

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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**Tom Brady, Drew Brees, Vincent Jackson,  
Ben Leber, Logan Mankins, Peyton  
Manning, Von Miller, Brian Robison, Osi  
Umenyiora, Mike Vrabel, Carl Eller,  
Priest Holmes, Obafemi Ayanbadejo,  
Antawan Walker, and Ryan Collins,  
individually, and on behalf of all others  
similarly situated,**

**Civil No. 11-0639 (SRN/JJG)**

**Plaintiffs,**

**v.**

**ORDER**

**National Football League, et al.,**

**Defendants.**

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JEANNE J. GRAHAM, United States Magistrate Judge

This case is before the undersigned on Defendants' Motion for Extension of Time to File Answer to First Amended Class Action Complaint (Doc. No. 127) and a sua sponte reconsideration of this Court's Order of May 19, 2011 (Doc. No. 129).

Plaintiffs Tom Brady, Drew Brees, Vincent Jackson, Ben Leber, Logan Mankins, Peyton Manning, Von Miller, Brian Robison, Osi Umenyiora, and Mike Vrabel initiated this action by filing a Complaint on March 11, 2011. The parties stipulated to an extension of time until April 27, 2011 for Defendants to answer, and the Court approved the stipulation. The parties later stipulated to a second extension until May 23, 2011, which the Court also approved. On May 3, 2011, Plaintiffs filed an Amended Complaint. Defendants now move for an extension of time until July 6, 2011 to answer the Amended Complaint.

Plaintiffs Carl Eller, Priest Holmes, Obafemi Ayanbadejo, Antawan Walker, and Ryan Collins commenced a separate action on March 28, 2011. The *Eller* Plaintiffs and Defendants stipulated to an extension of June 1, 2011 for Defendants to answer or otherwise respond. Meanwhile, on April 11, 2011, the two cases were consolidated into the first-filed *Brady* case.

On May 18, 2011, Defendants and the *Eller* Plaintiffs stipulated to an extension of time until July 6, 2011 for Defendants to answer or otherwise respond, and this Court approved the stipulation the following day. The *Brady* Plaintiffs refused to stipulate to another extension, however, prompting Defendants to file the present motion two business days before their time to answer expired.

Based on the briefing of Defendants and the *Brady* Plaintiffs, this Court will grant Defendants an extension of time to answer or otherwise respond to the *Brady* Plaintiffs' Amended Complaint, but only until June 6, 2011. The Court acknowledges that the injunction of the lockout is on appeal, but there are other significant factors weighing strongly in favor of moving forward with the rest of the case. Regardless of the ruling on appeal, this case is likely to proceed on the *Brady* Plaintiffs' other claims. Further, the *Brady* Plaintiffs have already agreed to two extensions of time to answer, already resulting in forty-nine additional days for Defendants to answer or otherwise respond.

Finally, judicial economy dictates that litigation in the *Brady* and *Eller* matters proceed concurrently. Therefore, the Court vacates its order of May 19, 2011, and instructs Defendants to answer or otherwise respond to the *Eller* Plaintiffs' Amended Complaint by June 6, 2011.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion for Extension of Time to File Answer to First Amended Class Action Complaint (Doc. No. 127) is **GRANTED IN PART** and **DENIED IN PART** in that the

time within which each and every Defendant shall have to answer, move against, or otherwise respond to the *Brady* Plaintiffs' Amended Complaint is extended to June 6, 2011.

2. This Court's Order of May 19, 2011 (Doc. No. 129) is **VACATED**.

3. The Stipulation for Extension of Time to Answer or Otherwise Plead (Doc. No. 125) is approved in that the time within which each and every Defendant shall have to answer, move against, or otherwise respond to the *Eller* Plaintiffs' Amended Complaint is extended to June 6, 2011.

Dated: May 23, 2011

s/ Jeanne J. Graham  
JEANNE J. GRAHAM  
United States Magistrate Judge