

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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**Tom Brady, et al.,**

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

**Plaintiffs,**

**v.**

**O R D E R**

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

**Defendants.**

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JEANNE J. GRAHAM, United States Magistrate Judge

This case is before the Court sua sponte concerning Plaintiffs Carl Eller, Obafemi Ayanbadejo, and Ryan Collins' ("the Eller Plaintiffs") previous motion for leave to file a second amended complaint and crossclaim. The motion, notice of hearing, and memorandum were filed on July 4, 2011. After obtaining a hearing date from this Court on July 5, 2011, the Eller Plaintiffs filed an amended notice of hearing, noticing the hearing for August 8, 2011 at 10:30 a.m. The Court issued a briefing schedule setting July 18, 2011 as the deadline for responses to the motion, and July 25, 2011 as the deadline for the Eller Plaintiffs' reply. (Doc. No. 150.)

On July 7, 2011, counsel for the Eller Plaintiffs called the Court and said that the captions on the motion papers were incorrect. Apparently, the Eller Plaintiffs had added some parties and deleted others before their motion to amend was decided. Counsel was informed that, per ECF Procedures, the Clerk's Office would mark the documents "Filed in Error/Caption Incorrect," and he would need to re-file the documents with the correct caption. The motion to amend was administratively terminated as part of this procedure.

As of 4:00 p.m. on July 12, 2011, the Eller Plaintiffs have not re-filed their motion to amend and supporting documents, which means there is no such motion presently pending. If the

Eller Plaintiffs intend to go forward with the motion hearing on August 8, 2011, they must re-file their motion to amend and supporting papers with the correct caption no later than Thursday, July 14, 2011.

Accordingly, **IT IS HEREBY ORDERED** that if the Eller Plaintiffs intend to go forward with the motion hearing on August 8, 2011, they must re-file their motion to amend and supporting papers no later than Thursday, July 14, 2011.

Dated: July 12, 2011

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