ORIGINAL

No. 26-626

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In the Supreme Court of the United States

CHRISTOPHER MARTIN,

Petitioner,

v.

NFL DISABILITY PLAN AND
NFL RETIREMENT PLAN,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether equitable tolling of an ERISA plan's contractual limitations period remains available where a participant alleges that severe neurocognitive incapacity substantially interfered with his ability to understand and pursue administrative and judicial review, consistent with *Heimeshoff v. Hartford Life & Accident Insurance Co.*, 571 U.S. 99 (2013).

2. Whether dismissal on contractual limitations grounds is proper where a participant alleges that neurocognitive incapacity and the unavailability of material claim information substantially interfered with his ability to obtain the full and fair review required by ERISA, 29 U.S.C. § 1133.

PARTIES TO THE PROCEEDINGS

Petitioner and Plaintiff-Appellant below

- Christopher Martin

Respondents and Defendants-Appellees below

- NFL Disability Plan
- NFL Retirement Plan

Parties Who Have no Further Interest in the Case

Per Rule 12.6, Petitioner certifies that this appeal/ petition continues only against the NFL Disability Plan and NFL Retirement Plan. Thus, the following defendants-appellees have no further interest in the outcome of the petition. In addition, Petitioner will, concurrent with this petition, serve notice, per Rule 12.6 to the parties below.

- Michael B. Miller, Plan Director
- Gabriella Brown, Senior Coordinator – Player Benefits
- Anita Martin
- Legal Representatives of Anita Martin
- Colin M. Quinn
- Lewanna Bell Lloyd
- Judge Krishnan Christopher Jayaram
- Judge Christina Dunn Gyllenborg
- Leonard Math
- Mary R. Wyatt
- Tammy Parrott

LIST OF PROCEEDINGS

U.S. Court of Appeals for the Eighth Circuit
No. 25-2984
Christopher Martin v. NFL Disability Plan, et al.,
Judgment: June 8, 2026
Rehearing Denial: July 15, 2026

U.S. District Court, Western District of Missouri
No. 4:25-cv-00100-HFS
Christopher Martin v. NFL Disability Plan, et al.,
Dismissal Order: August 8, 2025
Order Denying Post-Judgment Review: Sept. 3, 2025

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PETITION FOR A WRIT OF CERTIORARI

Christopher Martin respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eighth Circuit.

OPINIONS BELOW

The unpublished opinion of the United States Court of Appeals for the Eighth Circuit, filed June 8, 2026, is reproduced in the Appendix at App.1a. That opinion affirmed the Order granting motion to dismiss, of the U.S. District Court for the Western District of Missouri. (App.12a) and the denial of Post-Judgment Review (App.3a) and Motion to Amend and Recuse/ Reassign Judge. (App.8a).

JURISDICTION

The United States Court of Appeals for the Eighth Circuit entered judgment on June 8, 2026. (App.1a). A timely petition for rehearing was denied on July 15, 2026. (App.28a). By letter from the Clerk of this Court dated August 19, 2026, Petitioner was provided an additional 60 days to file this petition. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

Section 503 of ERISA, 29 U.S.C. § 1133, requires adequate written notice of the specific reasons for a benefit denial and a reasonable opportunity for a full and fair review. The statute is reproduced at App.29a.

STATEMENT OF THE CASE

A. Scope of This Petition

This Petition is narrowly limited to Petitioner's claim for disability benefits under the NFL disability-benefit plan and the federal ERISA issues governing that claim. Although additional parties appear in the caption because they were parties in the proceedings below, Petitioner does not seek Supreme Court review of claims involving his former wife, state-court judges, domestic-relations proceedings, or any other non-NFL defendant.

Petitioner likewise does not seek damages or workers' compensation relief arising from the NFL concussion litigation or from the Kansas City Chiefs occupational-disease litigation. Those matters are referenced, if at all, only as context concerning the progressive and longitudinal nature of football-related neurological disability. The relief sought in this Petition concerns the NFL disability-benefit claim alone: whether Petitioner's neurological disability and resulting cognitive limitations may be considered in determining the

enforceability of the contractual limitations period and whether he received the review required by ERISA.

