

471-05465-2021

CAUSE NO. ~~219-05465-2021~~

LA'EL COLLINS,
Plaintiff,

vs.

THE NATIONAL FOOTBALL LEAGUE
(NFL), THE NATIONAL FOOTBALL
LEAGUE MANAGEMENT COUNCIL
(NFLMC), *and* ROGER GOODELL,
Defendants.

IN THE _____

JUDICIAL DISTRICT COURT

COLLIN COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND TEMPORARY INJUNCTION AND PERMANENT
INJUNCTION**

TO THE HONORABLE JUDGE OF THIS COURT:

1. COMES NOW, Plaintiff, LA'EL COLLINS ("Mr. Collins"), and files this *Verified Original Petition and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction*, complaining of Defendants THE NATIONAL FOOTBALL LEAGUE ("the NFL" or "the League"), THE NATIONAL FOOTBALL LEAGUE MANAGEMENT COUNCIL (the "NFLMC"), and ROGER GOODELL ("Mr. Goodell") (referred to collectively hereinafter as "the Defendants") and would respectfully show the Court as follows:

Discovery Control Plan

2. Discovery is expected to be conducted under Level 3 of Texas Rule of Civil Procedure 190.4.

Introduction

3. Defendants failed to follow the National Football League's Policy and Program on Substances of Abuse 2020 (the "Policy" or the "2020 Policy") and wrongfully suspended Mr. Collins by making material misrepresentations to the tribunal. Defendants' wrongful actions are causing Mr. Collins immediate and irreparable harm if Defendants are not immediately enjoined from further violations of

the Policy now in force. To date Mr. Collins has missed two games and lost over \$182,352. (2/17's of Mr. Collins \$1,550,000 base salary for 2021).

4. Mr. Collins was signed as an undrafted free agent by the Dallas Cowboys (the "Cowboys") as an offensive right tackle in 2016 and is contracted to play for the Cowboys through the 2024 NFL season. In August 2021, Defendants suspended Mr. Collins for five (5) games under the Policy. As a result, Mr. Collins has missed two games and will be unable to play the next three (3) games of the 2021 National Football League season.
5. In March 2020, the NFLMC and the National Football League Players Association ("NFLPA") reached agreement on a new Collective Bargaining Agreement ("CBA"), including the enactment of the Policy, which became immediately effective.¹ The Policy explicitly states that "it supersedes all previous policies" regarding player substance abuse and now controls in cases of players disciplined "under the superseded policy."² Among other changes, the Policy *eliminates* suspension and banishment as forms of discipline that the League may impose for the kinds of Policy violations previously alleged against Mr. Collins (*i.e.*, positive marijuana tests and/or failure to appear for testing).
6. On January 6, 2021, the NFL imposed a suspension of five (5) games without pay on Mr. Collins. Mr. Collins timely appealed his suspension with the NFL on January 7, 2021. Although the Policy eliminates suspension and banishment as forms of discipline that may be imposed for positive or missed tests,³ Defendants moved to have Mr. Collins suspended for failures to appear for testing. Defendants made up out of thin air the concept that "multiple failures to appear for testing equate to a failure to cooperate for testing." Nowhere in the Policy does it afford such discipline. In fact, to the contrary, the Policy clearly states that no number of failures to appear for testing will equate to a failure to cooperate, which is

¹ A copy of the Policy is available at **Exhibit 2** (all exhibits herein are attached to the Plaintiff's Affidavit in Support of Temporary Restraining Order and are incorporated as if fully restated in the body of this pleading to the extent necessary).

² Policy at page 1.

³ *Id.* at ¶ 1.5.2(c).

an offense subject to suspension. Instead of fining Mr. Collins for failure to appear for testing, as specifically required by the Policy, Defendants announced that they were “suspending” Mr. Collins for five (5) regular season games. Interestingly, under the Policy, there is no offense or event that results in a five (5) game suspension.

