handwritten pages.**

**Rule 6. How to Count Time Periods and the Date Something is Submitted in an Appeal and Extensions of Time.**

- (a) **How to Count Time Periods:** Any time period set by these Rules will be computed as follows, which is based on Rule 6 of the Federal Rules of Civil Procedure:
  - (1) Do not count the day that starts the running of any period of time. The first day of the period is the day after this trigger day.
  - (2) Count every day, including Saturdays, Sundays and legal holidays.
  - (3) Count the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.
  - (4) Legal holidays are New Year's Day, Martin Luther King, Jr.'s Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day declared a holiday by the President of the United States or the United States Congress.
  - (5) An additional three days will be added to any time period specified by these Rules for an action or submission where the acting or responding party was served by mail with the Notice or submission requiring action or response rather than by service on a Portal.
- (b) **How to Mark the Date Something is Submitted:** A document or any material submitted or served under these Rules will be considered submitted on these dates:
  - (1) **Online:** The date uploaded as of the local time of the sender.
  - (2) **By Mail:** The postmark date showing the date it was mailed. If there is no postmark date on the item or the date printed is illegible, the date of receipt by the party to whom it was mailed controls.

- (3) Overnight Delivery: The date the sender placed the item in the hands of the overnight carrier.
- (4) Hand Delivery by Courier: The date the item is received by the party to whom it is delivered.
- (c) Extensions of Time: The Claims Administrator has discretion to extend any deadline under these Rules that do not concern actions by the Special Masters. Any other deadline imposed by these Rules may be extended (1) by the Special Master in his or her discretion or (2) by the agreement of the Parties to the Appeal, if approved by the Special Master. Any party seeking an extension of time from the Special Master must:
- (1) Notify the other Parties to the Registration Appeal of the extension requested and determine if they consent or object to the request;
- (2) Make the request to the Claims Administrator, stating: (a) the deadline for which an extension is requested; (b) the duration of the extension requested; (c) the deadline date before any extension and the extended deadline date requested; (d) that the requesting party has conferred with the other Parties to the Registration Appeal and whether they consent or object to the request; and (e) the grounds for the request.

If an extension is granted, further extensions to the same party for the same deadline and/or on the same issue are not likely to be granted. The fact that another party has been granted an extension is not alone sufficient grounds for an extension for other parties.

## **TITLE II: REGISTRATION REVIEW BY THE CLAIMS ADMINISTRATOR**

**Rule 7. Registration Review.** Under Section 4.3 of the Settlement Agreement, the Claims Administrator reviews all Registration submissions to determine whether the purported Settlement Class Member (a) is a Settlement Class Member under the Settlement Agreement; (b) has timely and properly registered and (c) is eligible for the Baseline Assessment Program (if the Settlement Class Member is a living Retired NFL Football Player). The Claims Administrator may adopt such procedures as it deems appropriate to conduct this review and notify persons of information required by the Settlement Agreement for Registration that is missing from their submissions and an opportunity to provide it.

**Rule 8. Notices of Registration Determination.** At the conclusion of its review under Rule 7, the Claims Administrator will issue a Notice to the purported Settlement Class Member informing the Settlement Class Member of the outcome of that review and the determinations made by the Claims Administrator regarding the attempted Registration.

**Rule 9. Challenges to Registration Determination.** Under Section 4.3(a)(ii) and (iii) of the Settlement Agreement, within 60 days after the Notice from the Claims Administrator under Rule 8, the Settlement Class Member may challenge an adverse Notice of Registration Determination and the NFL Parties may challenge any favorable Notice of



Registration Determination. The Claims Administrator reviews each such challenge and issues a Notice of Registration Challenge Determination to the Settlement Class Member and the Parties announcing the results of that review.

### **TITLE III: LATE REGISTRATIONS**

**Rule 10. Registration Deadline.** Under Section 4.2(c) of the Settlement Agreement, Settlement Class Members were required to register on or before 180 days from the date that the Settlement Class Supplemental Notice was posted on the Settlement Website, unless “good cause” is shown to permit a later registration. Because the Supplemental Notice was posted on the Settlement Website on February 6, 2017, the Registration Deadline was August 7, 2017.

