

**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
_____	:	
	:	Hon. Anita B. Brody
THIS DOCUMENT RELATES TO:	:	
	:	
ALL ACTIONS	:	
_____	:	

**CLAIMS ADMINISTRATOR STATUS REPORT NO. 23**

**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. 23 to apprise the Court on the implementation of its duties as the Claims Administrator and developments since Status Report No. 22 filed on March 25, 2024 (Document 12386). 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. 23 are as of June 3, 2024. 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 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:

<b>Table 1</b>	<b>NORMING AGREEMENT ANALYSIS</b>	
	<b>REVIEW OUTCOME</b>	<b>TOTAL</b>
<b>1.</b>	<b>Qualified for Automatic Retrospective Rescoring</b>	<b>647</b>
	(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
<b>2.</b>	<b>Qualified for an Expanded BAP exam</b>	<b>2,750</b>
<b>3.</b>	<b>BAP evaluations to be processed under New Method that removes race from consideration</b>	<b>1,572</b>
<b>4.</b>	<b>Submitted Settlement Claims to be processed under New Method that removes race from consideration</b>	<b>49</b>
<b>5.</b>	<b>Not directly affected</b>	<b>11,119</b>
<b>6.</b>	<b>Excluded from eligibility for Automatic Retrospective Rescoring or Expanded BAP Exam</b>	<b>3</b>
<b>7.</b>	<b>Total Registered Settlement Class Members</b>	<b>16,140</b>

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 have processed the 49 Settlement Claims in Row 4 using the New Method and

issued 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 have been 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. The deadline for those Settlement Class Members to request an Expanded BAP exam or submit a New Settlement Claim under Section 2.7 passed on March 4, 2024.

### **III. MONETARY AWARD CLAIMS**

**3. *Total Claims Received.*** We have received 67 new Monetary Award claims since Status Report No. 22 and have completed a review of all but 14 claims. As of June 3, 2024, 3,224 unique Retired NFL Football Players and Representative Claimants (20.0% of the Retired NFL Football Players and Representative Claimants who received favorable registration determinations) submitted 3,864 Monetary Award Claim Packages. Seventeen of the 3,864 claims<sup>1</sup> were denied as untimely.<sup>2</sup> We have received about five new claims per week since Status Report No. 22 in March 2024. Of the 3,864 Monetary Award claims submitted, 1,980 (51.2%) rest on pre-Effective Date diagnoses, while 1,590 (41.2%) are for post-Effective Date diagnoses, of which 445 (11.5% of the 1,590) were made in the Baseline Assessment Program (“BAP”)<sup>3</sup>

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<sup>1</sup> Of these Monetary Award claims, 661 (17%) have at least one associated Derivative Claimant who has registered and 3,203 (83%) have no registered Derivative Claimants. Note the total number of Retired NFL Football Players and Representative Claimants with favorable registration determinations (16,139) is shown in Section 2 of the Summary Report on the Settlement Website (BAP Eligible + Not BAP Eligible).

<sup>2</sup> We reviewed 58 claims for potential untimeliness and denied 17 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.

<sup>3</sup> 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.

and 1,145 (29.6% of the 1,590) were made by Qualified MAF Physicians.<sup>4</sup> The other 294 claims (7.6%) did not tell us what diagnosis date they assert. Table 2 compares these numbers to those in Status Report No 22:

<b>Table 2</b>		<b>QUALIFYING DIAGNOSIS DATES IN MONETARY AWARD CLAIMS</b>					
	<b>DATE</b>	<b>HOW MANY</b>			<b>% OF TOTAL</b>		
		<b>AS OF 3/4/24</b>	<b>AS OF 6/3/24</b>	<b>CHANGE</b>	<b>AS OF 3/4/24</b>	<b>AS OF 6/3/24</b>	<b>CHANGE</b>
1.	Pre-Effective Date	1,979	1,980	1	52.1%	51.2%	-3.1%
2.	Post-Effective Date	1,525	1,590	65	40.2%	41.1%	2.9%
	(a) <i>BAP</i>	431	445	14	11.4%	11.5%	0.3%
	(b) <i>MAF</i>	1,094	1,145	51	28.8%	29.6%	2.6%
3.	No Date Asserted	293	294	1	7.7%	7.6%	0.0%
4.	<b>Totals</b>	<b>3,797</b>	<b>3,864</b>	<b>67</b>			

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

<b>Table 3</b>		<b>MONETARY AWARD CLAIMS BY QUALIFYING DIAGNOSIS TYPE</b>			
	<b>DIAGNOSIS</b>	<b>PRE-EFFECTIVE DATE</b>	<b>POST-EFFECTIVE DATE</b>		
			<b>MAF</b>	<b>BAP</b>	
1.	Death with CTE	126	0	N/A	
2.	ALS	51	13		
3.	Alzheimer's Disease	425	205		
4.	Parkinson's Disease	137	161		
5.	Level 2	505	284	130	
6.	Level 1.5	736	481	308	

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 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

<sup>4</sup> 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.