7. On August 31, 2021, a hearing was held in connection with Mr. Collins’ appeal (the “Hearing”).⁴
8. At the Hearing, on two separate occasions, the NFL intentionally mislead the arbitrator by stating Mr. Collins had previously received a four (4) game suspension from the NFL.
9. In its opening statement, the NFL stated: “*Mr. Collins was written up for a four-game suspension. And Mr. Collins was warned that any future failures to cooperate would result in a suspension. So here we are again with another failure to cooperate, and the NFL has suspended [Mr. Collins] for five games. That is progressive discipline, four to five.*”⁵
10. In its closing statement, the NFL stated: “*Mr. Collins is only suspended for five games, and that is not outrageous, especially since we warned him after the four-game suspension.*”⁶
11. On September 9, 2021, the arbitrator issued an award upholding the five (5) game suspension imposed against Mr. Collins (the “Award”).⁷
12. The arbitrator stated in the Award that “*Mr. Collins previously had received a four-game suspension based on prior conduct, and the discipline imposed, a five-game suspension, is ‘additional’ to that and is the next logical progression from prior discipline. It is proportional and reasonable.*”⁸
13. Mr. Collins has *never* been previously suspended by the NFL for any reason.

⁴ A copy of the Hearing Transcript is available at **Exhibit 1**.

⁵ Hearing Transcript page 16, lines 2-10.

⁶ Hearing Transcript page 249, lines 16-19.

⁷ A copy of the relevant portions of the Arbitral Award No. 2021—#6 is available as **Exhibit 4**.

⁸ Arbitral Award No. 2021—#6 at ¶ 5.13.

14. The arbitrator upheld the five (5) game suspension imposed on Mr. Collins pursuant to Section 1.3.3 of the Policy.⁹
15. On September 10, 2021, Mr. Collins properly and timely filed an “Other Appeal” with the NFLPA in this matter. On September 14, 2021, both the NFLPA, the union which represents NFL players, and Mr. Collins filed Motions to Reconsider the Award with the arbitrator.
16. On September 10, 2021, after receiving the properly and timely filed “Other Appeal,” the NFL announced and/or leaked to members of its own media a five (5) game suspension for Mr. Collins knowing full well at the time that the player had filed an appeal pursuant to the policy.¹⁰ The announcement of the suspension violated the confidentiality provisions of the Policy and has caused irreparable damage to Mr. Collins.
17. On September 15, 2021, the hearing officer denied the Motion to Reconsider solely on the basis that he did not have jurisdiction to hear the motions.
18. Defendants’ suspension for five (5) games of Mr. Collins was wrong. At the threshold, Mr. Collins should have been fined for any failures to appear for testing or positive tests because the Policy categorically eliminates suspension and banishment as forms of discipline that may be imposed for positive tests or failures to appear for testing. The Policy expressly governs the treatment of players disciplined under the superseded Policy and does not permit the Defendants to discipline Mr. Collins in the way that they are.¹¹
19. Mr. Collins timely requested an appeal from Defendants’ decision under the appeals provisions of the Policy – which provides for appeals to be heard by “*third-party arbitrators not affiliated with the NFL, NFLPA or [NFL member] clubs.*”¹² The hearing

⁹ Arbitral Award No. 2021—#6 at ¶¶ 5.11, 5.12, and 5.20.

¹⁰ Available at **Exhibit 3** is a copy of a Tweet sent by Adam Schefter (@AdamSchefter) at 2:26 PM on September 10, 2021, stating: “Collins was suspended five games for violating the NFL’s policy and program on substances of abuse.”

¹¹ Policy at page 1 and ¶ 1.5.2(c).

¹² *Id.* at ¶ 4.1.

officer affirmed the wrongful discipline.¹³ This is another misreading of the Policy, and another which prejudices Mr. Collins's ability to return to play in a timely manner.

20. Now, Mr. Collins will be unable to play for approximately one third of the 2021 NFL season and will be unable to earn approximately one third of his salary unless the Court immediately enjoins Defendants from their continuing wrongful suspension of Mr. Collins under the Policy now in force. Because the harm that will result to Mr. Collins from continued suspension is immediate, irreparable, and difficult or impossible to quantify, and because Defendants' violations of the Policy are clear, the Court should issue immediate injunctive relief requiring Mr. Collins's reinstatement.

