

D35 Daniel Buckley

Complet

90017
A7220

1 GIRARDI | KEESE
2 THOMAS V. GIRARDI, Bar No. 36603
3 1126 Wilshire Boulevard
4 Los Angeles, California 90017
5 Telephone: (213) 977-0211
6 Facsimile: (213) 481-1554

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
MAY 31 2012

John A. Clarke, Executive Officer/Clerk
BY [Signature] Deputy

7 RUSSOMANNO & BORRELLO, P.A.
8 Herman Russomanno, (Florida Bar No. 240346) *Pro Hac Vice Application Forthcoming*
9 Robert Borrello, (Florida Bar No. 764485) *Pro Hac Vice Application Forthcoming*
10 150 West Flagler Street - PH 2800
11 Miami, FL 33130
12 Telephone: (305) 373-2101
13 Facsimile: (305) 373-2103

14 GOLDBERG, PERSKY & WHITE, P.C.
15 Jason E. Luckasevic, (Pennsylvania Bar No. 85557) *Pro Hac Vice Application Forthcoming*
16 John T. Tierney, III (Pennsylvania Bar No. 00287) *Pro Hac Vice Application Forthcoming*
17 1030 Fifth Ave.
18 Pittsburgh, PA 15219
19 Telephone: (412) 471-3980
20 Facsimile: (412) 471-8308

21 Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CIT/CASE: BC485777 LEA/DEF:
RECEIPT #: CCH465980019
DATE PAID: 06/01/12 09:14:14 AM
PAYMENT: \$550.00 0310
RECEIVED:
CHECK: 550.00
CASH:
CHANGE:
CARD:

22 JOE KAPP; PAUL LOWE; CRAIG COTTON;
23 JOSEPH BEAUCHAMP; JIM PETERSON;
24 TIMOTHY STOKES; JON JAQUA; EDWARD
25 GALIGHER; HUBERT GINN; ROGER
26 ANDERSON, SENIOR; JOHNNIE DIRDEN;
27 TAMARICK VANOVER; MYRON JONES;
28 DENNIS MCKINLEY; DAVID CADIGAN;
MICHAEL JAMESON, JUNIOR; BRETT
FARYNIARZ; MICHAEL KADISH; REGINALD
JOHNSON; ERIC WILLIAMS; MICHAEL
PITTMAN; ROBERT PETRICH; LESLIE
"SPEEDY" DUNCAN; WALT SWEENEY;
EARLE FAISON; WILFRED GRANT;
NATHANIEL WHITMYER; THOMAS MYERS;
BOB GAGLIANO; MATTHEW HATCHETTE;

CASE NO. BC 4 8 5 7 7 7

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

CIT/CASE: BC485777 LEA/DEF:
RECEIPT #: CCH465980018
DATE PAID: 06/01/12 09:13:48 AM
PAYMENT: \$395.00 0310
RECEIVED:
CHECK: 395.00
CASH:
CHANGE:
CARD:

1 JIM COLLINS; RICHARD WESTMORELAND;)
2 HUGH DOUGLAS; ERIC WILLIAMS;)
3 ANDREW GISSINGER; JAMES)
4 WASHINGTON; REUBEN DROUGHNS;)
5 MARVIN SMITH; CLARENCE DUREN;)
6 WILLIE GERMANY; and TERRELLE SMITH)

7 Plaintiffs,

8 v.

9 NATIONAL FOOTBALL LEAGUE; NFL)
10 PROPERTIES LLC; RIDDELL, INC. d/b/a)
11 RIDDELL SPORTS GROUP, INC., ALL)
12 AMERICAN SPORTS CORPORATION, d/b/a)
13 RIDDELL/ALL AMERICAN; RIDDELL)
14 SPORTS GROUP, INC., EASTON-BELL)
15 SPORTS, INC.; EASTON-BELL SPORTS, LLC;)
16 EB SPORTS CORP.; and RBG HOLDINGS)
17 CORP.; and JOHN DOES 1 through 100,)
18 Inclusive,)

19 Defendants.

20
21 The Plaintiffs, all individuals, hereby complain of Defendants listed above and hereby allege as
22 follows:

23 **PARTIES**

24 **Plaintiffs:**

- 25 1. Mr. Joe Kapp is a resident of and domiciled in the State of California.
26 2. Mr. Paul Lowe is a resident of and domiciled in the State of California.
27 3. Mr. Craig Cotton is a resident of and domiciled in the State of California.
28 4. Mr. Joseph Beauchamp is a resident of and domiciled in the State of California.
5. Mr. Jim Peterson is a resident of and domiciled in the State of California.
6. Mr. Timothy Stokes is a resident of and domiciled in the State of Oregon.