#### **Rule 11. Registration by Representative Claimants.**

- (a) Under Section 4.2(c)(i)(a) of the Settlement Agreement, a Representative Claimant who had not been ordered 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 before August 7, 2017, may register within 180 days after the date of authorization by the court or other official of competent jurisdiction. A proposed Representative Claimant who was not appointed by a local court or other official of competent jurisdiction but attempted to register in the Settlement Program before August 7, 2017, may seek appointment in the process established by the Order Approving Centralized Process.
- (b) Under Section 4.2(c)(i)(b) of the Settlement Agreement, if a Retired NFL Football Player timely registered before his death or becoming legally incapacitated or incompetent, a person seeking to substituted as his Representative Claimant may register at any time before any Monetary Award is paid relating to that Retired NFL Football Player. If not appointed by a court or other official of competent jurisdiction, such person may seek appointment in the process established by the Order Approving Centralized Process.
- (c) All other purported Representative Claimants must submit proof of appointment by a court or other official of competent jurisdiction to be permitted to register in the Settlement Program and must register within 180 days after the date of that appointment or be considered a Late Registration.

**Rule 12. Registration by Derivative Claimants.** Under Section 4.2(c)(i)(c) of the Settlement Agreement, a Derivative Claimant may register within 30 days after submission of a Claim Package by the Retired NFL Football Player with whom the Derivative Claimant claims a relationship. The Claims Administrator will consider timely a registration attempted by a Derivative Claimant after that 30-day deadline but before the Claims Administrator issues a Notice of Monetary Award to the subject Retired NFL Football Player. If a Derivative Claimant attempts to register after the Claims Administrator issues a Notice of Monetary Award with a 1% offset to the subject Retired NFL Football Player but before that 1% amount is allocated to any eligible Derivative Claimant(s), the Claims Administrator will accept the registration only if the subject Player does not object. Any other attempted registration by a Derivative Claimant will

be considered a Late Registration.

**Rule 13. Good Cause Relief for Late Registrations.** The Claims Administrator will consider whether good cause exists to permit it to accept a Late Registration as timely.

**Rule 14. Time Period for Good Cause Relief for Late Registrations.** Any Late Registration must be submitted to the Claims Administrator within 365 days after the deadline applicable to the person seeking to register to be considered for good cause relief to permit the Claims Administrator to accept the Late Registration as timely, unless the Settlement Class Member establishes to the Claims Administrator that he or she was on active military duty under the Servicemembers Civil Relief Act, 50 U.S.C §§3901-4043m, at the time the 365-day period expired, in which instance, the Settlement Class Member has 365 days after he or she is no longer on active military duty to submit a Late Registration and be considered for good cause relief to permit the Claims Administrator to accept the Registration as timely.

**Rule 15. Conditions and Circumstances That May Warrant Good Cause Relief for Late Registration.** Based upon such proof as it deems acceptable, the Claims Administrator has discretion to consider the following conditions and circumstances as potential grounds for good cause relief:

- (a) Confusion: The Settlement Class Member was confused by the Settlement Agreement and/or whether he or she qualified for the Settlement Program.
- (b) Death of a Family Member or Close Friend: A death of a Family Member or close friend prevented a Settlement Class Member from timely registering.
- (c) Did Not Receive the Supplemental Class Notice: The Settlement Class Member did not receive the Supplemental Class Notice. The Claims Administrator may compare the address used on any class notices sent to the Settlement Class Member with the address the Settlement Class Member provided in Registration.
- (d) Medical Hardship: A medical hardship prevented the Settlement Class Member from registering around the time of the Registration Deadline.
- (e) Family Matter: The Settlement Class Member experienced a family matter or crisis that prohibited him or her from registering timely, such as a divorce, child custody hearing or medical emergency involving a Family Member.
- (f) Force Majeure: An event or effect, such as an act of nature (*e.g.*, flood or hurricane) or an act of people (*e.g.*, riot, strike, or war), that prevented a Settlement Class Member from timely registering.
- (g) Memory Loss: The Settlement Class Member missed the Registration Deadline because of memory loss or lapses.
- (h) Out of the United States: The Settlement Class Member was living or working out of the United States and that prohibited him or her from timely registering.
- (i) Such other grounds as the Claims Administrator determines appropriate.

