

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

IN RE: NATIONAL FOOTBALL LEAGUE	:	No. 2:12-md-02323-AB
PLAYERS' CONCUSSION INJURY	:	
LITIGATION	:	MDL No. 2323
<hr/>		
	:	Hon. Anita B. Brody
THIS DOCUMENT RELATES TO:	:	
	:	
ALL ACTIONS	:	
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CLAIMS ADMINISTRATOR STATUS REPORT NO. 22

I. INTRODUCTION

1. *The Purpose and Scope of this Status Report.* BrownGreer PLC, the Court-appointed Claims Administrator of the Settlement Program established under the Class Action Settlement Agreement in this litigation, submits this Status Report No. 22 to apprise the Court on the implementation of its duties as the Claims Administrator and developments since Status Report No. 21 filed on August 31, 2023 (Document 12325). Our earlier Status Reports are posted to the Settlement Website (under "Useful Information," click "Status Reports"). We do not repeat here what we covered in them. All numbers and other information in this Status Report No. 22 are as of March 4, 2024.¹ We will cover developments after that date in future reports.

II. NORMING AGREEMENT IMPLEMENTATION

2. *Current Status.* On March 4, 2022, Judge Brody entered an Order approving certain modifications to the NFL Concussion Settlement Agreement Pursuant to Section 6.6

¹ All dates formatted as 3/4/24 in this Status Report mean March 4, 2024.

of the Class Action Settlement Agreement. These modifications, outlined in the Norming Agreement, removed race norms and demographic estimates based on race from the NFL Concussion Settlement Program. We have notified all affected Settlement Class Members whether they qualified for Automatic Retrospective Rescoring and if so, the result of that Rescoring and/or whether they qualified for an Expanded BAP exam. Table 1 summarizes the outcome of our analysis of BAP evaluations and settlement claims:

Table 1	NORMING AGREEMENT ANALYSIS	
	REVIEW OUTCOME	TOTAL
1.	Qualified for Automatic Retrospective Rescoring	647
	(a) BAP No Impairment to Level 1: Section 2.5(g)(i)	246
	(b) BAP No Impairment or Level 1 to Level 1.5 or Level 2: Section 2.5(g)(ii)	51
	(c) BAP diagnosis of No Impairment or Level 1 remains unchanged: Section 2.5(g)(iii)	338
	(d) Level 1.5 or 2 Settlement Claim remains unchanged: Section 2.5(g)(iv)	1
	(e) Level 1.5 or 2 Settlement Claim now qualifies for a Monetary Award (or an increased Monetary Award): Section 2.5(g)(v)	11
2.	Qualified for an Expanded BAP exam	2,750
3.	BAP evaluations to be processed under New Method that removes race from consideration	1,572
4.	Submitted Settlement Claims to be processed under New Method that removes race from consideration	49
5.	Not directly affected	11,119
6.	Excluded from eligibility for Automatic Retrospective Rescoring or Expanded BAP Exam	3
7.	Total Registered Settlement Class Members	16,140

The 1,572 BAP evaluations (Row 3) include 691 cases where the Settlement Class Member is eligible for the BAP but had not yet attended a BAP appointment and 881 cases where the Settlement Class Member had attended one or both appointments but the results had not yet been finalized. The New Method will be applied to all BAP evaluations finalized for these 1,572 Settlement Class Members, and the BAP Administrator continues to notify Settlement Class Members who have attended both appointments about those results.

Similarly, we are processing the 49 Settlement Claims in Row 4 using the New Method and issuing Determination Notices incorporating those results. Finally, the 11,119 Settlement Class Members found to be not directly affected by the Norming Agreement (Row 5) could potentially be eligible for an Expanded BAP exam or to submit a New Settlement Claim under Section 2.7 of the Norming Agreement if they were examined by a Qualified MAF Physician but not diagnosed with a Qualifying Diagnosis in part because of the insufficiency of their valid neuropsychological test scores.

III. MONETARY AWARD CLAIMS

3. *Total Claims Received.* Sections 3, 4 and 5 of the Summary Report on the Settlement Website show the total Monetary Award claims submitted.² We have received 151 new Monetary Award claims since Status Report No. 21 and have completed a review of all but 20 claims. As of March 4, 2024, 3,182 unique Retired NFL Football Players and Representative Claimants (19.7% of the Retired NFL Football Players and Representative Claimants who received favorable registration determinations) submitted 3,797 Monetary Award Claim Packages. Fifteen of the 3,797 claims³ were denied as untimely.⁴ We have received about five new claims per week since Status Report No. 21 in August 2023. Of the 3,797 Monetary Award claims submitted, 1,979 (52.1%) rest on pre-Effective Date diagnoses, while 1,525 (40.2%) are for post-Effective Date diagnoses, of which 431 (28.3% of the 1,525) were made in the Baseline

² The Summary Report separates the Supplemental claim information from the initial Monetary Award Claims. Supplemental Claim data appears in a stand-alone Section C (sections 12-18) of the Summary Report.

³ Of these Monetary Award claims, 656 (17%) have at least one associated Derivative Claimant who has registered and 3,141 (83%) have no registered Derivative Claimants. Note the total number of Retired NFL Football Players and Representative Claimants with favorable registration determinations (16,140) is shown in Section 2 of the Summary Report on the Settlement Website (BAP Eligible + Not BAP Eligible).

⁴ We reviewed 56 claims for potential untimeliness and denied 15 as untimely. We accepted 41 as timely, which includes three claims that showed substantial hardship under Section 8.3(a)(i) of the Settlement Agreement.

Assessment Program (“BAP”)⁵ and 1,094 (71.7% of the 1,525) were made by Qualified MAF Physicians.⁶ The other 293 claims (1.9%) did not tell us what diagnosis date they assert. Table 2 compares these numbers to those in Status Report No 21:

Table 2		QUALIFYING DIAGNOSIS DATES IN MONETARY AWARD CLAIMS					
	DATE	HOW MANY			% OF TOTAL		
		AS OF 8/14/23	AS OF 3/4/24	CHANGE	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Pre-Effective Date	1,979	1,979	0	54.3%	52.1%	-2.2%
2.	Post-Effective Date	1,391	1,525	134	38.2%	40.2%	2.0%
	(a) <i>BAP</i>	407	431	24	11.2%	11.4%	0.2%
	(b) <i>MAF</i>	984	1,094	110	27.0%	28.8%	1.8%
3.	No Date Asserted	276	293	17	7.6%	7.7%	0.1%
4.	Totals	3,646	3,797	151			

Table 3 shows by diagnosis date how many claims we have for each type of Qualifying Diagnosis:

Table 3		MONETARY AWARD CLAIMS BY QUALIFYING DIAGNOSIS TYPE			
	DIAGNOSIS	PRE-EFFECTIVE DATE	POST-EFFECTIVE DATE		
			MAF	BAP	
1.	Death with CTE	125	0	N/A	
2.	ALS	51	13		
3.	Alzheimer’s Disease	425	201		
4.	Parkinson’s Disease	137	144		
5.	Level 2	505	270	131	
6.	Level 1.5	736	465	293	

We highlight the asserted Qualifying Diagnoses in Section 4 of the Summary Report on the Settlement Website. We also show the current status of all Monetary Award claims based on

⁵ Although a Retired NFL Football Player may have received a Qualifying Diagnosis in the BAP, we do not report on it until he (or his Representative Claimant) submits a Claim Package seeking a Monetary Award. The BAP Administrator’s status reports explain more about BAP diagnoses.

⁶ This includes claims submitted by the Settlement Class Members after the Effective Date, but the diagnoses were not rendered by MAF Physicians. Given unique circumstances, the Parties allowed an AAP member or AAP Consultant to review the medical records to determine if there was a Qualifying Diagnosis.

final determination in Section 6 of the Summary Report on the Settlement Website. A “Review in Progress” status means that the claims have not reached a final determination. Section 7 highlights the review status of claims that asserted Qualifying Diagnoses of Level 2 Neurocognitive Impairment and Level 1.5 Neurocognitive Impairment.

4. *Monetary Awards and Payments.*

(a) We show Monetary Awards and payments in Sections 1 and 2 of the Summary Report on the Settlement Website. As of March 4, 2024, we have issued 1,658 Notices of Monetary Award for claims totaling \$1,242,368,389.⁷ We request funding from the NFL Parties by the 10th of each month (or the next business day if the 10th falls on a weekend or holiday) for claims that have received a Notice of Monetary Award for which the appeals process is complete (or the appeal deadline has passed with no appeal) and that are not in Audit. Of the 1,658 claims with Notices of Monetary Award, we requested \$1,207,240,675 from the NFL Parties for the 1,624 claims that have reached the point at which we can request funding. The NFL Parties have deposited funds for 1,615 of those claims.⁸ Of the 1,615 Monetary Award claims for which the NFL Parties have deposited funds, the Program paid 1,608 claims for a total of \$1,183,886,222. The remaining seven funded claims were not yet ready for payment when we submitted the most recent Disbursement Report; some have holds preventing payment, some do not have a submitted Payment Election Form or SWS-5, and some have holdbacks for potential Liens which, together with the 5% deduction for the Common Benefit Fund, exceeded the gross award amount. Of the 1,608 paid claims from Retired NFL Football Players and Representative Claimants, the Trustee sent \$59,214,679

⁷ The amount of these Notices of Monetary Award includes the 1% Derivative Claimant Award deductions allocated to eligible Derivative Claimants (see Paragraph 21 of this Status Report).

