

OVERVIEW OF DERIVATIVE CLAIMANT PROCESS**A. Derivative Claimant Registration.****1. August 7, 2017 Deadline.**

Derivative Claimants could have timely registered on or before August 7, 2017.

2. Good Cause Deadline.

Section 4.2(c)(i)(c) permits a Derivative Claimant to register within 30 days after the associated Retired NFL Football Player (or his Representative Claimant) submits a Claim Package. Thus, a Derivative Claimant may timely register after August 7, 2017, if his or her associated Retired NFL Football Player submits a timely Claim Package after that date.

3. 1% Derivative Claimant Award Offset.

(a) Through August 7, 2017: For each favorable Notice of Monetary Award Claim Determination issued on or before August 7, 2017, the Claims Administrator offset 1% of the Monetary Award for potential Derivative Claimant Awards, even if no Derivative Claimants registered by that time, because Derivative Claimants had until August 7, 2017 to register.

(b) After August 7, 2017:

(1) When the Claims Administrator issues a Retired NFL Football Player (or his Representative Claimant) a favorable Notice of Monetary Award Claim Determination, 1% of his Monetary Award will be offset for potential Derivative Claimant Awards only if there are associated Derivative Claimants registered at that time and/or if the Notice is issued less than 30 days after the Retired NFL Football Player (or his Representative Claimant) submitted the Claim Package.

(2) If a Derivative Claimant has not registered by the date of a favorable Notice of Monetary Award Claim Determination to the Retired NFL Football Player (or his Representative Claimant), that Derivative Claimant will not be eligible for a Derivative Claimant Award based on that Monetary Award unless the Notice was issued less than 30 days after submission of the Claim Package.

B. Challenges to Derivative Claimants by a Retired NFL Football Player.**1. Retired NFL Football Player's Right to Challenge a Derivative Claimant.**

A Retired NFL Football Player (or his Representative Claimant) may challenge any Derivative Claimant who has registered based on a relationship with him. A favorable Notice of Monetary Award Claim Determination identifies all Derivative Claimants who have registered based on a relationship with the Retired NFL Football Player. For each Derivative Claimant, the Retired NFL Football Player (or his Representative Claimant) may challenge:

- (a) The existence of that Derivative Claimant's claimed relationship;
- (b) Whether the claimed relationship gives that Derivative Claimant a right to recover under applicable state law; and
- (c) Use of Pennsylvania law to evaluate the challenged Derivative Claimant's relationship and right to recover.

If any additional Derivative Claimant(s) timely register, we will notify the Retired NFL Football Player (or his Representative Claimant) about the Derivative Claimant(s) so he is able to challenge if he wishes to do so.

2. Claims Administrator Review of Challenge to Derivative Claimant.

- (a) **Applicable State Law:** The Claims Administrator reviews the challenge based on Pennsylvania law. If a Retired NFL Football Player challenges the use of Pennsylvania law, the Claims Administrator instead applies the laws of the state where the Retired NFL Football Player lived at the time of his Qualifying Diagnosis (or at the time of his death, for a Qualifying Diagnosis of Death with CTE).
- (b) **Relevant Cause of Action:** The Claims Administrator bases its review on two causes of action, depending on the Retired NFL Football Player's Qualifying Diagnosis:
 - (1) Death with CTE: Wrongful death laws apply.
 - (2) All other Qualifying Diagnoses: Loss of consortium laws apply.
- (c) **Timing of Claimed Relationship:** The Claims Administrator evaluates Derivative Claimant recovery rights based on the relationship that existed at the time of the Retired NFL Football Player's Qualifying Diagnosis (or at the time of his death, for a Qualifying Diagnosis of Death with CTE).

(d) **Deficient Derivative Claimants:** The Claims Administrator issues a Derivative Claimant Deficiency Notice to a challenged Derivative Claimant only if additional information and/or documents are necessary to evaluate the challenge.

3. Derivative Claimant Challenge Determination Notice.

- (a) After completion of a challenge review, the Claims Administrator issues Derivative Claimant Challenge Determination Notices to the challenged Derivative Claimant and the associated Retired NFL Football Player (or his Representative Claimant).
- (b) A Derivative Claimant who is successfully challenged will not be eligible for a Derivative Claimant Award, unless reversed on objection or appeal.

4. Challenged Derivative Claimant Objection and Appeal Rights.

- (a) If a Derivative Claimant is successfully challenged by a Retired NFL Football Player, that Derivative Claimant can object to the Claims Administrator, for no fee, on one of two grounds:
 - (1) The applicable state's laws were not applied correctly; or
 - (2) A different state's laws should have been used.
- (b) A challenged Derivative Claimant can appeal the Claims Administrator's post-objection determination to the Special Master on these same grounds, for no fee. The Court will review de novo any objection to the Special Master's conclusions of law. (See the Rules Governing Appeals of Player Challenges to Derivative Claimants, available [here](#).)
- (c) The Claims Administrator issues new Derivative Claimant Challenge Determination Notices to notify the challenged Derivative Claimant and associated Retired NFL Football Player of the outcome after a Derivative Claimant objection or appeal.

5. Retired NFL Football Player Appeal Rights.

A Retired NFL Football Player (or his Representative Claimant) can appeal the Claims Administrator's challenge determination to the Special Master for no fee only when:

- (a) The challenge is not successful; and
- (b) The 1% Derivative Claimant Award offset would not apply to his Monetary Award at all if the challenge were successful (*i.e.*, there are no other eligible Derivative Claimants).