**Rule 16. Conditions That May Not Warrant Good Cause Relief for Late Registration.** Based upon such proof as it deems acceptable, the Claims Administrator has discretion to consider that the following conditions and circumstances do not warrant good cause relief:

- (a) Incarceration.
- (b) Class Notice Mailing Address Matches Registration Address: The Settlement Class Member asserts he or she did not receive Class Notice or forgot to register by the deadline and the address used in the Class Notice matches the address provided by the Settlement Class Member in his or her Registration Form.
- (c) Vacation or other travel for personal or business reasons.
- (d) No Reason Provided. The Settlement Class Member has not provided a reason for the untimely Registration, after a reasonable opportunity to do so.
- (e) Such other grounds as the Claims Administrator determines appropriate.

**Rule 17. Notice of Registration Determination.** After its review of a Late Registration, the Claims Administrator will issue to the affected Settlement Class Member and the Parties a Notice announcing whether the Late Registration will be considered timely. Such Notice will be subject to challenge under Rule 9.

#### **TITLE IV: APPEAL PROCESS**

**Rule 18. Registration Appeals Will Be Handled by the Special Masters.** The Court has referred to the Special Masters all Registration Appeals, to be determined in accordance with these Rules.

**Rule 19. Who May Appeal and What May Be Appealed on Registration Challenge Determinations.**

- (a) A Retired NFL Football Player (or Representative Claimant) may appeal on the issues whether (1) the Retired NFL Football Player satisfies the definition of that term in Section 2.1(ffff) of the Settlement Agreement to have the status of a Retired NFL Football Player; (2) the Retired NFL Football Player had at least half of an Eligible Season under Section 2.1(kk) of the Settlement Agreement; and/or (3) the Retired NFL Football Player (or Representative Claimant) properly and timely registered under Article IV of the Settlement Agreement. A Retired NFL Football Player (or Representative Claimant) may not appeal a Notice of Registration Challenge Determination issued to a Derivative Claimant.
- (b) A Derivative Claimant may appeal on the issues whether (1) he or she identified a relationship that would give him or her a right under applicable state law to sue independently or derivatively and/or (2) he or she properly and timely registered under Article IV of the Settlement Agreement. A Derivative Claimant may not

appeal a Notice of Registration Challenge Determination issued to the Retired NFL Football Player (or Representative Claimant) with whom the Derivative Claimant is associated.

- (c) The NFL Parties may appeal a Notice of Registration Challenge Determination on the issues of whether (1) the Retired NFL Football Player satisfies the definition of that term in Section 2.1(ffff) of the Settlement Agreement to have the status of a Retired NFL Football Player and/or (2) the Settlement Class Member timely registered under Article IV of the Settlement Agreement.

**Rule 20. No Other Appeals.** Unless allowed in other Rules approved by the Special Masters or in orders by the Court, no other registration determinations by the Claims Administrator are appealable.

**Rule 21. The Deadline to Note an Appeal.** Any party wishing to appeal a Notice of Registration Challenge Determination must note a Registration Appeal within 60 days after the date of the Notice of Registration Challenge Determination.

**Rule 22. How an Appellant Notes an Appeal.**

- (a) To note a Registration Appeal, an Appellant must use a Registration Appeal Form on a Portal or by mail or delivery to the Claims Administrator. The Registration Appeal Form is available on each Portal and is included in a Notice of Registration Challenge Determination sent by mail to a Settlement Class Member.
- (b) The Appellant must indicate in the Registration Appeal Form why the Appellant feels the Notice of Registration Challenge Determination was wrong, which will be the issue(s) being appealed that the Appellant wishes the Special Master to decide on the Appeal, provided that the issue is appealable under Rule 19.
- (c) The Appellant may submit with the Registration Appeal Form a statement of up to 10 pages setting forth the arguments of the Appellant on the issue(s) appealed and citations to any evidence submitted to the Claims Administrator the Appellant contends supports the Registration Appeal. This statement will become part of the Appellant's Registration Appeal Form. While exhibits to this submission are permitted, the Appellant may not refer to or offer any evidence that was not before the Claims Administrator.

