

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**NATHANIEL D. ABRAHAM and )  
TUNISIA ABRAHAM, his wife; HIRAM )  
ALEX; JOHN W. ALEXANDER, JR.; )  
ANTONIO ANDERSON and ANA MARIE )  
ANDERSON, his wife; GENE ATKINS, )  
SR.; JAMES A. BAKER and SABRINA )  
BAKER, his wife; RANDY BALDWIN; )  
TATUM BELL; JESSE BENDROSS; )  
LUTHER BLUE and DEBRA L. CAIN- )  
BLUE, his wife; RONALD JEROME BLYE )  
and HARRIETTE BLYE, his wife; )  
REGINALDO BRANCH; JOHN )  
BRANTLEY, JR. and DIANE )  
BRANTLEY, his wife; ANTHONY )  
CARTER and KIMBERLY CARTER, his )  
wife; AVEION CASON; JEREMIAH )  
CASTILLE and LORI JEAN CASTILLE, )  
his wife; J'JUAN CHERRY; HENRY )  
CHILDS and CYNTHIA CHILDS, his wife; )  
JOHN COPELAND and MELISSA )  
COPELAND, his wife; ANTHONY DAVIS )  
and KELLY DAVIS, his wife; )  
CHRISTOPHER DOERING and )  
TIFFANY DOERING, his wife; )  
ANTHONY DORSETT, JR.; RANDY L. )  
FULLER and GUSSIE FULLER, his wife; )  
BRENT FULLWOOD and LANETTE )  
FULLWOOD, his wife; DERRICK L. )  
GAINER; EUGENE GOODLOW; )  
DENNIS HARRISON and IDA )  
HARRISON, his wife; VERRON HAYNES )  
and SHEENA HAYNES, his wife; DAVID )  
T. HENDRIX and MONICA HENDRIX, )  
his wife; THOMAS MICHAEL**

**JURY TRIAL DEMANDED**

**HENNIGAN and LESLIE HENNIGAN, his wife; KEVIN N. HOUSE, SR.; TYRONE L. HOWARD; CHARLES HURSTON and THOMASINA HURSTON, his wife; COURTNEY JACKSON; LENZIE JACKSON and SHERRIE JACKSON, his wife; LINDEL G. JAQUESS and BERTHA M. JAQUESS, his wife; ERIC K. JOHNSON and STACEY JOHNSON, his wife; MARVIN KELLUM and SANDRA KELLUM, his wife; WILLIAM KILMER and SANDY KILMER, his wife; ANTONIO LANGHAM; REGINALD JAMES LOWE; TONY MARTIN; NORRIS E. MCCLEARY, II; JOE MICKLES; CHRISTOPHER A. MITCHELL; SAM OLAJUBUTU, JR.; TITO PAUL and TAMARA PAUL, his wife; GERALD PERRY, SR.; DAVID ROCKER and TIFFANY ROCKER, his wife; ALLEN ROSSUM and ANGELA ROSSUM, his wife; DANTRELL SAVAGE; REGINALD BERNARD SLACK; CHARLES SMITH and MYNIQUE SMITH, his wife; ROBERT VINSON SMITH and MARIA A. ROBINSON-SMITH, his wife; JAMES W. STEFFEN; MATTHEW STEVENS; MATTHEW R. STORM and JENNIFER STORM, his wife; ARTHUR RAY STRAHAN and DELORIS JEAN STRAHAN, his wife; CORNELL M. THOMAS and DEIDRE THOMAS, his wife; LAWYER J. TILLMAN, JR. and VICKIE B. TILLMAN, his wife; JOE WALKER; KEN WATSON; FRED WEARY and CASEY WEARY, his wife;**

**TERRY WILLIAMS and TONYA  
WILLIAMS, his wife; ERIC YARBER and  
MICHELE YARBER, his wife;  
CHRISTOPHER L. YOUNG**

**Plaintiffs,**

**v.**

**NATIONAL FOOTBALL LEAGUE; and  
NFL PROPERTIES, LLC,**

**Defendants.**

**COMPLAINT FOR DAMAGES**

The Plaintiffs, all individuals, hereby file this Complaint for Damages and Jury Trial Demand against the above named Defendants, respectfully showing the Court the following:

**INTRODUCTION**

1. The National Football League (“NFL” or “the League”) is America’s most successful and popular sports league. With 32 member teams, the League is a multi-billion dollar business. The NFL is and has always been eager to avoid negative publicity and protect the product on the field. As a result, the NFL regulates just about everything as it pertains to their teams, including League policies, player appearances, marketing, and safety, among other activities.

2. As recognized by the League, professional football is a tough, aggressive, and physically demanding sport. Injuries are common. As such, it is vital to the safety of the players that the NFL act reasonably, to identify the risks of serious injury associated with playing professional football, to keep the teams and players informed of the risks that they identify, and to take reasonable steps to protect players. Aware of this responsibility, the NFL, through its own initiative, created the Mild Traumatic Brain Injury Committee (“MTBI” or “Committee”) in 1994 to research, and presumably looks to ameliorate, what was already a tremendous problem in the League – concussions.

3. Head injuries have been the topic in a wide variety of relatively recent news articles and television segments, and were addressed by the League in an announcement that it would penalize illegal blows to the head. But, as noted, head injuries are not a new problem. For decades, the League’s players have been plagued by the devastating effects of concussions.

4. Despite overwhelming medical evidence that on-field concussions lead directly to brain injuries and frequent tragic repercussions for retired players, the NFL not only failed to take reasonable actions in an attempt to protect players from suffering, but failed to inform players of the true risks associated with

concussions. Instead, the NFL chose to misrepresent and/or conceal medical evidence recognized by its “hand-picked” committee of physicians who were researching same. While athletes in other professional sports who had suffered concussions were being effectively withheld from play (“shut down”) for long periods of time or full seasons, NFL protocol was to return players who had suffered concussions to *the very game in which the injury occurred*.

5. The NFL has purposefully attempted to obfuscate the issue and has repeatedly refuted the connection between concussions and brain injury. Congress has vehemently objected to the NFL’s handling of the issue on several occasions. In the 17 years since its formation, the MTBI has served as nothing short of a roadblock to any genuine attempt to appropriately inform and protect teams and NFL players regarding concussions and resultant brain injury. The Committee’s misrepresentation and concealment of relevant medical information over the years has caused an increased risk of debilitating and/or life-threatening injury to players who were purposefully not being apprised of the findings.

6. The NFL has failed to satisfy its duty to take reasonable steps necessary to protect players from devastating head injuries. Moreover, the NFL

has downplayed and misrepresented the issues and misled players concerning the risks associated with concussions.

### **THE PARTIES**

7. Mr. Nathaniel D. Abraham and his wife, Tunisia Abraham, are citizens of the State of Florida, residing in Tarpon Springs, Pinellas County, Florida.

8. Mr. Hiram Alex is a citizen of the State of Texas, residing in Houston, Harris County, Texas.

9. Mr. John W. Alexander, Jr. is a citizen of the State of New Jersey, residing in Plainfield, Union County, New Jersey.

10. Mr. Antonio Anderson and his wife, Ana Marie Anderson, are citizens of the State of New York, residing in Riverdale, Bronx County, New York.

11. Mr. Gene Atkins, Sr. is a citizen of the State of Georgia, residing in Alpharetta, Fulton County, Georgia.

12. Mr. James A. Baker and his wife, Sabrina Baker, are citizens of the State of Ohio, residing in Avon, Lorain County, Ohio.

13. Mr. Randy Baldwin is a citizen of the State of Georgia, residing in Griffin, Spalding County, Georgia.

14. Mr. Tatum Bell is a citizen of the State of Colorado, residing in Aurora, Arapahoe County, Colorado.

15. Mr. Jesse Bendross is a citizen of the State of Florida, residing in West Park, Broward County, Florida.

16. Mr. Luther Blue and his wife, Debra L. Cain-Blue, are citizens of the State of Michigan, residing in West Bloomfield, Oakland County, Michigan.

17. Mr. Ronald Jerome Blye and his wife, Harriette Blye, are citizens of the State of Texas, residing in Denton, Denton County, Texas.

18. Mr. Reginaldo Branch is a citizen of the State of Florida, residing in Sanford, Seminole County, Florida.

19. Mr. John Brantley, Jr. and his wife, Diane Brantley, are citizens of the State of Georgia, residing in Bishop, Oconee County, Georgia.

20. Mr. Anthony Carter and his wife, Kimberly Carter, are citizens of the State of Florida residing in Lake Worth, Palm Beach County, Florida.

21. Mr. Aveion Cason is a citizen of the State of Texas residing in Grand Prairie, Tarrant County, Texas.

22. Mr. Jeremiah Castille and his wife, Lori Jean Castille, are citizens of the State of Alabama residing in Birmingham, Shelby County, Alabama.

23. Mr. J’Juan Cherry is a citizen of the State of California, residing in Berkeley, Alameda County, California.

24. Mr. Henry Childs and his wife, Cynthia Childs, are citizens of the State of Kansas residing in Lenexa, Johnson County, Kansas.

25. Mr. John Copeland and his wife, Melissa Copeland, are citizens of the State of Alabama residing in Tuscaloosa, Tuscaloosa County, Alabama.

26. Mr. Anthony Davis and his wife, Kelly Davis, are citizens of the State of Kansas residing in Olathe, Johnson County, Kansas.

27. Mr. Christopher Doering and his wife, Tiffany Doering, are citizens of the State of Florida residing in Gainesville, Alachua County, Florida.

28. Mr. Anthony Dorsett, Jr. is a citizen of the State of Texas residing in Dallas, Dallas County, Texas.

29. Mr. Randy Fuller and his wife, Gussie Fuller, are citizens of the State of Tennessee residing in Nashville, Davidson County, Tennessee.

30. Mr. Brent Fullwood and his wife, Lanette Fullwood, are citizens of the State of Georgia residing in Marietta, Cobb County, Georgia.

31. Mr. Derrick L. Gainer is a citizen of the State of Florida residing in Plant City, Hillsborough County, Florida.



32. Mr. Eugene Goodlow is a citizen of the State of Florida, residing in Miami, Miami-Dade County, Florida.

33. Mr. Dennis Harrison and his wife, Ida Harrison, are citizens of the State of Tennessee, residing in Nashville, Davidson County, Tennessee.

