

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**Tom Brady, Drew Brees,  
Vincent Jackson, Ben Leber, Logan Mankins,  
Peyton Manning, Von Miller, Brian Robison,  
Osi Umenyiora and Mike Vrabel,  
*individually and on behalf of all  
others similarly situated***

**Civil No. 11-CV-639 (SRN/JJG)**

**Plaintiffs,**

v.

**National Football League, et al,**

**Defendants,**

**and**

**MEDIATION ORDER**

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

**Plaintiffs,**

v.

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

**Defendants**

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Barbara P. Berens and Justi R. Miller, Berens & Miller, PA, 80 South Eighth Street, Suite 3720, Minneapolis, Minnesota 55402; Timothy R. Thornton, Briggs & Morgan, PA, 80 South Eighth Street, Suite 2200, Minneapolis, Minnesota 55402; Bruce S. Meyer and James W. Quinn, Weil, Gotshal & Manges, LLP, 767 Fifth Avenue, New York, New York 10019; Christopher R. Clark, David G. Feher, David L. Greenspan, Jeffrey L. Kessler, Jennifer Stewart and Molly Donovan, Dewey & LeBoeuf, LLP, 1301 Avenue of the Americas, New York, New York 10019, counsel for Brady Plaintiffs.

Arthur N. Bailey, Jr., Hilary K. Scherrer, Jon T. King, Michael D. Hausfeld and Michael P. Lehmann, Hausfeld LLP, 44 Montgomery Street, Suite 3400, San Francisco, California 94104; Daniel S. Mason, Mark J. Feinberg and Michael E. Jacobs, Zelle Hofmann Voelbel & Mason LLP, 500 Washington Avenue South, Suite 4000, Minneapolis, Minnesota 55415; and Samuel D. Heins and Vincent J. Esades, Heins Mills & Olson PLC, 310 Clifton Avenue, Minneapolis, Minnesota 55403, counsel for Eller Plaintiffs.

Daniel J. Connolly and Aaron D. Van Oort, Faegre & Benson, LLP, 90 South Seventh Street, Suite 2200, Minneapolis, Minnesota 55402; Benjamin C. Block, Gregg H. Levy and James M. Garland, Covington & Burling, LLP, 1201 Pennsylvania Avenue Northwest, Washington DC 20004; David Boies and William A. Isaacson, Boies, Schiller & Flexner, LLP, 333 Main Street, Armonk, New York 10504, counsel for Defendants.

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SUSAN RICHARD NELSON, United States District Judge

Pursuant to 28 U.S.C. § 651(b) and Local Rule 16.5, the Court hereby orders the parties and attorneys to participate in mediation as a form of Alternative Dispute Resolution. Counsel for the parties, as well as a party representative having full authority, shall attend.

Chief Magistrate Judge Arthur J. Boylan is appointed to serve as mediator. The Plaintiffs shall provide confidential, ex parte submissions regarding their positions to Chief Magistrate Judge Boylan by 5:00 p.m. on April 11, 2011. The Defendants shall provide their confidential, ex parte submissions to Chief Magistrate Judge Boylan by 5:00 p.m. on April 12, 2011. On Tuesday, April 12, 2011, at 9:00 a.m. Judge Boylan will meet with representatives of the Brady and Eller Plaintiffs (henceforth, "the Players") in person. On Wednesday, April 13, 2011, at 9:00 a.m., Judge Boylan will meet with representatives of the NFL in person. Formal mediation with both sides will commence on Thursday, April 14, at 9:00 a.m., and all mediation sessions, whether joint or separate, will be held in Judge Boylan's chambers, Suite 9E, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. As noted, Judge Boylan's chambers are located in the Minneapolis Federal Courthouse.

As required by Local Rule 16.5 (c), all confidential dispute resolution communications shall remain confidential. Such communications include any "communication made to a neutral during any Alternative Dispute Resolution process which is expressly identified to the neutral as being confidential information which the party does not want communicated to any other person outside the Alternative Dispute Resolution process." L.R. 16.5(c)(1). Further, the fact of participation in this Court-ordered mediation, and any communications conveyed between the parties in this process, shall not be admitted or used against any party in any other proceeding or forum, for any purpose. See Fed. R. Evid. 408.

This mediation will not have the effect of a stay on this litigation. The Players' Motions for a Preliminary Injunction remain under advisement, with an order to issue in due course.

Dated: April 11, 2011

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Court Judge