**Rule 23. No Appeal Fee.** There is no fee for a Registration Appeal.

**Rule 24. Registration Appeal Alert from the Claims Administrator.** If the Claims Administrator receives a timely Registration Appeal Form, the Claims Administrator will provide a Registration Appeal Alert to the other Party to the Appeal through a Portal or by mail to a Party to the Appeal who does not use a Portal. The Registration Appeal Alert will include the Appeal Form (and any statement submitted with the Appeal Form) of the Appellant.

**Rule 25. Response of Appellee.** The Appellee may submit a Response of Appellee of up to 10 pages setting out its position and arguments on the Registration Appeal, within 10 days after the date of the Registration Appeal Alert. The lack of opposition to a Registration Appeal will not be considered an admission regarding the merits of the Registration Appeal. While exhibits to this submission are permitted, an Appellee may not refer to or offer any evidence that was not before the Claims Administrator.

**Rule 26. Summary of Registration Review by the Claims Administrator.** The Special Master may at any time direct the Claims Administrator to submit a Summary of Registration Review to explain what occurred leading to the Notice of Registration Challenge Determination being appealed.

**Rule 27. Additional Material Required by the Special Master.** The Special Master may at any time direct any Party to the Registration Appeal to submit additional memoranda or material if the Special Master determines that such additional submissions would aid in the consideration of the Registration Appeal. No other memoranda or materials may be submitted unless permitted or directed by the Special Master.

**Rule 28. No Discovery.** No requests for production, interrogatories, requests for admission, depositions or other discovery is allowed by or on behalf of any Party to a Registration Appeal.

**Rule 29. Oral Argument.** Within his or her sole discretion, the Special Master may require oral argument, or permit such argument if requested by a Party to the Appeal, in such time and place and in such manner as the Special Master directs. There will be no testimony, cross-examination or other evidentiary hearing on an Appeal. Any oral argument may be preserved in an audio recording, but will not be transcribed by a court reporter unless directed by the Special Master. No new evidence not in the Record on Registration Appeal may be introduced or referred to in any oral argument.

**Rule 30. The Record on a Registration Appeal.** The Record on Registration Appeal consists of:

- (a) The Settlement Agreement;
- (b) The Registration Form and any materials submitted by the Settlement Class Member to the Claims Administrator attempting to register and any actions by the Claims Administrator on the Settlement Class Member's registration;
- (c) The Appellant's Registration Appeal Form (and any statement and exhibits);
- (d) Response of the Appellee (and any exhibits);
- (e) Summary of Registration Review from the Claims Administrator;
- (f) Oral argument permitted by the Special Master; and

- (g) Any other exhibits, memoranda and submissions directed or permitted by the Special Master.

**Rule 31. Remand to the Claims Administrator.**

- (a) If the Special Master determines it necessary, he or she may remand a Registration Appeal at any time to the Claims Administrator for further processing.
- (b) The Parties to the Registration Appeal may agree to remand a Registration Appeal at any time to the Claims Administrator for further processing.
- (c) If a Registration Appeal is remanded to the Claims Administrator, the Registration Appeal will terminate. The Claims Administrator will resume processing the attempted registration and issue appropriate Notices resulting from such processing, which may be subject to a new Registration Appeal if the processing results in a Registration Challenge Determination Notice.

**Rule 32. No Cross-Appeals.** Because a Settlement Class Member and the NFL Parties have independent rights to submit an Appeal, no Party to an Appeal may cross-appeal in a Response of Appellee or any other submission on any issue not raised by that party in an independent Registration Appeal timely submitted by that party.

**Rule 33. Standard of Review on a Registration Appeal.** The Special Master will decide an issue on a Registration Appeal based upon a showing by the Appellant of clear and convincing evidence. Under this standard, the Appellant must convince the Special Master that there is a high degree of probability that the determination of the Claims Administrator being appealed was wrong.