⁸ The NFL Parties have 30 days from the date of the Funding Request to fund the amount requested.

(5% of those Monetary Awards) to the Attorneys' Fees Qualified Settlement Fund, in accordance with the Court's June 27, 2018 Order Regarding the Common Benefit Fund (Document 10104). Beginning with the February 24, 2024 disbursement, we reduced the percentage we send to the Attorneys' Fees Qualified Settlement Fund to 1% of Monetary Awards in accordance with the Court's December 21, 2023 Order. The Court also ordered that 4% of the holdback from each paid claim be returned to the attorney managing the case or to the Player or family, if they proceeded without an attorney. That process is underway now. Finally, we are required to withhold money for unresolved Liens and for third-party funders. Table 4 shows the distribution of the \$1,124,671,543 paid by the Settlement Program and compares the totals to those reported in Status Report No. 21:

Table 4		MONETARY AWARD PAYMENTS		
	PAID TO	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Settlement Class Members (or their lawyers on their behalf, if represented)	\$1,001,032,961	\$1,082,532,581	\$81,499,620
2.	Medical Lienholders (on behalf of Settlement Class Members to the Lien Resolution Administrator to resolve medical Liens when a final Lien resolution amount is determined)	\$4,055,932	\$4,182,342	\$126,410
3.	Non-Medical Lienholders (on behalf of Settlement Class Members to lienholders to resolve non-medical Liens)	\$15,054,710	\$16,844,685	\$1,789,975
4.	Third-Party Funders (on behalf of Settlement Class Members to third-party funders who have accepted rescission of and/or terminated prohibited assignments that they had entered into with Settlement Class Members)	\$19,446,752	\$21,111,935	\$1,665,183
5.	Totals	\$1,039,590,355	\$1,124,671,543	\$85,081,188

(b) Table 5 shows the changes in figures for payments and claims with Notices of Monetary Award since Status Report No. 21:

Table 5		MONETARY AWARD CHANGES SINCE STATUS REPORT NO. 20					
	STATUS	HOW MANY			AMOUNT		
		AS OF 8/14/23	AS OF 3/4/24	CHANGE	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Notice of Monetary Award Issued	1,589	1,658	69	\$1,157,595,479	\$1,242,368,389	\$84,772,910
2.	Paid	1,529	1,614	85	\$1,039,590,355	\$1,124,671,543	\$85,081,188

(c) Table 6 shows how many claims for each type of Qualifying Diagnosis have received a Notice of Monetary Award and been paid:⁹

Table 6		MONETARY AWARDS AND PAYMENTS BY QUALIFYING DIAGNOSIS ¹⁰				
	DIAGNOSIS	CLAIMS SUBMITTED	NOTICE OF MONETARY AWARD		PAID	
			HOW MANY	% ¹¹	HOW MANY	% ¹²
1.	Death with CTE	125	80	64%	80	64%
2.	ALS	64	46	72%	46	72%
3.	Alzheimer's Disease	626	409	65%	403	64%
4.	Parkinson's Disease	281	230	82%	214	76%
5.	Level 2	906	287	32%	279	31%
6.	Level 1.5	1,494	606	41%	592	40%

5. *Monetary Award Claims Reviewed by the AAP.*

(a) In addition to reviewing claims based on pre-Effective Date diagnoses, the Appeals Advisory Panel (“AAP”) and Appeals Advisory Panel Leadership Council (“AAPLC”) assist us with the medical aspects of claims review. Many of the claims being

⁹ Section 6 of the Summary Report on the Settlement Website identifies where claims that have not received a Notice of Monetary Award or been paid stand in the process.

¹⁰ These do not include claims submitted where the Settlement Class Member asserted more than one Qualifying Diagnosis or the claim is so incomplete that we cannot tell what Qualifying Diagnosis is claimed.

¹¹ This column shows the percentage of claims submitted with the Qualifying Diagnosis in each row that received a Notice of Monetary Award.

¹² This column shows the percentage of claims submitted with the Qualifying Diagnosis in each row that were paid.

reviewed by the AAP are based on Level 1.5 or Level 2 Neurocognitive Impairment diagnoses for which the AAP members may request input from Appeals Advisory Panel Consultants (“AAPC”), as highlighted in sub-paragraph (b) below. The AAP has completed reviews on 1,142 pre-Effective Date diagnosis Monetary Award claims, approving 565 (49%) of those claims.¹³ Under [FAQ 149](#) (“Can I be found eligible for a Monetary Award based on a Qualifying Diagnosis that is different than the one I claimed?”), the AAP has found a lower level diagnosis (meaning a Qualifying Diagnosis that is less severe medically or with a lower Award amount under the Monetary Award Grid) on 160 claims. In accordance with Rules 23 and 27 of the Rules Governing Qualified MAF Physicians, the AAP and AAPLC have reviewed 491 out of the 1,094 total Monetary Award claims submitted for diagnoses made by Qualified MAF Physicians, approving 201 (42%) of those claims.¹⁴ Section 2 of Exhibit A-2 to the Settlement Agreement states that a Player’s failure on two or more effort tests may result in the Player’s test results being subject to independent review. Under that provision, as well as Section 8.6(b) of the Settlement Agreement, which provides the Claims Administrator with the discretion to verify and investigate the sufficiency of a Claim Package to determine if it qualifies for a Monetary Award, the AAP and AAPLC have reviewed 81 claims out of the 431 total claims submitted based on Qualifying Diagnoses made through the BAP, approving 38 (49%) of those reviewed claims.

¹³ Broken down by Qualifying Diagnosis, the AAP members approved 100% of Death with CTE claims, 91% of ALS claims, 75% of Alzheimer’s claims, 87% of Parkinson’s claims, 27% of Level 2 claims and 29% of Level 1.5 claims. The number of claims approved or denied by the AAP may fluctuate depending on multiple factors including ongoing audit investigations, remands of AAP decisions, and re-review of determinations that have not yet been finalized to ensure compliance with current Settlement Program rules and guidelines.

¹⁴ This figure includes those claims reviewed by the AAP under Section 8.6(b) of the Settlement Agreement as well as claims based on diagnoses made by Qualified MAF Physicians who have been terminated from participation in the Program under Rule 27 of the Rules Governing Qualified MAF Physicians.

(b) We have assigned 803 claims (including pre- and post-Effective Date claims) to the AAPC based on requests by AAP members for their input on Level 1.5 and Level 2 Neurocognitive Impairment Qualifying Diagnoses or the neuropsychological testing supporting an Alzheimer’s Disease diagnosis. The AAPC have completed all but two of the reviews assigned to them and provided their assessments to the AAP.

6. **Notices for Missing Materials.** We have sent one or more notices requesting additional documents or information on 2,274 Monetary Award claims (16 more since Status Report No. 21), as shown in Table 7:

Table 7		NOTICES FOR MISSING MATERIALS							
	CLAIMS	DEATH WITH CTE	ALS	ALZHEIMER’S DISEASE	PARKINSON’S DISEASE	LEVEL 2	LEVEL 1.5	MULTIPLE/ UNKNOWN ¹⁵	TOTAL
1.	Total Reviewed	125	64	626	281	902	1,490	289	3,777
2.	Notice Issued	48	29	334	114	582	928	239	2,274
3.	% Missing Materials	38%	45%	53%	41%	65%	62%	83%	60%

So far, 88% of the Settlement Class Members who received a notice requesting additional documents have responded to the notice. Settlement Class Members take an average of about 59 days to respond. We generally receive up to one response to these notices each week and review each reply to determine if it cures the problem. Of those who responded, 46% cured the problem.

7. **Monetary Award Denials.** There are 1,182 denials of Monetary Award claims for reasons other than an Audit (25 more since Status Report No. 21), as shown in Table 8:

¹⁵ These “Multiple/Unknown” claims are ones where the Settlement Class Member asserted more than one Qualifying Diagnosis, or the claim is so incomplete that we cannot tell what Qualifying Diagnosis is claimed. We process and pay a person for only one Qualifying Diagnosis per claim submission.

