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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4

5 LARRY CENTERS, *et al.*,

6 Plaintiffs,

7 v.

8 NATIONAL FOOTBALL LEAGUE
9 MANAGEMENT COUNCIL, *et al.*,

10 Defendant.

Case No. 13-00882-DMR

STIPULATED MOTION TO CONFIRM
ARBITRATION AWARD AND
[PROPOSED] ORDER

11
12 **STIPULATED MOTION TO CONFIRM ARBITRATION AWARD**

13 Plaintiff Sean Berton (“Berton” or “Plaintiff”) and Defendants National Football League
14 Management Council (“Management Council”) and New York Giants (“Giants”) (collectively,
15 “Defendants”), through their counsel, file this Stipulated Motion To Confirm Arbitration Award and
16 state as follows:¹

17 1. Berton is one of several plaintiffs who initiated this action by filing a complaint on
18 February 22, 2013 to vacate an arbitration award decided on December 12, 2012 by Arbitrator Michael
19 Beck (“Award”). Among other findings, the Award found that former NFL players, including Berton,
20 violated their individual NFL Player Contracts by filing and processing claims for workers’
21 compensation benefits in California, and ordered the players to cease and desist from the pursuit of
22 workers’ compensation benefits in the State of California through the withdrawal of their claims
23 against their respective clubs. The complaint, *Centers v. National Football League Management*
24 *Council*, No. 3:13-cv-00882 WHA (*Centers*), was consolidated with two other complaints filed by
25 other players subject to the Award, *Anderson v. National Football League Management Council*, No.

26
27 ¹ As the Court is aware, a Case Management Conference is scheduled for this matter on August
28 14, 2013, with a Joint Conference Statement due from the parties today. The parties respectfully
request that the Court accept this Stipulated Motion in lieu of a Conference Statement, as the Motion
aims to resolve the matter in its entirety.

1 12-cv-6386 WHA, *Schobel v. National Football League Management Council*, No. 12-cv-06415
2 WHA.

3 2. In response to the complaints, the Management Council and the clubs filed
4 counterclaims seeking to confirm and enforce the Award.

5 3. On July 8, 2013, all of the players in the three consolidated cases agreed to settle their
6 claims against their respective teams, except for Berton. Thus, Berton's claim in *Centers* against the
7 Giants and the Management Council is the only remaining pending claim.²

8 4. Berton, the Giants, and the Management Council respectfully request that the Court
9 enter an Order confirming and enforcing the Award. In accordance with this Order, Berton recognizes
10 that he is bound by the Award and will dismiss the Giants with prejudice from his California workers'
11 compensation claim currently pending before the California Workers' Compensation Appeals Board.
12 Berton also agrees that he will not pursue any claim asserted on his behalf in the *Centers* case against
13 the Giants.

14 5. The parties agree that nothing in the Award precludes Berton from pursuing any
15 workers' compensation claim against a party other than the Giants.

16 6. Each party will bear its own costs and fees.
17

18 Dated: August 7, 2013

19 AKIN GUMP STRAUSS HAUER & FELD LLP
20 Rex S. Heinke
21 Amit Kurlekar
22 Daniel L. Nash (admitted *pro hac vice*)
23 Marla S. Axelrod (admitted *pro hac vice*)

24 By _____ /s/ Amit Kurlekar

25 Attorneys for Defendants
26 NATIONAL FOOTBALL LEAGUE
27 MANAGEMENT COUNCIL and NEW YORK
28 GIANTS

² The Complaint initially was before the Honorable Judge William H. Alsup. The parties agreed to transfer jurisdiction to Magistrate Judge Donna M. Ryu.

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I attest that I have obtained concurrence in the filing of this document from each of the other Signatories below.

Dated: August 7, 2013 By _____ /s/ Amit Kurlekar _____

Dated: August 7, 2013 REMCHO, JOHANSEN & PURCELL, LLP

By: _____
Margaret R. Prinzing

Attorney for Plaintiff
SEAN BERTON

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ORDER

The above STIPULATED MOTION TO CONFIRM ARBITRATION AWARD is GRANTED. The Award issued by Arbitrator Michael Beck on December 12, 2012 is hereby confirmed and enforced as to Plaintiff Sean Berton. Berton shall dismiss with prejudice his pending California workers' compensation claim against Defendant New York Giants in accordance with the Award. All parties to bear their own respective costs. ~~[In addition, the Court makes the further orders stated below.]~~ The Case Management Conference scheduled for August 14, 2013 is VACATED.

IT IS SO ORDERED.

Dated: Aug. 8, 2013