The issue before this Court is not who caused Petitioner's injuries. The issue is whether a disabled participant may lose his disability-benefit claim through expiration of a contractual deadline when the neurological disability underlying that claim substantially interfered with his ability to understand and pursue his rights.

Petitioner Christopher Martin is a retired professional football player with twelve credited NFL seasons. In 2008, during a temporary eligibility window, he applied for total and permanent disability benefits.

The Plan arranged examinations by neutral physicians and denied the application on July 30, 2008. The Plan later relied in federal court on a contractual provision requiring suit within 42 months after the final benefit decision.

Martin alleges that significant neurological impairment and the unavailability of material medical and administrative information substantially interfered with his ability to understand and pursue administrative and judicial review. Those allegations are not offered to ask this Court to decide whether he was medically disabled in 2008. They bear on the threshold question whether equitable tolling remained available when the contractual limitations provision was enforced.

On October 20, 2025, after the district court had entered judgment, the Social Security Administration issued a fully favorable decision finding Martin disabled beginning January 5, 2005. The district court later held that the SSA decision did not justify relief under Rule 60(b)(2), because the decision itself did not exist

when judgment was entered and because, in the court's view, it would not have changed the result.

B. Contractual Language at Issue

The 2008 Bert Bell/Pete Rozelle NFL Player Retirement Plan provided:

> "No suit or legal action with respect to an adverse benefit determination may be commenced more than 42 months from the date of the final decision on the claim for benefits (including the decision on review)."

App.30a.

Separate NFL disability-plan language recognizes that mental or physical incapacity can substantially interfere with filing a disability claim and excludes such periods from a distinct 42-month classification limitation when the Committee or Board makes the required finding. App.30a. Petitioner does not contend that this separate provision automatically rewrites the limitation-on-actions clause. Its significance is that the Plan itself recognizes the practical relationship between incapacity and the ability to pursue disability rights.

C. Post-2005 Work and Disability History

The January 5, 2005 onset date was ultimately established by the Social Security Administration after review of the longitudinal disability record. Petitioner's earnings history and later work record provide additional context for that retrospective finding. Although the record reflects limited work activity after the asserted onset date, Petitioner did not return to sustained gainful employment. His post-onset history

therefore is not offered as proof by itself that he was disabled; it is part of the longitudinal record against which the later federal disability determination may be understood.

The intervening years also were not years in which Petitioner navigated his medical, administrative, and legal affairs without assistance. Dr. Yolanda Thompson-Martin, Petitioner's wife since 2006, has declared from personal knowledge that she has served as his advocate, representative, and daily caregiver and has observed progressive physical and cognitive difficulties, including memory deficits, impaired executive functioning, chronic headaches, and significant difficulty understanding and participating in complex legal proceedings. Her declaration describes direct involvement in assisting him with administrative and legal matters.

This chronology addresses the period between the asserted 2005 onset and the 2025 SSA decision. Petitioner contends that the same progressive neurological impairment underlying his disability claim affected his ability to organize information, comprehend procedural requirements, and timely pursue disability rights. The earnings history, longitudinal medical evidence, caregiver observations, and later SSA determination are offered together to explain that history; none is presented as automatically establishing entitlement to NFL benefits.

The district court also noted that Martin's later 2025 NFL disability application and November 7, 2025 denial were not claims pleaded in this action. This petition therefore concerns the judgment reviewing the 2008 claim and the limitations ruling affirmed by the Eighth Circuit.

On June 8, 2026, the Eighth Circuit affirmed in an unpublished per curiam opinion. It stated that Martin challenged only the resolution of his ERISA claim, which the district court had concluded was time-barred, and that it found no basis for reversal.

This petition does not ask the Court to determine Martin's disability, award benefits, or convert a later SSA award into automatic NFL eligibility. It asks how *Heimeshoff*'s preserved equitable doctrines apply when the alleged extraordinary circumstance is severe neurocognitive impairment that itself interfered with the participant's ability to pursue review.