34. Mr. Verron Haynes and his wife, Sheena Haynes, are citizens of the State of Georgia, residing in Woodstock, Cherokee County, Georgia.

35. Mr. David T. Hendrix and his wife, Monica Hendrix, are citizens of the State of Georgia, residing in Lithonia, DeKalb County, Georgia.

36. Mr. Thomas Michael Hennigan and his wife, Leslie Hennigan, are citizens of the State of Tennessee, residing in Cookeville, Putnam County, Tennessee.

37. Mr. Kevin N. House, Sr. is a citizen of the State of Florida residing in Riverview, Hillsborough County, Florida.

38. Mr. Tyrone L. Howard is a citizen of the State of Ohio, residing in Dublin, Franklin County, Ohio.

39. Mr. Courtney Jackson is a citizen of the State of Texas, residing in Houston, Harris County, Texas.

40. Mr. Charles Hurston and his wife, Thomasina Hurston, are citizens of the State of Georgia, residing in Johns Creek, Fulton County, Georgia.

41. Mr. Lenzie Jackson and his wife, Sherri Jackson, are citizens of the State of Arizona, residing in Gilbert, Maricopa County, Arizona.

42. Mr. Lindel G. Jaquess and his wife, Bertha M. Jaquess, are citizens of the State of California, residing in El Cajon, San Diego County, California.

43. Mr. Eric K. Johnson and his wife, Stacey Johnson, are citizens of the State of Georgia, residing in Ellenwood, DeKalb County, Georgia.

44. Mr. Marvin Kellum and his wife, Sandra Kellum, are citizens of the State of Pennsylvania, residing in Pittsburgh, Allegheny County, Pennsylvania.

45. Mr. William Kilmer and his wife, Sandy Kilmer, are citizens of the State of Florida, residing in Coral Springs, Broward County, Florida.

46. Mr. Antonio Langham is a citizen of the State of Alabama, residing in Birmingham, Shelby County, Alabama.

47. Mr. Reginald James Lowe is a citizen of the State of Georgia, residing in Waverly Hall, Harris County, Georgia.

48. Mr. Tony Martin is a citizen of the State of Georgia, residing in Mableton, Cobb County, Georgia.

49. Mr. Norris E. McCleary, II is a citizen of the State of North Carolina, residing in Kings Mountain, Cleveland County, North Carolina.

50. Mr. Joe Mickles is a citizen of the State of Mississippi, residing in Oxford, Lafayette County, Mississippi.

51. Mr. Christopher A. Mitchell is a citizen of the State of Alabama, residing in Birmingham, Jefferson County, Alabama.

52. Mr. Sam Olajubutu, Jr. is a citizen of the State of Georgia, residing in LaGrange, Troup County, Georgia.

53. Mr. Tito Paul and his wife, Tamara Paul, are citizens of the State of Ohio, residing in Powell, Delaware County, Ohio.

54. Mr. Gerald Perry, Sr. is a citizen of the State of Georgia, residing in Lithonia, DeKalb County, Georgia.

55. Mr. David Rucker and his wife, Tiffany Rucker, are citizens of the State of Georgia, residing in Fayetteville, Fayette County, Georgia.

56. Mr. Allen Rossum and his wife, Angela Rossum, are citizens of the State of Georgia, residing in Braselton, Gwinnett County, Georgia.

57. Mr. Dantrell Savage is a citizen of the State of Georgia, residing in Columbus, Muscogee County, Georgia.

58. Mr. Reginald Bernard Slack is a citizen of the State of Florida, residing in Pensacola, Escambia County, Florida.

59. Mr. Charles Smith and his wife, Mynique Smith, are citizens of the State of Georgia, residing in Suwanee, Gwinnett County, Georgia.

60. Mr. Robert Vinson Smith and his wife, Maria A. Robinson-Smith, are citizens of the State of North Carolina, residing in Statesville, Iredell County, North Carolina.

61. Mr. James W. Steffen is a citizen of the State of Maryland, residing in Arnold, Anne Arundel County, Maryland.

62. Mr. Matthew Stevens is a citizen of the State of North Carolina, residing in Chapel Hill, Chatham County, North Carolina.

63. Mr. Matthew R. Storm and his wife, Jennifer Storm, are citizens of the State of Georgia, residing in Marietta, Cobb County, Georgia.

64. Mr. Arthur Ray Strahan and his wife, Deloris Jean Strahan, are citizens of the State of Texas, residing in Houston, Harris County, Texas.

65. Mr. Cornell M. Thomas and his wife, Deidre Thomas, are citizens of the State of Georgia, residing in Locust Grove, Henry County, Georgia.

66. Mr. Lawyer J. Tillman, Jr. and his wife, Vickie B. Tillman, are citizens of the State of Alabama, residing in Eight Mile, Mobile County, Alabama.

67. Mr. Joe Walker is a citizen of the State of Texas, residing in Cedar Hill, Dallas County, Texas.

68. Mr. Ken Watson is a citizen of the State of Texas, residing in Woodlands, Harris County, Texas.

69. Mr. Fred Weary and his wife, Casey Weary, are citizens of the State of Texas, residing in Pearland, Brazoria County, Texas.

70. Mr. Terry Williams and his wife, Tonya Williams, are citizens of the State of Florida, residing in Daytona Beach, Volusia County, Florida.

71. Mr. Eric Yarber and his wife, Michele Yarber, are citizens of the State of California, residing in Pacific Palisades, Los Angeles County, California.

72. Mr. Christopher L. Young is a citizen of the State of Colorado, residing in Aurora, Arapahoe County, Colorado.

73. All Defendants, and each of them, are legally responsible for the injuries and damages complained of herein.

74. At all times herein mentioned, Defendants, and each of them, were the agents, servants, and employees of each of the other, acting within the course and scope of said agency and employment.

75. Defendant NFL is a nonprofit, non-incorporated entity organized and existing under the laws of the State of New York, with its principal place of business at 345 Park Avenue, New York, NY 10017. The NFL is not, and has not been, the employer of Plaintiffs, who were employed by independent team clubs during their career in professional football. The NFL regularly conducts business in Georgia.

76. Defendant NFL Properties, LLC, as the successor-in-interest to National Football League Properties, Inc. (“NFL Properties”) is a limited liability company organized under the laws of the State of Delaware with its principal place of business in the State of New York. NFL Properties is engaged in, among other activities, approving, licensing and promoting equipment by all the NFL teams. NFL Properties regularly conducts business in Georgia.

## **JURISDICTION AND VENUE**

77. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), as there is diversity of citizenship and the amount in controversy exceeds \$75,000, exclusive of interests and costs.

78. This Court has personal jurisdiction over Defendants as it does business in Georgia, has a franchise which plays in Georgia, and derives substantial revenue from its contacts with Georgia.

79. Venue properly lies in this district pursuant to 28 U.S.C. § 1391(a)(2) and 1391(b)(2) as a substantial part of the events and/or omissions giving rise to the claims emanated from activities within this jurisdiction and the Defendants conduct substantial business in this jurisdiction.

## **ALLEGATIONS APPLICABLE TO ALL COUNTS** **THE NATIONAL FOOTBALL LEAGUE**

80. The NFL acts as a trade association for thirty-two (32) franchise owners, and consists of two (2) structured conferences, the AFC and the NFC comprised of thirty-two (32) teams.

81. The NFL is a separate entity from each of its teams. *American Needle, Inc. v. NFL, et al.*, 130 S. Ct. 2201 (U.S. 2010).

82. Each team functions as a separate business but operates under shared revenue generated through broadcasting, merchandising and licensing.

83. The NFL governs and promotes the game of American football, sets and enforces rules and league policies, and regulates team ownership. It generates revenue mostly through marketing sponsorships, licensing merchandise and by selling national broadcasting rights to the games. The teams share a percentage of the League's overall revenue.

84. Owing in part to its immense financial power and status in American football, the NFL has assumed enormous influence over the research and education of football injuries to physicians, trainers, coaches, and amateur football players at all levels of the game.

85. The League's website [www.nflhealthandsafety.com](http://www.nflhealthandsafety.com) states that USA Football, the sport's national governing body, "is the Official Youth Football Development Partner of the NFL and the NFL Players Association. The independent non-profit organization leads the development of youth, high school and international amateur football. In addition, USA Football operates programs and builds resources to address key health and safety issues in partnership with leading medical organizations. The organization was endowed by the NFL and



NFLPA through the NFL Youth Football Fund in 2002. USA Football stands among the leaders in youth sports concussion education, particularly for football.”

### **THE NFL AND THE CBA**

86. Until March of 2011, all NFL players were members of a union called the National Football League Players Association (“NFLPA”). The NFLPA negotiates the general minimum contract for all players in the League with the National Football League Management Council (“NFLMC”). This contract is called the Collective Bargaining Agreement (“CBA”) and it is the central document that governs the negotiation of individual player contracts for all of the League’s players. However, the NFL retired players have not been the subject of or a party to the CBA.

87. Plaintiffs are retirees and not signatories to the CBA, nor are they the subject of or a party to an agreement between the NFL and the NFLPA. Plaintiffs’ claims are not preempted by federal labor law since the CBA does not apply to their claims.

### **THE NATURE OF HEAD INJURIES SUFFERED BY NFL PLAYERS**

88. The American Association of Neurological Surgeons defines a concussion as “a clinical syndrome characterized by an immediate and transient

alteration in brain function, including an alteration of mental status and level of consciousness, resulting from mechanical force or trauma.” The injury generally occurs when the head either accelerates rapidly and then is stopped, or is spun suddenly. The results frequently include confusion, blurred vision, memory loss, nausea and, sometimes, unconsciousness.

89. A hit to the head may result in smashing, jiggling and torquing of the brain while causing strains and tears, snapping blood vessels, killing brain cells (neurons) and shearing the delicate connections (axons) that link this incredibly complex organ.

90. Medical evidence has shown that symptoms of a concussion can reappear hours or days after the injury, indicating that the injured party had not healed from the injury.

91. According to neurologists, once a person suffers a concussion, he is as much as four times more likely to sustain a second concussion. Additionally, after several concussions, a lesser impact may cause the injury, and the injured player requires more time to recover.

