



CONCUSSION SETTLEMENT

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

SWS-5(A)

SWORN STATEMENT: STATUS OF ASSIGNMENT OF MONETARY CLAIM INVOLVING RESOLUTION PROTOCOL

As explained in the Rules Governing Payment of Claims Involving Third Party Funders (the "Payment Rules"), if you are receiving this Form, it means that your claim for a monetary award payment under the Concussion Settlement has received a Final Decision. This means that either (1) the window for appealing your claim has closed and no parties filed an appeal, or (2) any appeals of your claim that were filed have been resolved.

If you are receiving this form, it also means that one or more Third-Party Funders participating in the "Resolution Protocol"¹ ("Participating Funders") have told the Claims Administrator that you and they have entered into "Third-Party Funder Transaction." A Third-Party Funder Transaction is an assignment, attempted assignment, or loan transaction where you received money in exchange for providing the Funder with rights related to any monetary award you might eventually receive from the Concussion Settlement Program. Because your claim has received a Final Decision, you might soon face potential obligations to the Participating Funders who have identified you. The "Resolution Protocol" offers you a voluntary opportunity to try and resolve these potential obligations.

This Form asks you two questions. First, it asks you to consent or decline to (i) participate in the Resolution Protocol and (ii) share claim-related information with the Participating Funders who identified you. Second, it asks whether you have entered into any loan, assignment, or attempted assignment with any other Third-Party Funders, other than the Participating Funders who have identified you.

Nothing in the Resolution Protocol, Payment Rules, or this Form addresses whether the underlying agreements between you and those Third-Party Funders are enforceable or valid. Any dispute over the enforceability or validity of these agreements must be litigated or arbitrated in an appropriate forum outside of the claims administration context, subject to "the full array of standard contract defenses" available. See *In re Nat'l Football League Players' Concussion Injury Litig.*, 923 F.3d 96, 112-13 (3d Cir. 2019).

In order to receive payment, you must complete and sign this Form. **This Form must be signed by you, the Class Member.** Of course, you may consult with your lawyer while completing this Form. If you do so, your lawyer must also sign this form. The spaces for signature are in Section V below.

I. SETTLEMENT CLASS MEMBER INFORMATION

Settlement Program ID

Name

First

M.I.

Last

Settlement Class Member Type

Lawyer

¹ The Resolution Protocol is a voluntary process for settling potential claims between Participating Funders and Settlement Class Members. To participate, a Funder must, among other things, give the Claims Administrator a list of all Settlement Class Members to whom they have loaned money in exchange for rights related to the Settlement Class Member's claim in the Concussion Settlement. Section IV of this Form describes the Resolution Protocol further, as do the Rules Governing the Resolution Protocol.

II. PARTICIPATING FUNDERS WHO HAVE IDENTIFIED YOU

The following Participating Funders have told the Claims Administrator that you and they have entered into a loan, assignment, or attempted assignment relating to your monetary award:

	Name of Funder	Amount Advanced	Date of Agreement
1.	[Note: BrownGreer will fill these spaces out using info from list funders provide]		
2.			

III. DISCLOSURE OF NON-PARTICIPATING FUNDERS

Aside from the Participating Funders listed in Section II above, have you entered into a loan, assignment, or attempted assignment with any other third parties, relating to your monetary award?

☐ NO ☐ YES

If you answered "Yes," please identify any such loans, assignments, or attempted assignments in the space provided below, to the best of your ability. Please also provide the Claims Administrator with all documents relevant to the loans, assignments, or attempted assignments you identified.

	Name of Funder	Principal Amount	Interest Rate	Date Agreement Executed
1.				
2.				
3.				
4.				
5.				

IV. SUMMARY OF RESOLUTION PROTOCOL AND CONSENT TO PARTICIPATE

This section of the Form asks you to consent or decline to participate in the “Resolution Protocol.”² Participation in the Resolution Protocol is ***entirely voluntary for all parties involved***. If you choose to participate, you must also consent to the Claims Administrator disclosing information about your claim—including its amount and the fact that it received a Final Decision—to the Participating Funders that have identified you. If you have more than one Participating Funder, this section gives you the option to provide such consent as to each Participating Funder, individually.

If you decline to participate, the Claims Administrator (1) will not inform the Participating Funder about the status of your claim and (2) will pay any award directly to you, rather than to your lawyer, subject to all applicable liens and other deductions.

