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Two [#NFL](#) examples come to mind:

First, in Charles Dimry's disability case, Judge Donato found an abuse of discretion and remanded the case back to the Plan with instructions to correct.



Dimry is back in court because the Plan failed to follow those instructions, stating that it "disagreed" with Judge Donato.

His case is now before a magistrate judge that absurdly seems oblivious since magistrates serve at the pleasure of district court judges.

Judge Donato should take charge and issue sanctions, lest the behavior continue unabated.

The second [#NFL](#) example is in the Concussion Settlement, in which Judge Brody has tap-danced around a Third Circuit mandate regarding a settlement funder decision.

She has partially complied with the Third Circuit in that she is allowing funders to take players to arbitration and upholding the arbitration awards....BUT...

She is still treating (or at least was until Thrivest petitioned the Third Circuit for mandamus) all funder advance agreements as prohibited assignments, contrary to the Third Circuit's precedential opinion.

She managed (with the help of Orran Brown and Chris Seeger) to have the writ of mandamus denied, in that she issued an order for Brown to "clarify" the procedures for dealing with settlement advances.

No clarification has been issued in the two months since, and any awards in which players have a funding arrangement have been held up in a virtual purgatory awaiting the "clarification."

The rules that need "clarifying" clearly do not follow the Third Circuit mandate, yet inexplicably, the circuit judges gave the district court a very lenient benefit of the doubt in denying mandamus.

They should have instead, pulled a "Judge Easterbrook" and going a step further, applied sanctions. While her actions might appear favorable to players, they are anything but, in that interest continues to accrue as the district court decides the next cat and mouse maneuver...

And players will eventually be compelled to arbitration, in which precedent indicates that the arbitrator will rule in favor of the funder, holding them fully liable for repayment of the loan plus interest AND attorney fees and arbitration costs.

When I first started blogging on [#sportslaw](#) I was told that district court judges never defy appellate mandates but I'm finding this to be less reliable than it once was. I'm curious, [@JosephPatrice](#) did the immigration judges finally comply?

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