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 June 3, 2024, we have issued 1,701 Notices of Monetary Award for claims totaling \$1,291,671,108.<sup>5</sup> 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 1,701 claims with Notices of Monetary Award, we requested \$1,253,084,827.01 from the NFL Parties for the 1,662 claims that have reached the point at which we can request funding. The NFL Parties have deposited funds for 1,648 of those claims.<sup>6</sup> Of the 1,648 Monetary Award claims for which the NFL Parties have deposited funds, the Program paid 1,644 claims for a total of \$1,207,979,045. The remaining four 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 1,644 paid claims from Retired NFL Football Players and Representative Claimants, the Trustee sent \$59,738,021 (5% or 1% of those Monetary Awards, depending on when the payment was issued) to the Attorneys' Fees Qualified Settlement Fund, in

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<sup>5</sup> 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).

<sup>6</sup> The NFL Parties have 30 days from the date of the Funding Request to fund the amount requested.

accordance with the Court's June 27, 2018 Order Regarding the Common Benefit Fund (Document 10104) and the Court's December 21, 2023 Order. 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. As of June 3, 2024, we have released \$31,240,846 of previously withheld Common Benefit Funds to Players or their attorneys. Finally, we are required to withhold money for unresolved Liens and for third-party funders. Table 4 shows the distribution of the \$1,207,979,045 paid by the Settlement Program and compares the totals to those reported in Status Report No. 22:

Table 4		MONETARY AWARD PAYMENTS			
	PAID TO	AS OF 3/4/24	AS OF 6/3/24	CHANGE	
1.	<b>Settlement Class Members</b> (or their lawyers on their behalf, if represented)	\$1,082,532,581	\$1,164,007,720	\$81,475,139	
2.	<b>Medical Lienholders</b> (on behalf of Settlement Class Members to the Lien Resolution Administrator to resolve medical Liens when a final Lien resolution amount is determined)	\$4,182,342	\$4,194,858	\$12,516	
3.	<b>Non-Medical Lienholders</b> (on behalf of Settlement Class Members to lienholders to resolve non-medical Liens)	\$16,844,685	\$17,842,955	\$998,270	
4.	<b>Third-Party Funders</b> (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)	\$21,111,935	\$21,933,512	\$821,577	
5.	<b>Totals</b>	<b>\$1,124,671,543</b>	<b>\$1,207,979,045</b>	<b>\$83,307,502</b>	

(b) Table 5 shows the changes in figures for payments and claims with Notices of Monetary Award since Status Report No. 22:

Table 5		MONETARY AWARD CHANGES SINCE STATUS REPORT NO. 22					
	STATUS	HOW MANY			AMOUNT		
		AS OF 3/4/24	AS OF 6/3/24	CHANGE	AS OF 3/4/24	AS OF 6/3/24	CHANGE
1.	Notice of Monetary Award Issued	1,658	1,701	43	\$1,242,368,389	\$1,291,671,109	\$49,302,720
2.	Paid	1,614	1,649	35	\$1,124,671,543	\$1,207,979,045	\$83,307,502

(c) Table 6 shows how many claims for each type of Qualifying Diagnosis have received a Notice of Monetary Award and been paid<sup>7</sup>:

<b>Table 6</b>		<b>MONETARY AWARDS AND PAYMENTS BY QUALIFYING DIAGNOSIS<sup>8</sup></b>				
	<b>DIAGNOSIS</b>	<b>CLAIMS SUBMITTED</b>	<b>NOTICE OF MONETARY AWARD</b>		<b>PAID</b>	
			<b>HOW MANY</b>	<b>%<sup>9</sup></b>	<b>HOW MANY</b>	<b>%<sup>10</sup></b>
1.	Death with CTE	126	80	63%	80	63%
2.	ALS	64	47	73%	47	73%
3.	Alzheimer's Disease	630	416	66%	407	65%
4.	Parkinson's Disease	298	238	80%	230	77%
5.	Level 2	919	293	32%	282	31%
6.	Level 1.5	1,525	627	41%	603	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 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.<sup>11</sup> Under [FAQ 149](#) (“Can I be found eligible for a Monetary Award based

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> This column shows the percentage of claims submitted with the Qualifying Diagnosis in each row that received a Notice of Monetary Award.

