

# Calls Mount for Court Intervention in NFL Concussion Settlement Administration

A year after the process for compensating former National Football League players under the \$1 billion settlement agreement officially began, calls that the administrative process is too slow and clandestine have begun to mount.

By [Max Mitchell](/author/profile/Max%20Mitchell/) | UPDATED Mar 21, 2018 at 10:10 PM

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A year after the process for compensating former [NFL](https://www.law.com/thelegalintelligencer/2018/03/12/nfl-lit-funder-demands-details-of-assignment-agreement-ban/) players under the \$1 billion **concussion settlement** agreement officially began, calls that the administrative process is too slow and clandestine have begun to mount.

On Monday, **co-lead class counsel** filed a motion seeking to have U.S. District Judge Anita Brody of the Eastern District of

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Pennsylvania conduct a hearing regarding possibly intervening into the claims process. By late Tuesday, a law firm representing more than 240 retired players joined the motion, saying some claims have been “unreasonably and inexcusably delayed,” and another attorney filed a motion saying “the settlement is failing to provide a fraction of what the NFL promised.”

Anapol Weiss attorney Larry Coben filed the initial motion Monday. Although he said he expects to withdraw the filing because his client’s claim was approved by the claims administrator the same day he made the filing, other attorneys have expressed frustrations about the process and some may raise similar issues to the court, he said.

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“I don’t know what’s going on behind the scene, but I just knew our clients needed compensation,” he said. “I was surprised and delighted by the promptness with which the administrator decided to make an award to the Radloffs.”

Coben’s motion focused on the efforts the family of former Atlanta Falcons player Wayne Radloff, who is represented by Coben, has made in seeking compensation under the settlement accord. According to the motion, the claims process has “morphed into a maze of bureaucratic hurdles,” and “evolved into a thicket of privately litigated, changing standards.”

“The settlement agreement, once publicized by counsel as a unique, groundbreaking resolution that would be easy to implement has been anything but that,” Coben said in the filing. “It has failed to live up to the promise of providing tangible benefits to the class.”

New Jersey attorney Craig Mitnick’s motion seeking to join Coben’s filing said several of his clients have faced similar hurdles.

“From my own personal experience, co-lead counsel’s submission truly and accurately details the delays and denials that former NFL players have experienced,” Mitnick said in the filing, before discussing an unnamed 67-year-old ex-player diagnosed with Alzheimer’s disease, who filed a claim in April, but has yet to receive compensation. “The frustration and disappointment that this player and his family have experienced is inexcusable.”

A founding partner at BrownGreer, which is the claims administrator handling the settlement, said the firm is working to process the claims as fast as possible, but the company needs to follow the process outlined in the settlement agreement and to vet potentially **problematic claims**

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“We welcome any lawyer or class member to come directly to us with any question or concern,” Orran Brown said Tuesday, adding that his firm has sent out 30,000 notices to potential claimants and fielded 50,000 emails for ex-players and attorneys. “The goal is to be an open book, and to treat everybody uniformly. We want results as quickly as we can.”

Also on Tuesday, attorney Gene Locks of Locks Law filed a motion requesting that he be appointed “administrative class counsel” to “defend and implement” the settlement. The filing said the National Football League has been “luring BrownGreer, the [appeals advisory panel] and the special masters into second-guessing and discrediting clinical judgments made by board-certified neurologists and neuropsychologists.”

According to the filing, Locks represents 1,100 registered players.

Coben’s motion was not the first time attorneys have taken issue with the claims administration process. North Palm Beach, Florida, attorney Patrick Tighe, who is representing 85 former players, has contended previously that the claims administrators were not following the language of the settlement agreement.

Among other things, Tighe contended the administrator was mandating that players provide the raw data, rather than the medical findings, from previous neuropsychological tests, which, Tighe said, can be very difficult to obtain. Brody, however, denied Tighe’s motions asking the court to intervene in the process.

According to Coben’s filing, the claims administrator had “essentially ignored” his client’s claims, and began interpreting the settlement agreement to invalidate certain previously obtained medical records without providing notice to the ex-players or attorneys.

Brown said his firm would review claims by Coben that the administrator was not responsive, saying that the company has a policy of responding to inquiries promptly.

Special masters involved in overseeing the litigation have already handled a few issues related to the claims process. One issue arose after a doctor connected to more than 150 cases claimed to have performed 134.5 hours of mandatory testing, interpretation and report preparation over a 48-hour period. That doctor was barred from evaluating cases involved in the settlement.

Neither Mitnick nor Brad Karp of Paul, Weiss, Rifkind, Wharton & Garrison, who is representing the NFL, did not return a call for comment. Chris Seeger of Seeger Weiss, who is also co-lead class counsel, also did not return a call seeking comment.

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## Max Mitchell

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