

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

Carl Eller, Priest Holmes, Obafemi  
Ayanbadejo, Ryan Collins, and Antawan  
Walker, individually, and on behalf of all  
others similarly situated,

Plaintiffs,

Civil Action No: 11-cv-00639 SRN/JJG

v.

National Football League, Arizona  
Cardinals, Inc., Atlanta Falcons Football  
Club LLC, Baltimore Ravens Limited  
Partnership, Buffalo Bills, Inc., Panthers  
Football LLC, Chicago Bears Football  
Club, Inc., Cincinnati Bengals, Inc.,  
Cleveland Browns LLC, Dallas Cowboys  
Football Club, Ltd., Denver Broncos  
Football Club, Detroit Lions, Inc., Green  
Bay Packers, Inc., Houston NFL Holdings  
LP, Indianapolis Colts, Inc., Jacksonville  
Jaguars Ltd., Kansas City Chiefs Football  
Club, Inc., Miami Dolphins, Ltd.,  
Minnesota Vikings Football Club LLC,  
New England Patriots, LP, New Orleans  
Louisiana Saints, LLC, New York Football  
Giants, Inc., New York Jets Football Club,  
Inc., Oakland Raiders LP, Philadelphia  
Eagles Football Club, Inc., Pittsburgh  
Steelers Sports, Inc., San Diego Chargers  
Football Co., San Francisco Forty Niners  
Ltd., Football Northwest LLC, The Rams  
Football Co. LLC, Buccaneers Limited  
Partnership, Tennessee Football, Inc.,  
Washington Football Inc.

Defendants.

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**AMENDED MOTION FOR  
LEAVE TO FILE SECOND  
AMENDED COMPLAINT AND  
CROSSCLAIM**

Pursuant to Fed.R.Civ.P. 15(a) and Fed.R.Civ.P. 13, Plaintiffs Carl Eller, Obafemi

Ayanbadejo, and Ryan Collins the (“*Eller* Plaintiffs”) hereby move the Court for leave to file and serve their Second Amended Complaint and Crossclaims.

The *Eller* Plaintiffs’ original Motion for Leave to Amend sought to add three claims. Specifically those claims were:

- 1) A claim for monetary relief in addition to the original injunctive relief claim;
- 2) A cause of action against the NFL Defendants, the National Football League Players Association (“NFLPA”) and its Executive Director, DeMaurice Smith, and a Crossclaim against Tom Brady, Drew Brees, Vincent Jackson, Ben Leber, Logan Mankins, Peyton Manning, Von Miller, Brian Robison, Osi Umenyiora, and Mike Vrabel (the named plaintiffs in the case of *Brady v. NFL*, No. 0:11-cv-00639 SRN JGG (D. Minn.) (“the *Brady* Plaintiffs”)) for unlawfully engaging in settlement negotiations; and
- 3) A cause of action against the NFLPA for breach of fiduciary duties.

Additionally, the *Eller* Plaintiffs’ Motion for Leave to Amend sought to add additional plaintiffs.

In addition to the changes proposed in the original Motion for Leave to Amend, this Amended Motion for Leave to Amend is submitted to correct the caption on the originally filed Motion, to remove proposed Plaintiff Michael Haynes from the previously proposed Second Amended Complaint (Dkt. 142-1), and to make changes/additions to two paragraphs of the proposed Second Amended Complaint in light of the recent decision in this case by the Eighth Circuit Court of Appeals on Friday July 8, 2011. *See Brady v. NFL*, 2011 U.S. App. LEXIS 14111 (8th Cir. 2011) (“*Brady*”).

Specifically, by this Amended Motion, the *Eller* Plaintiffs seek leave to file the Second Amended Complaint with the following changes in addition to those set forth above:

- 1) Correct the caption to reflect the existing caption as opposed to the proposed caption;
- 2) Remove proposed Plaintiff Michael Haynes from the caption;
- 3) Remove Paragraph 18, which made reference to Michael Haynes;
- 4) Change Paragraph 165 (formerly Paragraph 166) by correcting the misspelling of “declaratory rlief[,]” changing it to “declaratory relief” and adding after “declaratory relief” the phrase “and injunctive relief pursuant to 29 U.S.C. Section 107”; and
- 5) Change Paragraph 5 of the Prayer for Relief by adding the phrase “and injunctive relief.”

Additionally, in light of the Eighth Circuit’s Opinion in *Brady*, the *Eller* Plaintiffs plan to file a request for a hearing on the requested injunctive relief.

This Amended Motion is based upon all of the files and records herein, the Memorandum of Law filed in Support of the Motion, and the recent decision in *Brady*.

Dated: July 13, 2011

Respectfully Submitted,

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