

**United States Court of Appeals  
for the Third Circuit**

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IN RE NATIONAL FOOTBALL LEAGUE PLAYERS CONCUSSION INJURY LITIGATION

Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(Hon. Anita B. Brody, No. 2:14-cv-0029-AB and MDL No. 2323)

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**BRIEF OF OBJECTORS-APPELLANTS ALAN FANECA; RODERICK  
“ROCK” CARTWRIGHT; JEFF ROHRER; SEAN CONSIDINE**

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## **PRELIMINARY STATEMENT**

This is an appeal of an order finally approving what the parties deem a “historic settlement” of class litigation brought by former NFL players and their families against the League. The gist of their claim is that they were defrauded by the NFL when it failed to disclose risks it knew concerning the effects of head injuries on players’ health and safety. The class includes some 20,000 former players — many badly injured.

The district court, Class Counsel, and the NFL — with the assistance of an experienced mediator and a skilled financial advisor — labored hard to achieve a fair resolution. The Faneca Objectors<sup>1</sup> acknowledge and appreciate that effort, as well as that the final Settlement reflects substantial improvements directly responsive to the vigorous and detailed challenges we made to the agreement as preliminarily approved. Much benefit would flow to the class from the Settlement, especially given those improvements.

That said, Final Approval was erroneous. Most significantly, the Settlement’s treatment of chronic traumatic encephalopathy (“CTE”) — likely the most common injury to the class — is flawed. The Settlement provides up to \$4 million to a class member who dies with CTE before Final Approval but nothing if

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<sup>1</sup> The district court sometimes referred to the Faneca Objectors as the Morey Objectors. Sean Morey led the group until opting out on October 14, 2014. *See* Dkt.6340-1 at 4.

The balance of the brief has been eliminated for this sample. For a copy of the complete brief please call our office. Thank you.