



March 15, 2016

Marcia M. Waldron
Clerk of Court
U.S. Court of Appeals for the Third Circuit
James A. Byrne United States Courthouse
601 Market Street
Philadelphia, PA 19106

Re: *In re Nat'l Football League Players Concussion Injury Litig., Nos. 15-2304 et al.*

Dear Ms. Waldron,

On behalf of the NFL, we write in response to the March 15, 2016, letter submitted to the Court by Steven F. Molo on behalf of the Faneca Objectors, purporting to provide the Court with “pertinent” new “authority.” Mr. Molo’s letter does nothing of the sort.

First, the premise of Mr. Molo’s letter and briefs is wrong. Mr. Molo’s letter fundamentally mischaracterizes the Settlement Agreement as failing to compensate CTE, ignoring the District Court’s finding that the Settlement compensates the “serious, objectively verifiable neurocognitive and neuromuscular impairment” in living players allegedly associated with CTE according to the very studies relied on by Appellants and their experts. A. 140-42. Moreover, Mr. Molo’s letter does not address the District Court’s holding that the Settlement draws reasonable lines regarding compensation—lines accepted by more than 98 percent of the Class.

Second, Mr. Miller’s statement yesterday to the U. S. House of Representatives Committee on Energy & Commerce roundtable discussion is consistent with NFL positions in court and otherwise. The NFL has previously acknowledged studies identifying a potential association between CTE and certain football players, including Dr. McKee’s work, to which the NFL has contributed funding. Conspicuously omitted from Mr. Molo’s letter is any reference to either Mr. Miller’s comments on the limited knowledge of the “incidence or the prevalence” of CTE or the District Court’s express finding that the scientific community indisputably acknowledges that the causes of CTE remain unknown and the subject of extensive medical and scientific research. A.



136-40; *see* NFL Br. at 51-53.

Simply put, Mr. Miller's remarks have no bearing on the pending appeal, and Mr. Molo's letter raises nothing new, pertinent, or authoritative.

Respectfully submitted,

s/Paul D. Clement

Counsel for Defendants-Appellees

cc: All Counsel (via ECF)



CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2016, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Third Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Date: March 15, 2016

s/Paul D. Clement

Paul D. Clement