The Court will review de novo any objection to the Special Master's conclusions of law. (See the Rules Governing Appeals of Player Challenges to Derivative Claimants, available [here](#).)

C. Derivative Claim Package Submissions.

1. Submission Deadline.

- (a) Derivative Claimants must submit their Derivative Claim Packages no later than 30 days after the associated Retired NFL Football Player (or his Representative Claimant) receives notice that he is eligible for a Monetary Award.
- (b) Derivative Claimants who do not submit timely Derivative Claim Packages will not be eligible for Derivative Claimant Awards.

2. Claims Administrator's Review of Derivative Claim Package Submissions.

- (a) The Claims Administrator determines whether there is any reason to deny the Derivative Claimant's claim outright (*e.g.*, it is a duplicate, it was not timely-submitted, etc.) and issues a Notice of Denial of Derivative Claim if there is. Denied Derivative Claimants can appeal the Claims Administrator's determination. (See the Rules Governing Appeals of Claim Determinations, available [here](#).)
- (b) If there is no reason to deny the Derivative Claimant's claim outright, the Claims Administrator issues a Derivative Claim Package Receipt Notice.
- (c) The Claims Administrator takes no further action on the Derivative Claimant's claim unless and until the Retired NFL Football Player (or his Representative Claimant) submits a Claim Package and receives a Notice of Monetary Award Claim Determination or his claim is denied and there is no appeal within 30 days or the Court decides a timely appeal.

3. Retired NFL Football Player Denied after Derivative Claim Package Submission.

If the claim of the Retired NFL Football Player is denied, and there is no appeal within 30 days or the Court denies his claim after a timely appeal, the Claims Administrator sends each associated Derivative Claimant a Notice of Denial of Derivative Claim. Such Derivative Claimants will not be eligible for Derivative Claimant Awards.

D. Derivative Claimant Awards.**1. One Derivative Claimant.**

If there is only one eligible Derivative Claimant associated with a Retired NFL Football Player, that Derivative Claimant will be awarded the full 1% Derivative Claimant Award. The Derivative Claimant cannot appeal the determination.

2. Multiple Derivative Claimants.

(a) Initial Awards: When there is more than one eligible Derivative Claimant, the Claims Administrator will issue each Derivative Claimant a Notice of Derivative Claimant Award Determination with an equal share of the 1% Derivative Claimant Award.

(b) Derivative Claimant Allocation Objection: Each Derivative Claimant has a right to submit to the Claims Administrator, for no fee, an Allocation Objection notifying the Claims Administrator that he or she does not want to share the 1% equally with the other Derivative Claimant(s).

(c) Claims Administrator Review of Allocation Objection: If any Derivative Claimant submits an Allocation Objection, the Claims Administrator re-evaluates how the 1% should be divided among the Derivative Claimants based on the laws of the state where the associated Retired NFL Football Player lived at the time of his Qualifying Diagnosis (or at the time of his death, for a Qualifying Diagnosis of Death with CTE).

The Claims Administrator bases its review on the same two causes of action used for reviewing Retired NFL Football Player challenges to Derivative Claimants: (1) wrongful death laws for Death with CTE claims and (2) loss of consortium laws for all other claims.

The Claims Administrator may issue a Derivative Claimant Deficiency Notice to one or more of the Derivative Claimant(s) if necessary to determine how the 1% should be allocated under the law.

(d) Post-Allocation Objection Awards: After reviewing an Allocation Objection, the Claims Administrator issues each affected Derivative Claimant a revised Notice of Derivative Claimant Award Determination with his or her appropriate share under the applicable state law. Depending on the applicable law and the relationship of each Derivative Claimant to the Retired NFL Football Player, one or more Derivative Claimant(s) may receive no share of the 1%.

- (e) **Derivative Claimant Appeal:** Each Derivative Claimant has a right to appeal the Claims Administrator's post-Allocation Objection award determination to the Court for a \$1,000 fee, which will be refunded if the appeal is successful. (See the Rules Governing Appeals of Claim Determinations, available [here](#).)

E. Payment to Derivative Claimants.

1. Payment Problems.

If a Derivative Claimant fails to provide information and/or documents with the Derivative Claim Package that are necessary for payment purposes, the Claims Administrator includes a Derivative Claimant Payment Attachment with the Notice of Derivative Claimant Award Determination. The Claims Administrator will not issue payment to a Derivative Claimant unless and until the payment problems are fixed.

2. Bankruptcy Documents.

If a Derivative Claimant receives a Debtor Claimant in Bankruptcy Notice, the Claims Administrator will not pay him or her until the required bankruptcy documents are provided.

3. Derivative Claimant Representative Authority.

If a Derivative Claimant Representative is handling the Derivative Claimant's claim, the Claims Administrator may require additional documents before issuing payment. The Claims Administrator issues a Notice of Incomplete Settlement Approval Documents if this is the case and will not pay the Derivative Claimant Representative until appropriate documents are submitted.

F. 1% Credit Back to Retired NFL Football Player.

The Claims Administrator will credit a 1% Derivative Claimant Award offset back to the Retired NFL Football Player's Monetary Award when:

1. No Derivative Claimants timely registered by August 7, 2017, if the Retired NFL Football Player's Notice of Monetary Award Claim Determination was issued before that date;
2. No registered Derivative Claimant submits a timely Derivative Claim Package;
3. All timely Derivative Claim Packages have been denied and there is no appeal within 30 days or the Court decides any timely appeal(s); or

NFL

CONCUSSION SETTLEMENT

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

4. There is no remaining Derivative Claimant after his successful challenge(s) and there is no appeal within 30 days or the Special Master decides a timely appeal.