Table 8		MONETARY AWARD DENIALS							
	CLAIMS	DEATH WITH CTE	ALS	ALZHEIMER'S DISEASE	PARKINSON'S DISEASE	LEVEL 2	LEVEL 1.5	MULTIPLE/ UNKNOWN	TOTALS
1.	Total Reviewed	125	64	626	281	902	1,490	289	3,777
2.	Denied	42	3	97	15	273	496	256	1,182
3.	% Denied	34%	5%	15%	5%	30%	33%	89%	31%

Overall, the AAP has recommended denial of 691 claims for not having a valid Qualifying Diagnosis, which is 52% of the claims that currently have a denial notice. When we deny a claim based on the recommendation of an AAP member, we include in the notice comments from that AAP member explaining why. When a claim is denied on other grounds, we typically call or email the Settlement Class Member (or his or her lawyer, if represented) to explain why the claim is being denied and discuss options for resubmitting the claim, appealing the denial, or withdrawing the claim until the claimant can obtain the missing mandatory information and/or documents. Our denial notices explain all appeal rights and that another claim may be submitted if circumstances change or if the claimant receives a new diagnosis from a Qualified MAF Physician or after a BAP exam. Settlement Class Members have appealed a total of 439 denial notices; one of the currently active denial notices is under appeal.

IV. SUPPLEMENTAL MONETARY AWARD CLAIMS

8. *Supplemental Monetary Award Claims Received.* A Retired NFL Football Player (or Representative Claimant) who was paid a Monetary Award may be eligible for a Supplemental Monetary Award if the Retired NFL Football Player later is diagnosed while living with a different Qualifying Diagnosis. The new Qualifying Diagnosis must have occurred after the Qualifying Diagnosis for which the Award was paid and the amount payable for the new Qualifying Diagnosis must be more than the Monetary Award already paid. Sections 12, 13 and

14 of the Summary Report on the Settlement Website show the total Supplemental Monetary Award claims submitted. We have received claims from 102 Retired NFL Football Players and eight Representative Claimants seeking Supplemental Monetary Awards: 52 for Qualifying Diagnoses of Alzheimer’s Disease, 19 for Qualifying Diagnoses of Parkinson’s Disease, 38 for Qualifying Diagnosis of Level 2 Neurocognitive Impairment, and one for Qualifying Diagnosis of ALS (Amyotrophic Lateral Sclerosis). This is 17 more Supplemental claims than we reported in Status Report No. 21. Sections 15-18 of the Summary Report on the Settlement Website provide the status of Supplemental Monetary Award claims.

9. Supplemental Monetary Award Reviews and Payments. A Supplemental Monetary Award is the difference between the Monetary Award Grid value of the new Qualifying Diagnosis and the amount of the earlier Award for a different Qualifying Diagnosis. We have issued 63 Notices of Supplemental Monetary Award to eligible Settlement Class Members and denied 18 claims for a Supplemental Monetary Award. The combined Monetary Award After Offset value of these 63 Supplemental Monetary Awards was \$69,287,162 but after subtracting the prior Monetary Award payments, totaled \$35,175,333 as set out below in Table 9 (an increase of eight claims totaling \$3,666,263 since Status Report No. 21):

Table 9		SUPPLEMENTAL MONETARY AWARD CALCULATIONS			
	SUPPLEMENTAL CLAIM		PREVIOUSLY PAID CLAIM		SUPPLEMENTAL MONETARY AWARD AMOUNT
	QUALIFYING DIAGNOSIS	AMOUNT	QUALIFYING DIAGNOSIS	AMOUNT	
	Total for Claims 1-55	\$63,297,705		\$31,784,995	\$31,512,710
56.	Alzheimer’s Disease	\$388,122	Level 1.5	\$147,260	\$240,862
57.	Alzheimer’s Disease	\$648,380	Level 1.5	\$248,150	\$400,230

Table 9		SUPPLEMENTAL MONETARY AWARD CALCULATIONS			
	SUPPLEMENTAL CLAIM		PREVIOUSLY PAID CLAIM		SUPPLEMENTAL MONETARY AWARD AMOUNT
	QUALIFYING DIAGNOSIS	AMOUNT	QUALIFYING DIAGNOSIS	AMOUNT	
58.	ALS (Amyotrophic Lateral Sclerosis)	\$340,059	Alzheimer's Disease	\$53,201	\$286,858
59.	Parkinson's Disease	\$1,473,591	Level 1.5	\$611,809	\$861,782
60.	Parkinson's Disease	\$906,826	Level 1.5	\$330,085	\$576,741
61.	Parkinson's Disease	\$796,873	Level 1.5	\$371,535	\$425,338
62.	Alzheimer's Disease	\$331,830	Level 2.0	\$263,166	\$68,664
63.	Alzheimer's Disease	\$1,103,776	Level 1.5	\$301,627	\$802,149
Totals		\$69,287,162		\$34,111,828	\$35,175,333

The Program has paid 52 Retired NFL Football Players and five Representative Claimants a total of \$30,318,428 for their Supplemental Monetary Awards. Section 2 of the Summary Report provides the payment details for Supplemental Monetary Awards by Qualifying Diagnosis.

V. QUALIFIED MAF PHYSICIANS

10. *Maintaining the MAF Network.* Settlement Class Members and lawyers can locate Qualified MAF Physicians using the [MAF Physician Locator Tool](#) on the Settlement Website. There are 64 Qualified MAF Physicians on the website now, representing 32 of the 53 target cities closest to where the majority of living Retired NFL Football Players reside. Table 10 shows the changes in these numbers since Status Report No. 21:

Table 10		QUALIFIED MAF PHYSICIANS		
	ASPECT	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Approved Physician – On Posted List	66	64	-2
2.	Target Cities Represented by Approved Physicians on Posted List	32	32	0
3.	Approved Physician – Not yet Posted	16	14	-2

We have successfully onboarded and provided orientation training for three new Qualified MAF Physicians representing three different practices and reinstated two previously withdrawn physicians representing one large Hospital Network, strengthening our coverage in the Midwest. Unfortunately, our total number of actively scheduling physicians did not increase because seven providers requested that they be placed on temporary hold for reasons including changes in their practice or not having enough time. A temporary hold means that the physician is removed from the posted list on the Public Website so that Players and firms will not call to schedule an MAF evaluation. We are prepared to reach out to our physicians on temporary hold in three to six months, depending on the circumstance, to confirm their scheduling status. We continue to experience increased interest from providers and practices across the country. Since Status Report No. 21, we have received and submitted 15 Provider Network Applications to the Parties. In addition, there are 12 additional neurologists who were previously approved as both Qualified MAF Physicians and Qualified BAP Providers by the Parties but opted to participate in the Baseline Assessment Program first before agreeing to schedule MAF exams. We are following up with those Physicians and expect to have them posted on the Public Website and scheduling MAF evaluations within the next few months.

11. 150-Mile Rule.

(a) Rule 9 of the Rules Governing Qualified MAF Physicians requires that a Retired NFL Football Player be examined by a Qualified MAF Physician whose office is within 150 miles of his primary residence.¹⁶ We can make exceptions to this 150-Mile Rule if the exception is requested prior to the appointment.

¹⁶ This requirement applies only to appointments made after April 11, 2019. Appointments made on or before April 11, 2019, did not need to be rescheduled with a different Qualified MAF Physician.

We have received 304 requests for exceptions to the 150-Mile Rule, of which we granted 275 (90.5% %) and denied 29 (9.5%%). Table 11 shows the changes since Status Report No. 21:

Table 11		REQUESTS FOR EXCEPTIONS TO 150-MILE RULE					
	DECISION	HOW MANY			% OF TOTAL		
		AS OF 8/14/23	AS OF 3/4/24	CHANGE	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Granted	222	275	+53	88.4%	90.5%	+2.1%
2.	Denied	28	29	+1	11.2%	9.5%	-1.7%
3.	Pending	1	0	-1	0.4%	0.0%	-0.4%
4.	Totals	251	304	+53			

(b) The 150-Mile Rule is a flexible rule with broad exceptions. Of the living Retired NFL Football Players registered in the Program, 84.4% have a Qualified MAF Physician within 150 miles of their primary residence. We work with those who do not to help them schedule appointments with physicians further away, when they tell us they are ready to be examined.

12. 50-Mile Rule. Rule 10(b) of the Rules Governing Qualified MAF Physicians requires that, where neuropsychological testing is necessary as part of an MAF examination, the Qualified MAF Physician must refer a Retired NFL Football Player to a neuropsychologist who is located within 50 miles of the Qualified MAF Physician's office. Like the 150-Mile Rule, we have discretion to grant exceptions. We have received 48 requests for exceptions to the 50-Mile Rule, of which we granted 46 (95.8% %) and denied two (4.2%%). Table 12 shows how many exception requests we have received and our decisions on those requests (an increase of five since Status Report No. 21):

Table 12		REQUESTS FOR EXCEPTIONS TO 50-MILE RULE					
	DECISION	HOW MANY			% OF TOTAL		
		AS OF 8/14/23	AS OF 3/4/24	CHANGE	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Granted	41	46	+5	95.3%	95.8%	+0.5%
2.	Denied	2	2	0	4.7%	4.2%	-0.5%
3.	Totals	43	48	+5			

Of the 64 Qualified MAF Physicians who are actively scheduling appointments, 56 (87.5%) have an approved neuropsychologist within 50 miles of their office, and we will grant exceptions on a case-by-case basis for the eight Qualified MAF Physicians who do not.

