

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

JASON ALFORD *et al.*,

Plaintiffs,

v.

THE NFL PLAYER DISABILITY &
SURVIVOR BENEFIT PLAN *et al.*,

Defendants.

Case No. 1:23-cv-00358-JRR

**DEFENDANTS' JOINT MOTION FOR SUMMARY JUDGMENT OF
PLAINTIFF DANIEL LOPER'S CLAIMS**

Defendants the NFL Player Disability & Survivor Benefit Plan, the NFL Player Disability & Neurocognitive Benefit Plan, the Bert Bell/Pete Rozelle NFL Player Retirement Plan, the Disability Board of the NFL Player Disability & Neurocognitive Benefit Plan hereby move for summary judgment of Plaintiff Daniel Loper's claims in the Amended Complaint, ECF No. 56. For the reasons more fully explained in the accompanying Memorandum in Support of Defendants' Joint Motion for Summary Judgment of Plaintiff Daniel Loper's Claims, the Court should grant summary judgment for Defendants on Counts I, II, III, and V as to Mr. Loper.¹

Summary judgment is warranted for Defendants here because: (i) the undisputed facts show that Mr. Loper was not entitled to benefits under the terms of the Plan and the Board did not abuse its discretion in denying Mr. Loper's claim because its decision was based on substantial evidence; (ii) the decision letters Mr. Loper received provided the required information and complied with the requirements of the Employee Retirement Income Security Act; (iii) expert analysis of physician assignments and compensation disproves Plaintiffs' theory

¹ The Court has already dismissed Count IV in its entirety. ECF No. 78 at 47.

that Neutral Physicians with more frequent examination assignments are associated with higher rates of application or appeal denials; and (iv) Mr. Loper's fiduciary breach allegations are derivative of the same alleged failures underlying Counts I, II, and III, and the kinds of errors Mr. Loper alleges do not come close to the standard to demonstrate a fiduciary breach.

Date: November 18, 2024

Respectfully submitted,

/s/ Gregory F. Jacob

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CERTIFICATE OF SERVICE

I, Gregory F. Jacob, hereby certify that on November 18, 2024, I caused a copy of the foregoing document to be served upon all counsel of record via the CM/ECF system for the United States District Court for the District of Maryland.

/s/ Gregory F. Jacob
Gregory F. Jacob