<sup>10</sup> This column shows the percentage of claims submitted with the Qualifying Diagnosis in each row that were paid.

<sup>11</sup> 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.



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 164 claims. In accordance with Rules 23 and 27 of the Rules Governing Qualified MAF Physicians, the AAP and AAPLC have reviewed 533 out of the 1,145 total Monetary Award claims submitted for diagnoses made by Qualified MAF Physicians, approving 214 (41%) of those claims.<sup>12</sup> 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 87 claims out of the 445 total claims submitted based on Qualifying Diagnoses made through the BAP, approving 45 (52%) of those reviewed claims.

(b) We have assigned 806 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 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 2,285 Monetary Award claims (11 more since Status Report No. 22), as shown in Table 7:

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<sup>12</sup> 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.

Table 7		NOTICES FOR MISSING MATERIALS							
	CLAIMS	DEATH WITH CTE	ALS	ALZHEIMER'S DISEASE	PARKINSON'S DISEASE	LEVEL 2	LEVEL 1.5	MULTIPLE/ UNKNOWN <sup>13</sup>	TOTAL
1.	Total Reviewed	126	64	629	296	919	1,519	297	3,850
2.	Notice Issued	48	29	335	118	583	930	242	2,285
3.	% Missing Materials	38%	45%	53%	40%	63%	61%	81%	59%

So far, 89% 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 60 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 1,202 denials of Monetary Award claims for reasons other than an Audit (20 more since Status Report No. 22), as shown in Table 8:

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	126	64	629	296	919	1,519	297	3,850
2.	Denied	43	3	93 <sup>14</sup>	15	276	512	260	1,202
3.	% Denied	34%	5%	15%	5%	30%	34%	88%	31%

Overall, the AAP has recommended denial of 698 claims for not having a valid Qualifying Diagnosis, which is 52% of the claims that currently have a denial notice. When we deny a

<sup>13</sup> 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.

<sup>14</sup> We reported 97 Alzheimer's Disease Denials in Claims Administrator Status Report No. 22. This number decreased by four because six Alzheimer's Disease claims with Denial Notices were appealed and then remanded, which removed them from the Denial Notice count, and we have issued two new Alzheimer's Disease Denial Notices since March 4, 2024.

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 449 denial notices; four of the currently active denial notices are 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 106 Retired NFL Football Players and 10 Representative Claimants seeking Supplemental Monetary Awards: 54 for Qualifying Diagnoses of Alzheimer's Disease, 21 for Qualifying Diagnoses of Parkinson's Disease, 39 for Qualifying Diagnosis of Level 2 Neurocognitive Impairment, one for Qualifying Diagnosis of ALS (Amyotrophic Lateral Sclerosis), and one did not assert a Qualifying Diagnosis. This is six

more Supplemental claims than we reported in Status Report No. 22. 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 66 Notices of Supplemental Monetary Award to eligible Settlement Class Members and denied 25 claims for a Supplemental Monetary Award. The combined Monetary Award After Offset value of these 66 Supplemental Monetary Awards was \$70,630,301, but after subtracting the prior Monetary Award payments, totaled \$36,175,533 as set out below in Table 9 (an increase of three claims totaling \$226,831 since Status Report No. 22):

Table 9		SUPPLEMENTAL MONETARY AWARD CALCULATIONS			
	SUPPLEMENTAL CLAIM		PREVIOUSLY PAID CLAIM		SUPPLEMENTAL MONETARY AWARD AMOUNT
	QUALIFYING DIAGNOSIS	AMOUNT	QUALIFYING DIAGNOSIS	AMOUNT	
	<b>Total for Claims 1-63<sup>15</sup></b>	\$69,901,617		\$33,952,915	\$35,948,702
64.	Level 2.0	\$549,756	Level 1.5	\$338,723	\$211,034
65.	Alzheimer's Disease	\$11,619	Level 1.5	\$7,984	\$3,635
66.	Alzheimer's Disease	\$167,310	Level 1.5	\$155,146	\$12,163
	<b>Totals</b>	<b>\$70,630,301</b>		<b>\$34,454,769</b>	<b>\$36,175,533</b>

<sup>15</sup> The payment amounts for the previous 63 Monetary Awards increased slightly from what was reported in Claims Administrator Status Report No. 22 because of inflation adjustments between the time of the Monetary Award Notice and payment and the release of 1% holdback amounts for Derivative Claimant payments associated with a claim.