92. Clinical and neuropathological studies by some of the nation’s foremost experts demonstrate that multiple concussions sustained during an NFL

player's career may cause severe cognitive problems such as depression and early-onset dementia.

93. Chronic Traumatic Encephalopathy ("CTE") is a progressive degenerative disease of the brain found in athletes (and others) with a history of repetitive concussions. Conclusive studies have shown this condition to be prevalent in retired professional football players who have a history of head injury.

94. Head trauma, which includes multiple concussions, triggers progressive degeneration of the brain tissue. These changes in the brain can begin months, years, or even decades after the last concussion or end of active athletic involvement. The brain degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse control problems, aggression, depression, and eventually, progressive dementia.

95. In 2002, Dr. Bennet Omalu, a forensic pathologist and neuropathologist, found CTE in the brain of NFL Hall of Famer Mike Webster.

96. By 2007, Dr. Omalu found a fourth case linking the death of a former NFL player to CTE from his football career.

97. Around the same time period, the University of North Carolina's Center for the Study of Retired Athletes published survey-based papers in 2005

through 2007 that found a clear correlation between NFL football and depression, dementia, and other cognitive impairment.

98. In 1994, the NFL undertook the responsibility of studying concussion research through funding the MTBI Committee.

99. The NFL MTBI Committee published its findings in 2004 showing “no evidence of worsening injury or chronic cumulative effects” from multiple concussions. In a related study, the Committee found “many NFL players can be safely allowed to return to play” on the day of a concussion if they are without symptoms and cleared by a physician.

100. Commissioner Roger Goodell in June of 2007 admitted publicly that the NFL has been studying the effects of traumatic brain injury for “close to 14 years...”

101. It was not until June of 2010 that the NFL publicly acknowledged that concussions can lead to dementia, memory loss, CTE and related symptoms by publishing warnings to every player and team.

102. To date, neuroanatomists have performed autopsies on 13 former NFL players who died after exhibiting signs of degenerative brain disease. Twelve of these players were found to have suffered from CTE.

103. Until very recently, CTE could only be diagnosed by autopsy.

**NFL'S DUTY TO PLAYERS AND THE PUBLIC**

104. The NFL overtly undertook a duty to study concussions on behalf of NFL players.

105. The NFL owed a duty to players including Plaintiffs, in the following respects:

(a) It owed a duty of reasonable care to protect Plaintiffs on the playing field;

(b) It owed a duty of reasonable care to Plaintiffs to educate them and other players in the NFL about CTE and/or concussion injury;

(c) It owed a duty of reasonable care to Plaintiffs to educate trainers, physicians, and coaches about CTE and/or concussion injury;

(d) It owed a duty of reasonable care to Plaintiffs to have in place strict return-to-play guidelines to prevent CTE and/or concussion injury;

(e) It owed a duty of reasonable care to Plaintiffs to promote a “whistleblower” system where teammates would bring to the attention of a trainer, physician, or coach that another player had sustained concussion injury;

(f) It owed a duty of reasonable care to Plaintiffs to design rules and penalties for players who use their head or upper body to hit or tackle;

(g) It owed a duty of reasonable care to Plaintiffs to design rules to eliminate the risk of concussion during games and/or practices;

(h) It owed a duty of reasonable care to Plaintiffs to promote research into and cure for CTE and the effects of concussion injury over a period of time; and

(i) It owed a duty of reasonable care to State governments, local sports organizations, all American Rules Football leagues and players, and the public at large to protect against the long-term effects of CTE and/or concussion injury.

106. The NFL knew as early as the 1920's of the potential harmful effects on player's who suffer concussions; however, until June of 2010, they concealed these facts from coaches, trainers, players, and the public.

107. Plaintiffs did not know, nor did they have reason to know, the long-term effects of concussions and relied on the Defendants to provide reasonable warnings, rules, regulations and studies.

## **DEFENDANTS' KNOWLEDGE OF THE RISK OF CONCUSSIONS**

108. For decades, Defendants have known that multiple blows to the head can lead to long-term brain injury, including memory loss, dementia, depression, and CTE and its related symptoms.

109. This action arises from Defendants' failure to warn and protect NFL players, such as Plaintiffs, against long-term brain injury risks associated with football-related concussions.

110. While Defendants undertook to investigate, research, and promulgate multiple safety rules, Defendants were negligent in failing to act reasonably and exercise their duty to enact reasonable league-wide guidelines and mandatory rules regulating post-concussion medical treatment and return-to-play standards for players who had suffered a concussion and/or multiple concussions.

111. Defendants affirmatively assumed a duty to use reasonable care in the study of post-concussion syndrome, and to use reasonable care in the publication of data from the MTBI Committee's work.

112. Rather than exercising reasonable care in these duties, Defendants immediately engaged in a long-running course of negligent conduct.

113. By failing to exercise their duty to enact reasonable and prudent rules to better protect players against the risks associated with repeated brain trauma, Defendants' failure to exercise their independent duty has led to the deaths of some, and brain injuries of many other former players, including Plaintiffs.

114. Defendants' ongoing undertaking to protect the health and safety of the players is evidenced by the NFL's enactment of at least the following non-exhaustive list of rules pertaining to players' health and safety:

(a) In 1956, the NFL enacted a rule that prohibited the grabbing of any player's facemask, other than the ball carrier;

(b) In 1962, the NFL enacted a rule that prohibited players from grabbing any player's facemask;

(c) In 1976, the NFL enacted a rule that prohibited players from grabbing the facemask of an opponent. The penalty for an incidental grasp of the facemask was 5 yards. The penalty for twisting, turning, or pulling the facemask was 15 yards. A player could be ejected from the game if the foul is judged to be vicious and/or flagrant;

(d) In 1977, the NFL enacted a rule that prohibited players from slapping the head of another player during play. This rule was referred to as the



“Deacon Jones Rule,” named after the Rams’ defensive end who frequently used this technique;

(e) In 1977, the NFL enacted a rule that prohibited Offensive Lineman from thrusting their hands into a defender’s neck, face, or head;

(f) In 1979, the NFL enacted a rule that prohibited players from using their helmets to butt, spear, or ram an opponent. Pursuant to this rule, any player who used the crown or top of his helmet unnecessarily will be called for unnecessary roughness;

(g) In 1980, the NFL enacted rule changes that provided greater restrictions on contact in the area of the head, neck, and face;

(h) In 1980, the NFL enacted rule changes that prohibited players from directly striking, swinging, or clubbing the head, neck, or face (“personal foul”). Beginning in 1980, a penalty could be called for such contact whether or not the initial contact was made below the neck area;

(i) In 1982, the NFL enacted a rule change by which the penalty for incidental grabbing of a facemask by a defensive team was changed from 5 yards to an automatic first down plus a 5 yard penalty;

(j) In 1983, the NFL enacted a rule that prohibited players from using a helmet as a weapon to strike or hit an opponent;

(k) In 1988, the NFL enacted a rule that prohibited defensive players from hitting quarterbacks below the waist while they are still in the pocket. (The rule was unofficially called the “Andre Waters Rule” based upon a hit that Waters placed on Los Angeles Rams quarterback Jim Everett in 1988); and

(l) Following the 2004-2005 season, the NFL’s Competition Committee reviewed video of the entire season and concluded that the horse-collar tackle resulted in six serious injuries. On May 23, 2005, the NFL owners voted 27-5 to ban such tackles. The ban states that a horse-collar tackle is an open-field tackle in which a defender uses the shoulder pads to immediately bring a ball carrier down.

115. However, the Defendants failed to enact reasonable rules and regulations for the prevention of traumatic brain injuries.

**NFL FRAUDULENTLY CONCEALED**  
**THE LONG-TERM EFFECTS OF CONCUSSIONS**

116. Instead of taking measures to actually protect its players from suffering brain injuries, the NFL created the MTBI Committee in 1994 to ostensibly study the effects of concussions on NFL players.

117. The MTBI Committee was chaired by Dr. Elliot Pellman, the New York Jets team trainer, a rheumatologist who is not certified as a brain injury and/or concussion specialist.

118. After 14 years of studies, and after numerous medical journal articles written by the NFL's MTBI Committee, Defendants concluded that "[b]ecause a significant percentage of players returned to play in the same game [after suffering a mild traumatic brain injury] and the overwhelming majority of players with concussions were kept out of football-related activities for less than 1 week, it can be concluded that mild TBI's in professional football are not serious injuries." *See* "Concussion in professional football: Summary of the research conducted by the National Football League's Committee on Mild Traumatic Brain Injury." *Neurosurg Focus* 21 (4):E12; 2006, RI. Pellman and D.C. Viano.

119. According to Defendants' own "studies," the speedy return to play after suffering a concussion demonstrates that such players were at no greater risk of suffering long-term brain injury.

120. The NFL-funded study is completely devoid of logic and science. More importantly, it is contrary to their Health and Safety Rules as well as 75 years of published medical literature on concussions.

121. A series of clinical and neuropathological studies performed by independent scientists and physicians demonstrated that multiple NFL induced-concussions cause cognitive problems such as depression, early on-set dementia and CTE.

122. In response to these studies, Defendants, to further a scheme of fraud and deceit, had members of the NFL's MTBI Committee deny knowledge of a link between concussion and cognitive decline.

123. When the NFL's MTBI Committee anticipated studies that would show causal links between concussion and cognitive degeneration, the Committee promptly published articles producing contrary findings, as part of Defendants' scheme to deceive Congress, the players and the public at large.

124. Dr. Bennet Omalu examined the brain tissue of deceased NFL players including Mike Webster, Terry Long, Andrew Waters and Justin Strzelczyk. Dr. Omalu in an article in *Neurosurgery* concluded that CTE triggered by multiple NFL concussions, was a partial cause of their death.

125. In response to Dr. Omalu's article, Defendants' MTBI Committee, (Drs. Ira Casson, Eliot Pellman and David Viano) wrote a letter to the editor of *Neurosurgery* asking that Dr. Omalu's article be retracted.

126. A clinical study performed by Dr. Kevin Guskiewicz found that retired players who sustained three or more concussions in the NFL had a five-fold prevalence of mild cognitive impairment. The NFL's MTBI Committee, (Dr. Mark Lowell), promptly attacked the article by refusing to accept a survey of 2,400 former NFL players.

