

1 Michael K. Kennedy (Bar No. 04224)
 Michael R. Ross (Bar No. 16735)
 2 GALLAGHER & KENNEDY, P.A.
 2575 East Camelback Road
 3 Phoenix, Arizona 85016-9225
 Telephone: (602) 530-8000
 4 Facsimile: (602) 530-8500
 Email: mrr@gknet.com
 5 Attorneys for Plaintiffs

6
 7 IN THE UNITED STATES DISTRICT COURT
 8 FOR THE DISTRICT OF ARIZONA

9 ARIZONA CARDINALS FOOTBALL
 CLUB, INC., an Arizona corporation; and
 10 NATIONAL FOOTBALL LEAGUE
 MANAGEMENT COUNCIL, a non-profit
 11 association,

Case No.

COMPLAINT

12 Plaintiffs,

13 v.

14 WENDELL BRYANT, an unmarried man;
 and NATIONAL FOOTBALL LEAGUE
 15 PLAYERS ASSOCIATION, a labor
 organization.

16 Defendants.

17
 18 For their Complaint against Defendants Wendell Bryant (“Bryant”) and the
 19 National Football League Players Association (“NFLPA”), Plaintiffs Arizona Cardinals
 20 Football Club, Inc. (the “Cardinals”) and the National Football League Management
 21 Council (the “NFL Management Council”) hereby allege as follows.

22 **JURISDICTION AND VENUE**

23 1. This is an action to confirm an arbitration award pursuant to section 301 of
 24 the Labor Management Relations Act, 29 U.S.C. § 185 *et seq.* This Court has subject
 25 matter jurisdiction over this matter under 28 U.S.C. § 1331 and 29 U.S.C. § 185(c).
 26

1 arbitration before a mutually selected arbitrator. *See* Ex. A, Art. IX, §§ 1, 6, & 8 at 22-
2 25.

3 10. In accordance with the CBA, the Cardinals and Bryant entered into an NFL
4 Player Contract setting forth the terms of Bryant's employment.

5 11. On December 13, 2004, the Cardinals and the NFL Management Council
6 filed a non-injury grievance against Bryant, demanding that Bryant repay the Cardinals
7 \$2,767,778.00 pursuant to the terms of his Player Contract.

8 12. On October 31, 2005, Bryant and the NFLPA filed a non-injury grievance
9 against the Cardinals, demanding that the Cardinals pay Bryant the final installment of
10 \$300,000 of his signing bonus.

11 13. Pursuant to Article IX of the CBA, both the non-injury grievance filed by
12 the Cardinals and the NFL Management Council and the non-injury grievance filed by
13 Bryant and the NFLPA were subject to arbitration. *See* Ex. A at 22-26.

14 14. On May 31, 2006, an arbitration hearing was conducted before Arbitrator
15 Shyam Das, an NFL arbitrator. The hearing took place in Tempe, Arizona. All of the
16 relevant parties were present at the arbitration hearing, and all of the parties were
17 represented by counsel.

18 15. On January 9, 2008, Arbitrator Das issued a written final award ("Award").
19 Relevant excerpts of the Award are attached as Exhibit B.

20 16. In relevant part, the Award states as follows: "1. The Arizona Cardinals'
21 grievance against Wendell Bryant is sustained. Bryant shall forthwith repay the
22 Cardinals the total sum of \$2,767,778. 2. Wendell Bryant's grievance against the
23 Arizona Cardinals is denied." Ex. B at 15.

24 17. Under Article IX, Section 8 of the CBA, the Award constitutes the "full,
25 final and complete disposition of the grievance, and will be binding upon the player(s)
26 and Club(s) involved and the parties to this Agreement" Ex. A at 25.

1 18. To date, despite demand, Bryant has failed to repay the sum of
2 \$2,767,778.00 to the Cardinals in accordance with the Award.

3 19. Bryant has not sought to vacate, modify, or challenge the Award. The
4 statutory time period within which Bryant would have been permitted to vacate, modify,
5 or challenge the Award has expired.

6 20. Bryant, by his failure to pay the Cardinals \$2,767,778.00 in accordance
7 with the Award, has violated the collectively bargained for grievance and arbitration
8 procedures set forth in the NFL CBA.

9 21. Plaintiffs are entitled to confirmation of the Award and entry of judgment
10 in conformity with the Award pursuant to the Labor-Management Relations Act, 29
11 U.S.C. § 185.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, the Arizona Cardinals and the National Football League
14 Management Council respectfully request that this Court enter an Order:

- 15 a) confirming the Award;
16 b) entering judgment in favor of the Cardinals against Bryant for the sum of
17 \$2,767,778.00, plus interest from the date of entry of the Award;
18 c) awarding Plaintiffs their attorneys' fees and costs in bringing this action; and
19 d) providing Plaintiffs with such other and further relief as the Court deems
20 proper.

21 ///

22 ///

23 ///

24 ///

25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DATED this 20th day of August 2008.

GALLAGHER & KENNEDY, P.A.

By s/Michael R. Ross
Michael K. Kennedy
Michael R. Ross
2575 East Camelback Road
Phoenix, Arizona 85016-9225
Attorneys for Plaintiffs

1886199