The Program has paid 56 Retired NFL Football Players and five Representative Claimants a total of \$33,728,914 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 59 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. 22:

Table 10		QUALIFIED MAF PHYSICIANS		
	ASPECT	AS OF 3/4/24	AS OF 6/3/24	CHANGE
1.	Approved Physician – On Posted List	64	59	-5
2.	Target Cities Represented by Approved Physicians on Posted List	32	32	0
3.	Approved Physician – Not yet Posted	14	4	-10

Unfortunately, the total number of actively scheduling physicians has declined since Status Report No. 22 because of the following reasons: one physician retired, another is recovering from surgery, and three physicians requested temporary hold status due to time constraints for evaluating players. 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.

The Parties have recently approved four new Qualified MAF Physicians for the Program. These providers are located in or near the following target cities: Phoenix, Chicago, San Francisco, and Tampa. We are coordinating with these providers to schedule orientation training

within the next 4-6 weeks so they can start scheduling MAF exams soon. The number of approved physicians who are not yet scheduling has decreased by 10 because those doctors have been unresponsive to our attempts to contract with them, or they are no longer interested in participating.

Finally, we are continually exploring ways to enhance and strengthen the MAF Physician Network. Next quarter, in addition to recruiting new providers, we will revisit providers who are on temporary hold status to determine if they are willing to return to actively scheduling with Retired NFL Football Players. Also, we will reach out to providers who were approved but chose not to participate previously to see if their circumstances have changed and they wish to participate now.

**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.<sup>16</sup> We can make exceptions to this 150-Mile Rule if the exception is requested prior to the appointment.

We have received 338 requests for exceptions to the 150-Mile Rule, of which we granted 309 (91.4%) and denied 29 (8.6%). Table 11 shows the changes since Status Report No. 22:

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<sup>16</sup> 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.

Table 11		REQUESTS FOR EXCEPTIONS TO 150-MILE RULE					
	DECISION	HOW MANY			% OF TOTAL		
		AS OF 3/4/24	AS OF 6/3/24	CHANGE	AS OF 3/4/24	AS OF 6/3/24	CHANGE
1.	Granted	275	309	+34	90.5%	91.4%	+0.9%
2.	Denied	29	29	0	9.5%	8.6%	-0.9%
3.	Pending	0	0	0	0.0%	0.0%	0.0%
4.	<b>Totals</b>	<b>304</b>	<b>338</b>	<b>+34</b>			

(b) The 150-Mile Rule is a flexible rule with broad exceptions. Of the living Retired NFL Football Players registered in the Program, 83.6% 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 49 requests for exceptions to the 50-Mile Rule, of which we granted 47 (95.9%) and denied two (4.1%). Table 12 shows how many exception requests we have received and our decisions on those requests (an increase of one since Status Report No. 22):

Table 12		REQUESTS FOR EXCEPTIONS TO 50-MILE RULE					
	DECISION	HOW MANY			% OF TOTAL		
		AS OF 3/4/24	AS OF 6/3/24	CHANGE	AS OF 3/4/24	AS OF 6/3/24	CHANGE
1.	Granted	46	47	+1	95.8%	95.9%	+0.1
2.	Denied	2	2	0	4.2%	4.1%	-0.1
3.	<b>Totals</b>	<b>48</b>	<b>49</b>	<b>+1</b>			

Of the 59 Qualified MAF Physicians who are actively scheduling appointments, 53 (89.8%) have an approved neuropsychologist within 50 miles of their office, and we will grant exceptions on a case-by-case basis for the six 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 15 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 <sup>17</sup>					
	DIAGNOSIS TYPE	HOW MANY			% OF TOTAL		
		AS OF 3/4/24	AS OF 6/3/24	CHANGE	AS OF 3/4/24	AS OF 6/3/24	CHANGE
1.	Level 1.5	4	4	0	0.9%	0.5%	-0.4%
2.	Level 2	13	11	-2	4.8%	2.7%	-2.1%
<b>3.</b>	<b>Totals</b>	<b>17</b>	<b>15</b>	<b>-2</b>			

**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

<sup>17</sup> 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.