127. Because of Congressional scrutiny and media pressure, the NFL scheduled a league-wide Concussion Summit for June 2007. Defendants, in furtherance of their scheme of deceit issued a pamphlet to players in August 2007, which stated: "there is no magic number for how many concussions is too many."

128. When Boston University's Dr. Ann McKee found CTE present in the brains of two more deceased NFL players, a member of the Committee

characterized each study as an “isolated incident” from which no conclusion could be drawn.

129. The NFL MTBI Committee has been on direct notice of multiple NFL head injuries contributing to cognitive decline in later life, yet it has never amended the 2007 NFL’s MTBI Committee statement: “Current research with professional athletes has not shown that having more than one or two concussions leads to permanent problems... It is important to understand that there is no magic number for how many concussions is too many.”

130. Defendants have yet to amend these inaccurate and misleading statements.

**DEFENDANTS ACKNOWLEDGE THEIR DUTY TO  
PROTECT AGAINST THE LONG-TERM RISK OF CONCUSSIONS**

131. On August 14, 2007, Defendants acknowledged their duty to players by enacting rules to protect them against the risk associated with repeated brain trauma.

132. The NFL’s 2007 concussion guidelines, many of which stemmed from an NFL conference in June of 2007 involving team trainers and doctors, were sent to all current players and other team personnel.

133. The NFL's 2007 guidelines on concussion management include a whistle-blower provision for individuals to report concussions with the League so that a player with a head injury is not forced to practice or play against medical advice.

134. The NFL's 2007 concussion guidelines also include an informational pamphlet provided to all current NFL players to aid in identifying symptoms of a concussion. This information was later withdrawn by outside counsel of the NFL in a separate letter to its disability plan, as well as the NFL's August 14, 2007 press release denying that "more than one or two concussion leads to permanent problems."

135. In a statement issued by the NFL on August 14, 2007, Roger Goodell, the Commissioner of the NFL, introduced the NFL's 2007 concussion guidelines by saying, "We want to make sure all NFL players, coaches and staff members are fully informed and take advantage for the most up-to-date information and resources as we continue to study the long-term impact of concussions."

136. The NFL's Commissioner also stated, "[b]ecause of the unique and complex nature of the brain, our goal is to continue to have concussions managed

conservatively by outstanding medical personnel in a way that clearly emphasized player safety over competitive concerns.”

137. The NFL’s 2007 concussion guidelines indicate when a player with a concussion can return to a game or practice.

138. The NFL’s 2007 concussion guidelines specifically mandate that a player should have normal neurological test results and no concussion symptoms before returning to play.

139. Defendants acknowledged that said guidelines were inadequate and insufficient. As a result, the NFL enacted more strict regulations to handle concussions starting in the 2009 season. Specifically, the NFL announced new rules requiring players who exhibit any significant signs of concussion to be removed from a game or practice and be barred from returning the same day.

140. Nevertheless, it was not until June of 2010 that the NFL warned any player of the long-term risks associated with multiple concussions, including dementia, memory loss, CTE and its related symptoms.

141. As of today, Defendants have not warned retired players of the long-term health effects of concussions.



**DEFENDANTS' CONDUCT**  
**WAS DELIBERATE, WILFULL AND WANTON**

142. The aforementioned acts and omissions of Defendants demonstrate that they acted deliberately, willfully, and wantonly with indifference to the rights and duties owed and consequences to Plaintiffs.

143. Defendants knew that a substantial risk of physical and mental harm to the NFL players existed in connection with repeated concussive blows to the head, to wit: the danger of irreversible brain-damage and/or dementia. Defendants willfully and deliberately disregarded the safety of others in continually undertaking to establish and promulgate safety rules for the NFL that failed to reasonably address or disclose substantial risk of head injury.

**PLAINTIFFS NATHANIEL D. ABRAHAM AND TUNISIA ABRAHAM**

144. Plaintiff Nathaniel D. Abraham played nine (9) NFL seasons from 1996 – 2004 for the Tampa Bay Buccaneers and the New York Jets.

145. Throughout his career as a professional football player, Plaintiff Nathaniel D. Abraham suffered multiple concussive hits and blows to the head.

146. Plaintiff Nathaniel D. Abraham was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-

managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

147. Plaintiff Nathaniel D. Abraham suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches, vertigo, sensitivity to light, and fatigue.

148. Plaintiff's wife, Tunisia Abraham, brings a claim for loss of consortium.

### **PLAINTIFF HIRAM ALEX**

149. Plaintiff Hiram Alex played three (3) NFL seasons from 1992 - 1995 for the Atlanta Falcons and Minnesota Vikings.

150. Throughout his career as a professional football player, Plaintiff Hiram Alex suffered multiple concussive hits and blows to the head.

151. Plaintiff Hiram Alex was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

152. Plaintiff Hiram Alex suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

**PLAINTIFF JOHN W. ALEXANDER, JR.**

153. Plaintiff John W. Alexander, Jr. played two (2) NFL seasons from 1977 – 1978 for the Miami Dolphins.

154. Throughout his career as a professional football player, Plaintiff John W. Alexander, Jr. suffered multiple concussive hits and blows to the head.

155. Plaintiff John W. Alexander, Jr. was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

156. Plaintiff John W. Alexander, Jr. suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches and dizziness.

**PLAINTIFFS ANTONIO ANDERSON AND ANA MARIE ANDERSON**

157. Plaintiff Antonio Anderson played two (2) NFL seasons from 1997 – 1998 for the Dallas Cowboys.

158. Throughout his career as a professional football player, Plaintiff Antonio Anderson suffered multiple concussive hits and blows to the head.

159. Plaintiff Antonio Anderson was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

160. Plaintiff Antonio Anderson suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

161. Plaintiff's wife, Ana Marie Anderson, brings a claim for loss of consortium.

**PLAINTIFF GENE ATKINS, SR.**

162. Plaintiff Gene Atkins, Sr. played ten (10) NFL seasons from 1987 – 1996 for the New Orleans Saints and the Miami Dolphins.

163. Throughout his career as a professional football player, Plaintiff Gene Atkins, Sr. suffered multiple concussive hits and blows to the head.

164. Plaintiff Gene Atkins, Sr. was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed

equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

165. Plaintiff Gene Atkins, Sr. suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, fatigue, difficulty concentrating, and sleeplessness.

**PLAINTIFFS JAMES A. BAKER AND SABRINA BAKER**

166. Plaintiff James A. Baker played thirteen (13) NFL seasons from 1978 – 1990 for the Detroit Lions, the St. Louis Cardinals, the Cleveland Browns and the Minnesota Vikings.

167. Throughout his career as a professional football player, Plaintiff James A. Baker suffered multiple concussive hits and blows to the head.

168. Plaintiff James A. Baker was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

169. Plaintiff James A. Baker suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, sleeplessness, depression, and confusion/disorientation.

170. Plaintiff's wife, Sabrina Baker, brings a claim for loss of consortium.

**PLAINTIFF RANDY BALDWIN**

171. Plaintiff Randy Baldwin played six (6) NFL seasons from 1991 – 1996 for the Minnesota Vikings, Cleveland Browns, Carolina Panthers, San Francisco 49ers and the Baltimore Ravens.

172. Throughout his career as a professional football player, Plaintiff Randy Baldwin suffered multiple concussive hits and blows to the head.

173. Plaintiff Randy Baldwin was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

174. Plaintiff Randy Baldwin suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, difficulty concentrating, and blurred vision.

**PLAINTIFF TATUM BELL**

175. Plaintiff Tatum Bell played five (5) NFL seasons, from 2004 – 2008 for the Denver Broncos and the Detroit Lions.

176. Throughout his career as a professional football player, Plaintiff Tatum Bell suffered multiple concussive hits and blows to the head.

177. Plaintiff Tatum Bell was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

178. Plaintiff Tatum Bell suffers from multiple past traumatic brain injuries with symptoms including but not limited to, migraines and headaches, dizziness, and blurred vision.

### **PLAINTIFF JESSE BENDROSS**

179. Plaintiff Jesse Bendross played three (3) NFL seasons from 1984 – 1987 for the San Diego Chargers and the Philadelphia Eagles.

180. Throughout his career as a professional football player, Plaintiff Jesse Bendross suffered multiple concussive hits and blows to the head.

181. Plaintiff Jesse Bendross was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

182. Plaintiff Jesse Bendross suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, dizziness, mood swings, and difficulty concentrating.

**PLAINTIFFS LUTHER BLUE AND DEBRA L. CAIN-BLUE**

183. Plaintiff Luther Blue played four (4) NFL seasons from 1977 – 1980 for the Detroit Lions and the Philadelphia Eagles.

184. Throughout his career as a professional football player, Plaintiff Luther Blue suffered multiple concussive hits and blows to the head.

185. Plaintiff Luther Blue was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

186. Plaintiff Luther Blue suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, dizziness, and difficulty concentrating.

187. Plaintiff's wife, Diane L. Cain-Blue, brings a claim for loss of consortium.



**PLAINTIFFS RONALD JEROME BLYE AND HARRIETTE BLYE**

188. Plaintiff Ronald Jerome Blye played two (2) NFL seasons from 1968 – 1969 for the New York Giants and the Philadelphia Eagles.

189. Throughout his career as a professional football player, Plaintiff Ronald Jerome Blye suffered multiple concussive hits and blows to the head.

190. Plaintiff Ronald Jerome Blye was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

191. Plaintiff Ronald Jerome Blye suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, sleeplessness, difficulty concentrating, anger management, hearing impairment, and depression.

192. Plaintiff's wife, Harriette Blye, brings a claim for loss of consortium.

**PLAINTIFF REGINALDO BRANCH**

193. Plaintiff Reginaldo Branch played five (5) NFL seasons from 1985 – 1989 for the Washington Redskins.

194. Throughout his career as a professional football player, Plaintiff Reginaldo Branch suffered multiple concussive hits and blows to the head.

195. Plaintiff Reginaldo Branch was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

196. Plaintiff Reginaldo Branch suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches, depression, sleeplessness, and difficulty concentrating.

**PLAINTIFFS JOHN BRANTLEY, JR. AND DIANE BRANTLEY**

197. Plaintiff John Brantley, Jr. played four (4) NFL seasons from 1988 – 1994 for the Houston Oilers and the Washington Redskins.

198. Throughout his career as a professional football player, Plaintiff John Brantley, Jr. suffered multiple concussive hits and blows to the head.

