

What you NEED to know about concussions

Concussions have long-lasting severe and sometimes deadly consequences. A University of North Carolina study has confirmed a correlation between concussion and the onset of dementia and depression. One of the most troubling findings is the correlation between concussions and chronic traumatic encephalopathy (CTE).

CTE is a degenerative, dementia-like brain disease linked to brain trauma. CTE may result in such symptoms as diminished brain tissue, memory loss, depression, impulsive behavior, rage and dementia. Not all sufferers present with all symptoms. (The Boston University School of Medicine Center for the Study of Traumatic Encephalopathy has found the presence of CTE in an astonishing percentage of Pro-football players studied.)

For decades the National Football League has known the serious and dangerous effects of concussions. Although aware of the consequences of concussions, the National Football League failed to enact reasonable league-wide guidelines and mandatory rules to regulate post-concussion medical treatment and return-to-play standards for players who have suffered a concussion or multiple concussions.

Most disturbing is the League's push to cover-up and deny the effects of concussions. In 1994, the League formed the "Mild Traumatic Brain Injury Committee" to supposedly study the effects of concussions on Pro-football players. The findings released of the ongoing study did nothing more than dispute widely accepted scientific consensus on the effects of concussions.

Mild Traumatic Brain Injury Committee Study

In 2009, amid widespread criticism from the scientific and medical community, the Mild Traumatic Brain Injury Committee Study was shut down. However, not before the Committee denied knowledge of a link between concussions and cognitive decline. Further, the Committee published positions pointing to contrary findings, which distorts the data, deceiving players, coaches and the public about the risks associated with concussions. The Committee also attacked studies linking concussions to serious health issues.

In 2012, the Judicial Panel on Multi-District Litigation (JPML) consolidated all of the former players' lawsuits against the NFL in the Eastern District of Pennsylvania before Judge Anita Brody. On April 9, 2013, Judge Brody heard oral arguments regarding the NFL's motions to dismiss the lawsuits based on preemption of the Collective Bargaining Agreements in place. On July 8, 2013, Judge Brody ordered the Parties to participate in mediation. After almost a year of negotiations between the Parties, Class Counsel filed a motion for preliminary approval on June 25, 2014, which was granted.



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The Hearing

On November 19, 2014, Judge Brody heard Retired Players' concerns at a Fairness Hearing, and afterwards she requested several changes be made in response to the players' objections and arguments raised. On February 13, 2015, counsel for both Parties agreed with Judge Brody's proposed changes and submitted an amended Settlement Agreement. On April 22, 2015, Judge Brody issued a Final Order and Judgment in the NFL Concussion Litigation approving the amended Settlement between Retired NFL Players and the NFL. The Settlement provides for varying compensatory awards based on a Retired Players' Qualifying Diagnosis, and waives all requirements of proving causation for Players with Qualifying Diagnoses. The maximum awards are Level 1.5 Neurocognitive Impairment (\$1.5M); Level 2.0 Neurocognitive Impairment (\$3M); Parkinson's Disease (\$3.5M); Alzheimer's Disease (\$3.5M); Death with CTE (\$4M); and ALS (\$5M). These awards are subject to mitigating offsets, including age at time of diagnosis, fewer than five Eligible Seasons in the NFL, and failure to participate in the BAP for players who have not yet received a Qualifying Diagnosis.

Components of the Settlement

The Settlement has three primary components: An uncapped Monetary Award Fund ("MAF") providing compensation to Retired Players diagnosed with any of the 6 Qualifying Diagnoses, which include Levels 1.5 and 2.0 Neurocognitive Impairment, Alzheimer's Disease, Parkinson's Disease, ALS, and Death with CTE for players who died by Final Approval, or April 22, 2015.

A \$75 million Baseline Assessment Program ("BAP") providing Retired Players with free baseline assessment examinations of their neurological functioning. BAP funds will also be used to provide supplemental benefits such as counseling and prescription drug benefits to Retired Players diagnosed with Level 1.0

A \$10 million Education Fund to educate Retired Players about the NFL's existing Medical and Disability Benefits programs, and to promote safety and injury prevention for football players of all ages.

Although several appeals were filed, Pope McGlamry believes that the appellate court will likely affirm Judge Brody's decision, as she did a very thorough job in examining the fairness of the proposed settlement and even suggested and had the Parties make changes to the Settlement before issuing her approval.

Pope McGlamry is proud of its role in bringing about the Finalized Settlement Agreement. Our lawyers have served on the Plaintiff's Steering Committee, the Communications Committee and are Co-Lead on the Discovery Committee in the Coordinated Multi-District Litigation. Thousands of Retired NFL Players will benefit from this Settlement. If you are a Retired NFL Player who has experienced neurocognitive symptoms, feel free to contact Pope McGlamry at 877.285.7656 to schedule a case review with our expert legal team, or visit our website at www.popemcglamry.com



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