- 1 7. Mr. Jon Jaqua is a resident of and domiciled in the State of California.
- 2 8. Mr. Edward Galigher is a resident of and domiciled in the State of California.
- 3 9. Mr. Hubert Ginn is a resident of and domiciled in the State of Georgia.
- 4 10. Mr. Roger Anderson, Senior is a resident of and domiciled in the State of Virginia.
- 5 11. Mr. Johnnie Dirden is a resident of and domiciled in the State of Colorado.
- 6 12. Mr. Tamarick Vanover is a resident of and domiciled in the State of Florida.
- 7 13. Mr. Myron Jones is a resident of and domiciled in the State of California.
- 8 14. Mr. Dennis McKinley is a resident of and domiciled in the State of Arizona.
- 9 15. Mr. David Cadigan is a resident of and domiciled in the State of South Carolina.
- 10 16. Mr. Michael Jameson, Junior is a resident of and domiciled in the State of Arizona.
- 11 17. Mr. Brett Faryniarz is a resident of and domiciled in the State of California.
- 12 18. Mr. Michael Kadish is a resident of and domiciled in the State of Michigan.
- 13 19. Mr. Reginald Johnson is a resident of and domiciled in the State of Florida.
- 14 20. Mr. Eric Williams is a resident of and domiciled in the State of Missouri.
- 15 21. Mr. Michael Pittman is a resident of and domiciled in the State of Arizona.
- 16 22. Mr. Robert Petrich is a resident of and domiciled in the State of California.
- 17 23. Mr. Leslie "Speedy" Duncan is a resident of and domiciled in the State of California.
- 18 24. Mr. Walt Sweeney is a resident of and domiciled in the State of California.
- 19 25. Mr. Earle Faison is a resident of and domiciled in the State of Arizona.
- 20 26. Mr. Wilfred Grant is a resident of and domiciled in the State of New York.
- 21 27. Mr. Nathaniel Whitmyer is a resident of and domiciled in the State of California.
- 22 28. Mr. Thomas Myers is a resident of and domiciled in the State of Texas.
- 23 29. Mr. Bob Gagliano is a resident of and domiciled in the State of California.
- 24
- 25
- 26
- 27
- 28

1 30. Mr. Matthew Hatchette is a resident of and domiciled in the State of California.

2 31. Mr. Jim Collins is a resident of and domiciled in the State of California.

3 32. Mr. Richard Westmoreland is a resident of and domiciled in the State of California.

4 33. Mr. Hugh Douglas is a resident of and domiciled in the State of Pennsylvania.

5 34. Mr. Eric Williams is a resident of and domiciled in the State of Texas.

6 35. Mr. Andrew Gissinger is a resident of and domiciled in the State of California.

7 36. Mr. James Washington is a resident of and domiciled in the State of California.

8 37. Mr. Reuben Droughns is a resident of and domiciled in the State of Colorado.

9 38. Mr. Marvin Smith is a resident of and domiciled in the State of California.

10 39. Mr. Clarence Duren is a resident of and domiciled in the State of California.

11 40. Mr. Willie Germany is a resident of and domiciled in the State of Maryland.

12 41. Mr. Terrelle Smith is a resident of and domiciled in the State of California.

13 **Defendants:**

14 42. Defendant National Football League ("the NFL") is an unincorporated association with its
15 headquarters located in the State of New York. The NFL regularly conducts business in California.

16 43. Defendant NFL Properties, LLC as the successor-in-interest to National Football League
17 Properties Inc. ("NFL Properties") is a limited liability company organized and existing under the laws of
18 the State of Delaware with its headquarters in the State of New York. NFL Properties is engaged, among
19 other activities, approving licensing and promoting equipment used by all the NFL teams. NFL Properties
20 regularly conducts business in California.

21 44. Defendant Riddell, Inc. (d/b/a Riddell Sports Group, Inc.) is a corporation organized and
22 existing under the laws of the State of Illinois, and is engaged in the business of designing, manufacturing,
23

1 selling and distributing football equipment, including helmets, to the NFL and since 1989 has been the
2 official helmet of the NFL. Riddell, Inc. regularly conducts business in California.

3 45. Defendant All American Sports Corporation, d/b/a Riddell/All American, is a corporation
4 organized and existing under the laws of the State of Delaware and is engaged in the business of designing,
5 manufacturing, selling and distributing football equipment, including helmets, to the NFL and since 1989
6 has been the official helmet of the NFL. All American Sports regularly conducts business in California.

7 46. Defendant Riddell Sports Group, Inc. is a Delaware corporation with its principal place of
8 business at 6255 N. State Highway, #300, Irving, Texas 76038. Riddell Sports Group, Inc. regularly
9 conducts business in California.

10 47. Defendant Easton-Bell Sports, Inc. is a Delaware Corporation with a principal place of
11 business at 7855 Haskell Avenue, Suite 200, Van Nuys, California 91406 and is a parent corporation of
12 Riddell Sports Group Inc. Easton-Bell Sports, Inc. designs, develops, and markets branded athletic
13 equipment and accessories, including marketing and licensing products under the Riddell brand. Easton-
14 Bell Sports, Inc. regularly conducts business in California.