REASONS FOR GRANTING THE PETITION

I. *Heimeshoff* Preserves Equitable Tolling for Extraordinary Circumstances

Heimeshoff v. Hartford Life & Accident Insurance Co., 571 U.S. 99 (2013), holds that an ERISA plan's contractual limitations provision ordinarily should be enforced as written when reasonable and when no controlling statute provides otherwise. But *Heimeshoff* did not make contractual deadlines absolute. The Court expressly explained that courts remain equipped to apply waiver, estoppel, and equitable tolling in appropriate cases.

The distinction is central here. Martin does not ask the Court to invalidate the NFL Plan's 42-month limitation. He asks whether a court may enforce that limitation without meaningfully addressing an asserted extraordinary circumstance: neurocognitive impairment

alleged to have substantially interfered with understanding and acting upon legal rights.

That question fits within *Heimeshoff* rather than against it. *Heimeshoff* protected contractual finality while preserving traditional equitable doctrines for circumstances in which a participant diligently pursued rights but was prevented from timely filing by extraordinary circumstances. The unresolved issue is how that protection operates when the disabling condition itself allegedly impairs memory, executive functioning, comprehension, and the ability to navigate the claims process.

II. Mental Incapacity is a Recognized Federal Tolling Principle, but the ERISA Application Remains Fact-Intensive and Incompletely Developed

Federal appellate courts recognize that mental incapacity can, in sufficiently severe circumstances, support equitable tolling. The Eighth Circuit has held that a claimant seeking tolling on this ground must produce evidence that the mental condition prevented the claimant from understanding and managing affairs generally and from complying with the deadline. *Jessie v. Potter*, 516 F.3d 709, 715 (8th Cir. 2008).

The Seventh Circuit has applied the same principle directly to an ERISA contractual deadline. In *Di Joseph v. Standard Insurance Co.*, 776 F. App'x 343 (7th Cir. 2019), the court stated that ERISA permits equitable tolling of a contractual time limit in extraordinary circumstances, but rejected tolling on the facts because the claimant's own allegations and conduct did not plausibly show that her impairment prevented management of her affairs or legal rights.

The Second Circuit confronted a closely related ERISA problem in *Chapman v. ChoiceCare Long Island Term Disability Plan*, 288 F.3d 506 (2d Cir. 2002), where a mentally disabled claimant's benefit claim and administrative appeal were rejected as untimely. The court vacated and remanded, explaining that the district court's treatment of the tolling argument was erroneous, while declining at that stage to decide the broader question whether tolling applied to a deadline specified in the plan.

These decisions do not establish a clean merits split over the exact question presented here. They do, however, show a recurring federal issue: mental incapacity can be legally relevant to timeliness, yet courts apply that principle through different procedural settings and with demanding, fact-specific standards. Martin's Eighth Circuit disposition contains no separate analysis of that issue.

III. The Question Has National Importance for Participants with Latent and Progressive Disabilities Under ERISA

This case arises from professional football, but the legal problem is not confined to professional athletes. ERISA governs benefit plans throughout the Nation. Participants seeking disability benefits may suffer traumatic brain injury, progressive neurological disease, orthopedic degeneration, mental impairment, or other conditions whose disabling consequences become clear only when medical, occupational, and administrative evidence is examined over time.

Professional football also supplies a concrete example of why progressive neurological injury cannot always be understood as a single-event condition. In

Lewis v. Kansas City Chiefs Football Club, Inc., No. 4:14-cv-0004 (W.D. Mo.), eleven former Chiefs players pursued Missouri occupational-disease claims arising from repeated football exposure. Their remand memorandum stated that the claims arose under Missouri Workers' Compensation Law and relied on Missouri authority recognizing repeat-exposure occupational-disease claims. The filing further argued that the players need not identify a particular concussive injury as the exclusive cause of their conditions. *See* Memorandum in Support of Plaintiffs' Motion to Remand, Doc. 18, *Lewis*, No. 4:14-cv-0004 (W.D. Mo. Jan. 21, 2014).

That litigation does not establish that every traumatic brain injury or CTE diagnosis is an occupational disease, and Petitioner does not ask this Court to decide any Missouri workers' compensation issue or impose liability on any club or other party. Its significance here is limited to disability: repetitive professional-football exposure provides a concrete example of neurological injury whose disabling consequences may emerge and be documented longitudinally rather than at a single moment in time.