Parties

21. Plaintiff is a citizen of the United States and a resident of the state of Texas.
22. Defendants, the NFL and the NFLMC are unincorporated associations having their principal place of business at 345 Park Avenue, New York, New York. The NFL is the sole and exclusive bargaining representative of present and future employer member clubs of the NFL.
23. Defendant Roger Goodell is the Commissioner of the National Football League. Mr. Goodell resides in the state of New York.

Jurisdiction & Venue

24. This is an action for breach of a CBA under Section 301 of the Labor Management Relations Act ("LMRA"),¹⁴ for declaratory relief under the Uniform Declaratory Judgments Act¹⁵, and for a temporary restraining order or temporary injunction under Texas Rules of Civil Procedure 680 and 681. This Court therefore, has subject matter jurisdiction over this action.
25. This Court has personal jurisdiction over Defendants because the Cowboys, one of the thirty-two member franchises of the NFL,

¹³ See Award No. 2021—#6.

¹⁴ 29 U.S.C. § 185.

¹⁵ Chapter 37 Texas Civil Practice & Remedies Code; Federal Rule of Civil Procedure 57.

is headquartered in Frisco, (Collin County) Texas. In addition, the NFL derives revenue from throughout the State of Texas through advertising, ticket sales, merchandising, and broadcasting in this State, and in particular Collin County, Texas. Defendants thus maintain sufficient contacts with this state and county to support the exercise of personal jurisdiction over them by this Court.

26. Venue is proper in this Court pursuant to Texas Civil Practice and Remedies Code Sec. 15.002(a)(1) as all or a substantial portion of the events or omissions giving rise to Mr. Collins' claims occurred in Collin County, Texas. In addition, this action relates to Plaintiff's employment by the Cowboys, who are headquartered in this county.

Facts

Permissible Discipline under the 2020 Policy

27. The Policy is a negotiated agreement between the NFL and the NFLPA entered into pursuant to Article 39, Section 7 of the 2020 CBA between the NFL and the NFLPA. As such, the Policy is an integral part of the CBA.

28. The NFL and the NFLPA reached agreement on the CBA, including the Policy, in March 2020, superseding the prior CBA and the prior version of the Policy in effect since 2016. As the 2020 Policy states¹⁶:

This Policy supersedes all previous policies and shall continue until the expiration or termination of the CBA. All Players in the Intervention Stages under the superseded policy shall be deemed to be in the corresponding Intervention Stage under this Policy.

29. The 2016 and 2020 versions of the Policy are similar in their purpose and general structure. Both versions provide that all players shall be subject to pre-employment and pre-season testing for an enumerated list of substances of abuse. Both versions of the

¹⁶ Policy at page 1.

Policy also provide a multi-stage Intervention Program for players who violate the Policy, including by testing positive for a prohibited substance. Both versions of the Policy provide that a player in the Intervention Program may be subject to additional testing and treatment that players outside the Intervention Program are not. Both versions of the Policy provide an exclusive list of disciplinary steps that can be taken against a player in the Intervention Program who violates the Policy. Finally, both versions of the Policy make clear that the Policy’s purpose is not to punish but “to assist Players who misuse Substances of Abuse.”¹⁷

30. Despite these basic similarities, the 2020 Policy made several important changes to the 2016 version of the policy. For one, the Intervention Program was reorganized to have two “stages” instead of three, with banished players classed in Stage 2 of the 2020 Policy version of the Intervention Program.¹⁸ The window of time during that a player can be tested for TCH (marijuana) each season was shortened under the 2020 Policy to “the period between the start of the Pre-Season Training Camps and the Club’s first Pre-Season Game.”¹⁹ The 2020 Policy also increased the concentration level necessary to trigger a “positive” TCH test from 35 ng/mL to 150 ng/ML.²⁰

31. Most importantly for purposes of this case, the 2020 Policy changed the kinds of discipline players may face for violations of the Policy. In particular, while the 2016 Policy permitted the NFL to suspend or banish a player based upon multiple positive tests, or multiple unexcused failures to appear for required testing, the 2020 version of the Policy **eliminated** suspension and banishment as penalties that may be imposed for positive and missed tests, no matter how many such violations occur, and regardless of the player’s status in the Intervention Program. In Paragraph 1.5.2(c), the 2020 Policy sets forth the sole and exclusive disciplinary measures that the NFL may impose on a player already in the

¹⁷ See Policy at page 2.