13. *Deviation Explanations for Level 1.5 and Level 2 Diagnoses.* Under Rule 20 of the Rules Governing Qualified MAF Physicians, we request an explanation from a Qualified MAF Physician and/or neuropsychologist whenever the BAP criteria are not strictly followed on a diagnosis of Level 1.5 or Level 2 Neurocognitive Impairment and we determine more information is needed. We cannot process these claims further until we receive the required explanation. There are currently 17 claims based on a diagnosis of either Level 1.5 Neurocognitive Impairment or Level 2 Neurocognitive Impairment that require additional explanation from a Qualified MAF Physician and/or neuropsychologist, representing less than 10% of all MAF Level 1.5 and Level 2 Claim Packages submitted to the Program. Table 13 shows how many claims require additional explanation from the Qualified MAF Physician before we can issue award or denial notices:

Table 13		CLAIMS REQUIRING ADDITIONAL EXPLANATION FROM QUALIFIED MAF PHYSICIANS ¹⁷					
		HOW MANY			% OF TOTAL		
	DIAGNOSIS TYPE	AS OF 8/14/23	AS OF 3/4/24	CHANGE	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Level 1.5	7	4	-3	1.7%	0.9%	-0.8%
2.	Level 2	9	13	+4	3.6%	4.8%	+1.2%
3.	Totals	16	17	+1			

14. AAP Leadership Council. Two AAP members serve as our AAP Leadership Council to provide advice and assistance on medical issues arising in our oversight of the Qualified MAF Physician Network. We enlist their help, as needed, to review specific claims or groups of claims to determine compliance by Qualified MAF Physicians with the Settlement Agreement, the Qualified MAF Physician Manual and any guidance materials or instructions we issued, and whether Claim Packages reflect and support the stated Qualifying Diagnoses. In addition, the AAP Leadership Council assists us by participating in our calls with Qualified MAF Physicians to offer medical guidance on making diagnoses under the Settlement Agreement criteria. The AAP Leadership Council also facilitates discussions and solicits guidance from the MAF Steering Committee, a group of five Qualified MAF Physicians, who render advice and assistance on providing peer-to-peer feedback to Qualified MAF Physicians and provide suggestions on how to improve the operations and performance of the network of Qualified MAF Physicians. Overall, our collaboration with the AAP Leadership Council has been successful, and the Qualified MAF Physicians have responded positively to receiving feedback from AAP members.

15. MAF Steering Committee. Five Qualified MAF Physicians serve on the MAF Steering Committee as authorized by Rule 24 of the Rules Governing Qualified MAF

¹⁷ In Table 13 we updated how we calculated the % of total to include all MAF Level 1.5 and 2 claims submitted since the start of the Settlement Program.

Physicians. The Committee members have participated in regular roundtable discussions with the AAP Leadership Council, assisted in developing training for the Qualified MAF Physicians to address most common issues, and provided other suggestions for improvement of the Qualified MAF Physicians network. Overall, the peer-to-peer communications regarding the operation and performance of the network of Qualified MAF Physicians has been positive.

VI. AUDIT

16. *Reports of Adverse Finding in Audit.* We have issued to the Parties 21 Reports of Adverse Finding in Audit affecting 589 Monetary Award claims. All 21 Audit Reports were then referred to the Special Masters. The 21 Audit Reports concern four neurologists, 12 neuropsychologists, four law firms, seven individual Settlement Class Members and one claims preparation company. Table 14 summarizes the Special Masters' and/or Court's decisions on these Audit reports:

Table 14	DECISIONS ON AUDIT REPORTS	
	DECISION	AUDIT REPORTS
1.	Claims Denied in Audit	12
2.	Claims Removed from Audit and Subjected to Specialized Review	4
3.	Claims Removed from Audit and Returned to Normal Review	3
4.	All Claims Withdrawn before Decision	1
5.	Audit Proceeding Still in Progress	1
6.	Total	21

17. *Audit Proceeding Decisions.* We have denied 395 claims after Audit based on decisions by the Court or Special Masters.¹⁸ Sections 6, 9, and 15 of the Summary Report on

¹⁸ Of the 395 denials, 195 are associated with providers the Special Masters disqualified from participating in the Program: neurologist Dr. Ena Andrews (47 claims) and neuropsychologists Dr. Serina Hoover (139 claims), Dr. August Dolan-Henderson (four claims) and Dr. Darren Fuerst (five claims). Six individual Retired NFL Football Players' claims have been denied. The Special Masters directed us to deny 170 claims based on their findings related

the Settlement Website show these denials. A Settlement Class Member whose claim is denied after Audit may submit a new claim if based on a Qualifying Diagnosis that does not rely on records or opinions from disqualified doctors. There are 139 Settlement Class Members who submitted a new Monetary Award Claim following an Audit Denial, and 60 of them have been paid or are in the payment process.

18. Ongoing Audit Investigations. We have other Audit investigations underway affecting 22 Monetary Award claims (eight more than the number we reported in Status Report No. 21). Of these, six are part of a possible multi-claim pattern, and the other 16 are individual claims.

19. Closed Audits. We have concluded the Audit investigations of 1,289 Settlement Class Members with Monetary Award claims by denying a claim through Audit, by making no adverse finding and removing a claim from Audit, or because the Settlement Class Member withdrew his or her claim during our Audit. Table 15 summarizes the reasons for these closures and changes in the numbers since Status Report No. 21:

Table 15		CLOSED AUDITS¹⁹		
	REASON FOR CLOSURE	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Claim Denied in Audit	395	395	+0
2.	No Finding of Misrepresentation, Omission, or Concealment	673	687	+14
3.	Claim Withdrawn by Settlement Class Member	205	207	+2
4.	Totals	1,273	1,289	+16

to the Special Investigator's investigation of a law firm. The Special Masters directed us to deny 23 claims based on their findings related to the investigation of a second law firm. We denied the remaining claim for failing to cooperate with our requests for information during an Audit.

¹⁹ Row 2 of this table previously counted some claims that we audited more than once where the result of the final audit review was not "No Finding of Misrepresentation, Omission, or Concealment". These claims were included in both Row 2 and either Row 1 or Row 3, depending on the outcome of the final audit review of the claim. We have corrected the information in this table to count claims based only on the result of the final audit review of the claim.

20. *Claims Investigated More than Once.* Claims on which we have concluded an Audit may be the subject of another Audit if we later learn of information that requires further investigation. We notify Settlement Class Members when this happens. We have audited 102 Monetary Award claims more than one time (two more than we reported in Status Report No. 21); the most times a Monetary Award claim has been audited is twice.

VII. DERIVATIVE CLAIMANTS

21. *Derivative Claims.* We have received 616 Derivative Claim Packages (an increase of one since Status Report No. 21). Table 16 shows the status of these claims:

Table 16	DERIVATIVE CLAIMS		
	STATUS	HOW MANY	% OF TOTAL
1.	Paid Derivative Claimant Award (\$1,088,017 ²⁰)	238	39%
2.	Derivative Claimant Award Notice Issued but Not Paid (\$16,139)	4	<1%
3.	Denied – Associated Retired NFL Football Player’s Claim Denied	48	8%
4.	Denied – No Timely Claim for Associated Retired NFL Football Player	42	7%
5.	Denied – No Timely or Proper Registration for Associated Retired NFL Football Player	35	6%
6.	Denied – Retired NFL Football Player’s Claim Withdrawn During Statute of Limitations Proceeding	16	3%
7.	Denied – Untimely Derivative Claim Package	13	2%
8.	Denied – Deceased Derivative Claimant	4	1%
9.	Denied – Derivative Claimant Not Registered	1	<1%
10.	Successful Challenge to Derivative Claimant - Not Eligible	15	2%
11.	Withdrawn	8	1%
12.	Derivative Claim Package Receipt Notice Issued (no action required because the associated Retired NFL Football Player has not yet submitted a claim, or his claim status was not final)	192	31%
13.	Total	616	

²⁰ This includes payment for (a) Supplemental Derivative Claimant Awards and (b) additional Derivative Claimant Awards issued because the associated Retired NFL Football Player’s Monetary Award, and resulting 1% deduction, increased after rescoring under the Norming Agreement.