IV. ALETF Illustrates the Longitudinal Evidence Problem Without Creating a New Rule of Law

Petitioner presents the Athlete Longitudinal Evidence Translation Framework (ALETF) as an organizational methodology developed from the longitudinal study of his medical, occupational, administrative, and disability history, with substantial input from Dr. Yolanda Thompson-Martin. ALETF is not offered as an independently validated diagnostic instru-

ment, a substitute for ERISA, or a mandatory legal test. The occupational-disease history above illustrates the problem ALETF is intended to organize: repeated workplace exposure may precede the point at which the disabling neurological consequences are fully documented, while the resulting cognitive impairment may itself affect memory, comprehension, executive function, and the ability to pursue administrative remedies.

Its value is explanatory. Long-duration disability claims frequently contain evidence generated by different institutions at different times for different purposes. A static review can leave those records fragmented. ALETF organizes them into three levels: employer and Plan baseline evidence; later independent diagnostic and institutional evidence; and governmental administrative reconstruction. The framework therefore permits a court to view occupational exposure, contemporaneous medical evidence, later diagnostic evidence, and a retrospective governmental disability determination along one chronology without treating those distinct sources as legally interchangeable.

Tier I includes contemporaneous employer, Plan-neutral, occupational, and workers' compensation evidence. Tier II includes later diagnostic imaging, specialist examinations, academic evaluations, and other independent evidence capable of confirming or refining the earlier picture. Tier III includes a later governmental disability adjudication that may synthesize accumulated evidence and determine a retrospective onset date.

ALETF does not dictate the legal effect of any tier. Instead, it illustrates why a later piece of evidence may be relevant without automatically controlling an

earlier decision. That distinction is particularly important here. Martin's later SSA decision does not automatically entitle him to NFL benefits. But a retrospective federal finding of disability beginning in 2005 may be relevant to the factual allegation that serious impairment existed during the period in which he failed to pursue remedies.

The same organizational principle can assist courts and administrators beyond sports. It separates chronology from legal effect: evidence may be longitudinally connected even when different statutes, plans, and decisionmakers assign it different legal weight.

V. NFL Disability and Occupational-Disease Litigation Demonstrate a Recurring Federal Problem

Federal courts have repeatedly confronted NFL disability disputes involving progressive injuries, administrative procedure, later-developed evidence, and the requirement of reasoned review. Separate litigation involving former professional football players has also treated cumulative football exposure as a potential occupational-disease theory under state law. Together, these cases illustrate the recurring difficulty of assigning legal consequences to injuries that develop longitudinally rather than at one easily identifiable moment.

In *Jani v. Bert Bell/Pete Rozelle NFL Player Retirement Plan*, 209 F. App'x 305 (4th Cir. 2006), involving Hall of Fame center Mike Webster, the Fourth Circuit affirmed a judgment where the Board had ignored unanimous medical evidence, including evidence from its own expert, and had refused to toll

a Plan filing limitation. Although unpublished and fact-specific, Jani demonstrates the practical difficulty of assigning disability onset in progressive brain injury.

In *Solomon v. Bert Bell/Pete Rozelle NFL Player Retirement Plan*, 860 F.3d 259 (4th Cir. 2017), the Fourth Circuit held that the Board failed to engage in reasoned decision-making and failed to address material, uncontradicted evidence, including evidence from a Plan-selected physician. Under the Plan provisions applicable there, an SSA disability determination resulted in Solomon being deemed totally and permanently disabled; the remaining dispute concerned onset and classification.

In *Dimry v. Bert Bell/Pete Rozelle NFL Player Retirement Plan*, 855 F. App'x 378 (9th Cir. 2021), the Ninth Circuit found a full-and-fair-review violation where the Plan obtained new medical reports on remand but excluded the participant from meaningful dialogue about them. The court directed the district court to consider the fully developed evidence rather than return the matter to the *Plan*.

In *Cloud v. Bert Bell/Pete Rozelle NFL Player Retirement Plan*, 95 F.4th 964 (5th Cir. 2024), the Fifth Circuit described an NFL disability system serving former players living with debilitating and often degenerative injuries to brains and bodies. Although the court reversed the particular benefits remedy, it acknowledged serious concerns about the administrative process and stated that the Plan may well have denied Cloud a full and fair review.