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 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.*** Since Audit Report 22, we have issued one new Report of Adverse Finding in Audit, and we referred the Report to the Special Masters for a Rule 18 decision on whether they will accept it for an Audit Proceeding. We

have issued to the Parties 22 Reports of Adverse Finding in Audit affecting 595 Monetary Award claims. All 22 Audit Reports were then referred to the Special Masters. The 22 Audit Reports concern four neurologists, 12 neuropsychologists, five 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	2
6.	<b>Total</b>	<b>22</b>

17. ***Audit Proceeding Decisions.*** We have denied 395 claims after Audit based on decisions by the Court or Special Masters.<sup>18</sup> Sections 6, 9, and 15 of the Summary Report on 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 146 Settlement Class Members who submitted a new Monetary Award Claim following an Audit Denial, and 63 of them have been paid or are in the payment process.

18. ***Ongoing Audit Investigations.*** We have Audit investigations underway affecting 25 Monetary Award claims (three more than the number we reported in Status

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<sup>18</sup> 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 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.

Report No. 22). Of these, six are part of a possible multi-claim pattern, and the other 19 are individual claims.

**19. *Closed Audits.*** We have concluded the Audit investigations of 1,300 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. 22:

Table 15		CLOSED AUDITS		
	REASON FOR CLOSURE	AS OF 3/4/24	AS OF 6/3/24	CHANGE
1.	Claim Denied in Audit	395	395	+0
2.	No Finding of Misrepresentation, Omission, or Concealment	687	698	+11
3.	Claim Withdrawn by Settlement Class Member	207	207	+0
4.	<b>Totals</b>	<b>1,289</b>	<b>1,300</b>	<b>+11</b>

**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 (the same as we reported in Status Report No. 22); the most times a Monetary Award claim has been audited is twice.

## VII. DERIVATIVE CLAIMANTS

21. *Derivative Claims.* We have received 617 Derivative Claim Packages (an increase of one since Status Report No. 22). Table 16 shows the status of these claims:

Table 16		DERIVATIVE CLAIMS	
	STATUS	HOW MANY	% OF TOTAL
1.	Paid Derivative Claimant Award (\$1,104,672 <sup>19</sup> )	240	39%
2.	Derivative Claimant Award Notice Issued but Not Paid (\$5,837)	2	<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)	193	31%
13.	<b>Total</b>	<b>617</b>	

We have not issued any Notices of Derivative Claimant Award since Status Report No. 22.

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:

<sup>19</sup> This includes payment for 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.

Table 17		SHARED AWARD STATUS FOR ELIGIBLE DERIVATIVE CLAIMANTS					
	STATUS	HOW MANY			% OF TOTAL		
		AS OF 3/4/24	AS OF 6/3/24	CHANGE	AS OF 3/4/24	AS OF 6/3/24	CHANGE
1.	Received Entire 1% Amount	64	64	0	26%	26%	0%
2.	Shared 1% Amount with Other Eligible Derivative Claimants <sup>20</sup>	178	178	0	74%	74%	0%
3.	<b>Totals</b>	<b>242</b>	<b>242</b>	<b>0</b>			

The 242 Derivative Claimants who received Notices of Derivative Claimant Award are associated with 120 Retired NFL Football Players. We issued payment to two Derivative Claimants since Status Report No. 22 and have paid 240 (99%) of the 242 Derivative Claimants with Notices of Derivative Claimant Award; both of the eligible Derivative Claimants who have not been paid are in the payment process.

**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 Submission Deadline to 522 registered Derivative Claimants. Table 18 summarizes their claim submission statuses and the changes since Status Report No. 22:

<sup>20</sup> 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.

Table 18		CLAIM STATUS FOR DERIVATIVE CLAIMANTS WITH DERIVATIVE CLAIM PACKAGE SUBMISSION DEADLINE NOTICE					
		HOW MANY			% OF TOTAL		
	STATUS	AS OF	AS OF	CHANGE	AS OF	AS OF	CHANGE
		3/4/24	6/3/24		3/4/24	6/3/24	
1.	Claim Submitted	161	162	+1	31%	31%	0%
2.	No Claim Submitted	356	360	+4	69%	69%	0%
3.	Within 30-Day Deadline	2	0	-2	<1%	0%	<-1%
4.	<b>Totals</b>	<b>519</b>	<b>522</b>	<b>+3</b>			

**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 66 Retired NFL Football Players (an increase of three since Status Report No. 22). Of those 66, 57 Retired NFL Football Players had no registered Derivative Claimants associated with them, and five Retired NFL Football Players each had one registered Derivative Claimant, but those five 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 four 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	AS OF	CHANGE	AS OF	AS OF	CHANGE
		3/4/24	6/3/24		3/4/24	6/3/24	
1.	Received Entire 1% Amount	3	3	+0	100%	43%	-57%
2.	Shared 1% Amount with Other Eligible Derivative Claimants	0	4	+4	0%	57%	+57%
<b>3.</b>	<b>Totals</b>	<b>3</b>	<b>7</b>	<b>+4</b>			

Three of the Derivative Claimants with Supplemental Derivative Claimant Awards have been paid a total of \$20,563; the other four, whose gross awards total \$2,132, are not yet ready for the payment process.