15 48. Defendant Easton-Bell Sports, LLC is the parent corporation of Easton-Bell Sports, Inc. and
16 is incorporated in Delaware, with a principal place of business at 152 West 57th Street, New York, New
17 York 10019. Easton-Bell Sports, LLC regularly conducts business in California.

18 49. Defendant EB Sports Corp. is a Delaware corporation with its principal place of business at
19 7855 Haskell Avenue, Van Nuys, California 91406. EB Sports Corp. regularly conducts business in
20 California.

21 50. Defendant RBG Holdings Corp. is a Delaware corporation with its principal place of
22 business at 7855 Haskell Avenue, Suite 350, Van Nuys, California 91406. RBG Holdings Corp. regularly
23 conducts business in California.

1 51. Defendants Riddell, Inc., Riddell Sports Group Inc., All American Sports Corporation,
2 Easton-Bell Sports, Inc., EB Sports Corp., Easton-Bell Sports, LLC, and RBG Holdings Corp., shall
3 hereinafter be referred to collectively as "Riddell" or the "Riddell Defendants."

4 JURISDICTION AND VENUE

5 52. Jurisdiction is based upon the California Constitution Article 6, Section 10.

6 53. Venue is proper in this Court pursuant to Section 395(A) of the California Code of Civil
7
8 Procedure.

9 54. Based on reasonable belief and acquired information, each Plaintiff has suffered damages in
10 excess of \$75,000.00

11 INTRODUCTION

12 The NFL:

13
14 55. The National Football League was founded as the American Professional Football
15 Association in 1920.

16 56. The American Professional Football Association changed its name to the National Football
17 League in 1922. By 1924, there were 23 franchises or teams that devised the NFL.

18 57. The American Football League operated from 1960 to 1969. In 1970, it merged with the
19 National Football League to create the American Football Conference.

20 58. Today, the National Football League consists of two structured conferences, the AFC and
21 the NFC, with 32 team members.

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

24 60. The Supreme Court of the United States of America in *American Needle, Inc. v. NFL, et al.*,
25 130 S.Ct. 2201 (U.S. 2010), ruled that the NFL is a separate entity from each of its teams.

1 61. The NFL is by far the most attended domestic sports league in the world by average
2 attendance per game with 67,509 fans per game in the regular season (2009).

3 62. The NFL is a 9 billion dollar-a-year business.

4 Riddell:

5 63. The Riddell Defendants have operated through designing, developing, manufacturing,
6 selling and distributing football equipment, including helmets, in one form or another, since 1922.

7 64. As early as the 1930's, players began using helmets during football games. These early
8 helmets were constructed from pieces of cobbled leather.

9 65. In the early 1940's, John T. Riddell, who later formed John T. Riddell Incorporated,
10 invented the first plastic suspension helmet. In 1949, plastic helmets became legalized.

11 66. Throughout the latter half of the 20th century and continuing to present day, Riddell has
12 designed, developed, manufactured, sold, and distributed equipment used in the NFL, including equipment
13 used by Plaintiffs, including, but not limited to, the following:

- 14 (a) In the 1950's, Riddell manufactured a face-mask component for its helmets, which was
15 eventually patented.
- 16 (b) In 1962, Riddell used a "U" shaped nose protector with a shell (known as the TK2) molded
17 out of polycarbonate. Riddell also designed an open/closed cell foam and composite liner
18 system for this model to increase the efficiency of the webbed suspension.
- 19 (c) In 1963, Riddell developed the TAK-29 helmet, which was the first to use air inflation for
20 fitting the helmet snug to the head. The TAK-29 shell, like the TK2, displayed the
21 protective polycarbonate plastic, in addition to including tough shock and cut-resistant face-
22 mask attachment straps.
- 23
24
25
26

27 //

- 1 (d) In 1969, recognizing that head protection was a key factor in helmet design requiring
2 durable head protection, Riddell constructed a micro-fit helmet model with injection
3 molding technology to create a one-piece shell to improve the structural integrity of the
4 entire helmet.
- 5 (e) In 1973, Riddell developed, designed, manufactured, sold, and/or distributed an air cushion
6 helmet whose interior system consisted of individual vinyl air cushions with layers of fitting
7 and energy absorbing foam. When a blow was struck, the air in the cushion was expelled
8 through a single vent, greatly reducing the initial impact. With the exhausting of the air
9 cushion, the compressed fitting foam was further compressed, reducing impact.
- 10 (f) In 1977, Riddell developed, designed, manufactured, sold, and/or distributed a stainless steel
11 face-mask which offered greater bend resistance that prevented helmet breakage at the drill
12 holes.
- 13 (g) In 1981, Riddell developed, designed, manufactured, sold, and/or distributed an Air Cushion
14 Engineered helmet.
- 15 (h) In 1982, Riddell developed, designed, manufactured, sold, and/or distributed a M155 helmet
16 model with a combination of foam and liquid-filled cells used for padding. On impact, the
17 liquid would be throttled from one cell to the next, resulting in energy attenuation. The
18 M155 helmet model included one-piece injection-molded face-masks which were mar and
19 rust-resistant, in addition to polyurethane face mask straps and universal jaw pads.
- 20 (i) In 2002, Riddell developed, designed, manufactured, sold, and/or distributed the Riddell
21 Revolution helmet designed with the intent of reducing the risk of concussion.
- 22 (j) In 2003, Riddell developed, designed, manufactured, sold, and/or distributed a real-time,
23 Head Impact Telemetry System (HITS) to monitor and record significant incidences of head
24
25
26
27
28

1 impact sustained during a football game or practice. The system measured the location,
2 magnitude, duration, and direction of head acceleration and transmitted that information
3 wirelessly to the sideline.

