BERENS & MILLER, P.A.
ATTORNEYS AT LAW
3720 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MINNESOTA 55402
WWW.BERENSMILLER.COM

BARBARA PODLUCKY BERENS
bberens@berensmiller.com

ADMITTED IN MINNESOTA,
U.S. DISTRICT COURTS OF MINNESOTA
AND WESTERN DISTRICT OF WISCONSIN

TELEPHONE
(612) 349-6171

FAX
(612) 349-6416

April 27, 2011

By ECF

The Honorable Susan Richard Nelson
United State District Court
774 Federal Building
316 N. Robert Street
St. Paul, MN 55106

Re: Brady, et al. v. National Football League, et al.
Court File No. 11-cv-00639-SRN-JJG

Dear Judge Nelson:

I write in brief response to the NFL Defendants' letter of late this afternoon.

On Monday, the *Brady* Plaintiffs submitted to Your Honor, and served on the NFL Defendants, a proposed order in order: (1) to clarify that the preliminary injunction entered by this Court complied with Rule 65(d); and (2) to avoid any argument by the NFL Defendants that they do not understand their obligations under your Order that "The lockout is enjoined."

In their letter of this afternoon, the NFL Defendants confirmed: "that the prescriptive language of the Court's Order – 'The 'lockout' is enjoined' – coupled with the Opinion that precedes that language, provides sufficient guidance of the Court's directions."

Given the NFL Defendants' concession that they understand their obligations, impliedly conceding that the existing Order comports with Rule 65(d)(1), the *Brady* Plaintiffs are content to withdraw their request for a clarification and to rest on this Court's Order of April 25, 2011.

In light of the NFL Defendants' letter this afternoon, the *Brady* Plaintiffs anticipate that the NFL Defendants will comply with this Court's order at once, given that there is no stay in place and that the "prescriptive language of the Court's Order" is sufficiently clear to enable them to do so.

If, however, that is not the case and additional clarification is necessary, we respectfully request that the Court expressly confirm that the Order does not restrain or enjoin any conduct other than the lockout, and that in particular, that the Order does not restrain the draft, the

entering player pool, the Franchise and Transition Player restrictions, or any other rules concerning player free agency.

Very truly yours,

Barbara P. Berens

Barbara P. Berens

BPB:nam

cc: Counsel of Record (by ECF)