¹⁸ See Policy at ¶ 1.5.2(d).

¹⁹ Policy ¶ 1.3.1.

²⁰ Policy ¶ 1.3.

Intervention Program based upon the number and kind of Policy violations shown to have occurred²¹:

Unexcused Failure to Appear for Testing	1 st Violation: \$20,000 fine 2 nd Violation: 1-week's salary 3 rd Violation: 2-weeks' salary 4 th and Subsequent: 4-weeks' salary
Positive Test Result	1 st Violation: 1/2-week salary 2 nd Violation: 1 week's salary 3 rd Violation: 2-weeks' salary 4 th and Subsequent: 3-weeks' salary
Failure to Cooperate with Testing or Clinical Care	1 st Violation: 1-week's salary 2 nd Violation: 2-weeks' salary 3 rd Violation: 3-weeks' salary 4 th Violation: 3-game suspension 5 th Violation: 4-game suspension 6 th Violation: 8-game suspension 7 th Violation: banishment for an indefinite period of at least one calendar year

32. The 2020 Policy thus draws an important distinction between positive or missed tests, which never result in suspension or banishment, and “failures to cooperate,” which may result in suspension after four such violations and banishment after seven. As the segregation of these categories in the Policy’s penalty provisions makes clear, positive tests and unexcused failures to appear for testing are categorically different from, and counted differently than, “failures to cooperate.” Per the 2020 Policy language, to discipline a player for “failure to cooperate” the NFL must show some deliberately obstructive conduct by the player, such as “[d]eliberate efforts to substitute or adulterate a specimen, alter a Test Result, evade or avoid testing or engage in prohibited doping methods.”²² In both its plain text and in the structure of the permissible penalties it provides, the 2020 Policy thus makes clear that positive tests or unexcused failures to appear for testing are

²¹ Policy at ¶ 1.5.2(c).

²² Policy at Appendix E.

never grounds for suspension or banishment, no matter how many violations occur and regardless of the player's status in the Intervention Program.

33. Disciplinary decisions under Section 1.5 are expressly appealable²³:

Section 1.5 Appeals. Any Player who is notified by the NFL Management Council that he is subject to a fine or suspension for violation of the terms of this Policy may appeal such discipline in writing within five (5) business days of receiving notice from the NFL that he is subject to discipline.

34. And the Policy provides that such appeals must be decided by independent, third-party arbitration²⁴:

All appeals under Section 1.5 of this Policy shall be heard by third-party arbitrators not affiliated with the NFL, NFLPA or Clubs.

The NFL clearly mislead the arbitrator at the Hearing and the arbitrator relied on the NFL's misrepresentations in reaching his Award decision.

35. Mr. Collins was suspended by the NFL on January 6, 2021, for five (5) games.
36. Mr. Collins timely appealed the imposition of the suspension on January 7, 2021.
37. On August 31, 2021, the Hearing was held in connection with Mr. Collins' appeal.
38. At the Hearing, on two separate occasions, the NFL intentionally mislead the arbitrator by stating Mr. Collins had previously received a four (4) game suspension from the NFL.

²³ Policy at ¶ 4.2.