4 (k) In 2006, Riddell provided a research grant to the University of Pittsburgh Medical Center for
5 head injury research. The study compared rates of high school athletes who wore the
6 Riddell Revolution helmet with those who wore traditional helmets.

7
8 (l) In 2007, Riddell developed, designed, manufactured, sold, and/or distributed an individual
9 helmet system, Revolution IQ Hits™, allowing players to monitor the number and severity
10 of impacts received during games and practices. On-board electronics record every impact,
11 allowing players to upload and evaluate each occurrence on their home computers.

12
13 (m) In 2001, Riddell developed, designed, manufactured, sold, and/or distributed the 360 helmet
14 which uses energy-managing materials and a face mask attachment system to disperse the
15 energy of frontal impacts. According to Riddell, it developed this helmet using over 1.4
16 million impacts collected through Riddell's HITS technology.

17 67. Riddell is currently the official helmet of the NFL. As the official helmet for the NFL,
18 Riddell is the only helmet manufacturer allowed to display its logo on helmets wore by players during NFL
19 games. Upon information and belief, Plaintiffs wore Riddell helmets at times while playing and/or
20 practicing during their NFL careers.
21

22 68. The Riddell Defendants are and were at all times herein mentioned engaged in the business
23 of selling, manufacturing, designing, testing, engineering, marketing, modifying, assembling, inspecting,
24 distributing, and controlling the helmets and other similar equipment for use by Plaintiffs and within the
25 NFL.
26

27 //

NFL AND THE CBA

69. Until March of 2011, NFL players were all 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, historically, the NFL retired players have never been the subject of or a party to Collective Bargaining.

70. The CBA had been in place since 1993 and was amended in 1998 and again in 2006. The CBA was originally scheduled to expire at the end of the 2012 season but in 2008 the owners exercised their right to opt-out of the agreement two years earlier. In 2011, the parties in trying to negotiate a new CBA reached an impasse and the NFL owners locked the players out. Subsequently, the NFLPA decertified itself as the players' representative for bargaining.

71. The plaintiffs herein are all retirees and not covered by the CBA nor are they a subject of or parties to bargaining between the NFL and the NFLPA. Thus, the plaintiffs' claims are not preempted by federal labor law since the CBA does not apply to their present claims and, additionally, the expired CBA's do not presently exist.

CTE AND CONCUSSION INJURY

72. In 2002, Dr. Bennet Omalu, a forensic pathologist and neuropathologist found Chronic Traumatic Encephalopathy (CTE) in the brain of Hall of Famer, Mike Webster.

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

74. Dr. Omalu says that the brain damage he found in four ex-players who died is the same condition found in punch-drunk boxers.

1 75. Around the same time, researchers without NFL ties surveyed retired football players and
2 their findings showed that players who had multiple concussions were more likely to report being
3 diagnosed with depression.

4 76. Dr. Omalu questioned "Where was the NFL when we found this disease?"

5
6 77. In 2005-2007, the University of North Carolina's Center for the Study of Retired Athletes
7 published survey-based papers that found a clear correlation between NFL football and depression,
8 dementia and other cognitive impairment.

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

12
13 79. The NFL undertook the responsibility of studying concussion research in 1994 through
14 funding a Committee known as the "NFL Committee on Mild Traumatic Brain Injury".

15 80. The NFL affirmatively assumed a duty to use reasonable care in the study of post
16 concussion syndrome, and to use reasonable care in the publication of data from the MTBI Committee's
17 work.

18
19 81. Rather than exercising reasonable care in these duties, the NFL immediately engaged in a
20 long-running course of negligent and fraudulent conduct.

21 82. The NFL Committee on Mild Traumatic Brain Injury published their findings in 2004
22 showing "no evidence of worsening injury or chronic cumulative effects" from multiple concussions. In a
23 related study, this Committee found "many NFL players can be safely allowed to return to play" on the day
24 of a concussion if they are without symptoms and cleared by a physician.

25
26 83. Players who suffered concussions were told by the NFL and its agents not to be overly
27 concerned, and were regularly returned to game action mere minutes after sustaining them.

1 84. As further evidence, Commissioner Roger Goodell in June of 2007 admitted publicly that
2 the NFL has been studying the effects of traumatic brain injury for "close to 14 years . . ."

