

# TOM BRADY TAPS OUT OF DEFLATEGATE AND OTHER TRASH TALK

Just posted a few minutes ago on Tom Brady's Facebook page:



**Tom Brady** ✓  
54 minutes ago



I'm very grateful for the overwhelming support I've received from Mr. Kraft, the Kraft family, coach Belichick, my coaches and teammates, the NFLPA, my agents, my loving family and most of all, our fans. It has been a challenging 18 months and I have made the difficult decision to no longer proceed with the legal process. I'm going to work hard to be the best player I can be for the New England Patriots and I look forward to having the opportunity to return to the field this fall.

👍 44K    💬 5.8K    ➦ 11K

Frankly, I am stunned. From the jump, Brady seemed to be a guy that would fight to the bitter end because he truly believed he was innocent and that the conduct of Roger Goodell and the NFL was dishonest and oppressive. And, frankly, every bit of research and evaluation of the case indicates that is exactly the case. My early analysis, which I still believe holds up nearly 100% is here. I touched significantly on why the Deflategate litigation was critical not just to Tom Brady, but to all organized labor operating in a Collective Bargaining Agreement (CBA). That is quite so, and the NFLPA has already indicated they may – may – continue on as a union to litigate this issue. We shall see, though they will be weakened without Brady being involved.

Having said that I am completely stunned Brady has tapped out, there are cognizable reasons for it. His best shot of success was with his petition for *wn banc* review in the 2nd Circuit, but that was denied Wednesday morning. To go further, Brady would have to file a petition for certiorari with the Supreme Court and seek to obtain a stay of his suspension while the cert petition was processed. That would have been a tall order. The first stop would have been the

2nd Circuit itself, which just dumped him, and then with Ruth Bader Ginsburg as the assigned Circuit Justice for the 2nd Circuit, and lastly to the full SCOTUS (which is not even in session currently).

I have a couple of sports law attorney friends I have found along the Deflategate way that thought Brady had a shot at a stay, maybe even odds as good as 50%. I thought that was probably entirely too optimistic, and not we will never know as the NFLPA does not have any need for a stay without Brady's suspension hanging in the mix.

Just spitballing here, but I am going to guess that Bill Belichick, Bob Kraft and the interests of the team were the deciding factor for Brady, and not the thin odds. You see, even if Brady had been granted a stay, unless the Supremes granted cert, there is a real chance that the four game suspension rears its ugly head again at the end of the season and/or even the playoffs. If the Patriots are going to lose Tom Brady, it is far better that it be in the first four games, most of which they may have a decent shot at winning even without Brady, than have it be at the end of the year or playoffs. Nathaniel Grow at Sports Law Blog has a good discussion of the timing issue if Brady had actually obtained a a stay. So, dollar to donuts, this was not just the deciding factor, but the only real factor. Money was never an issue.

Just so you know, the Pats open here in Arizona against the Cardinals on Sunday Night Football on NBC, and then are at home in Foxborough against the the Dolphins, Texans and Bills. They can win some, if not most, of those games with Jimmy G at QB.

So, there you go, Deflategate comes to an ignominious end, at least as to Tom Brady. But there are other sports issues in the air, not to mention a boatload of politics and other matters. So feel free to use this thread as an open forum.