### 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 Resolution Protocol (“Resolution Protocol”) (the SWS-5(A)) and another for those not so

identified (the SWS-5(B)). As of June 3, 2024, 25 Third-Party Funder entities are participating in the Resolution Protocol. We have worked with those participating funders to resolve cash advances for 50 Settlement Class Members since the adoption of the New Payment Rules.

**25. *Petitions for Deviation from the Attorneys' Fee Cap.***<sup>21</sup> 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. 22:

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<sup>21</sup> 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 3/4/24	AS OF 6/3/24	CHANGE	AS OF 3/4/24	AS OF 6/3/24	CHANGE	AS OF 3/4/24	AS OF 6/3/24	CHANGE
1.	Attorneys'	2,155 <sup>22</sup>	2,183 <sup>23</sup>	28	599	623	24	247	258	11
2.	Child Support	357	358	1	58	63	5	16	19	3
3.	Judgment	70	71	1	19	19	0	9	9	0
4.	Tax	57	57	0	3	3	0	0	0	0
5.	<b>Totals</b>	<b>2,639</b>	<b>2,669</b>	<b>30</b>	<b>679</b>	<b>708</b>	<b>29</b>	<b>272</b>	<b>286</b>	<b>14</b>

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

Table 21		ATTORNEYS' LIENS IN DISPUTE RESOLUTION PROCESS <sup>24</sup>		
PENDING	RESOLVED		TOTAL	
	BY AGREED WITHDRAWAL	BY COURT DETERMINATION		
17	238	30	285	

(d) Table 22 breaks down the Non-Medical Lien holdbacks<sup>25</sup> by Lien type:

Table 22		NON-MEDICAL LIEN HOLDBACKS		
	LIEN TYPE	MONETARY AWARDS AFFECTED	MONETARY AWARD AMOUNTS	LIEN HOLDBACKS
1.	Attorneys'	14	\$35,588,150.28	\$2,257,823.96
2.	Child Support	2	\$946,969.00	\$238,168.14
3.	Judgment	2	\$2,036,500	\$846,926
4.	Tax	0	N/A	N/A

<sup>22</sup> These 2,155 Liens were asserted by 67 law firms.

<sup>23</sup> These 2,183 Liens were asserted by 67 law firms.

<sup>24</sup> 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.

<sup>25</sup> The holdbacks are the amount of funds we are withholding pending resolution of a Dispute. As of 6/3/24, there are 17 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.	<b>Totals</b>	<b>18</b>	<b>\$38,571,619.28</b>	<b>\$3,342,918.10</b>

(e) Table 23 summarizes the Non-Medical Lien payments from initial Monetary

Awards<sup>26</sup> 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'	222	\$258,068,305	\$13,174,573
2.	Child Support	21	\$17,590,635	\$1,712,697
3.	Judgment	8	\$9,603,542	\$2,949,192
4.	Tax	1	\$33,283	\$6,493
5.	<b>Totals</b>	<b>252</b>	<b>\$285,295,765</b>	<b>\$17,842,955</b>

## IX. COMMUNICATIONS CENTER FOR THE PROGRAM

27. **Our Contact Activity.** Since our contact center opened on February 6, 2017, we have handled 107,478 total communications, including 63,294 calls made or received and 39,267 emails to us at our Claims Administrator email box. Since Status Report No. 22, we handled 2,840 such total communications. The most common topics of these communications have been Payment, General Settlement Information, Change in Lawyers, Baseline Assessment Program (BAP), and Represented Claimant.

28. **Law Firm Contacts.** Our Law Firm Contacts are assigned to 585 different law firms or lawyers representing Settlement Class Members in the Program. This is two more law

<sup>26</sup> We also have issued \$115,348.30 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. 22. 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. 22, we issued one new edition of our quarterly “Insights” newsletter (First Quarter 2024). 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](mailto: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 Second Quarter 2024 Program Doctors Newsletter on May 16, 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 newsletter provided information on communications with Retired NFL Football Players and their lawyers, preparing Players for exams, informants at exams, Provider Portal tips and reminders, and applying the CDR Scale.