199. Plaintiff John Brantley, Jr. was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

200. Plaintiff John Brantley, Jr. suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and mood swings.

201. Plaintiff's wife, Diane Brantley, brings a claim for loss of consortium.

**PLAINTIFFS ANTHONY CARTER AND KIMBERLY CARTER**

202. Plaintiff Anthony Carter played eleven (11) NFL seasons from 1985 – 1995 for the Minnesota Vikings and the Detroit Lions.

203. Throughout his career as a professional football player, Plaintiff Anthony Carter suffered multiple concussive hits and blows to the head.

204. Plaintiff Anthony Carter was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

205. Plaintiff Anthony Carter suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss and mood swings.

206. Plaintiff's wife, Kimberly Carter, brings a claim for loss of consortium.

### **PLAINTIFF AVEION CASON**

207. Plaintiff Aveion Cason played nine (9) NFL seasons from 2001 – 2008 for the St. Louis Rams, the Detroit Lions and the Dallas Cowboys.

208. Throughout his career as a professional football player, Plaintiff Aveion Cason suffered multiple concussive hits and blows to the head.

209. Plaintiff Aveion Cason was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

210. Plaintiff Aveion Cason suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches, memory loss, and ringing in the ears.

### **PLAINTIFFS JEREMIAH CASTILLE AND LORI JEAN CASTILLE**

211. Plaintiff Jeremiah Castille played six (6) NFL seasons from 1983 – 1988 for the Tampa Bay Buccaneers and the Denver Broncos.

212. Throughout his career as a professional football player, Plaintiff Jeremiah Castille suffered multiple concussive hits and blows to the head.

213. Plaintiff Jeremiah Castille was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

214. Plaintiff Jeremiah Castille suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches and numbness/tingling of his extremities.

215. Plaintiff's wife, Lori Jean Castille, brings a claim for loss of consortium.

### **PLAINTIFF J'JUAN CHERRY**

216. Plaintiff J'Juan Cherry played one (1) NFL season in 1999 for the New England Patriots.

217. Throughout his career as a professional football player, Plaintiff J'Juan Cherry suffered multiple concussive hits and blows to the head.

218. Plaintiff J'Juan Cherry was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

219. Plaintiff J’Juan Cherry suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, sleeplessness, and blurred vision.

**PLAINTIFFS HENRY CHILDS AND CYNTHIA CHILDS**

220. Plaintiff Henry Childs played nine (9) NFL seasons, from 1974 – 1984 for the Atlanta Falcons, the New Orleans Saints, the Los Angeles Rams and the Green Bay Packers.

221. Throughout his career as a professional football player, Plaintiff Henry Childs suffered multiple concussive hits and blows to the head.

222. Plaintiff Henry Childs was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

223. Plaintiff Henry Childs suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and difficulty concentrating.

224. Plaintiff’s wife, Cynthia Childs, brings a claim for loss of consortium.

**PLAINTIFFS JOHN COPELAND AND MELISSA COPELAND**

225. Plaintiff John Copeland played nine (9) NFL seasons, from 1993 – 2001 for the Cincinnati Bengals.

226. Throughout his career as a professional football player, Plaintiff John Copeland suffered multiple concussive hits and blows to the head.

227. Plaintiff John Copeland was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

228. Plaintiff John Copeland suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, difficulty concentrating, and impaired speech and hearing.

229. Plaintiff's wife, Melissa Copeland, brings a claim for loss of consortium.

**PLAINTIFFS ANTHONY DAVIS AND KELLY DAVIS**

230. Plaintiff Anthony Davis played nine (9) NFL seasons from 1992 – 2000 for the Houston Oilers, the Seattle Seahawks, the Kansas City Chiefs, the Green Bay Packers and the Baltimore Ravens.

231. Throughout his career as a professional football player, Plaintiff Anthony Davis suffered multiple concussive hits and blows to the head.

232. Plaintiff Anthony Davis was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

233. Plaintiff Anthony Davis suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, dizziness, sleeplessness, anxiety, and depression.

234. Plaintiff's wife, Kelly Davis, brings a claim for loss of consortium.

**PLAINTIFFS CHRISTOPHER DOERING AND TIFFANY DOERING**

235. Plaintiff Christopher Doering played seven (7) NFL seasons from 1996 – 2004 for the Indianapolis Colts, the Denver Broncos, the Washington Redskins and the Pittsburgh Steelers.

236. Throughout his career as a professional football player, Plaintiff Christopher Doering suffered multiple concussive hits and blows to the head.

237. Plaintiff Christopher Doering was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-



managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

238. Plaintiff Christopher Doering suffers from multiple past traumatic brain injuries with symptoms including but not limited to, hearing impairment, headaches, memory loss, mood swings, irritability, and depression.

239. Plaintiff's wife, Tiffany Doering, brings a claim for loss of consortium.

**PLAINTIFF ANTHONY DORSETT, JR.**

240. Plaintiff Anthony Dorsett, Jr. played eight (8) NFL seasons from 1996 – 2003 for the Houston Oilers, the Tennessee Oilers/Titans and the Oakland Raiders.

241. Throughout his career as a professional football player, Plaintiff Anthony Dorsett, Jr. suffered multiple concussive hits and blows to the head.

242. Plaintiff Anthony Dorsett, Jr. was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

243. Plaintiff Anthony Dorsett, Jr. suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, sleeplessness, and difficulty concentrating.

**PLAINTIFFS RANDY L. FULLER AND GUSSIE FULLER**

244. Plaintiff Randy L. Fuller played six (6) NFL seasons from 1994 – 1999 for the Denver Broncos, the Pittsburgh Steelers, the Atlanta Falcons, and the Seattle Seahawks.

245. Throughout his career as a professional football player, Plaintiff Randy L. Fuller suffered multiple concussive hits and blows to the head.

246. Plaintiff Randy L. Fuller was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

247. Plaintiff Randy L. Fuller suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

248. Plaintiff's wife, Gussie Fuller, brings a claim for loss of consortium.

### **PLAINTIFFS BRENT FULLWOOD AND LANETTE FULLWOOD**

249. Plaintiff Brent Fullwood played five (5) NFL seasons from 1987 – 1991 for the Green Bay Packers, the Cleveland Browns and the Miami Dolphins.

250. Throughout his career as a professional football player, Brent Fullwood suffered multiple concussive hits and blows to the head.

251. Plaintiff Brent Fullwood was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

252. Plaintiff Brent Fullwood suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches and memory loss.

253. Plaintiff's wife, Lanette Fullwood, brings a claim for loss of consortium.

### **PLAINTIFF DERRICK L. GAINER**

254. Plaintiff Derrick L. Gainer played three (3) NFL seasons from 1990 – 1993 for the Cleveland Browns, the Los Angeles Rams and the Dallas Cowboys.

255. Throughout his career as a professional football player, Plaintiff Derrick L. Gainer suffered multiple concussive hits and blows to the head.

256. Plaintiff Derrick L. Gainer was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

257. Plaintiff Derrick L. Gainer suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, blurred vision, and sensitivity to light.

#### **PLAINTIFF EUGENE GOODLOW**

258. Plaintiff Eugene Goodlow played four (4) NFL seasons from 1983 – 1986 for the New Orleans Saints.

259. Throughout his career as a professional football player, Plaintiff Eugene Goodlow suffered multiple concussive hits and blows to the head.

260. Plaintiff Eugene Goodlow was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

261. Plaintiff Eugene Goodlow suffers from multiple past traumatic brain injuries with symptoms including but not limited to, dizziness, headaches, and confusion/disorientation.

**PLAINTIFFS DENNIS HARRISON AND IDA HARRISON**

262. Plaintiff Dennis Harrison played ten (10) NFL seasons from 1978 – 1987 for the Atlanta Falcons, the San Francisco 49ers, the Los Angeles Rams and the Philadelphia Eagles.

263. Throughout his career as a professional football player, Plaintiff Dennis Harrison suffered multiple concussive hits and blows to the head.

264. Plaintiff Dennis Harrison was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

265. Plaintiff Dennis Harrison suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, difficulty concentrating, and vision impairment.

266. Plaintiff's wife, Ida Harrison, brings a claim for loss of consortium.

**PLAINTIFFS VERRON HAYNES AND SHEENA HAYNES**

267. Plaintiff Verron Haynes played seven (7) NFL seasons from 2002 – 2009 for the Pittsburgh Steelers and the Atlanta Falcons.

268. Throughout his career as a professional football player, Plaintiff Verron Haynes suffered multiple concussive hits and blows to the head.

269. Plaintiff Verron Haynes was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

270. Plaintiff Verron Haynes suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, sleeplessness, mood swings, and difficulty concentrating.

271. Plaintiff's wife, Sheena Haynes, brings a claim for loss of consortium.

**PLAINTIFFS DAVID T. HENDRIX AND MONICA HENDRIX**

272. Plaintiff David T. Hendrix played three (3) NFL seasons from 1995 – 1997 for the San Diego Chargers.

273. Throughout his career as a professional football player, Plaintiff David T. Hendrix suffered multiple concussive hits and blows to the head.

274. Plaintiff David T. Hendrix was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

275. Plaintiff David T. Hendrix suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and difficulty concentrating.

276. Plaintiff's wife, Monica Hendrix, brings a claim for loss of consortium.

**PLAINTIFFS THOMAS MICHAEL HENNIGAN AND LESLIE HENNIGAN**

277. Plaintiff Thomas Michael Hennigan played six (6) NFL seasons from 1973 – 1978 for the Detroit Lions and for the New York Jets.

278. Throughout his career as a professional football player, Plaintiff Thomas Michael Hennigan suffered multiple concussive hits and blows to the head.

279. Plaintiff Thomas Michael Hennigan was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-

managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

280. Plaintiff Thomas Michael Hennigan suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, equilibrium imbalance, dizziness and headaches, and difficulty concentrating.

281. Plaintiff's wife, Leslie Hennigan, brings a claim for loss of consortium.

**PLAINTIFF KEVIN N. HOUSE, SR.**

282. Plaintiff Kevin N. House, Sr. played seven (7) NFL seasons from 1980 – 1987 for the Tampa Bay Buccaneers and the Los Angeles Rams.