²⁴ *Id.*

39. In its opening statement, the NFL stated: “*Mr. Collins was written up for a four-game suspension. And Mr. Collins was warned that any future failures to cooperate would result in a suspension. So here we are again with another failure to cooperate, and the NFL has suspended [Mr. Collins] for five games. That is progressive discipline, four to five.*”²⁵
40. In its closing statement, the NFL stated: “*Mr. Collins is only suspended for five games, and that is not outrageous, especially since we warned him after the four-game suspension.*”²⁶
41. On September 9, 2021, the Arbitrator issued the Award upholding the five (5) game suspension imposed against Mr. Collins.
42. The arbitrator stated in the Award that “*Mr. Collins previously had received a four-game suspension based on prior conduct, and the discipline imposed, a five-game suspension, is ‘additional’ to that and is the next logical progression from prior discipline. It is proportional and reasonable.*”²⁷
43. Mr. Collins has *never* been previously suspended by the NFL for any reason.
44. The Arbitrator upheld the five (5) game suspension imposed on Mr. Collins pursuant to Section 1.3.3 of the Policy.²⁸
45. Mr. Collins timely submitted a request for reconsideration and notice of appeal of the Defendants’ decision September 14, 2021.²⁹ On September 15, 2020, the hearing officer denied Mr. Collins’s and the NFLPA’s Motion to reconsider stating, “*I do not have jurisdiction to hear this motion.*”³⁰

²⁵ Hearing Transcript page 16, lines 2-10.

²⁶ Hearing Transcript page 249, lines 16-19.

²⁷ Arbitral Award No. 2021—#6 at ¶5.13.

²⁸ Arbitral Award No. 2021—#6 at ¶¶5.11, 5.12, and 5.20.

²⁹ A copy of Mr. Collins appeal dated June 23, 2020 is available as **Exhibit 6**.

³⁰ June 18, 2020, Letter from A. Birch.

The Immediate and Irreparable Harm to Mr. Collins

46. The Defendants' illegal and incorrect suspension of Mr. Collins's is indefensible under the terms of the 2020 Policy and will result in immediate and irreparable harm to Mr. Collins.
47. Mr. Collins suspension for games of the 2021 season will result in Mr. Collins missing approximately one third of the NFL regular season and approximately one third of his salary (\$516,666) for the 2021 season. Time is of the essence. On the other hand, if Mr. Collins is reinstated in time to participate in the entirety of the 2021 season, he has every reason to expect a highly remunerative career in the NFL. The injuries that will result to Mr. Collins if Defendants are not immediately enjoined from their continuing violations of the 2020 Policy are thus immediate, irreparable, and difficult or impossible to quantify.

Claims for Relief

Count One – Breach of Contract

48. On March 15, 2020, Defendants and the NFLPA, representing the NFL players including Mr. Collins, entered into the CBA and the Policy as a valid and enforceable contract with the terms laid out in detail above. Having exhausted his union and contractual remedies under the Policy, Mr. Collins is a proper party to bring suit against Defendants' breach of the CBA and Policy.
49. As set forth in detail above, Defendants have breached the CBA and the Policy in at least the following ways:
- By subjecting Mr. Collins to a form of discipline (i.e., suspension or banishment) that is not permitted for the kinds of violations Mr. Collins is alleged to have committed (i.e., positive marijuana tests and/or unexcused failures to appear for testing);
 - By denying Mr. Collins's Motion for Reconsideration despite the fact that the 2020 Policy does not permit suspension or banishment in these circumstances and the fact that the NFL intentionally mislead the arbitrator at the Hearing; and

- By refusing Mr. Collins an opportunity to appeal the denial of his reinstatement.

49. The specific breaches identified herein also establish that Defendants have breached their duty of good faith and fair dealing.

50. These breaches have proximately caused and will continue to cause Mr. Collins to suffer harm, including but not limited to lost earnings and other employment benefits, loss of future employment benefits, loss of future profits from endorsements and other business opportunities, and damage to his reputation and future employability and earning potential.

Count Two – Declaratory Judgment

51. Pursuant to the Uniform Declaratory Judgments Act³¹, Plaintiff seeks the following declarations from this Court:

- The 2020 Policy supersedes all prior policy versions and governs the treatment and discipline of players, including Mr. Collins, who were subject to discipline under the earlier and superseded policy at the time the 2020 Policy went into effect;
- The 2020 Policy does not authorize the suspension of Mr. Collins because Mr. Collins was not shown to have engaged in conduct for which suspension or banishment is an authorized form of discipline;
- The 2020 Policy provides a player with the right to appeal any disciplinary decision under Section 1.5 of the Policy, including the Commissioner’s decision denying Mr. Collins’s petition for reinstatement; and
- Mr. Collins is entitled to immediate reinstatement because the 2020 Policy does not authorize his continued suspension or banishment.