We issued eight Notices of Derivative Claimant Award since Status Report No. 21. Table 17 shows how many eligible Derivative Claimants received the entire 1% amount deducted from the associated Retired NFL Football Player's Monetary Award, and how many shared that 1% amount with other eligible Derivative Claimants:

Table 17 SHARED AWARD STATUS FOR ELIGIBLE DERIVATIVE CLAIMANTS							
	STATUS	HOW MANY			% OF TOTAL		
		AS OF 8/14/23	AS OF 3/4/24	CHANGE	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Received Entire 1% Amount	64	64	0	27%	26%	-1%
2.	Shared 1% Amount with Other Eligible Derivative Claimants ²¹	170	178	+8	73%	74%	+1%
3.	Totals	234	242	+8			

The 242 Derivative Claimants who received Notices of Derivative Claimant Award are associated with 120 Retired NFL Football Players. We issued payment to six Derivative Claimants since Status Report No. 21 and have paid 238 (98%) of the 242 Derivative Claimants with Notices of Derivative Claimant Award; of the four eligible Derivative Claimants who have not been paid, three are in the payment process, and one is not yet ready for funding/payment due to pending Medical Lien resolution.

22. Additional Derivative Claimant Details. We received challenges from 29 Retired NFL Football Players (or their Representative Claimants) to 41 Derivative Claimants (no change since Status Report No. 8); 19 (46%) of those 41 challenged Derivative Claimants are not eligible for a Derivative Claimant Award because they never submitted a timely Derivative Claim Package. We have issued a Notice of Derivative Claim Package

²¹ We have not received an Allocation Objection from any of the Derivative Claimants who equally shared a 1% Derivative Claimant Award with other Derivative Claimants associated with the same Retired NFL Football Player.

Submission Deadline to 519 registered Derivative Claimants. Table 18 summarizes their claim submission statuses and the changes since Status Report No. 21:

Table 18		CLAIM STATUS FOR DERIVATIVE CLAIMANTS WITH DERIVATIVE CLAIM PACKAGE SUBMISSION DEADLINE NOTICE					
	STATUS	HOW MANY			% OF TOTAL		
		AS OF 8/14/23	AS OF 3/4/24	CHANGE	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Claim Submitted	160	161	+1	31%	31%	0%
2.	No Claim Submitted	344	356	+12	68%	69%	+1%
3.	Within 30-Day Deadline	6	2	-4	1%	<1%	-1%
4.	Totals	510	519	+9			

23. Supplemental Derivative Claimant Awards. Section G of the Overview of Derivative Claimant Process on the Settlement Website (<https://www.nflconcussionsettlement.com/Docs/DerivativeClmtProcessOverview.pdf>) explains how Supplemental Derivative Claimant Awards are handled. As discussed in Paragraph 9 of this Status Report, we issued Notices of Supplemental Monetary Award to 63 Retired NFL Football Players (an increase of eight since Status Report No. 21). Of those 63, 56 Retired NFL Football Players had no registered Derivative Claimants associated with them, and four Retired NFL Football Players each had one registered Derivative Claimant, but those four Derivative Claimants did not submit Derivative Claim Packages to share 1% of the Retired NFL Football Players' earlier Monetary Awards and were not eligible for any portion of the Players' Supplemental Monetary Awards. The last three Players' Supplemental Monetary Award Notices had a 1% offset for potential Derivative Claimant Awards, which have been issued to the associated Derivative Claimants, as described in Table 19:

Table 19		SHARED SUPPLEMENTAL AWARD STATUS FOR ELIGIBLE DERIVATIVE CLAIMANTS					
		HOW MANY			% OF TOTAL		
STATUS		AS OF 8/14/23	AS OF 3/4/24	CHANGE	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Received Entire 1% Amount	2	3	+1	100%	100%	0%
2.	Shared 1% Amount with Other Eligible Derivative Claimants	0	0	0	0%	0%	0%
3.	Totals	2	3	+1			

All three of the Derivative Claimants with Supplemental Derivative Claimant Awards have been paid.²²

VIII. OTHER CLAIM PROCESSES

24. *Handling of Attempted Assignments of Claims.* On September 27, 2019, the Court issued a Notice (Document 10858) directing us to streamline the process regarding attempted assignments by Settlement Class Members of claims to third-party lenders. At that time, we suspended the process for handling such assignment questions under the Rules Governing Assignment of Claims and worked with the Court and the Special Master to modify these Rules. On March 19, 2020, the Special Masters adopted the Rules Governing Payment of Claims Involving Third-Party Funders and the Rules Governing Third-Party Funding Resolution Protocol, which superseded the previous Rules (collectively, the “New Payment Rules”). Under the New Payment Rules Governing Payment of Claims Involving Third-Party Funders, all Settlement Class Members must complete and submit a Sworn Statement regarding the Status of Assignment of Monetary Claim (“SWS-5”) to receive payment. There are two versions of the SWS-5, one for those identified as a borrower by a Third-Party Funder that is participating in the Rules Governing Third-Party Funding

²² See Row 1 of Table 16 in this Status Report.

Resolution Protocol (“Resolution Protocol”) (the SWS-5(A)) and another for those not so identified (the SWS-5(B)). As of March 4, 2024, 25 Third-Party Funder entities are participating in the Resolution Protocol. We have worked with those participating funders to resolve cash advances for 51 Settlement Class Members since the adoption of the New Payment Rules.

25. *Petitions for Deviation from the Attorneys’ Fee Cap.*²³ We have received eight Petitions for Deviation, one of which was withdrawn. The Court resolved three of the remaining seven Petitions for Deviation in conjunction with the Attorneys’ Liens Dispute Process: two by final decision, and one upheld on appeal by the Third Circuit. The other four Petitions are pending final resolution.

26. *Non-Medical Liens Process and Attorneys’ Lien Disputes.*

(a) On September 21, 2023, the Court issued an order referring attorney lien disputes to the Special Masters following the retirement of Magistrate Judge David Strawbridge. The Special Masters authored new Rules Governing Attorney Liens, which were approved by the Court on September 27, 2023. These Rules are available on the Settlement Website – under “Governing Documents”, click “Governing Rules” and “Attorney Liens”.

(b) Table 20 summarizes Non-Medical Lien assertions, notices and disputes by Lien type and reflects changes to those numbers since Status Report No. 21:

²³ Judge Brody entered a Memorandum and Order in April of 2018 limiting attorneys’ fees in the Program to 22% of each SCM’s Monetary Award, plus reasonable costs (ECF Nos. 9862 and 9863). In the Memorandum, the Judge decided that attorneys should have the opportunity to petition the Court to go above and beyond the cap in exceptional circumstances, which is what the Petitions for Deviation process is meant to cover.

Table 20		NON-MEDICAL LIENS SUMMARY								
	LIEN TYPE	LIENS ASSERTED			NOTICES OF LIEN ISSUED BY CLAIMS ADMINISTRATOR			LIENS DISPUTED BY SETTLEMENT CLASS MEMBERS		
		AS OF 8/14/23	AS OF 3/4/24	CHANGE	AS OF 8/14/23	AS OF 3/4/24	CHANGE	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Attorneys'	1,973 ²⁴	2,155 ²⁵	182	567	599	32	258	247	-11
2.	Child Support	355	357	2	57	58	1	18	16	-2
3.	Judgment	70	70	0	18	19	1	8	9	1
4.	Tax	57	57	0	3	3	0	0	0	0
5.	Totals	2,455	2,639	184	645	679	34	284	272	-12

(c) Table 21 shows the status of Liens in the Attorneys' Liens dispute resolution process:

Table 21		ATTORNEYS' LIENS IN DISPUTE RESOLUTION PROCESS ²⁶		
PENDING	RESOLVED		TOTAL	
	BY AGREED WITHDRAWAL	BY COURT DETERMINATION		
19	220	30	269	

(d) Table 22 breaks down the Non-Medical Lien holdbacks²⁷ by Lien type:

Table 22		NON-MEDICAL LIEN HOLDBACKS		
	LIEN TYPE	MONETARY AWARDS AFFECTED	MONETARY AWARD AMOUNTS	LIEN HOLDBACKS
1.	Attorneys'	13	\$17,216,458.20	\$3,485,516.69
2.	Child Support	2	\$313,884	\$26,757
3.	Judgment	2	\$2,036,500	\$846,926
4.	Tax	0	N/A	N/A

²⁴ These 1,973 Liens were asserted by 65 law firms.

²⁵ These 2,133 Liens were asserted by 67 law firms.

²⁶ Attorneys' Liens enter the dispute resolution process after a Settlement Class Member's Monetary Award is funded and we issue a Notice of Duty to Resolve Lien Dispute.

²⁷ The holdbacks are the amount of funds we are withholding pending resolution of a Dispute. As of 3/4/24, there are 19 disputed Attorneys' Liens currently pending resolution where the Settlement Class Member has or will receive payment of the rest of his Monetary Award. After the Court enters a final order resolving the Disputes and any appeal period passes, or the parties submit an agreed Withdrawal, we disburse the held back funds on the next available monthly Disbursement.