3 85. It was not until June of 2010 that the NFL acknowledged that concussions can lead to
4 dementia, memory loss, CTE and related symptoms by publishing warning to every player and team.
5

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

7 86. The NFL overtly undertook a duty to study concussions on behalf of all American Rules
8 Football leagues and players.

9 87. As the industry icon, all American Rules Football leagues modeled their programs after the
10 NFL.

11 88. In turn, the NFL possesses monopoly power over American Football. As such, it also
12 possesses monopoly power over the research and education of football injuries to physicians, trainers,
13 coaches and individuals with brain damage such as Plaintiffs who played in the NFL, as well as the public
14 at large. As a result, it owed a duty to everyone including individuals such as Plaintiffs in the following
15 respects:
16

- 17 (a) It owed a duty to protect Plaintiffs on the playing field;
18
19 (b) It owed a duty to Plaintiffs to educate them and other players in the NFL about CTE and/or
20 concussion injury;
21
22 (c) It owed a duty to Plaintiffs to educate trainers, physicians, and coaches about CTE and/or
23 concussion injury;
24
25 (d) It owed a duty to Plaintiffs to have in place strict return-to-play . guidelines to prevent
CTE and/or concussion injury;

26 //

27 //

21/10/98
28

- 1 (e) It owed a duty to Plaintiffs to promote a "whistleblower" system where teammates would
2 bring to the attention of a trainer, physician or coach that another player had sustained
3 concussion injury;
4 (f) It owed a duty to Plaintiffs to design rules and penalties for players who use their head or
5 upper body to hit or tackle;
6 (g) It owed a duty to Plaintiffs to design rules to eliminate the risk of concussion during games
7 and/or practices;
8 (h) It owed a duty to Plaintiffs to promote research into and cure for CTE and the effects of
9 concussion injury over a period of time; and
10 (i) It owed a duty to State governments, local sports organizations, all American Rules Football
11 leagues and players, and the public at large to protect against the long-term effects of CTE
12 and/or concussion injury.
13
14

15 89. The NFL knew as early as the 1920's of the harmful effects on a player's brain of
16 concussions; however, until June of 2010 they concealed these facts from coaches, trainers, players, and the
17 public.
18

19 90. Plaintiffs did not know the long-term effects of concussions and relied on the NFL and the
20 Riddell Defendants to protect them.

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

22 91. For decades, Defendants have known that multiple blows to the head can lead to long-term
23 brain injury, including memory loss, dementia, depression and CTE and its related symptoms.
24

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

27 //
28

1 93. This action arises because the NFL Defendants committed negligence by failing to exercise
2 its duty to enact league-wide guidelines and mandatory rules regulating post-concussion medical treatment
3 and return-to-play standards for players who suffer a concussion and/or multiple concussions.

4 94. By failing to exercise its duty to enact reasonable and prudent rules to protect players against
5 the risks associated with repeated brain trauma, the NFL's failure to exercise its independent duty has led to
6 the deaths of some, and brain injuries of many other former players, including Plaintiffs.
7

8 95. The following information, which is by no means comprehensive, was available and easily
9 accessible to Defendants:

10 (a) In the 1890's, Admiral Joseph Mason "Bull" Reeves, who is more known as the father of
11 carrier aviation, played American football in the 1890's for the Naval Academy. He had
12 suffered so many blows to his head that a navy doctor advised him that he could risk death
13 or insanity if he received another kick to his head.
14

15 (b) In 1913, Glenn "Pop" Warner, commented that he had "many times seen cases when hard
16 bumps on the head so dazed the player receiving them that he lost his memory for a time and
17 had to be removed from the game";
18

19 (c) In 1928, the first case of "Punch Drunk" in boxers was published in the *American*
20 *Association Journal* by HS Martland;

21 (d) A 1937 article on "Dementia pugilistica" was published in the *US Navy Medical Bulletin*;

22 (e) A 1952 article on "Electroencephalographic changes in professional boxers was published in
23 the *American Medical Association Journal*;

24 (f) A 1952 New England Journal of Medicine Article Vol. 246, pp. 554-556 talked about a
25 three strike rule for concussions in 1945 – three concussions and you should retire from
26 football;
27
28

- 1 (g) A 1954 article on "Observations on the clinical and brain wave patterns of professional
2 boxers" was published in the *American Medical Association Journal*;
- 3 (h) A 1956 article on "Diffuse degeneration of the cerebral white matter in severe dementia
4 following head injury" was published in the *Neurological, Neurosurgery and Psychiatry*
5 *Journal*;
- 6 (i) A 1957 article on the "Medical aspects of boxing, particularly from a neurological
7 standpoint" was published in the *British Medical Journal*;
- 8 (j) A 1959 article on the "Observations of the pathology of insidious dementia following head
9 injury" was published in the *Journal of Mental Science*;
- 10 (k) A 1966 article on "Concussion amnesia" in *Neurology*;
- 11 (l) A 1968 article on "brains of boxers" published in *Neurochirurgia*;
- 12 (m) A 1969 report by the Royal College of Physicians of London confirmed the danger of
13 chronic brain damage occurring in boxers as a result of their careers;
- 14 (n) A 1969 article on "Organic psychosyndromes due boxing" in the *British Journal of*
15 *Psychiatry*;
- 16 (o) A 1969 book on "Brain damage in boxers - A study of the prevalence of traumatic
17 encephalopathy among ex-professional boxers" by AH Roberts;
- 18 (p) A 1970 article on "retrograde memory immediately after concussion" published in the
19 *Lancet*;
- 20 (q) In 1973, a disabling and sometimes deadly condition involving the second impact
21 concussion occurring before symptoms of a first concussion was described by R.C.
22 Schneider. This later was coined the Second Impact Syndrome in 1984;
- 23 (r) A 1973 article on "the aftermath of boxing" published in *Psychology Medicine*;
- 24
25
26
27
28