If you consent to participate, the Claims Administrator will send a “Termination and Release Agreement” to the Participating Funders identified above, which asks them to specify a “Resolution Amount” within 30 days of receipt. This is an amount of money they will accept to relinquish any claim they may have against you under any agreements they have entered with you. You will then have 30 days to agree or disagree to this amount by signing and returning the Termination and Release Agreement to the Claims Administrator. The Claims Administrator has discretion to extend these 30-day periods in individual cases. If you and a Participating Funder reach a timely agreement on the Resolution Amount, the Claims Administrator will directly pay that amount to the Participating Funder out of your monetary award, and will then pay you the remainder, subject to all applicable liens, deductions, and other payment procedures.

There are three potential payment outcomes under this process:

- 1. You Do Not Reach Any Agreements Under Resolution Protocol.** If you do not reach agreement with any of the Participating Funders listed in Section II above, any award will be paid directly to you, rather than to your lawyer, subject to all applicable liens and other deductions.
- 2. You Reach Agreement Under Resolution Protocol, and No Other Funders Exist.** If you reach agreement with all Participating Funders listed in Section II above, and you have not identified any Non-Participating Funders in Section III above, then the Claims Administrator will (1) pay the agreed-upon Resolution Amount(s) to the Participating Funders out of your monetary award and (2) pay the remainder of the money to your lawyer to be passed along to you, subject to all applicable liens and deductions.
- 3. You Reach Agreement Under Resolution Protocol, but Other Funders Do Exist.** If you reach agreement with one or more of the Participating Funders listed in Section II above, but either (a) you fail to reach agreement with other Participating Funders or (b) you identified Non-Participating Funders in Section III above, then the Claims Administrator will (1) pay the agreed-upon Resolution Amount(s) to the Participating Funder(s) with whom you have reached agreement and (2) pay the remainder of the money to you, rather than to your lawyer, subject to all applicable liens and other deductions.

The fact that payment is made directly to you, rather than your lawyer, has no bearing whatsoever on your legal obligations. For instance, you might be sued by a Third-Party Funder if you have not resolved all obligations under any agreements with them. If you receive direct payment, you SHOULD NOT assume that this payment means that your lawyer has paid off such obligations to any such Third-Party Funders.

[Note: BrownGreer will provide funder-specific consent boxes for each Participating Funder]:

² For a full and detailed explanation of the Resolution Protocol, you may consult the Rules Governing the Third-Party Funding Resolution Protocol by clicking on [this link](#) or by accessing them on the settlement website.

Consent as to: [Participating Funder 1] .

- ☐ **Consent to Participate and Share Status:** Check this box if you (1) consent to participate with [Participating Funder 1] in the Resolution Protocol and (2) consent to the Claims Administrator disclosing the status of your claim to the [Participating Funder 1] for purposes of facilitating the Resolution Protocol.
- ☐ **Decline Consent to Participate and Share Status:** Check this box if you (1) decline to participate in the Resolution Protocol with [Participating Funder 1] and (2) decline consent to the Claims Administrator disclosing the status of your claim to [Participating Funder 1] for purposes of facilitating the Resolution Protocol.

Consent as to: [Participating Funder 2] .

- ☐ **Consent to Participate and Share Status:** Check this box if you (1) consent to participate with [Participating Funder 2] in the Resolution Protocol and (2) consent to the Claims Administrator disclosing the status of your claim to the [Participating Funder 2] for purposes of facilitating the Resolution Protocol.
- ☐ **Decline Consent to Participate and Share Status:** Check this box if you (1) decline to participate in the Resolution Protocol with [Participating Funder 2] and (2) decline consent to the Claims Administrator disclosing the status of your claim to [Participating Funder 2] for purposes of facilitating the Resolution Protocol.

V. SIGNATURE

This Sworn Statement is an official document submitted in connection with the Class Action Settlement in *In re: National Football League Players' Concussion Injury Litigation*, MDL No. 2323. **By signing below, you declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that all information provided in this Sworn Statement is true and correct to the best of your knowledge, information and belief.**

If an attorney has helped a Settlement Class Member fill out this Form, the attorney must also sign this form. By signing the form, the attorney also declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that all information in this Sworn Statement is true and correct to the best of the attorney's knowledge, information, and belief.

Signature by Settlement Class Member			Date	
Printed Name of Settlement Class Member	First	M.I.	Last	
Signature by Attorney			Date	
Printed Name of Attorney	First	M.I.	Last	

VI. HOW TO SUBMIT THIS SWORN STATEMENT

Complete this Sworn Statement fully, sign it and submit it to the Claims Administrator. You may submit this Sworn Statement using one of these methods:

By Online Portal:	Go to your secure online portal with the Claims Administrator and upload this signed PDF.
By Email:	ClaimsAdministrator@NFLConcussionSettlement.com
By Mail:	NFL Concussion Settlement Claims Administrator P.O. Box 25369 Richmond, VA 23260
By Delivery:	NFL Concussion Settlement c/o BrownGreer PLC 250 Rocketts Way Richmond, VA 23231