³¹ Texas Civil Practice & Remedies Code Ch. 37.

Count Three – Fraudulent Misrepresentation

52. At the Hearing, on two separate occasions, the NFL intentionally mislead the arbitrator by stating Mr. Collins had previously received a four (4) game suspension from the NFL.
53. In its opening statement, the NFL stated: *“Mr. Collins was written up for a four-game suspension. And Mr. Collins was warned that any future failures to cooperate would result in a suspension. So here we are again with another failure to cooperate, and the NFL has suspended [Mr. Collins] for five games. That is progressive discipline, four to five.”*³²
54. In its closing statement, the NFL stated: *“Mr. Collins is only suspended for five games, and that is not outrageous, especially since we warned him after the four-game suspension.”*³³
55. On September 9, 2021, the arbitrator issued the Award upholding the five (5) game suspension imposed against Mr. Collins.
56. The arbitrator stated in the Award that *“Mr. Collins previously had received a four-game suspension based on prior conduct, and the discipline imposed, a five-game suspension, is ‘additional’ to that and is the next logical progression from prior discipline. It is proportional and reasonable.”*³⁴
57. Mr. Collins has *never* been previously suspended by the NFL for any reason.
58. The Arbitrator upheld the five (5) game suspension imposed on Mr. Collins pursuant to Section 1.3.3 of the Policy.³⁵
59. Mr. Collins timely submitted a request for reconsideration and notice of appeal of the Defendants’ decision September 14, 2021.³⁶ On September 15, 2020, the hearing officer denied Mr.

³² Hearing Transcript page 16, lines 2-10.

³³ Hearing Transcript page 249, lines 16-19.

³⁴ Arbitral Award No. 2021—#6 at ¶ 5.13.

³⁵ Arbitral Award No. 2021—#6 at ¶¶ 5.11, 5.12, and 5.20.

³⁶ Mr. Collins appeal dated June 23, 2020.

Collins's and the NFLPA's Motion to reconsider stating, "*I do not have jurisdiction to hear this motion.*"³⁷

60. At the hearing, the NFL made representations on two occasions that Mr. Collins had been suspended previously four (4) games.
61. At all times the NFL knew that Mr. Collins in fact had never been suspended for any NFL games and knew at the time they made their representations and statements that the representations and statements were false.
62. The arbitrator in the matter specifically stated in his holding that "*Mr. Collins previously had received a four-game suspension based on prior conduct, and the discipline imposed, a five-game suspension, is 'additional' to that and is the next logical progression from prior discipline. It is proportional and reasonable.*"³⁸ Thus making the statements made by the NFL material.
63. The NFL intended that the arbitrator act on the representations in making his determination.
64. The arbitrator at all times was ignorant of the falsity of the representations made by the NFL.
65. The arbitrator used the misrepresentations in reaching his decision and award.
66. The arbitrator had every reason to rely on the NFL's statements.
67. Based upon the representations, the arbitrator suspended Mr. Collins for five (5) NFL games causing significant damages to Mr. Collins.
68. These fraudulent misrepresentations have proximately caused and will continue to cause Mr. Collins to suffer harm, including but not limited to lost earnings and other employment benefits, loss of future employment benefits, loss of future profits

³⁷ June 18, 2020, Letter from A. Birch.

³⁸ Arbitral Award No. 2021—#6 at ¶ 5.13.

from endorsements and other business opportunities, and damage to his reputation and future employability and earning potential.

Count Four – Application for Temporary Restraining Order and/or Temporary Injunction

69. This Court may issue preliminary injunctive relief in the form of a temporary restraining order or temporary injunction pursuant to Texas Rules of Civil Procedure 680 and 681.

70. This Court should grant an application for injunctive relief if the record establishes: (1) the plaintiff will suffer irreparable injury; (2) the plaintiff has no adequate remedy at law; (3) the plaintiff has a likelihood of success on the merits; (4) the harm to the plaintiff outweighs the harm to the defendant; and (5) the effect the injunctive relief has on the public interest.³⁹ All of these factors favor injunctive relief in this case:

71. First, as shown above, Plaintiff will suffer an immediate and irreparable injury if he is not immediately reinstated. Missing five (5) regular season games may gravely imperil Mr. Collins's chances of remaining on the Cowboys' 53-man roster as necessary to realize his full contractual pay and benefits. Continued suspension or banishment will also make it difficult or impossible for Mr. Collins to find a spot on any NFL team in this or future seasons, which will adversely impact his future employability and earning potential.