**Rule 34. Multiple Registration Appeals Presenting Common Issues and Preclusive Effect of Decisions.** The Special Master has discretion to consolidate for purposes of briefing and/or decision the proceedings on any Registration Appeals that involve common issues of law and/or fact, as well as where the Special Master determines that a collective resolution of an issue will best serve the efficient and equitable administration of the Settlement Agreement. In any Registration Appeal, including any instance in which the Special Master has consolidated matters involving common questions of law and/or fact or issues requiring collective resolution, the Special Master may direct that the findings and rulings on such questions and issues have preclusive effect and may not be re-litigated in any other Registration Appeal.

**Rule 35. Decision by the Special Master.** The Special Master will issue to the Claims Administrator a decision on a Registration Appeal within 60 days after the later of the date of (a) the last submission by the Parties to the Appeal or the Claims Administrator; (b) any oral argument; or (c) the date of submission of any additional materials permitted or directed by the Special Master, unless the Special Master determines that additional time is required for consideration of the Registration Appeal. In such decision, the Special Master may affirm or reverse the determination of the Claims Administrator and direct such other and further relief as the Special Master deems appropriate, and will make such explanation of the grounds of the decision as the Special Master deems necessary under the circumstances.

**Rule 36. Notice of Special Master Decision on a Registration Appeal.** Within five days after the date of a decision by the Special Master on a Registration Appeal, the Claims Administrator will serve the decision on the Parties to the Registration Appeal by Portal or mail.

**Rule 37. Withdrawal of Appeal.** An Appellant may withdraw a Registration Appeal of right by notice to the Claims Administrator at any time until 20 days after the date of the last submission on the Registration Appeal permitted by these Rules or directed by the Special Master. After that time, an Appellant may withdraw an Appeal only as permitted by the Special Master. If a Registration Appeal is withdrawn, the determination of the Claims Administrator subject to the Registration Appeal will be considered final as of the date of the withdrawal.

**Rule 38. Finality of the Special Master's Decision.** The Special Master's decision on a Registration Appeal is final and binding on the Parties to the Registration Appeal and the Claims Administrator and is not subject to appeal or review by the Court, except that pursuant to Fed. R. Civ. P. 53(f)(4) and the Court's July 13, 2016 Order appointing the Special Masters, the Court will review *de novo* (that is, anew) any objection to the Special Master's conclusions of law. The Special Master will identify in each decision any issue the Special Master determines to be a conclusion of law to which a Party to the Registration Appeal may object and have reviewed by the Court.

**Rule 39. Objections to a Conclusion of Law in a Decision by the Special Master.**

- (a) A Party to a Registration Appeal wishing to object to a conclusion of law by the Special Master will present such objection in an Objection to Special Master Decision of up to 10 pages submitted to the Claims Administrator on a Portal or in hard copy within 20 days after the date of notice of the Special Master's decision under Rule 36, setting forth the arguments in support of the Objection.
- (b) The other Party to the Registration Appeal may respond with up to 10 pages to the Objection to Special Master Decision on a Portal or in hard copy within 20 days after the date of the Objection, setting out the arguments in response to the Objection.
- (c) Exhibits to these submissions are permitted, but no party may refer to or attach any evidence that was not in the Record on Registration Appeal before the Special Master. When submitting an Objection or response to an Objection, the submitting party must mail or deliver the submission to any Party to an Appeal not using a Portal.
- (d) The Court will review *de novo* (that is, anew) an Objection to Special Master Decision and may affirm, modify or reverse the Special Master's conclusion and order such other and further relief as the Court deems appropriate. The Claims Administrator will serve the Court's decision on the Parties to the Registration Appeal. The Court's decision is final and not subject to further review by appeal or otherwise.

**Rule 40. Publishing the Decisions by the Special Master and Court on Registration Appeals.** The Special Master and the Court will designate in a decision on a Registration Appeal whether the decision is to be published or unpublished. The Claims Administrator will post in an aggregated set de-identified copies of each published decision on the official website of the Settlement Program and on the Portal of each Portal user. In addition to their preclusive effect under Rule 34, published decisions of the Special Master and the Court will have precedential value in the Settlement Program on the issues and principles determined in the decision, which means they will serve as guidance for the consideration of the same or similar issues and principles in subsequent Registration Appeals.