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July 31, 2015

VIA ECF

The Honorable Richard Berman
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *National Football League Management Council v. National Football League Players Association*, 1:15-cv-05916-RMB (S.D.N.Y.)

Dear Judge Berman:

Pursuant to Rule 2A of Your Honor's Individual Practices, Defendant National Football League Players Association ("NFLPA"), on its own behalf and on behalf of Tom Brady, and Plaintiff National Football League Management Council ("NFL"), submit this letter to jointly request a pre-motion conference regarding the parties' anticipated cross motions to vacate and confirm the July 28, 2015 arbitration award ("Award") issued by NFL Commissioner Roger Goodell. The Award upholds a four-game suspension of Mr. Brady, which will begin with the New England Patriots' first regular season game on September 10.

The NFLPA and Mr. Brady had intended to file a motion for a temporary restraining order or a preliminary injunction. However, the parties met and conferred and have agreed that a final resolution of this matter prior to the commencement of the 2015 NFL regular season would be in everyone's best interest. Accordingly, we write to respectfully request that the cross



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motions be briefed and considered on an expedited basis pursuant to the proposed schedule set forth below:

- (i) On August 7, the NFLPA and the NFL would cross move to vacate and confirm, respectively, the Award;
- (ii) On August 14, the parties would file oppositions to their respective papers; and
- (iii) The parties would confer with the Court to set a hearing for oral argument on a date convenient to the Court that would enable a decision to be rendered by September 4, when Mr. Brady's team must prepare for its first regular season game.

No discovery is needed to adjudicate the parties' motions, which will be based on the arbitration record.

In addition, the NFLPA and Mr. Brady intend to file later today a public version of an Answer and Counterclaim. Thereafter, we would file an amended version including certain information subject to a confidentiality agreement in connection with the arbitration proceedings ("Confidential Material"). Because that confidentiality agreement precludes the parties from publicly disclosing Confidential Material, the NFLPA requests permission to file a motion to seal portions of the Amended Answer and Counterclaim, as well as portions of any memoranda or exhibits in support of the parties' respective cross motions that contain or are designated Confidential Material.¹ The NFL does not oppose this request.

¹ Once the Court grants permission to file the requested materials under seal, the NFLPA will file with the Court a hard copy of the Amended Answer and Counterclaim under seal and will also file a redacted copy of the Amended Answer and Counterclaim through the Court's Electronic Case Filing System. The parties will follow a similar procedure with respect to the anticipated cross motions to confirm and vacate the Award.

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Respectfully submitted,



Jeffrey Kessler

cc: David L. Greenspan, Esq.
Robert H. Pees, Esq.
Daniel L. Nash, Esq.
Stacey Eisenstein, Esq.