No. 11-1898

In the

United States Court of Appeals

for the

Eighth Circuit

Tom Brady, et al.,

Plaintiffs-Appellees.

VS.

National Football League, et al.,

Defendants-Appellants,

ON APPEAL FROM
THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
Civ. No. 11-639 SRN/JJG
Judge Susan Richard Nelson

APPELLANTS' NOTICE OF INTENT TO FILE SEPARATE APPENDIX

Appellants hereby give notice that they intend to prepare and file a separate appendix under Eighth Circuit Rule 30A(b)(3).

Respectfully submitted,

Gregg H. Levy Benjamin C. Block COVINGTON & BURLING LLP 1201 Pennsylvania Ave., NW Washington, DC 20004-2401 (202) 662-6000 (202) 662-6291 (fax) Paul D. Clement BANCROFT PLLC 1919 M Street, NW Washington, DC 20006 (202) 234-0900 (202) 234-2806 (fax)

/s/Paul D. Clement

David Boies
William A. Isaacson
BOIES, SCHILLER
& FLEXNER LLP
333 Main Street
Armonk, NY 10504
(914) 749-8200
(914) 749-8300 (fax)

David J. Connolly
Aaron D. Van Oort
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
(612) 766-7806
(612) 766-1600 (fax)

Counsel for Appellants

April 26, 2011

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2011, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eight Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I hereby further certify that on April 26, 2011, I served copies of the foregoing on all participants in the case who are not registered CM/ECF users by mailing a copy of the same, first-class, postage paid, to the address listed on the Court's docketing sheet.

<u>s/Benjamin C. Block</u> Counsel for Appellants