Table 22		NON-MEDICAL LIEN HOLDBACKS		
	LIEN TYPE	MONETARY AWARDS AFFECTED	MONETARY AWARD AMOUNTS	LIEN HOLDBACKS
5.	Totals	17	\$19,566,842.20	\$4,359,199.69

(e) Table 23 summarizes the Non-Medical Lien payments from initial Monetary Awards²⁸ by Lien type:

Table 23		NON-MEDICAL LIEN PAYMENTS FROM INITIAL MONETARY AWARDS		
	LIEN TYPE	MONETARY AWARDS AFFECTED	MONETARY AWARD AMOUNTS	LIEN PAYMENTS
1.	Attorneys'	209	\$234,176,124	\$12,366,881
2.	Child Support	21	\$14,344,098	\$1,504,260
3.	Judgment	8	\$8,288,234	\$2,949,192
4.	Tax	1	\$33,283	\$6,493
5.	Totals	239	\$256,841,739	\$16,826,8256

IX. COMMUNICATIONS CENTER FOR THE PROGRAM

27. **Our Contact Activity.** Since our contact center opened on February 6, 2017, we have handled 104,636 total communications, including 61,762 calls made or received and 38,084 emails to us at our Claims Administrator email box. Since Status Report No. 21, we handled 4,222 such total communications. The most common topics of these communications have been General Settlement Information, Change in Lawyers, Baseline Assessment Program (BAP), Payment, and Audit.

28. **Law Firm Contacts.** Our Law Firm Contacts are assigned to 583 different law firms or lawyers representing Settlement Class Members in the Program. This is five more law

²⁸ We also have issued \$46,118.04 in Lien payments from Supplemental Monetary Awards and \$1,442.10 from Derivative Claimant Awards.

firms or lawyers than we reported in Status Report No. 21. The calls and emails handled by the Law Firm Contacts are part of the total contact activity described in Paragraph 27 above.

29. *Insights Newsletters.* Since Status Report No. 21, we issued two new editions of our quarterly “Insights” newsletter (Third Quarter 2023 and Fourth Quarter 2023). We send the newsletters to unrepresented Settlement Class Members and lawyers by email or mail. We also post them to the Settlement Website at <https://www.nflconcussionsettlement.com/Newsletters.aspx> (under “Useful Information” click “Newsletters”). We invite all lawyers and Settlement Class Members to send us suggested topics for our newsletters by email to ClaimsAdministrator@NFLConcussionSettlement.com or through the online submission screen on the Newsletters page of the Settlement Website.

30. *Program Doctors Newsletters.* In the fourth quarter of 2020, we issued our first newsletter to MAF Physicians as a tool to share relevant and valuable information. With the Second Quarter 2021 edition, we expanded our newsletter audience to include all Program doctors. We emailed the Third Quarter 2023 Program Doctors Newsletter on November 7, 2023, and the First Quarter 2024 Program Doctors Newsletter on February 22, 2024, to all Qualified MAF Physicians, Qualified BAP Providers and other approved evaluating Neuropsychologists. All Program Doctors also can access the newsletters on their Provider Portals. The newsletters provided information on BrownGreer’s appointment as BAP Administrator, rules regarding Program doctors serving as experts, guidance on validity testing and the *Slick* analysis, the alternative cause aspect of the CDR assessment, new features on the Provider Portal for BAP Appointment scheduling and invoicing, and insights into the most common reasons the BAP Administrator cannot finalize BAP diagnoses.

31. **Settlement Program Website.** We regularly update the Settlement Website to reflect progress and changes to the Program. Since Status Report No. 21 in August 2023, we made these changes:

- (1) Posted a Report of the Special Masters (Document 12323, filed August 31, 2023), BAP Administrator Status Report No. 19 (Document 12324, filed August 31, 2023), and Claims Administrator Status Report No. 21 (Document 12325, filed August 31, 2023) to the Status Reports page at https://www.nflconcussionsettlement.com/Status_Reports.aspx.
- (2) Added eight documents to the Court Orders & Opinions page at https://www.nflconcussionsettlement.com/Court_Orders_Opinions.aspx, two under “Orders Implementing the Settlement” and six under “Attorneys’ Fees and Common Benefit Fund.”

Orders Implementing the Settlement:

September 25, 2023	Document 12346
<hr/>	
Order Granting Motion for Approval of Continued Funding of Innovate Project through the Education Fund	
September 22, 2023	Document 12345
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Order Appointing BrownGreer as the BAP Administrator	

Attorneys’ Fees and Common Benefit Fund:

January 10, 2024	
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Special Master’s Lien Rule Interpretation Opinion Requiring Identification of Providers for Payment of Costs	
December 21, 2023	Document 12368
<hr/>	
Order Reducing Common Benefit Fee Holdback to 1% and Directing Release of Previously Withheld 4%	
October 31, 2023	
<hr/>	
Report and Recommendation by Special Master Hoffman Regarding Attorney’s Lien Dispute (SPID 950001953)	
September 28, 2023	Document 12350
<hr/>	
Notice of Period to Comment on Professor Miller’s Report Regarding Release of Common Benefit Funds	
September 27, 2023	Document 12348
<hr/>	
Order Adopting Special Masters’ Rules Governing Attorneys’ Liens	
September 21, 2023	Document 12343
<hr/>	
Explanation and Order Regarding Resolution of Attorneys’ Liens Disputes by Special Master Hoffman after Retirement of Magistrate Judge Strawbridge	

- (3) Created a new “Attorneys’ Fee Dispute” section on the Forms page with five forms related to the resolution of attorney fee issues (<https://www.nflconcussionsettlement.com/AttorneyFeeDispute.aspx>).
- (4) Posted four important updates on the Alerts page at <https://www.nflconcussionsettlement.com/Alerts.aspx>.

February 12, 2024

Notice for Players and Families Who Have Previously Received a Monetary Award

December 22, 2023

Update on Implementation of Order Reducing Common Benefit Fee Withholding to 1%

November 21, 2023

Update on Transition of BAP Administrator Duties to BrownGreer

September 26, 2023

BAP Administrator Update

- (5) Added two new Certification Regarding Common Benefit Fund Holdback forms to the Payment Forms page at <https://www.nflconcussionsettlement.com/Payment.aspx>, one for lawyers and one for unrepresented Settlement Class Members.
- (6) Replaced the Monetary Award Grid on the Reference Guides page at https://www.nflconcussionsettlement.com/Reference_Guides.aspx. Under Section 6.9 of the Settlement Agreement, in January of each year the Special Masters may direct an inflation adjustment to the Monetary Award amounts, not to exceed 2.5%, based on consideration of the Consumer Price Index for Urban Consumers. The Special Masters approved a 2.5% upward adjustment for Monetary Awards issued on and after January 11, 2024. All Monetary Award Determination Notices issued and all Monetary Awards paid on or after January 11, 2024, use the increased Monetary Award Grid values.
- (7) The Program’s Home page has had 35,231 visits since Status Report No. 21, with 113,294 unique page views. The five most frequently visited pages since August, after Home and Login, were Governing Decisions – Special Master – Monetary Award Claims (1,854 unique views), Physician Search (1,679 unique views), Reports and Statistics (1,297 unique views), Alerts (1,223 unique views) and Frequently Asked Questions (669 unique views). Also since August, visitors conducted 7,884 searches on the website using 1,966 unique keywords and completed 6,145 unique downloads. The top five downloaded documents were the Settlement Agreement (1,328 clicks), the

November 21, 2023 update on transition of BAP Administrator duties to BrownGreer, accessed through the link on the Home page of the public website and all Portals (1,297 clicks), Monetary Award Grid (238 clicks), the August 8, 2023 Alert on recent Special Master decisions (194 clicks), and the February 12, 2024 Alert regarding the release of Common Benefit Fund holdbacks (180 clicks).

X. SPECIAL MASTERS

32. *Our Work with the Special Masters.* Since the Program’s inception, we have continued to have regularly scheduled calls with the Special Masters to discuss policy and operational issues. We also participate in many other calls and exchange countless emails with the Special Masters to address issues as they arise. The Special Masters have the final say in how the Settlement is implemented, subject only to the Court’s oversight.

33. *Program Rules.* There are 10 sets of Rules available on the Settlement Website (under “Governing Documents,” click “Governing Rules”) and on the online portals of law firms, lawyers and pro se Settlement Class Members. On September 27, 2023, the Court entered an Order adopting a new set of Rules Governing Attorneys’ Liens established by the Special Masters. We posted those new Rules to the Settlement Website on September 28, 2023.

34. *Published Decisions.* Since Status Report No. 21, the Special Masters issued 13 new decisions they designated for publication. All of these decisions relate to how we analyze claims for Monetary Awards.