- 1 (s) JA Corsellis, CJ Bruton, D Freeman-Browne, *The Aftermath of Boxing*, 3 Psych. Med. 270-
2 303 (1973);
- 3 (t) A 1974 article on "Cerebral concussion and traumatic unconsciousness, Correlation of
4 experimental and clinical observations of blunt head injuries" published in *Brain*;
- 5 (u) A 1974 article on "Traumatic encephalopathy in a young boxer" published in the *Lancet*;
- 6 (v) A 1974 article on "Delayed recovery after mild head injury" was published in the *Lancet*;
- 7 (w) A 1975 article on "cumulative effect of concussion" was published in the *Lancet*;
- 8 (x) J. A. Corsellis, *Brain Damage in Sport*, 1 LANCET 401, 401 (1976) (finding that the brain
9 tissue of fifteen former boxers who sustained multiple head trauma evidenced
10 neuropathological signs of CTE);
- 11 (y) A 1978 article on "Posttraumatic dementia" published in *Aging*;
- 12 (z) J.C. Maroon, P.B. Steele, R. Berlin, *Football Head & Neck Injuries An Update*, 27 Clin.
13 Neurosurg. 414-29 (1980);
- 14 (aa) A 1981 article on "Association football injuries to the brain: a preliminary report" published
15 in the *British Journal of Sports Medicine*;
- 16 (bb) H Hugenholtz, MT Richard, *Return to Athletic Competition Following Concussion*, 127(9)
17 Can. Med. Assoc. J. 827-29 (1982);
- 18 (cc) RC Cantu, *Guidelines to Return to Contact After Cerebral Concussion*, 14 The Physician
19 and Sports Medicine 75-83 (1986);
- 20 (dd) Daniel N. Kulund, *The Injured Athlete* 269 (1988). A boxer may be knocked unconscious
21 by the pain of a shot to the eye or neck during a match. *See id.* Furthermore, a blow to the
22 heart or solar plexus may block the flow of blood and render the fighter unconscious. Any
23 punches to the temporal region may lead to a loss of balance or dizziness;
- 24
25
26
27
28

- 1 (ee) JA Corsellis, *Boxing and the Brain*, 298 BMJ 105-109 (1989);
2 (ff) James P. Kelly et al., *Concussion in Sports, Guidelines for the Prevention of Catastrophic*
3 *Outcome*, 266 JAMA 2868 (1991);
4 (gg) B.E. Leininger & J.S. Kreutzer, *Neuropsychological Outcome of Adults with Mild Traumatic*
5 *Brain Injury: Implications for Clinical Practice and Research*, in REHABILITATION OF
6 POST-CONCUSSIVE DISORDERS (L.J. Horn & N.D. Zasler eds., State of the Art
7 Reviews, Physical Medicine and Rehabilitation, Hanley & Belfus, Inc. 1992);
8 (hh) RC Cantu, *Cerebral Concussion in Sports*, 14(1) Sports Med. 64-74 (1992);
9 (ii) RC Cantu, FO Mueller, *Catastrophic Football Injuries in the USA*, 2(3) Clin. J. Sports Med.
10 180-85 (1992); and
11 (jj) Mild Traumatic Brain Injury Committee of the Head Injury Interdisciplinary Special Interest
12 Group of the American Congress of Rehabilitation Medicine, *Definition of Mild Traumatic*
13 *Injury*, 8 J. HEAD TRAUMA REHABIL. 86-87 (1993).

14 96. In addition, the NFL's duty to protect the health and safety of its players is further
15 underscored by the irrefutable evidence that the NFL has previously enacted the following non-exhaustive
16 list of rules pertaining to players' health and safety:
17

- 18 (a) In 1956, the NFL enacted a rule that prohibited the grabbing of any player's facemask, other
19 than the ball carrier;
20 (b) In 1962, the NFL enacted a rule that prohibited players from grabbing any player's
21 facemask;
22 (c) In 1976, the NFL enacted a rule that prohibited players from grabbing the facemask of an
23 opponent. The penalty for an incidental grasp of the facemask was 5 yards. The penalty for
24
25
26
27
28

1 twisting, turning, or pulling the facemask was 15 yards. A player could be ejected from the
2 game if the foul is judged to be vicious and/or flagrant;