283. Throughout his career as a professional football player, Plaintiff Kevin N. House, Sr. suffered multiple concussive hits and blows to the head.

284. Plaintiff Kevin N. House, Sr. was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.



285. Plaintiff Kevin N. House, Sr. suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, sleeplessness, blurred vision, depression, and anxiety.

**PLAINTIFF TYRONE L. HOWARD**

286. Plaintiff Tyrone L. Howard played four (4) NFL seasons from 1997 – 2000 for the Arizona Cardinals, the Cincinnati Bengals and the Tennessee Titans.

287. Throughout his career as a professional football player, Plaintiff Tyrone L. Howard suffered multiple concussive hits and blows to the head.

288. Plaintiff Tyrone L. Howard was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

289. Plaintiff Tyrone L. Howard suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches, anxiety, mood swings, and sleeplessness.

**PLAINTIFFS CHARLES HURSTON AND THOMASINA HURSTON**

290. Plaintiff Charles Hurston played seven (7) NFL seasons from 1965 – 1971 for the Kansas City Chiefs and the Buffalo Bills.

291. Throughout his careers as a professional football player, Plaintiff Charles Hurston suffered multiple concussive hits and blows to the head.

292. Plaintiff Charles Hurston was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

293. Plaintiff Charles Hurston suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and difficulty concentrating.

294. Plaintiff's wife, Thomasina Hurston, brings a claim for loss of consortium.

### **PLAINTIFF COURTNEY JACKSON**

295. Plaintiff Courtney Jackson played one (1) NFL season in 2000 for the Buffalo Bills.

296. Throughout his career as a professional football player, Plaintiff Courtney Jackson suffered multiple concussive hits and blows to the head.

297. Plaintiff Courtney Jackson was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed

equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

298. Plaintiff Courtney Jackson suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and difficulty concentrating.

**PLAINTIFFS LENZIE JACKSON AND SHERRIE JACKSON**

299. Plaintiff Lenzie Jackson played four (4) NFL seasons from 1999 – 2002 for the Jacksonville Jaguars, the Cleveland Browns and the Pittsburgh Steelers.

300. Throughout his career as a professional football player, Plaintiff Lenzie Jackson suffered multiple concussive hits and blows to the head.

301. Plaintiff Lenzie Jackson was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

302. Plaintiff Lenzie Jackson suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, migraines, and difficulty concentrating.

303. Plaintiff's wife, Sherrie Jackson, brings a claim for loss of consortium.

**PLAINTIFFS LINDEL G. JAQUESS AND BERTHA M. JAQUESS**

304. Plaintiff Lindel G. Jaquess played seven (7) NFL seasons from 1964 – 1970 for the Houston Oilers, the Miami Dolphins and the Denver Broncos.

305. Throughout his career as a professional football player, Plaintiff Lindel G. Jaquess suffered multiple concussive hits and blows to the head.

306. Plaintiff Lindel G. Jaquess was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

307. Plaintiff Lindel G. Jaquess suffers from multiple past traumatic brain injuries with symptoms including but not limited to, mood swings and irritability.

308. Plaintiff's wife, Bertha Jaquess, brings a claim for loss of consortium.

**PLAINTIFFS ERIC K. JOHNSON AND STACEY JOHNSON**

309. Plaintiff Eric K. Johnson played two (2) NFL seasons from 1996 – 1997 for the New York Jets and the Green Bay Packers.

310. Throughout his career as a professional football player, Plaintiff Eric K. Johnson suffered multiple concussive hits and blows to the head.

311. Plaintiff Eric K. Johnson was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

312. Plaintiff Eric K. Johnson suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

313. Plaintiff's wife, Stacey Johnson, brings a claim for loss of consortium.

**PLAINTIFFS MARVIN KELLUM AND SANDRA KELLUM**

314. Plaintiff Marvin Kellum played four (4) NFL seasons from 1974 – 1977 for the Pittsburgh Steelers and the St. Louis Cardinals.

315. Throughout his career as a professional football player, Plaintiff Marvin Kellum suffered multiple concussive hits and blows to the head.

316. Plaintiff Marvin Kellum was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed

equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

317. Plaintiff Marvin Kellum suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, sleeplessness, headaches, difficulty concentrating, and mood swings.

318. Plaintiff's wife, Sandra Kellum, brings a claim for loss of consortium.

**PLAINTIFFS WILLIAM KILMER AND SANDY KILMER**

319. Plaintiff William Kilmer played sixteen (16) NFL seasons from 1961 – 1978 for the San Francisco 49ers, the New Orleans Saints and the Washington Redskins.

320. Throughout his career as a professional football player, Plaintiff William Kilmer suffered multiple concussive hits and blows to the head.

321. Plaintiff William Kilmer was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

322. Plaintiff William Kilmer suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches, dizziness, and tingling/numbness of his extremities.

323. Plaintiff's wife, Sandy Kilmer, brings a claim for loss of consortium.

**PLAINTIFF ANTONIO LANGHAM**

324. Plaintiff Antonio Langham played seven (7) NFL seasons from 1994 – 2000 for the Cleveland Browns, the Baltimore Ravens, the San Francisco 49ers and the New England Patriots.

325. Throughout his career as a professional football player, Plaintiff Antonio Langham suffered multiple concussive hits and blows to the head.

326. Plaintiff Antonio Langham was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

327. Plaintiff Antonio Langham suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, mood swings, difficulty concentrating, and impaired motor/cognitive functioning.

### **PLAINTIFF REGGIE LOWE**

328. Plaintiff Reggie Lowe played two (2) NFL seasons from 1998 – 1999 for the Jacksonville Jaguars and the Pittsburgh Steelers.

329. Throughout his careers as a professional football player, Plaintiff Reggie Lowe suffered multiple concussive hits and blows to the head.

330. Plaintiff Reggie Lowe was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

331. Plaintiff Reggie Lowe suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, depression, mood swings, and sleeplessness.

### **PLAINTIFF TONY MARTIN**

332. Plaintiff Tony Martin played twelve (12) NFL seasons from 1990 – 2001 for the Miami Dolphins, the San Diego Chargers and the Atlanta Falcons.

333. Throughout his career as a professional football player, Plaintiff Tony Martin suffered multiple concussive hits and blows to the head.



334. Plaintiff Tony Martin was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

335. Plaintiff Tony Martin suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, mood swings, difficulty concentrating, and impaired motor/cognitive functioning.

**PLAINTIFF NORRIS E. MCCLEARY, II**

336. Plaintiff Norris E. McCleary, II played three (3) NFL seasons from 2000 – 2002 for the Kansas City Chiefs and the Seattle Seahawks.

337. Throughout his career as a professional football player, Plaintiff Norris E. McCleary, II suffered multiple concussive hits and blows to the head.

338. Plaintiff Norris E. McCleary, II was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

339. Plaintiff Norris E. McCleary, II suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, migraine headaches, anxiety, confusion, and depression.

**PLAINTIFF CHRISTOPHER A. MITCHELL**

340. Plaintiff Christopher A. Mitchell played two (2) NFL seasons from 1991 – 1992 for the Philadelphia Eagles.

341. Throughout his career as a professional football player, Plaintiff Christopher A. Mitchell suffered multiple concussive hits and blows to the head.

342. Plaintiff Christopher A. Mitchell was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

343. Plaintiff Christopher A. Mitchell suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, difficulty concentrating, irritability, sleeplessness, anxiety, depression, and confusion.

### **PLAINTIFF JOE MICKLES**

344. Plaintiff Joe Mickles played three (3) NFL seasons from 1989 – 1991 for the Washington Redskins and the San Diego Chargers.

345. Throughout his career as a professional football player, Plaintiff Joe Mickles suffered multiple concussive hits and blows to the head.

346. Plaintiff Joe Mickles was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

347. Plaintiff Joe Mickles suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and mood swings.

### **PLAINTIFF SAM OLAJUBUTU, JR.**

348. Plaintiff Sam Olajubutu, Jr. played one (1) NFL season in 2007 for the Tampa Bay Buccaneers.

349. Throughout his career as a professional football player, Plaintiff Sam Olajubutu, Jr. suffered multiple concussive hits and blows to the head.

350. Plaintiff Sam Olajubutu, Jr. was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

351. Plaintiff Sam Olajubutu, Jr. suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches, depression, and difficulty concentrating.

**PLAINTIFFS TITO PAUL AND TAMARA PAUL**

352. Plaintiff Tito Paul played five (5) NFL seasons from 1995 – 1999 for the Arizona Cardinals, the Cincinnati Bengals, the Denver Broncos and the Washington Redskins.

353. Throughout his career as a professional football player, Plaintiff Tito Paul suffered multiple concussive hits and blows to the head.

354. Plaintiff Tito Paul was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

355. Plaintiff Tito Paul suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches, memory loss, irritability, sleeplessness, anger management, and depression.

356. Plaintiff's wife, Tamara Paul, brings a claim for loss of consortium.

**PLAINTIFF GERALD PERRY, SR.**

357. Plaintiff Gerald Perry, Sr. played eight (8) NFL seasons from 1988 – 1995 for the Denver Broncos, the Los Angeles Raiders and the Oakland Raiders.

358. Throughout his career as a professional football player, Plaintiff Gerald Perry, Sr. suffered multiple concussive hits and blows to the head.

359. Plaintiff Gerald Perry, Sr. was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

360. Plaintiff Gerald Perry, Sr. suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, disorientation, mood swings, difficulty concentrating, and blurred vision.

**PLAINTIFFS DAVID ROCKER AND TIFFANY ROCKER**

361. Plaintiff David Rocker played four (4) NFL seasons from 1991 – 1994 for the Los Angeles Rams.

362. Throughout his career as a professional football player, Plaintiff David Rocker suffered multiple concussive hits and blows to the head.

363. Plaintiff David Rocker was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

364. Plaintiff David Rocker suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, sleeplessness, and difficulty concentrating.

365. Plaintiff's wife, Tiffany Rocker, brings a claim for loss of consortium.

**PLAINTIFFS ALLEN ROSSUM AND ANGELA ROSSUM**

366. Plaintiff Allen Rossum played twelve (12) NFL seasons, from 1998 – 2009 for the Philadelphia Eagles, the Green Bay Packers, the Atlanta Falcons, the Pittsburgh Steelers, the San Francisco 49ers and the Dallas Cowboys.

