

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

_____)	
NATIONAL FOOTBALL LEAGUE)	
MANAGEMENT COUNCIL,)	
)	
<i>Plaintiff-Counter-Defendant-</i>)	
<i>Appellant,</i>)	
)	
and)	
)	
NATIONAL FOOTBALL LEAGUE,)	
)	
<i>Defendant-Appellant,</i>)	
)	
v.)	Nos. 15-2801(L), 15-2805(Con)
)	
NATIONAL FOOTBALL LEAGUE PLAYERS)	
ASSOCIATION, on its own behalf and on)	
behalf of Tom Brady)	
)	
<i>Defendant-Counter-Claimant-</i>)	
<i>Appellee,</i>)	
)	
and)	
)	
TOM BRADY,)	
)	
<i>Counter-Claimant-Appellee.</i>)	
_____)	

**APPELLANTS’ OPPOSITION TO MOTION BY APPELLEES FOR
EXTENSION OF TIME TO FILE PETITION FOR PANEL
REHEARING AND REHEARING EN BANC**

Appellants National Football League Management Council and National Football League (collectively, “Appellants”) oppose Appellees’ Motion for Extension of Time to File Petition for Panel Rehearing and Rehearing En Banc,

Doc. 250. The parties agreed to seek expedited consideration of this appeal in order to “ensure that [they] have the opportunity, in advance of the 2016 regular season, to know Mr. Brady’s status and to plan accordingly.” Consent Mot. for Expedited Proceedings, Doc. 39; *see also* Order Granting Mot. to Expedite Appeal, Doc. 45. To that end, the parties filed briefs on an agreed, truncated schedule, and this Court held oral argument and issued its decision in an expedited fashion. Appellees’ request to double the ordinary time for filing a rehearing petition runs contrary to the shared efforts of the parties and Court alike to obtain an expedited resolution of this case and should therefore be denied.

The Rules afford parties 14 days from the entry of judgment to seek panel rehearing and rehearing en banc. *See* Fed. R. App. P. 35(c), 40(a)(1). That two-week period is a presumptively sufficient amount of time even in ordinary cases that have not been expedited. There is no need for Appellees to take twice that period of time in a case that has been expedited.

Appellees have not offered any compelling justification for their extension request. The Court decided the appeal based on the arguments of the parties and did not inject unforeseen issues into the case. Nor do the logistics of discussing the decision among the NFLPA’s Executive Committee and Board of Player Representatives present a valid basis for an extension. The timing provisions of Rules 35 and 40 apply to far larger organizations than Appellees, and Appellees

have shown little difficulty acting with dispatch when it served their interests. Appellees have not provided any basis for demonstrating that the time limits applicable to non-expedited cases should not apply to this expedited appeal.

Finally, while a 14-day extension for a rehearing petition itself might not immediately prejudice Appellants, all parties have a strong interest in the continued expedited resolution of this case. Both the parties and the Court expedited the consideration of this appeal in an effort to ensure that a cloud of uncertainty would not hang over the 2016 season. It is thus imperative that rehearing proceedings do not frustrate the collective effort to avoid that undesirable result. The first pre-season game is just over three months away. Time remains of the essence.

For the foregoing reasons, Appellants oppose Appellees' request for a 14-day extension of time to file a petition for panel rehearing and rehearing en banc.

Respectfully submitted,

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and National Football League*

May 2, 2016

CERTIFICATE OF SERVICE

I hereby certify that, on May 2, 2016, an electronic copy of this motion was filed with the Clerk of Court using the ECF system and thereby served upon all counsel appearing in this case.

s/Paul D. Clement
Paul D. Clement