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October 14, 2008

**By CM/ECF**The Honorable William M. Nickerson  
Senior United States District Judge  
Garmatz Federal Courthouse  
101 W. Lombard Street  
Baltimore, MD 21201Re: Sagapolutele, et al. v. The Bert Bell/Pete Rozelle NFL Retirement Plan, et al.  
Civil Action No. WMN-08-1870

Dear Judge Nickerson:

This letter is written on behalf of all parties to the above-referenced action to advise the Court of the current status of discovery and a related motion.

Currently pending before the Court are Defendants' Motion for Protective Order (D.E. # 13, hereafter, the "Motion") which seeks an order precluding discovery beyond the administrative record in this matter. Plaintiffs have filed their Opposition (D.E. # 16), and Defendants have replied (D.E. # 20). The Motion therefore has been fully briefed.

The parties seek to create an orderly and efficient process for resolving discovery issues in light of the pendency of the Motion. Accordingly, the parties have agreed to suspend certain discovery pending the Court's ruling on the Motion. See Stipulation (D.E. # 19). Similarly, Plaintiffs and third-party deponent the National Football League Management Council (the "NFLMC") have agreed to postpone Plaintiffs' deposition of the NFLMC until after a ruling on the Motion. The deposition of another third-party deponent, the National Football League Players Association, is currently the subject of a Motion to Quash in the District Court for the District of Columbia (the court from which the deposition subpoena was issued), and that Motion to Quash raises some of the same issues as in Defendants' Motion. In sum, the bulk of discovery in this action is largely on hold pending the Court's resolution of the Motion.

So that the parties can make every effort to meet the remaining deadlines set by the Court, including the December 26, 2008 discovery deadline, the parties respectfully

**EXHIBIT D**



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request that the Court act on the Motion at its earliest convenience. The parties would be pleased to make themselves available by phone or in person in order to assist the Court in these or any other matters related to this action.

Sincerely,

William K. Meyer

cc: Douglas W. Ell, Esq.  
Edward A. Scallet, Esq.  
Hisham M. Amin, Esq.  
Cyril V. Smith, Esq.  
Nathan Oleson, Esq. (counsel for NFLMC)