



500 WASHINGTON AVENUE SOUTH - SUITE 4000
MINNEAPOLIS, MINNESOTA 55415
612-339-2020 MAIN 612-336-9100 FAX

MARK J. FEINBERG

(612) 336-9104

April 7, 2011

Via Electronic Mail

**RULE 408 - CONFIDENTIAL
SETTLEMENT COMMUNICATION**

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

RE: Carl Eller, et al. v. National Football League, et al.
Civil Action No. 0:11-cv-00748-SRN-JJG

Brady, et al. v. National Football League, et al.
Civil Action No. 0:11-cv-00639-SRN-JJG

Dear Judge Nelson:

I write as counsel for the Eller class of retired players and rookies in this matter.

Today, counsel for plaintiffs in the *Brady* case sent a letter to the Court. That letter accepts the Court's invitation that the parties use the offices of the federal court to resolve this dispute.

The *Eller* Plaintiffs wholeheartedly agree that the parties ought to use the interval before Your Honor issues any opinion to attempt to mediate their differences. Pursuant to Local Rule 83.13(a), Your Honor has the authority to appoint a mediator. If the Court wishes to consider that option, we have been advised that Kenneth Feinberg (no relation), the renowned mediator (see <http://www.feinbergrozen.com/>), is available to assist the Court and the parties. Of course, the *Eller* Plaintiffs would be willing to mediate before any magistrate judge or mediator whom Your Honor selects. Since time is of the essence we would be willing to meet at anytime, including as early as next week, to discuss this suggestion and/or proceed with mediation.

Respectfully yours,

ZELLE HOFMANN VOELBEL & MASON LLP

A handwritten signature in black ink, appearing to read 'Mark J. Feinberg', written over a printed name.

Mark J. Feinberg

cc: All Counsel of Record