3 (d) In 1977, the NFL enacted a rule that prohibited players from slapping the head of another
4 player during play. This rule was referred to as the "Deacon Jones Rule", named after the
5 Rams' defensive end who frequently used this technique;

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

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

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

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

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

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

22 (k) In 1988, the NFL enacted a rule that prohibited defensive players from hitting quarterbacks
23 below the waist while they are still in the pocket. (The rule was unofficially called the
24
25
26
27
28

1 "Andre Waters Rule" based upon a hit that Waters placed on Los Angeles quarterback Jim
2 Everett in 1988); and

- 3 (l) Following the 2004-2005 season, the NFL's Competition Committee reviewed video of the
4 entire season and concluded that the horse-collar tackle resulted in six serious injuries. On
5 May 23, 2005, the NFL owners voted 27-5 to ban the tackle. The ban states that a horse-
6 collar tackle is an open-field tackle in which a defender uses the shoulder pads to
7 immediately brain a ball carrier down.
8

9 **NFL FRAUDULENTLY CONCEALED**

10 **THE LONG-TERM EFFECTS OF CONCUSSIONS**

11 97. Instead of taking measures to actually protect its players from suffering long-term brain
12 injuries, the NFL created the "Mild Traumatic Brain Injury Committee" in 1994 to purportedly study the
13 effects of concussions on NFL players.
14

15 98. The Mild Traumatic Brain Injury Committee was chaired by Dr. Elliot Pellman, a
16 rheumatologist who is not certified as to brain injuries and/or concussions.

17 99. After 14 years of purported studies, and after numerous medical journal articles were written
18 by the NFL's Mild Traumatic Brain Injury Committee (the "NFL's Brain Injury Committee"), concluded
19 that "[b]ecause a significant percentage of players returned to play in the same game [as they suffered a
20 mild traumatic brain injury] and the overwhelming majority of players with concussions were kept out of
21 football-related activities for less than 1 week, it can be concluded that mild TBI's in professional football
22 are not serious injuries." See "Concussion in professional football: Summary of the research conducted by
23 the National Football League's Committee on Mild Traumatic Brain Injury," *Neurosurg Focus* 21 (4):E12,
24 2006, E.J. Pellman and D.C. Viano.
25
26

27 //
28

1 100. According to the NFL's own committee, the speedy return to play after suffering a
2 concussion demonstrates that such players were not at a greater risk of suffering long-term brain injury.

3 101. The MTBI Committee has published multiple research articles since its inception. The
4 findings of the MTBI Committee have regularly contradicted the research and experiences of neurologists
5 who treat sports concussions, and to players who endured them.

6 102. For example, in the October 2004 edition of *Neurosurgery*, the MTBI Committee published
7 a paper in which it asserted that the Committee's research found no risk of repeated concussions in players
8 with previous concussions and that there was no "7- to 10-day window of increased susceptibility to
9 sustaining another concussion."
10

11 103. In a comment to the study published in *Neurosurgery*, one doctor wrote that "[t]he article
12 sends a message that it is acceptable to return players while still symptomatic, which contradicts literature
13 published over the past twenty years suggesting that athletes be returned to play only after they are
14 asymptomatic, and in some cases for seven days."
15

16 104. As a further example, in January 2005, the Committee wrote that returning to play after a
17 concussion "does not involve significant risk of a second injury either in the same game or during the
18 season." However, a 2003 NCAA study of 2,905 college football players found just the opposite: "Those
19 who have suffered concussions are more susceptible to further head trauma for seven to 10 days after the
20 injury."
21

22 105. The NFL-funded study is completely devoid of logic and science. More importantly, it is
23 contrary to their Health and Safety Rules as well as 75 years of published medical literature on
24 concussions.
25

26 //

27 //

28
B6/G1/12

1 106. Between 2002 and 2005, a series of clinical and neuropathological studies performed by
2 independent scientists and physicians demonstrated that multiple NFL induced-concussions cause cognitive
3 problems such as depression, early on-set dementia and CTE and its related symptoms..

4 107. In response to these studies, the NFL, to further a scheme of fraud and deceit, had members
5 of the NFL's Brain Injury Committee deny knowledge of a link between concussion and cognitive decline
6 and claim that more time was needed to reach a definitive conclusion on the issue.
7

8 108. When the NFL's Brain Injury Committee anticipated studies that would implicate causal
9 links between concussion and cognitive degeneration it promptly published articles producing contrary
10 findings, although false, distorted and deceiving as part of the NFL's scheme to deceive Congress, the
11 players and the public at large.
12

13 109. Between 2002 and 2007, Dr. Bennet Omalu examined the brain tissue of deceased NFL
14 players including Mike Webster, Terry Long, Andre Waters, and Justin Strzelczyk. Dr. Omalu in an article
15 in *Neurosurgery* concluded that chronic traumatic encephalopathy ("CTE") triggered by multiple NFL
16 concussions represented a partial cause of their deaths.
17

18 110. In response to Dr. Omalu's article, the NFL acting thru the NFL's Brain Injury Committee,
19 Drs. Ira Casson, Elliott Pellman and David Viano wrote a letter to the editor of *Neurosurgery* asking that
20 Dr. Omalu's article be retracted.