**31. *Settlement Program Website.*** We regularly update the Settlement Website to reflect progress and changes to the Program. Since Status Report No. 22 in March 2024, we made these changes:

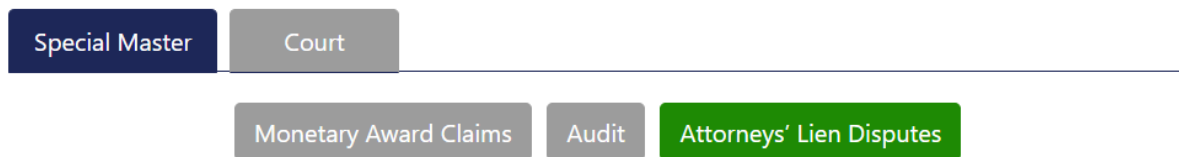
- (1) Posted a Report of the Special Masters (Document 12384, filed March 25, 2024), BAP Administrator Status Report No. 20 (Document 12385, filed

March 25, 2024), and Claims Administrator Status Report No. 22 (Document 12386, filed March 25, 2024) to the Status Reports page at [https://www.nflconcussionsettlement.com/Status\\_Reports.aspx](https://www.nflconcussionsettlement.com/Status_Reports.aspx).

- (2) Created a new “Attorneys’ Lien Disputes” category under the Special Master section on the Governing Decisions page with 28 documents related to the resolution of attorney fee issues (<https://www.nflconcussionsettlement.com/PD-SpecialMasterDecisions-AttorneyLienDispute.aspx>).

## Special Master Decisions

Click on the ‘Court’ button to view governing decisions issued by the Court and the ‘Special Master’ button to view governing Special Master decisions. The material on each page is grouped by subject matter. Use the buttons on each page to view decisions under the subject matter you are interested in.



- (3) The Program’s Home page has had 20,270 visits since Status Report No. 22, with 33,964 unique page views. The five most frequently visited pages since March, after Home and Login, were Governing Decisions – Special Master – Monetary Award Claims (811 unique views), Physician Search (717 unique views), Alerts (639 unique views), Reports and Statistics (561 unique views), and Frequently Asked Questions (330 unique views). Also since March, visitors conducted 3,257 searches on the website using 971 unique keywords and completed 2,801 unique downloads. The top five downloaded documents were 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 (627 clicks), Settlement Agreement (580 clicks), the February 12, 2024 Alert regarding the release of Common Benefit Fund holdbacks (275 clicks), Monetary Award Grid (126 clicks), and Claims Administrator Status Report No. 22 (60 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. We have not made changes to any posted Rules since Status Report No. 22 filed in March 2024.

**34. Published Decisions.** Since Status Report No. 22, the Special Masters issued two new decisions they designated for publication. Both of these decisions relate to how we analyze claims for Monetary Awards.

### **Alzheimer's Disease Diagnostic Criteria**

March 15, 2024

A Retired NFL Football Player appealed the Claims Administrator's denial of his Alzheimer's Disease claim, arguing that the AAPLC and the Claims Administrator erred in concluding that the Player's MoCA scores (to detect mild cognitive impairment and dementia), depression and migraine symptoms, and biomarker testing intertwined to contraindicate Alzheimer's Disease. The Special Master denied the appeal after concluding that the non-linear trajectory of the Player's MoCA score, and the absence of biomarkers, combined to support the Claims Administrator's determination. The Special Master further concluded that use of biomarkers as probative, not dispositive, evidence in diagnosing Alzheimer's is consistent with the DSM-5 definition and thus the Settlement Agreement, and that the Claims Administrator is empowered to make sure that Diagnosing Physicians practices in using biomarkers is reasonably consistent.

### **Functional Impairment and Alternative Causation**

March 29, 2024

The Special Master rejected a Retired NFL Football Player's appeal of the Claims Administrator's denial of his Supplemental Level 2.0 claim. The neurologist's failure to show that the Player's CDR scores were assigned due to cognitive loss, and not other factors, led to the Supplemental Claim's denial. A diagnosing physician's articulated consideration of confounding factors is typically sufficient to establish that a Player's impairment is generally consistent with the Settlement's requirements. Here however, the neurologist never discussed the Player's depression and anxiety as possible contributors of his functional impairment, despite multiple inquiries. Both because the evidence of the Player's functional loss was partially inconsistent with the required showing under the injury definitions, and because his physician did not attempt to show that it resulted from cognitive loss, as opposed to mental health and other factors, the Special Master found that the Player did not offer clear and convincing evidence of error in the denial.

