

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

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

:
: No. 2:12-MD-02323-AB
:
: LIEN 2026-2
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THIS DOCUMENT RELATES TO:
LIEN ASSERTED BY DAVID
BUCKLEY, PLLC V. SPID 260001324

**SPECIAL MASTER'S REPORT AND RECOMMENDATION REGARDING DAVID
BUCKLEY, PLLC'S ASSERTED ATTORNEY'S LIEN**

On December 9, 2025, Shenag PC filed a Claim for benefits on behalf of a Retired NFL Player, asserting a Qualifying Diagnosis of Level 2 Neurocognitive Impairment.¹ Three months later, the Claims Administrator, concluding that the Player met the criteria for a Qualifying Diagnosis of Level 1.5 Neurocognitive Impairment, approved an Award (after offsets, but before applying the remaining holdback) of \$732,414.00.

Several previous firms had represented the Claimant over the life of the Settlement. But only one, Attorney David Buckley, PLLC ("Buckley"), had preserved a lien against the Award, by notice dated October 18, 2024. Doc. 363359. Buckley's lien resulted from its 2016 through 2020 representation of Claimant. It asserted a right to "33.33% [of the Award], reduced to 22% pursuant to Court's Order establishing Presumptive Fee Cap," and \$10,564.90 in costs incurred.

Shenag disputed the asserted lien via a clear and persuasive brief. Doc. 437353. The firm points out that Buckley's representation was limited to "a failed pre-effective-date claim and a single round of invalid BAP testing in 2019." Id. at 1. And it argues that Pennsylvania law applies

¹ The Retired Player's SPID is 260001324. I have otherwise removed or obscured personally identifiable information from this Report and Recommendation.

to this lien dispute,² and in particular *Recht v. Urban Redevelopment Authority*.³ The *Recht* test entails a five-part threshold inquiry:

[B]efore a charging lien will be recognized and applied, it must appear (1) that there is a fund in court or otherwise applicable for distribution on equitable principles, (2) that the services of the attorney operated substantially or primarily to secure the fund out of which he seeks to be paid, (3) that it was agreed that counsel look to the fund rather than the client for his compensation, (4) that the lien claimed is limited to costs, fees or other disbursements incurred in the litigation by which the fund was raised and (5) that there are equitable considerations which necessitate the recognition and application of the charging lien.⁴

Shenaq's analysis of this standard's application crucial second prong is cogent:

The MAF examination that produced the Qualifying Diagnosis was arranged, paid for, and shepherded by Shenaq PC, more than six years after Buckley's last action on the file. The portal contains no record of Buckley compiling or collecting any documentary evidence, Employment/Activity Forms, or Sworn Statements that supported the current Monetary Award . . . In short, every act on the SM-approved list of work that may substantially or primarily cause an Award—arranging and advancing costs for the MAF exam, securing usable testing, compiling and filing the Claim, communicating with the Claims Administrator on audit-driven inquiries, and providing accept/appeal advice—was performed by Shenaq PC. Buckley performed none of it.

Id. at 1-2, 6.

Buckley did not respond to Shenaq's statement disputing its lien, nor to any of the Claims Administrator's attempts to contact him. Seeing no opposition, and having been persuaded by Shenaq's arguments, I recommend that the Court conclude that the asserted equitable attorney lien does not satisfy the *Recht* standard. For the same reason, I would deny the Buckley Firm's asserted charging lien for reasonably expended costs, which come out of the Claimant's pocket and must consequently be justified.

² See generally Special Master Report and Recommendation on SPID 100010870 – Goldberg Persky & White v. JR Wyatt Law, at 15 (Apr. 28, 2024), https://www.nflconcussionsettlement.com/ViewDoc.aspx?dp=100010870_d.pdf (applying Pennsylvania law to lien dispute), adopted by *In re: Nat'l Football League Players Concussion Inj. Litig.*, No. 2:12-md-02323-AB, 2024 WL 4281447 (E.D. Pa. Sep. 5, 2024), aff'd by *In re: Nat'l Football League Players Concussion Inj. Litig.*, No. 24-2839, 2025 WL 2465746 (3d Cir. Aug. 27, 2025).

³ 168 A.2d 134, 138-39 (Pa. 1961).

⁴ *Recht v. Urb. Redev. Auth.*, 168 A.2d 134, 138-39 (Pa. 1961).

RECOMMENDATION

I recommend that the Court permit the distribution of fees and costs as follows:

- (1) Under Pennsylvania's charging-lien doctrine, the Claims Administrator shall distribute fees as follows:
 - a. Shenaq should be remitted its 22% fee, less the 1% holdback.
 - b. David Buckley PLLC's charging lien for fees should be dismissed as it did not substantially or primarily contribute to the Player's Award.
- (2) David Buckley PLLC's charging lien for costs should be dismissed.
- (3) Shenaq may recover its reasonably incurred costs (from the sums previously withheld) of \$1,588.21.
- (4) The remaining fees being withheld from Claimant's Award should be remitted to him.

The parties may file objections to this Report and Recommendation.⁵

Date: July 8, 2026



David A. Hoffman, Special Master

⁵ See ECF No. 12348-1, at Rule 7.

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IN RE: NATIONAL FOOTBALL	:	No. 2:12-md-02323-JDW
LEAGUE PLAYERS' CONCUSSION	:	
INJURY LITIGATION	:	MDL No. 2323
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	:	
THIS DOCUMENT RELATES TO	:	Lien No. 2026-2
	:	
Attorney Lien Asserted by David Buckley,	:	
PLLC,	:	
v.	:	
SPID No. 260001324 (J.W.)	:	
	:	

AND NOW, this 7th day of August, 2026, upon consideration of the Attorney Lien identified above and the Report and Recommendation of Special Master David A. Hoffman dated July 8, 2026 (Doc. # 444096), to which no objection has been filed, it is **ORDERED** that the Report and Recommendation is **ADOPTED** and the Claims Administrator is **AUTHORIZED** to distribute fees and costs as set forth in the Special Master's Recommendation.

JOSHUA D. WOLSON, J.