367. Throughout his career as a professional football player, Plaintiff Allen Rossum suffered multiple concussive hits and blows to the head.

368. Plaintiff Allen Rossum was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

369. Plaintiff Allen Rossum suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, sleeplessness, sensitivity to light, and dizziness.

370. Plaintiff's wife, Angela Rossum, brings a claim for loss of consortium.

### **PLAINTIFF DANTRELL SAVAGE**

371. Plaintiff Dantrell Savage played three (3) NFL seasons from 2007 – 2010 for the Kansas City Chiefs and the Carolina Panthers.

372. Throughout his career as a professional football player, Plaintiff Dantrell Savage suffered multiple concussive hits and blows to the head.

373. Plaintiff Dantrell Savage was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed

equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

374. Plaintiff Dantrell Savage suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches, dizziness memory loss, difficulty concentrating, and depression.

**PLAINTIFF REGINALD BERNARD SLACK**

375. Plaintiff Reginald Bernard Slack played three (3) NFL seasons from 1990 – 1992 for the Houston Oilers.

376. Throughout his career as a professional football player, Plaintiff Reginald Bernard Slack suffered multiple concussive hits and blows to the head.

377. Plaintiff Reginald Bernard Slack was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

378. Plaintiff Reginald Bernard Slack suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, difficulty concentrating, depression, and mood swings.



**PLAINTIFFS CHARLES SMITH AND MYNIQUE SMITH**

379. Plaintiff Charles Smith played nine (9) NFL seasons from 1992 – 2000 for the Atlanta Falcons and the Carolina Panthers.

380. Throughout his career as a professional football player, Plaintiff Charles Smith suffered multiple concussive hits and blows to the head.

381. Plaintiff Charles Smith was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

382. Plaintiff Charles Smith suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches, memory loss, sleeplessness, difficulty concentrating, motor/cognitive impairment, and mood swings.

383. Plaintiff's wife, Mynique Smith, brings a claim for loss of consortium.

**PLAINTIFFS ROBERT VINSON SMITH AND MARIA A. ROBINSON-SMITH**

384. Plaintiff Robert Vinson Smith played eleven (11) NFL seasons from 1988 – 1999 for the Atlanta Falcons, the Dallas Cowboys, the Chicago Bears and the New Orleans Saints.

385. Throughout his career as a professional football player, Plaintiff Robert Vinson Smith suffered multiple concussive hits and blows to the head.

386. Plaintiff Robert Vinson Smith was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

387. Plaintiff Robert Vinson Smith suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches, memory loss, difficulty concentrating, and depression.

388. Plaintiff's wife, Maria A. Robinson-Smith, brings a claim for loss of consortium.

**PLAINTIFF JAMES W. STEFFEN**

389. Plaintiff James W. Steffen played ten (10) NFL seasons from 1959 – 1967 for the Detroit Lions, the Washington Redskins and the Dallas Cowboys.

390. Throughout his career as a professional football player, Plaintiff James W. Steffen suffered multiple concussive hits and blows to the head.

391. Plaintiff James W. Steffen was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed

equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

392. Plaintiff James W. Steffen suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and depression.

### **PLAINTIFF MATTHEW STEVENS**

393. Plaintiff Matthew Stevens played eight (8) NFL seasons from 1996 – 2002 for the Buffalo Bills, the Philadelphia Eagles, the Washington Redskins, the New England Patriots and the Houston Texans.

394. Throughout his career as a professional football player, Plaintiff Matthew Stevens suffered multiple concussive hits and blows to the head.

395. Plaintiff Matthew Stevens was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

396. Plaintiff Matthew Stevens suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, vision impairment, and numbness/tingling of his extremities.

**PLAINTIFFS MATTHEW R. STORM AND JENNIFER STORM**

397. Plaintiff Matthew R. Storm played three (3) NFL seasons from 1995 – 1998 for the New York Giants, the Washington Redskins, the Pittsburgh Steelers and the Philadelphia Eagles.

398. Throughout his career as a professional football player, Plaintiff Matthew R. Storm suffered multiple concussive hits and blows to the head.

399. Plaintiff Matthew R. Storm was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

400. Plaintiff Matthew R. Storm suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, sleeplessness, difficulty concentrating, and mood swings.

401. Plaintiff's wife, Jennifer Storm, brings a claim for loss of consortium.

**PLAINTIFFS ARTHUR RAY STRAHAN AND DELORIS JEAN STRAHAN**

402. Plaintiff Arthur Ray Strahan played two (2) NFL seasons in 1965 and 1968 for the Houston Oilers and the Atlanta Falcons.

403. Throughout his career as a professional football player, Plaintiff Arthur Ray Strahan suffered multiple concussive hits and blows to the head.

404. Plaintiff Arthur Ray Strahan was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

405. Plaintiff Arthur Ray Strahan suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, difficulty concentrating, anxiety, and depression.

406. Plaintiff's wife, Deloris Jean Strahan, brings a claim for loss of consortium.

#### **PLAINTIFFS CORNELL M. THOMAS AND DEIDRE THOMAS**

407. Plaintiff Cornell M. Thomas played one (1) NFL season in 1994 for the San Diego Chargers.

408. Throughout his career as a professional football player, Plaintiff Cornell M. Thomas suffered multiple concussive hits and blows to the head.

409. Plaintiff Cornell M. Thomas was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed

equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

410. Plaintiff Cornell M. Thomas suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches and dizziness.

411. Plaintiff's wife, Deidre Thomas, brings a claim for loss of consortium.

**PLAINTIFFS LAWYER J. TILLMAN, JR. AND VICKIE B. TILLMAN**

412. Plaintiff Lawyer J. Tillman, Jr. played five (5) NFL seasons from 1989 – 1995 for the Cleveland Browns and the Carolina Panthers.

413. Throughout his career as a professional football player, Plaintiff Lawyer J. Tillman, Jr. suffered multiple concussive hits and blows to the head.

414. Plaintiff Lawyer J. Tillman, Jr. was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

415. Plaintiff Lawyer J. Tillman, Jr. suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, sleeplessness, and mood swings.

416. Plaintiff's wife, Vickie B. Tillman, brings a claim for loss of consortium.

### **PLAINTIFF JOE WALKER**

417. Plaintiff Joe Walker played two (2) NFL seasons from 2001 – 2002 for the Tennessee Titans and the Indianapolis Colts.

418. Throughout his career as a professional football player, Plaintiff Joe Walker suffered multiple concussive hits and blows to the head.

419. Plaintiff Joe Walker was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

420. Plaintiff Joe Walker suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

### **PLAINTIFF KEN WATSON**

421. Plaintiff Ken Watson played one (1) NFL season in 1972 for the San Diego Chargers.

422. Throughout his career as a professional football player, Plaintiff Ken Watson suffered multiple concussive hits and blows to the head.

423. Plaintiff Ken Watson was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

424. Plaintiff Ken Watson suffers from multiple past traumatic brain injuries with symptoms including but not limited to, headaches, dizziness, mood swings, and numbness/tingling of his extremities.

#### **PLAINTIFFS FRED WEARY AND CASEY WEARY**

425. Plaintiff Fred Weary played eight (8) NFL seasons from 2002 – 2009 for the Houston Texans and the Cleveland Browns.

426. Throughout his career as a professional football player, Plaintiff Fred Weary suffered multiple concussive hits and blows to the head.

427. Plaintiff Fred Weary was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.



428. Plaintiff Fred Weary suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, mood swings, headaches, migraines, dizziness, difficulty concentrating, and blurred/double vision.

429. Plaintiff's wife, Casey Weary, brings a claim for loss of consortium.

**PLAINTIFFS TERRY WILLIAMS AND TONYA WILLIAMS**

430. Plaintiff Terry Williams played two (2) NFL seasons from 1988 – 1990 for the New York Jets.

431. Throughout his career as a professional football player, Plaintiff Terry Williams suffered multiple concussive hits and blows to the head.

432. Plaintiff Terry Williams was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

433. Plaintiff Terry Williams suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and mood swings.

434. Plaintiff's wife, Tonya Williams, brings a claim for loss of consortium.

**PLAINTIFFS ERIC YARBER AND MICHELE YARBER**

435. Plaintiff Eric Yarber played two (2) NFL seasons from 1986 – 1987 for the Washington Redskins.

436. Throughout his career as a professional football player, Plaintiff Eric Yarber suffered multiple concussive hits and blows to the head.

437. Plaintiff Eric Yarber was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

438. Plaintiff Eric Yarber suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, blurred vision, difficulty concentrating, and sleeplessness.

439. Plaintiff's wife, Michele Yarber, brings a claim for loss of consortium.

**PLAINTIFF CHRISTOPHER L. YOUNG**

440. Plaintiff Christopher L. Young played three (3) NFL seasons from 2002 – 2005 for the Denver Broncos.

441. Throughout his career as a professional football player, Plaintiff Christopher L. Young suffered multiple concussive hits and blows to the head.

442. Plaintiff Christopher L. Young was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

443. Plaintiff Christopher L. Young suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, mood swings, and depression.

**COUNT I**  
**NEGLIGENCE**

444. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs and further allege on information and belief as follows.

445. Defendants, as purveyors of safety rules for the League, owed Plaintiffs a duty to use reasonable care in researching, studying and/or examining the dangers and risks of head injuries and/or concussions to NFL players; to inform

and warn him of such risks and to effectuate reasonable league policies; and/or take other reasonable action to minimize the risks of head injuries.

446. At all times relevant hereto, Defendants negligently performed such duties by failing to adequately study, warn and/or implement reasonable rules and regulations to minimize traumatic brain injuries to its players, including Plaintiffs herein.

447. Defendants knew or should have known that its policies, rules and regulations in place were not reasonably sufficient to minimize traumatic brain injuries and that Plaintiffs' injuries were foreseeable.

448. Defendants affirmatively and voluntarily established the MTBI Committee, ostensibly to examine the dangers and consequences of head injuries to NFL players, to report on its findings, to provide information and guidance from its research and studies concerning concussions to teams and players, and to make recommendations to lessen the risks of concussions. Defendants are responsible for the staffing and conduct of the MTBI Committee.

449. Defendants failed to use reasonable care in the manner in which it created the MTBI Committee and failed to reasonable appoint qualified physicians to head the Committee.