Alzheimer's Disease Diagnosis and Biomarker Testing

September 8, 2023

The Special Master denied the appeal of the NFL Parties who contended that biomarker testing definitively ruled out the Retired NFL Football Player's Qualifying Diagnosis of Alzheimer's Disease. The Appeal raised the issue of what diagnostic material the Settlement treats as conclusive for a Qualifying Diagnosis of Alzheimer's Disease. The Injury Definition for Alzheimer's Disease under the Settlement, based on the scientific consensus of 2015, advises against dispositive use of biomarker correlates of clinical manifestations of Alzheimer's Disease and relies on the World Health Organization's International Classification of Diseases 9th or 10th Edition (ICD-9 or ICD-10), or the definition of Neurocognitive Disorder due to probable Alzheimer's Disease in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5). The Program's expert neurologists confirmed that biomarkers are not required for a diagnosis under the Settlement's definition and the ICD-10/DSM-5. The Special Master found that the Qualified MAF Physician made the Player's Qualifying Diagnosis based on over ten years of provider documentation and multiple third party affidavits that met the clinical criteria for diagnosis under either the ICD-10 or the DSM-5. The absence of biomarkers of Alzheimer's cannot be clear and convincing evidence that the Claims Administrator's decision to grant an Award was in error.

Diagnosis of Death with CTE

October 7, 2023

The Claims Administrator determined that the CTE claims of two Representative Claimants were untimely under Section 6.3(f) of the Amended Class Action Settlement Agreement because their Qualifying Diagnoses post-dated April 22, 2015. Section 6.3(f) requires that a Qualifying Diagnosis of Death with CTE be made through a post-mortem diagnosis made by a board-certified neuropathologist prior to the Final Approval Date (April 22, 2015) for deaths that occurred prior to the Final Approval Date. The Claimants appealed, arguing first that they satisfied the diagnostic deadline for a Qualifying Diagnosis of Death with CTE, because a "diagnosis" occurs at death. The Special Master found that a Diagnosis of Death with CTE occurs when a board-certified neuropathologist personally examines the decedent's brain tissue and concludes that it is marked by CTE. Second, Claimants maintained that, even if the Amended Settlement Agreement's deadline had passed, the unamended Settlement Agreement contained no such deadline. Looking at the plain language of the Unamended Settlement Agreement as well as extrinsic evidence, the Special Master concluded that the Unamended Settlement Agreement would have denied recovery for Death with CTE that preceded July 7, 2014, but which was diagnosed by examination of brain tissue after that date.

Validity Testing and Mental Illness

October 16, 2023

The Special Master denied the appeal of the NFL Parties who contended that the Retired NFL Football Player's mental illness compromised his neurocognitive testing results. The Settlement Agreement requires that the examining neuropsychologist consider a Player's psychiatric condition and its relationship to his performance across the measured cognitive domains, just as an examining neurologist must consider its relationship to his functional impairment. The Special Master found that the effects of mental illness on a Player's neuropsychological testing are not clear and convincing evidence of error when, as here, the neuropsychologist has accounted for those effects in her thorough and, according to the AAPC, reasonable analysis.

Alzheimer's Disease Diagnosis

October 16, 2023

The NFL Parties raised multiple technical objections to the Claims Administrator's determination that a Retired NFL Football Player was entitled to a Supplemental Claim Award for Alzheimer's Disease. The Special Master noted that the appeal process is built around layered deference to expertise, and especially when front-line clinicians articulate their medical decisions with "care and fastidiousness," the reviewing process is unlikely to come to a contrary decision. Upon the Special Master's request, the AAP considered the NFL Parties' arguments that the MAF Physician did not exclude mixed etiologies of end-stage renal disease and dialysis as well as major depression and relied on flawed imaging to make the diagnosis. The AAP determined, using DSM-5 and the ICD-10, that the MAF Physician provided articulated justifications for key aspects of the Diagnosis, and that he met the standard of care. The Special Master deferred to that analysis and denied the NFL Parties' appeal.

Functional Impairment

October 21, 2023

The NFL Parties appealed the Claims Administrator's determination that a Retired NFL Football Player sufficiently demonstrated functional impairment generally consistent with a Qualifying Diagnosis of Level 2 Neurocognitive Impairment. They argued that the MAF Physician considered a CDR worksheet completed by the Player's wife instead of completing the worksheet himself, failed to offer any explanation for his assigned CDR scores and failed to consider if the Player's functional impairment was due to some other condition. The Special Master acknowledged that it was not best practice for someone other than the MAF Physician to complete the CDR worksheet, however, in this instance it was not disqualifying because the MAF Physician conducted an in-person interview with the Player's wife before providing his own assessment of the Player's level of functional impairment and relied on other factors in addition to the CDR worksheet for his CDR conclusion. The Special Master also recognized that providing explanations for CDR scores is best practice, but where a physician fails to comply, and there is evidence in the claim record to suggest that the CDR scores are valid, the failure to comply cannot itself serve as clear and convincing evidence of error in determining a Player's functional impairment, though it will affect the degree of deference that such scoring merits. In denying the appeal, the Special Master also found that the diagnosing physician determined that the Player's functional impairment was due to cognitive loss, and not something else, as the CDR scale requires.

Neuropsychological Testing

November 11, 2023

The Claims Administrator denied a Retired NFL Football Player's Level 2 Neurocognitive Impairment claim because of Qualifying Diagnosis lacked valid neuropsychological testing. On appeal, the Player argued that his impairment was so severe as to render neuropsychological testing unnecessary under the Settlement. Here, the Player completed a neuropsychological evaluation, which rendered invalid test results that the diagnosing physician chose to omit, claiming that the Player was too impaired to complete valid testing because of the severity of his functional impairments. The Special Master found because the diagnosing physician offered neither a coherent explanation of why the players' impairment was so severe as to not permit testing, nor an adequate rationale for setting aside the testing entirely, the Claims Administrator correctly determined that the Player's claim must fail based on the absence of valid test scores to support it.

Functional Impairment and CDR Score

November 12, 2023

The Special Master denied a Retired NFL Football Player's appeal of the Claim Administrator's determination that the Player was entitled to a Level 1.5 Neurocognitive Impairment Award, instead of the Level 2 Neurocognitive Impairment Qualifying Diagnosis that he asserted. The diagnosing physician's thoughtful report rested on statements by the Player and his wife, which were refuted by the record as it later developed through an audit of the claim. The audit uncovered that the Player had significant job responsibilities at the time of the Qualifying Diagnosis and for two years after it was rendered. These responsibilities were inconsistent with the diagnosing physician's CDR score of 2.0 in the area of Community Affairs. That score required the Player to have "no pretense of independent function outside the home."

Generally Consistent Standard and Deference

November 30, 2023

The Claims Administrator denied a Retired NFL Football Player's Level 1.5 Neurocognitive Impairment claim on the grounds that the neuropsychological testing was not generally consistent with the Settlement's diagnostic criteria. The Player appealed, arguing that the Claims Administrator erred in not deferring to the articulated judgment of his medical providers. The Special Master convened the AAPC panel of neuropsychologists who determined that the clinician's explanation for deviation from the BAP criteria was fully articulated. In applying the highly deferential "reasonably determined" standard of review, however, the AAPC concluded that the neuropsychologist's explanation did not amount to a "reasonably determined medical judgement," and they could not conclude it sufficiently supported the Player's diagnosis. Quoting Judge Brody who wrote that "deference is not the same thing as blind and automatic acceptance," the Special Master adopted the AAPC's view and denied the Player's appeal.

Slick Analysis and Burden on Appeal

December 8, 2023

The NFL Parties appealed the Claims Administrator's determination that a Retired NFL Football Player was entitled to a Level 2 Neurocognitive Impairment Monetary Award on the grounds of invalid neuropsychological testing. The NFL Parties argued that the examining neuropsychologist did not adequately account for the Player's performance on several validity tests in his *Slick* analysis and was not entitled to any deference. For the NFL Parties to prevail on appeal after the Claims Administrator has accepted a Diagnosis as sufficiently supported by the medical records, they must show more than just occasional inadequacies in a neuropsychologist's report. Their burden in such cases is to show that it is "highly probable or reasonably certain" that the clinician's conclusions were erroneous. At the Special Master's request, an AAP Consultant ("AAPC") reviewed the claim and determined that although the neuropsychologist's reasoning was not clearly articulated, his conclusions about the Player's testing were not erroneous. The Special Master adopted the AAPC's factual judgment and denied the NFL Parties' appeal.

Parkinson's Disease Diagnosis Criteria

January 16, 2024

The NFL Parties appealed the Claims Administrator's determination that a Retired NFL Football Player was entitled to a Parkinson's Disease Monetary Award on the grounds that the Player did not meet the diagnostic criteria. Because the Amended Class Action Settlement description of the requirements for a Qualifying Diagnosis of Parkinson's Disease while living is sparse, the Special Master enlisted a panel of AAP neurologists to describe their understanding of how to make a Qualifying Diagnosis of Parkinson's Disease under the Settlement, and to evaluate the Player's records given that consensus understanding. All members agreed that the appropriate criteria for a Qualifying Diagnosis of Parkinson's Disease remain the Gelb criteria, which were the most widely used criteria in the United States at the time of the Settlement. All AAP members agreed that the MAF neurologist appropriately diagnosed the Player with Parkinson's Disease and his medical records supported that diagnosis. The Special Master adopted the recommendation of the AAP neurologists to deny the NFL Parties' appeal because it did not offer clear and convincing evidence that the Claims Administrator's decision was in error.

