

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL	:	No. 2:12-md-02323-AB
LEAGUE PLAYERS' CONCUSSION	:	
INJURY LITIGATION	:	MDL No. 2323

Kevin Turner and Shawn Wooden,	:	Hon. Anita B. Brody
<i>on behalf of themselves and</i>	:	
<i>others similarly situated,</i>	:	
Plaintiffs,	:	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	:	

**ORDER REGARDING PAYMENT OF ATTORNEYS' FEES AND EXPENSES
FROM CLAIMS ON FUNDING REQUEST NO. 7 DATED AUGUST 10, 2017
AND ON FUTURE FUNDING REQUESTS**

Pursuant to the Court's continuing and exclusive jurisdiction under Article XXVII of the Amended Class Action Settlement Agreement filed on February 13, 2015 (the "Settlement Agreement"), and the May 8, 2015 Amended Final Approval Order and Judgment, **IT IS HEREBY ORDERED** as follows:

1. *Defined Terms.* The capitalized terms used in this Order that are defined in the Settlement Agreement have the same meanings given to them in the Settlement Agreement. Additional capitalized terms are defined in this Order.

2. *Relevant Settlement Agreement Provisions.* To ensure there are sufficient funds in the Monetary Award Fund to pay all final Monetary Awards, Derivative Claimant Awards,

and costs and expenses, Section 23.3(b)(i) of the Settlement Agreement requires the Claims Administrator to submit a monthly funding request to the Parties in this manner:

[O]n or before the 10th day of each month, the Claims Administrator shall provide in writing to the NFL Parties and Co-Lead Class Counsel a monthly funding request identifying the monetary amount necessary to pay all final and accrued Monetary Awards, Derivative Claimant Awards and the costs and expenses paid out of the Monetary Award Fund, . . . and any additional amount necessary to maintain the Monetary Award Fund targeted reserve, . . . after all final and accrued Monetary Awards, Derivative Claimant Awards and costs and expenses are paid.

Section 23.3(b)(iii) gives the Parties an opportunity to object to a funding request:

Within ten (10) days after receipt of the written monthly funding request, the NFL Parties and Co-Lead Class Counsel shall each notify the Claims Administrator in writing of any objection to any aspect of the funding request.

Section 23.3 (b)(iii)(1) sets the deadline by which the NFL will pay funds into the Monetary Award Fund:

[T]he NFL Parties will pay, or cause to be paid, the additional amounts beyond the undisputed portion of the monthly funding request within the longer of thirty (30) days of receiving the written monthly funding request or ten (10) days after resolution of the objection.

Section 23.3(b)(iv) sets the time within which the Claims Administrator will instruct the Trustee to pay Monetary Awards and Derivative Claimant Awards on a monthly funding request:

Within ten (10) days after transfer of funds into the Monetary Award Fund . . . , the Claims Administrator shall cause payment to be issued on all applicable final and accrued Monetary Awards, Derivative Claimant Awards and costs and expenses paid out of the Monetary Award Fund.

3. *Scope of this Order.* This Order applies to the Monetary Award payments and Derivative Award payments reflected in the Claims Administrator's Funding Request No. 7 dated August 10, 2017, and in future funding requests ("Covered Payments") and to the 15 attorneys or law firms representing Settlement Class Members identified in Funding Request No. 7 and to the attorneys or law firms representing Settlement Class Members identified in future funding requests ("Covered Attorneys") until further order of the Court.

4. Handling of Attorneys' Fees and Expenses Related to Monetary Awards on Funding Request No. 7 and Future Funding Requests.

- (a) Within seven days after the date of this Order, the Covered Attorneys identified in Funding Request No. 7 shall provide the Claims Administrator with a statement of: (1) the Covered Attorney's contingency fee percentage applicable to any Covered Payment; (2) the amount of his or her expenses relating to any Covered Payment; (3) verification that such fees and expenses are reasonable; and (4) an executed certification pursuant to 28 U.S.C. §1746 that the information provided to the Claims Administrator is true and accurate.
- (b) Within 10 days after the date of a request from the Claims Administrator, the Covered Attorneys subject to future funding requests shall provide the Claims Administrator with a statement of the information required in Paragraph 4(a) of this Order.
- (c) For the Covered Payments subject to Funding Request No. 7 and future funding requests, the Claims Administrator shall withhold until further order of Court the fees and expenses applicable to each Covered Payment, as determined in accordance with the information provided under Paragraph 4(a) of this Order, or as modified by the Court, and distribute to the Covered Attorneys the remainder of the award payment due. Such Covered Attorneys shall ensure that the balance of each such Covered Payment is promptly paid to the applicable Settlement Class Member or for his benefit and may not deduct any fees and expenses from such balance.

5. Exclusive Retained Jurisdiction. This Court retains continuing and exclusive jurisdiction over the interpretation, implementation, and enforcement of this Order.

SO ORDERED this 7TH day of September, 2017.

s/Anita B. Brody

Anita B. Brody
United States District Court Judge

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