WINSTON & STRAWN LLP

Winston & Strawn Secures Victory in *Eller v. NFLPA*

MAY 29, 2012

On May 29, 2012, the U.S. District Court for the District of Minnesota granted a motion to dismiss by the National Football League Players Association (NFLPA) and several individually named defendants against complaints brought by putative classes of former NFL players in *Eller v. NFLPA*, No. 11 Civ. 02623 (SNR), and *Gault v. NFLPA*, No. 11 Civ. 03012 (SNR). The complaints alleged that, in reaching the 2011 NFL Collective Bargaining Agreement (CBA), the NFLPA improperly negotiated the terms of pension, retirement, and disability benefits without the authorization of former players to do so. Despite plaintiffs' admission that the CBA provides for former player benefits totaling $900 million, plaintiffs claimed, among other things, that the NFLPA's alleged conduct constituted tortious interference with prospective economic advantage and breach of fiduciary duty.

In dismissing the complaints, the court ruled that despite the fact that in the CBA the NFLPA obtained substantial new benefits for former NFL players, the NFLPA had no legal obligation to do so, and therefore the former players had no basis to complain that their benefits should have been higher. Judge Nelson further found that the former players had no reasonable expectation or ability to obtain any higher benefits on their own. To the contrary, it was only because of the leverage of the active NFL player members of the NFLPA that the additional benefits were achievable. Finally, the Court held there is no legal theory under which former players can assert any complaint against the NFLPA on these issues and it therefore dismissed the cases with prejudice.

The team representing the NFLPA defendants in this matter was led by Winston & Strawn partners Jeffrey Kessler and David Greenspan, and associate Mark Rizik.

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