Validity Testing and Deference

January 26, 2024

The NFL Parties appealed the Claims Administrator's determination that a Retired NFL Football Player was entitled to a Level 1.5 Neurocognitive Impairment Monetary Award, arguing that there was clear and convincing evidence that the Player's neuropsychological testing was invalid. The NFL Parties' burden of proof on appeal is high: "clear and convincing evidence" means it is highly probable or reasonably certain that there was an error. The Special Master asked for advice from the Appeals Advisory Panel who applied the Program's "nested system of deference" regarding the validity testing. Because the neuropsychologist did not complete a *Slick* checklist, her validity analysis did not result from completely articulated reasoning, and thus the AAP conducted a thorough and independent review of the validity testing. The AAP advised that the testing did not reliably support the inference that the Player engaged in sufficient task engagement. Relying on that factual judgment, the Special Master found that there was clear and convincing evidence that the scoring was not valid, contrary to the Claims Administrator's determination.

Neuropsychological Testing

February 3, 2024

The Claims Administrator denied a Retired NFL Football Player's Level 2 Neurocognitive Impairment claim on the grounds of missing valid neuropsychological test scores. The Settlement requires neuropsychological testing to establish a Diagnosis of Level 2 Neurocognitive Impairment and provides for waiver only when the diagnosing physician can certify that it is medically unnecessary because the Retired NFL Football player's dementia is so severe. The diagnosing physician's judgment must be "reasonably determined," meaning that it must be reasonable to have concluded that the testing would not generate valid results. Neither the neurologist's contemporaneous report nor his later explanation illustrate impairment so severe that it would preclude the Player from completing neuropsychological testing. The Special Master denied the appeal but granted the Player a 6-month extension to request an Expanded BAP examination.

Validity Testing and Deference

February 14, 2024

The NFL Parties appealed the Claims Administrator's determination that a Retired NFL Football Player was entitled to a Level 2 Neurocognitive Impairment Monetary Award on the grounds of invalid neuropsychological testing. The NFL Parties asserted that despite the neuropsychologist's articulated reasoning, his determinations were "clearly erroneous" and not entitled to deference. The clearly erroneous bar for overriding a clinician's articulated reasoning is very high and his flaws would need to be so basic and foundational as to render his determinations unreasonable. At the Special Master's request, an AAP Consultant ("AAPC") reviewed the claim and determined that the neuropsychologist's validity analysis resulted from a reasonably determined medical judgment. The Special Master adopted the AAPC's factual determination and denied the NFL Parties' appeal.

We post all such rulings to the Settlement Website (under "Governing Documents" select "Governing Decisions" and then click the Monetary Award Claims button on the Special Master tab). The Special Masters have so far issued 76 published Monetary Award appeal decisions and 12 Audit decisions (88 total such decisions).²⁹

XI. FREQUENTLY ASKED QUESTIONS

35. *Frequently Asked Questions.* We have not added any new FAQs since Status Report No. 20, but on September 26, 2023, we updated [FAQ 4](#) ("Who are the settlement

²⁹ On October 28, 2020, the Special Master issued contextually similar decisions on deviation from BAP Criteria for six claimants. One of the six decisions appears on the Settlement Website.

administrators?") to note that the Court appointed BrownGreer to replace Epiq as the BAP Administrator. There now are 391 FAQs in 18 categories. These FAQs contain links to other tools and resource guides posted on the Settlement Website to help Settlement Class Members and their lawyers navigate the Program. The banner at the top of the page contains a link to a printable PDF version of the full set of FAQs. Note that when we add new FAQs, we place them within the existing set where it makes the most sense. This means that the numbering of FAQs within the set may change from time to time.

XII. REGISTRATION

36. *Registration Submissions.*

(a) Sections 1 and 2 of the Summary Report on the Settlement Website cover Registrations. Table 24 shows changes in the number of timely Registration submissions since our Status Report No. 21:

Table 24		TIMELY REGISTRATION SUBMISSIONS		
	TYPE OF SETTLEMENT CLASS MEMBER	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Retired NFL Football Players	15,821	15,810	-11
2.	Representative Claimants	1,424	1,435	+11
3.	Derivative Claimants	3,328	3,328	0
4.	Totals	20,573	20,573	0

The number of Retired NFL Football Players (Row 1) went down by 11 from Status Report No. 21 because they were replaced by Representative Claimants. Of the 20,573 to whom we issued Registration notices, we were able to confirm that 19,412 of them are Settlement Class Members under the Settlement Agreement, 12,838 of whom are Retired NFL Football Players eligible to participate in the BAP. The other 1,161 persons are not Settlement Class Members under the Settlement Agreement because of one or more of these reasons: (1) they were on an Active Roster as of July 7, 2014; (2) they did not play "NFL Football" as defined

in the Settlement Agreement; (3) they opted out of the Settlement Program; (4) they did not provide us with the information or support required by the Settlement Agreement to register, after several notices from us and up to 150 days to turn it in; or (5) they tried to register as a Derivative Claimant but did not have a relationship with the Retired NFL Football Player by which they had a right under applicable state law to sue independently or derivatively.

(b) We are responsible for determining whether registrations submitted after August 7, 2017, meet one of the good cause exceptions specified in Section 4.2(c)(i) of the Settlement Agreement or can otherwise be accepted under the Rules Governing Registration Determinations and Appeals. We have made determinations on 335 such Registrations and found that 176 (53%) of them presented good reasons to be allowed to register after August 7, 2017. Table 25 shows the change in these numbers since Status Report No. 21:

Table 25		REGISTRATIONS SUBMITTED AFTER AUGUST 7, 2017		
	STATUS	AS OF 8/14/23	AS OF 3/4/24	CHANGE
1.	Accepted	176	176	0
2.	Not Accepted	156	159	+3
3.	Totals	332	335	+3

(c) Settlement Class Members who disagree with our Registration determinations may object to them by sending us a challenge. The NFL Parties also may challenge our good cause exception decisions. We have received 382 challenges, which is one more than the number we have reported since Status Report No. 21. Table 26 explains these challenges and what happened to them:

Table 26		CHALLENGES OF OUR REGISTRATION DETERMINATIONS			
	ISSUE	HOW MANY	WHO CHALLENGED	CHALLENGE SUCCESSFUL	CHALLENGE NOT SUCCESSFUL
1.	Not a Retired NFL Football Player	46	Settlement Class Member	23	23
2.	Not Eligible for the BAP	245	Settlement Class Member	77	168
3.	Not Properly Registered	53	Settlement Class Member	44	9
4.	Granted Good Cause Extension for Untimely Registration	9	NFL	1	8
5.	Denied Good Cause Extension for Untimely Registration	27	Settlement Class Member	5	22
6.	Not a Valid Derivative Claimant Relationship	2	Settlement Class Member	0	2
7.	Totals	382		150	232

Those who are not successful in challenging Registration determinations to us may appeal our decision to the Special Masters. Table 27 shows the appeals thus far and the Special Masters' rulings on them:

Table 27		APPEALS OF OUR DECISIONS ON REGISTRATION CHALLENGES			
	ISSUE	HOW MANY	WHO APPEALED	DECISION UPHELD	DECISION OVERTURNED
1.	Not a Retired NFL Football Player	3	Settlement Class Member	3	0
2.	Not Eligible for the BAP	26	Settlement Class Member	24	2
3.	Not a Valid Derivative Claimant Relationship	1	Settlement Class Member	1	0
4.	Denied Good Cause Extension for Untimely Registration	9	Settlement Class Member	8	1
5.	Totals	39		36	3

37. Centralized Process for Appointment of Representative Claimants and Derivative Claimant Representatives. The Special Masters have approved 478 petitions from


persons to serve as the Representative Claimant of a deceased or legally incapacitated or incompetent Retired NFL Football Player and three petitions from Derivative Claimant Representatives to act on behalf of minor Derivative Claimants. There have been seven new Representative Claimant approvals and no new Derivative Claimant Representatives since Status Report No. 21.

XIII. CONCLUSION

38. *General Status.* We have 280,200 document files (22,613 gigabytes, or 22.6 terabytes of registration and claims data), including notices we have issued, stored on Settlement Class Members, which is 25,262 more than when we filed Status Report No. 21. We have issued 56,722 notices (496 more since Status Report No. 21) to 21,040 different persons since March 23, 2017. There are 741 documents posted on the Settlement Website.

Respectfully submitted,

CLAIMS ADMINISTRATOR

By: 
Roma Petkauskas
Virginia State Bar No.: 71357
BrownGreer PLC
250 Rocketts Way
Richmond, Virginia 23231
Telephone: (804) 521-7218
Facsimile: (804) 521-7299
Email: rpetkauskas@browngreer.com