72. Second, Plaintiff has no adequate remedy at law because his continued suspension is likely to result in a loss of future earnings, business opportunities, employment and earning potential that is difficult or impossible to calculate or compensate with monetary damages.

73. Third, Plaintiff has shown a likelihood of success on the merits because Defendants' breaches of the Policy are clear and indefensible:

- The 2020 Policy expressly supersedes the prior policy under which Mr. Collins was suspended and provides

³⁹ See *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

that players subject to discipline under the superseded policy are to be treated under the 2020 Policy. The 2020 Policy also categorically eliminates suspension as forms of discipline that may be imposed on a player for Policy violations of the kind alleged against Mr. Collins (*i.e.*, positive and missed tests). Despite that, Defendants have refused to reinstate Mr. Collins and continue to subject him to a form of discipline that is not permitted under the 2020 Policy.

- The 2020 Policy expressly permits appeals from disciplinary decisions under Section 1.5 of the Policy. A decision denying reinstatement is a disciplinary decision under Section 1.5 of the Policy.

74. Fourth, the harm to Mr. Collins clearly outweighs any harm to Defendants. To Mr. Collins, this case presents the difference between a career in the NFL and a potential career-ruining suspension. The harm to him could not be clearer. In contrast, Defendants will suffer no harm at all if Mr. Collins is simply subject to the same discipline any other player would be subject to under the 2020 Policy. And there can be no suggestion that Defendants will be harmed by Mr. Collins being allowed to play, given that the Cowboys, an NFL member club, have already extended Mr. Collins's contract through the 2024 season.

75. Fifth and finally, the requested injunctive relief will have no adverse impact on the public interest as it will simply ensure that Mr. Collins is treated the same way as any other player under the 2020 Policy. If anything, the public interest weighs in favor of equitable application of the 2020 Policy to players already subject to discipline under the superseded policy.

76. For all the foregoing reasons, Mr. Collins respectfully requests that this Court issue a temporary restraining order, followed by a temporary injunction:

- Enjoining Defendants and any person acting in concert with them from continued suspension of Mr. Collins from participation in 2021 NFL season activities;

- Enjoining Defendants to from continuing to impose upon Mr. Collins any form of discipline, including suspension or banishment, not authorized by the 2020 Policy;
- Requiring Defendants to immediately reinstate Mr. Collins under the terms of Section 1.5 of the 2020 Policy.

77. Mr. Collins is willing to post bond in the amount the Court deems appropriate.

78. Mr. Collins respectfully requests that the Court set his application for temporary restraining order for hearing at the earliest possible date and set his application for a temporary injunction at a date not later than fourteen (14) days after entering the temporary injunction.

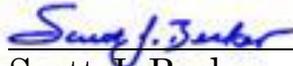
Prayer

Wherefore, premises considered, Plaintiff respectfully requests that, upon trial to a jury, this Court enter judgment in Mr. Collins's favor and against Defendants, and award Mr. Collins any just and proper relief to which he may be entitled, including:

1. A declaration in the form set forth in **Count Two** above;
2. A temporary restraining order and temporary injunction in the form set forth in **Count Three** above;
3. Lost wages, past and future, in an amount to be proven at trial;
4. Lost profits, past and future in an amount to be proven at trial;
5. Attorneys' fees and costs of court.

Respectfully submitted,

MCCATHERN, PLLC



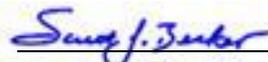
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LOCAL RULE 2.1.3 CERTIFICATE OF NOTICE OF ADVERSE PARTY

I certify that diligent attempts to notify counsel for the party against whom *ex parte* relief is sought have been unsuccessful and the circumstances do not permit additional efforts to give notice.



Scott J. Becker