These cases do not prove that every NFL disability denial is unlawful, that every brain injury is

an occupational disease, or that the Lewis plaintiffs established the merits of their occupational-disease allegations. They do show that the interaction of repetitive occupational exposure, progressive neurological injury, administrative procedure, medical evidence, and disability review is recurring rather than unique to Martin. That recurring problem strengthens the need for guidance on the narrower federal question presented here: whether severe neurocognitive incapacity may receive equitable consideration before a contractual ERISA limitations period permanently forecloses judicial review.

VI. Inter-Circuit Differences in ERISA Procedure Reinforce the Need for Clear Guidance, but Petitioner Does Not Overstate Them as a Direct Split on the Exact Question Presented

Research reveals a genuine inter-circuit divergence in the treatment and remedy of serious ERISA procedural defects, even though the precise mental-incapacity limitations question presented here has not produced a clean published split.

The Ninth Circuit's approach permits additional evidence when procedural irregularities prevent full development of the administrative record and, in appropriate circumstances, directs the district court to determine entitlement to benefits. *Dimry*, 855 F. App'x 378; *see also Abatie v. Alta Health & Life Insurance Co.*, 458 F.3d 955 (9th Cir. 2006) (en banc).

Other circuits ordinarily favor remand to the plan administrator when a participant was denied the full and fair administrative process ERISA requires. That remedial divergence concerns what federal courts should do after the administrative process has failed.

It is adjacent to, but not identical with, Martin's threshold limitations question.

The Court need not resolve that broader remedial disagreement to decide this case. The divergence nevertheless underscores the national need for clear rules governing the relationship among contractual finality, participant incapacity, administrative record development, and the equitable doctrines preserved by *Heimeshoff*.

Petitioner therefore does not manufacture a circuit split where the cases do not support one. The stronger Rule 10 consideration is that the petition presents an important and recurring question of federal ERISA law that has not been squarely resolved in the context of a contractual limitations defense and severe neurocognitive incapacity.

VII. The Subsequent SSA Determination is Relevant Context, Not an Automatic Entitlement Rule

The SSA's October 20, 2025 decision found Martin disabled beginning January 5, 2005. Because the decision postdated the district court's August 2025 judgment, the district court held that the decision itself was not newly discovered evidence within Rule 60(b)(2).

Martin does not ask this Court to disturb that procedural rule or to treat the SSA award as automatically binding on the NFL Plan. Its significance is narrower: it supplies later governmental context for the allegation that longstanding impairment existed during the period in which Martin failed to pursue administrative and judicial remedies.

That use of the SSA decision is consistent with ALETF's central distinction between evidentiary relevance and legal control. Later evidence may illuminate an earlier condition without automatically deciding the legal entitlement.

VIII. This Case is a Focused Vehicle for Review

The Eighth Circuit affirmed the time-bar ruling in an unpublished disposition without separately explaining whether equitable tolling based on neurocognitive incapacity was unavailable, insufficiently pleaded, forfeited, or unnecessary to address.

The Court need not decide whether Martin ultimately satisfies equitable tolling. It need not decide whether the NFL Plan correctly denied disability benefits in 2008. And it need not adopt ALETF as law.

The Court can decide the narrower federal question: what consideration must severe neurocognitive incapacity receive before an ERISA contractual limitations provision forecloses judicial review when the participant alleges that the impairment itself prevented timely pursuit of rights?

A limited disposition could vacate the judgment and remand for consideration of the limitations issue under the equitable framework preserved in *Heimeshoff*, leaving factual determinations and the ultimate benefit question to the lower courts and appropriate Plan decisionmakers.

CONCLUSION

Petitioner seeks relief solely concerning his NFL disability-benefit claim and seeks no relief from this Court against the domestic-relations parties, state-court judges, or other non-NFL parties appearing in the caption. For the foregoing reasons, the petition for a writ of certiorari should be granted. Alternatively, the Court should vacate the judgment below and remand for consideration of the contractual limitations issue, including Petitioner's asserted basis for equitable tolling based on neurocognitive incapacity, under the framework recognized in *Heimeshoff*.

Respectfully submitted,

/s/ Christopher Martin

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October 12, 2026