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 78 published Monetary Award appeal decisions and 12 Audit decisions (90 total such decisions).<sup>27</sup>

## **XI. FREQUENTLY ASKED QUESTIONS**

**35. *Frequently Asked Questions.*** We have not added any new FAQs or made substantive revisions to existing FAQs since Status Report No. 22. 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. 22:

<b>Table 24</b>		<b>TIMELY REGISTRATION SUBMISSIONS</b>		
	<b>TYPE OF SETTLEMENT CLASS MEMBER</b>	<b>AS OF 3/4/24</b>	<b>AS OF 6/3/24</b>	<b>CHANGE</b>
1.	Retired NFL Football Players	15,810	15,799	-11
2.	Representative Claimants	1,435	1,445	+10
3.	Derivative Claimants	3,328	3,328	0

<sup>27</sup> 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.

<b>Table 24</b>		<b>TIMELY REGISTRATION SUBMISSIONS</b>		
	<b>TYPE OF SETTLEMENT CLASS MEMBER</b>	<b>AS OF 3/4/24</b>	<b>AS OF 6/3/24</b>	<b>CHANGE</b>
<b>4.</b>	<b>Totals</b>	<b>20,573</b>	<b>20,572</b>	<b>-1<sup>28</sup></b>

The number of Retired NFL Football Players (Row 1) went down by 11 from Status Report No. 22 because ten were replaced by Representative Claimants and one was removed as a duplicate after we determined the Player had already registered under a different Settlement Program ID. Of the 20,572 to whom we issued Registration notices, we were able to confirm that 19,411 of them are Settlement Class Members under the Settlement Agreement, 12,837 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 336 such Registrations and

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<sup>28</sup> There is a net loss of one timely Registration submission because we determined that a Retired NFL Football Player previously had registered under a different Settlement Program ID and was being counted twice in the Timely Registration Submission Total.

found that 176 (52%) 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. 22:

<b>Table 25</b>		<b>REGISTRATIONS SUBMITTED AFTER AUGUST 7, 2017</b>		
	<b>STATUS</b>	<b>AS OF 3/4/24</b>	<b>AS OF 6/3/24</b>	<b>CHANGE</b>
1.	Accepted	176	176	0
2.	Not Accepted	159	160	+1
<b>3.</b>	<b>Totals</b>	<b>335</b>	<b>336</b>	<b>+1</b>

(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 384 challenges, which is two more than the number we have reported since Status Report No. 22. Table 26 explains these challenges and what happened to them:

<b>Table 26</b>		<b>CHALLENGES OF OUR REGISTRATION DETERMINATIONS</b>			
	<b>ISSUE</b>	<b>HOW MANY</b>	<b>WHO CHALLENGED</b>	<b>CHALLENGE SUCCESSFUL</b>	<b>CHALLENGE NOT SUCCESSFUL</b>
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	29	Settlement Class Member	5	24
6.	Not a Valid Derivative Claimant Relationship	2	Settlement Class Member	0	2
<b>7.</b>	<b>Totals</b>	<b>384</b>		<b>150</b>	<b>234</b>

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.	<b>Totals</b>	<b>39</b>		<b>36</b>	<b>3</b>

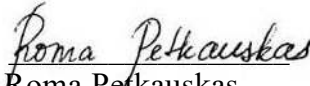
**37. Centralized Process for Appointment of Representative Claimants and Derivative Claimant Representatives.** The Special Masters have approved 488 petitions from persons to serve as the Representative Claimant of a deceased or legally incapacitated or incompetent Retired NFL Football Player and three petitions from Derivative Claimant Representatives to act on behalf of minor Derivative Claimants. There have been 10 new Representative Claimant approvals and no new Derivative Claimant Representatives since Status Report No. 22.

### **XIII. CONCLUSION**

**38. General Status.** We have 301,412 document files (23,028 gigabytes, or 23 terabytes of registration and claims data), including notices we have issued, stored on Settlement Class Members, which is 21,212 more than when we filed Status Report No. 22. We have issued 57,002 notices (280 more since Status Report No. 22) to 21,043 different persons since March 23, 2017. There are 759 documents posted on the Settlement Website.

Respectfully submitted,

**CLAIMS ADMINISTRATOR**

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