450. Defendants, failed to use reasonable care in researching, studying and/or examining the risks of head injuries and/or concussions in professional football. Defendants downplayed and in many cases denied both the severity of head injuries and the clear link between concussions and brain damage, thereby breaching its duty to its players, including Plaintiffs herein.

451. Defendants failed to inform, warn and/or advise its players, and/or misinformed them of the risks and complications inherent in sustaining concussions, thereby breaching its duty to its players, including Plaintiffs herein.

452. Defendants were further negligent in the following respects:

- In failing to use reasonable care in overseeing, controlling and/or regulating policies and procedures of the League so as to minimize the risk of head injuries and/or concussions;
- In failing to use reasonable care in the research and/or investigation of the concussion issue;
- In failing to appoint a qualified physician or panel of physicians to head Defendants' MTBI committee;
- In placing a physician in charge of the committee whose primary motive was to appease the NFL rather than to report accurately;
- In disregarding independent scientific studies which showed the risks of head injuries and/or concussions to NFL players' health;

- In failing to acknowledge, either publicly or to their players, the clear link between concussions and brain injuries being suffered by their players;
- In failing to acknowledge, either publically or to their players, the linkage between playing football and long-term brain injuries;
- In failing to make and/or timely make necessary league policy changes as it pertains to intentional hits to the head, hits to the head of a defenseless player, helmet to helmet hits, and concussions in general;
- In publishing misleading and erroneous findings regarding hits to the head and NFL head injuries;
- In failing to issue a timely warning, through a concussion pamphlet or other means, to the players concerning the causal link between concussions and later life cognitive decline;
- In issuing misinformation and purposefully attempting to mislead their players through the concussion pamphlet which they issued in August 2007;
- In collecting and reporting upon data that was “infected” and/or not reliable;
- In causing, by and through their negligent conduct and omissions, an increased risk of harm to their players;
- In breaching their duty to ensure that the equipment it licensed and approved was of the highest possible quality and sufficient to protect the NFL players, including Plaintiffs, from the risk of concussive brain injuries;
- In failing to provide competent information to its teams, players, coaches, trainers and medical personnel with respect to the

significance of head injuries and/or concussions, their symptoms and necessary and/or proper treatment of same; and

- In creating a “culture” within the NFL in which concussions and their devastating effects would run rampant.

453. Defendants failed to inform, warn and/or advise its players, and/or misinformed them of the risks and complications inherent in sustaining concussions, thereby breaching its duty to its players, including Plaintiffs herein.

454. As a direct and proximate result of the Defendants negligent acts and omissions as aforesaid, Plaintiffs suffered serious injury, including but not limited to brain damage, with a resultant loss therefrom.

455. That by reason of the foregoing negligence on the part of Defendants, Plaintiffs believe that their aforesaid injuries are permanent and that he will continue to suffer from the effects of their aforesaid injuries, including but not limited to continuous pain and suffering and severe emotional distress.

456. That by reason of the foregoing, Plaintiffs have and will be required in the future to obtain medical aid and attention, with a resultant cost therefrom.

457. That by reason of the foregoing, Plaintiffs may suffer a loss of employment opportunity in the future with a resultant loss therefrom.

458. As a direct and proximate result of Defendants' negligent acts and omissions, Plaintiffs suffered and will continue to suffer substantial injuries, and economic and non-economic damages.

**COUNT II**  
**FRAUD**

459. Defendants failed to inform, warn and/or advise its players, and/or misinformed them of the risks and complications inherent in sustaining concussions, thereby breaching its duty to its players, including Plaintiffs herein.

460. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs and further allege on information and belief as follows.

461. The NFL materially misrepresented the risks faced by Plaintiffs related to head injuries. Defendants' MTBI Committee, through misleading public statements, published articles and the concussion pamphlet issued to the players, downplayed known long-term risks of concussions to NFL players.

462. Material misrepresentations were made by members of Defendants' Committee on multiple occasions, including but not limited to testimony given at congressional hearings and the "informational" pamphlet which they issued to players.



463. The material misrepresentations include the NFL's remarks that Plaintiffs and other players were not at an increased risk of head injury if they returned too soon to an NFL game or training session after suffering a head injury.

464. Defendants' material misrepresentations also included the NFL's criticism of legitimate scientific studies which illustrated the dangers and risks of head injuries and the long term effects of concussions.

465. Defendants' material misrepresentations, through its MTBI Committee, denied a link between concussions and CTE.

466. Defendants had actual knowledge of the misleading nature of these statements when they were made.

467. Defendants had actual knowledge that Plaintiffs and others would rely on these misrepresentations.

468. Plaintiffs relied on these misrepresentations when playing in the NFL. Had Plaintiffs known the risks to their health, they would not have agreed to jeopardize their health.

469. As a direct and proximate result of Defendants' fraudulent conduct, Plaintiffs have suffered physical injury, including, but not limited to, memory and cognitive problems, and economic losses.

470. As a direct and proximate result of the Defendants' fraudulent conduct, Plaintiffs have suffered and will continue to suffer substantial injuries, and economic and non-economic damages.

**COUNT III**  
**FRAUDULENT CONCEALMENT**

471. Defendants failed to inform, warn and/or advise its players, and/or misinformed them of the risks and complications inherent in sustaining concussions, thereby breaching its duty to its players, including Plaintiffs herein.

472. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs and further allege on information and belief as follows.

473. Defendants' MTBI Committee knowingly and fraudulently concealed the risks of head injuries to Plaintiffs, and the risk to them if they returned to the playing field before making a proper recovery from their head injuries.

474. Defendants' MTBI Committee published articles and the concussion pamphlet issued to players, therein affirmatively concealed and downplaying known long-term risks of concussions to NFL players.

475. The concussion pamphlet created player reliance. The NFL stated that "[w]e want to make sure all N.F.L. players ... are fully informed and take

advantage of the most up to date information and resources as we continue to study the long-term impact on concussions.”

476. Further concealment of material information occurred in January 2010. Dr. Casson provided oral and written testimony at the January 2010 congressional hearings. He continued to deny the validity of other studies.

477. Defendants failed to acknowledge, either publicly or to its players, the clear link between concussions and brain injuries being suffered by NFL players.

478. Defendants failed to acknowledge, either publicly or to its players, the linkage between playing football and long-term brain injuries.

479. Defendants willfully concealed this information from Plaintiffs in order to prevent negative publicity and increased scrutiny of their medical practices.

480. Defendants knew that Plaintiffs and other NFL players would rely on the inaccurate information provided by the NFL.

481. Plaintiffs relied on this inaccurate information during their NFL career.

482. As a direct and proximate result of Defendants' fraudulent conduct, Plaintiffs have suffered physical injury, including, but not limited to, memory and cognitive problems, and economic losses.

483. As a direct and proximate result of the Defendants' willful concealment, Plaintiffs have suffered and will continue to suffer substantial injuries, and economic and non-economic damages.

**COUNT IV**  
**NEGLIGENT MISREPRESENTATION**

484. Defendants failed to inform, warn and/or advise its players, and/or misinformed them of the risks and complications inherent in sustaining concussions, thereby breaching its duty to its players, including Plaintiffs herein.

485. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs and further allege on information and belief as follows.

486. The NFL misrepresented the dangers that NFL players faced in returning to play too quickly after sustaining a head injury. Defendants' MTBI Committee, through public statements which it knew or should have known were misleading, published articles and issued the concussion pamphlet to its players, and downplayed the long-term risks of concussions to NFL players.

487. Material misrepresentations were made by members of the NFL's committee on multiple occasions, including but not limited to testimony at congressional hearings and the "informational" pamphlet issued to players.

488. The misrepresentations included the NFL's remarks that Plaintiffs and other NFL players were not at an increased risk of head injury if they returned too soon to play or training session after suffering a head injury.

489. Defendants' material misrepresentations also include the NFL's criticism of legitimate scientific studies that illustrated the dangers and risks of head injuries.

490. Defendants made these misrepresentations and actively concealed adverse information at a time when they knew, or should have known, because of their superior position of knowledge, that Plaintiffs faced health problems if he were to return to a game too soon after suffering brain trauma.

491. Defendants knew or should have known the misleading nature of these statements when they were made.

492. Defendants made misrepresentations and actively concealed information with the intention that Plaintiffs and other NFL players would rely on the misrepresentations or omissions in selecting their course of action.

493. As a direct and proximate result of the Defendants' fraudulent conduct, Plaintiffs have suffered physical injury, including, but not limited to, memory and cognitive problems, and economic losses.

494. As a direct and proximate result of the Defendants' willful concealment, Plaintiffs have suffered and will continue to suffer substantial injuries, and economic and non-economic damages.

**COUNT V**  
**LOSS OF CONSORTIUM**

495. Defendants failed to inform, warn and/or advise its players, and/or misinformed them of the risks and complications inherent in sustaining concussions, thereby breaching its duty to its players, including Plaintiffs herein.

496. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs and further allege on information and belief as follows.

497. As a direct and proximate result of the aforementioned conduct of Defendants, and as a result of the injuries and damages to Plaintiffs herein, the wives of the Plaintiffs herein have been deprived of the love, companionship, comfort, affection, society, solace or moral support, protection, loss of consortium, and loss of physical assistance in the operation and maintenance of the home, of their husbands, and has thereby sustained, and will continue to sustain damages.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs pray for relief and judgment as follows:

- a. For past and future medical and incidental expenses, according to proof;
- b. Awarding to Plaintiffs past and future loss of earnings and/or earning capacity, according to proof;
- c. Awarding to Plaintiffs past and future general damages, including pain and suffering according to proof;
- d. Awarding to Plaintiffs' wives for loss of consortium, according to proof;
- e. Punitive damages as allowable by law;
- f. Awarding to Plaintiffs the costs of this action, including reasonable attorneys' fees; and
- g. Granting any and all such other and further relief as the Court deems necessary, just, and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby request a trial by jury of all issues triable by jury.

DATED: June 7, 2012

Respectfully submitted,

/s/ Michael L. McGlamry

**Michael L. McGlamry**

Georgia Bar No. 492515

**N. Kirkland Pope**

Georgia Bar No. 584255

**Jay F. Hirsch**

Georgia Bar No. 357185

**George W. Walker**

Georgia Bar No. 548316

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