

Nos. 15-2206, 15-2217, 15-2230, 15-2234, 15-2272, 15-2273, 15-2290, 15-2291, 15-2292, 15-2294, 15-2304, 15-2305 (Consolidated)

In the United States Court of Appeals for the Third Circuit

IN RE NATIONAL FOOTBALL LEAGUE PLAYERS CONCUSSION INJURY LITIGATION

On Appeal from the United States District Court
for the Eastern District of Pennsylvania

REVISED JOINT PROPOSAL ON DIVISION OF ARGUMENT TIME

In light of the Court's order of October 30, we write on behalf of 93 of the 94 appellants to present the following joint proposal regarding the division of argument time, indicating the first party listed in each group, the name of the advocate, and the distinct issues to be argued in an effort to avoid duplication:

<i>Appellants (Advocate)</i>	<i>Brief description of issues to be argued</i>	<i>Time</i>
Faneca (Steven Molo)	Substantive unfairness of settlement's disparate treatment of CTE, other issues in brief & rebuttal	13 mins.
Armstrong (Deepak Gupta)	Inadequate representation of future-injury claimants (under <i>Georgine</i> and <i>Amchem</i>) & rebuttal	13 mins.
Heimbürger (Howard Bashman)	Inappropriateness of class certification	2 mins.
Gilchrist (Jared Beck)	<i>Daubert</i>	1 min.
Alexander (Chip Becker)	<i>Girsh</i> factors	1 min.

We further propose that counsel for the Faneca and Armstrong Objectors be permitted to reserve rebuttal time out of their allocated time. Of the eleven appellants' counsel, ten have indicated that they agree with this proposal. Specifically, the following appellants (identified by the first party listed in each group, with the number of represented class members in parentheses) consent to this proposal: the Alexander (37), Anderson (1), Armstrong (33), Carrington (1), Faneca (1), Jones (3), Heimburger (2), Mayberry (1), Miller (10), and Stewart (1) Objectors. We are informed that the Alexander, Anderson, Carrington, Jones, Mayberry, and Miller Objectors have agreed to yield their time altogether. Counsel for the Stewart Objectors intends to be present to answer any questions the Court may have about the meaning of "eligible seasons."

As of this writing, we understand that Gilchrist, a single objector, does not consent to this allocation. We propose that counsel for Mr. Gilchrist, who raises only a *Daubert* issue, be allocated one minute for this purpose.

Respectfully submitted,

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November 13, 2015

/s/ Cyril V. Smith

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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 15-2206, 15-2217, 15-2230, 15-2234, 15-2272, 15-2273, 15-2290,
15-2291, 15-2292, 15-2294, 15-2304, 15-2305 (Consolidated)

In Re National Football League Players Concussion Injury Litigation

vs.

Calendar Date November 19, 2015

Location Albert Branson Maris Courtroom,
Philadelphia

DIVISION OF ARGUMENT TIME FOR MULTIPLE COUNSEL

The Court of Appeals for the Third Circuit requests counsel for each side to divide the allotted argument time among the parties when multiple briefs are filed by multiple counsel. In many instances, the Court discourages multiple counsel arguing when a joint brief is filed. If multiple counsel request argument when a joint brief is filed, counsel must indicate the party or issue(s) and the division of time for each counsel, and such requests will be submitted to the Court for approval prior to oral argument.

Counsel for Appellant(s), Petitioner(s), or Intervenor(s) in order of argument:

Name of Counsel	Division of Time	Party/Issue(s)
<u>Steven Molo</u>	<u>13 mins.</u>	<u>Faneca/Settlement's disparate treatment of CTE, other issues in brief & rebuttal</u>
<u>Deepak Gupta</u>	<u>13 mins.</u>	<u>Armstrong/Inadequate representation of future-injury claimants & rebuttal</u>
<u>Howard Bashman</u>	<u>2 mins.</u>	<u>Heimbürger/Inappropriateness of class certification</u>
<u>Jared Beck</u>	<u>1 min.</u>	<u>Gilchrist/Daubert</u>
<u>Chip Becker</u>	<u>1 min.</u>	<u>Alexander/Girsh factors</u>

Counsel for Appellee(s), Respondent(s), or Intervenor(s) in order of argument:

Name of Counsel	Division of Time	Party/Issue(s)
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CERTIFICATE OF SERVICE

I certify that on November 13, 2015, I am causing the foregoing proposal regarding oral argument to be filed electronically with this Court's CM/ECF system. All participants are registered CM/ECF users, and will be served by the Appellate CM/ECF system.

November 13, 2015

/s/ Deepak Gupta
Deepak Gupta