21 111. Dr. Julian Bailes, a neurosurgeon from West Virginia University, briefed the NFL
22 Committee on the findings of Dr. Omalu and other independent studies linking multiple NFL head injuries
23 with cognitive decline. Dr. Bailes recalled the MTBI Committee's reaction to his presentation: "the
24 Committee got mad . . . we got into it. And I'm thinking, 'This is a . . . disease in America's most popular
25 sport and how are its leaders responding? Alienate the scientist who found it? Refuse to accept the science
26 coming from him?'"
27
28

1 112. In 2005, a clinical study performed by Dr. Kevin Guskiewicz found that retired players, who
2 sustained three or more concussions in the NFL had a five-fold prevalence of mild cognitive impairment.
3 The NFL's Brain Injury Committee, Dr. Mark Lowell, promptly attacked the article by refusing to accept a
4 survey of 2,400 former NFL players.

5 113. A November 2006 *ESPN The Magazine* article described how the MTBI Committee failed
6 to include hundreds of neuropsychological tests done on NFL players when studying the effects of
7 concussions on the results of such tests. The article further revealed that Dr. Pellman had fired a
8 neuropsychologist for the New York Jets, Dr. William Barr, after Dr. Barr voiced concern that Dr. Pellman
9 might be picking and choosing what data to include in the Committee's research to get results that would
10 downplay the effects of concussions.
11

12 114. Dr. Pellman stepped down as the head of the MTBI Committee in February 2007. Dr. Kevin
13 Guskiewicz, research director of UNC's Center for the Study of Retired Athletes, said at the time that Dr.
14 Pellman was "the wrong person to chair the committee from a scientific perspective and the right person
15 from the league's perspective."
16

17 115. Regarding the work of Dr. Pellman, Dr. Guskiewicz stated, "[w]e found this at the high
18 school level, the college level and the professional level, that once you had a concussion or two you are at
19 increased risk for future concussions;" but "[Dr. Pellman] continued to say on the record that's not what
20 they find and there's no truth to it."
21

22 116. Dr. Pellman was replaced by Doctors Ira Casson and David Vaino. Dr. Casson continued to
23 dismiss outside studies and overwhelming evidence linking dementia and other cognitive decline to brain
24 injuries. When asked in 2007 whether concussions could lead to brain damage, dementia or depression, Dr.
25 Casson denied the linkage six separate times.
26

27 //
28

1 117. Because of Congressional scrutiny and media pressure, the NFL scheduled a league-wide
2 Concussion Summit for June 2007. At the summit, the co-chair of the MTBI Committee, Dr. Ira Casson,
3 told team doctors and trainers that CTE has never been scientifically documented in football players.
4 Unfortunately, the NFL in keeping with its scheme of fraud and deceit issued a pamphlet to players in
5 August 2007, which stated: "there is no magic number for how many concussions is too many." The
6 pamphlet created player reliance insofar as it also stated "We want to make sure all NFL players . . . are
7 fully informed and take advantage of the *most up to date information* and resources as we continue to study
8 the long-term impact on concussions." (emphasis added).
9

10 118. In 2008, the University of Michigan's Institute for Social Research conducted a study on the
11 health of retired players, with over 1,000 former NFL players taking part. The results of the study, which
12 were released in 2009, reported that "Alzheimer's disease or similar memory-related diseases appear to
13 have been diagnosed in the league's former players vastly more often than in the national population -
14 including a rate of 19 times the normal rate for men ages 30 through 49."
15

16 119. The NFL, which had commissioned the study, responded to its results by claiming that the
17 study was incomplete. Further findings, it said, would be needed. Several experts in the field found the
18 NFL's reaction to be "bizarre," noting that "they paid for the study, yet they tried to distance themselves
19 from it."
20

21 120. When Boston University's Dr. Ann McKee found CTE in the brains of two more deceased
22 NFL players in 2008, Dr. Ira Casson characterized each study as an "isolated incident" from which no
23 conclusion could be drawn.
24

25 121. At the October 2009 Congressional hearings of the House Judiciary Committee, committee
26 member Linda Sanchez analogized the NFL's denial of a causal link between NFL concussion and
27
28

1 cognitive decline to the Tobacco industry's denial of the link between cigarette consumption and ill health
2 effects.

3 122. Also at the October 2009 hearing, Rep. Maxine Waters stated, "I believe you are an \$8
4 billion organization that has failed in your responsibility to the players. We all know it's a dangerous sport.
5 Players are always going to get injured. The only question is, are you going to pay for it? I know that you
6 dearly want to hold on to your profits. I think it's the responsibility of Congress to look at your antitrust
7 exemption and take it away."
8

9 123. NFL Commissioner Roger Goodell testified at the hearing that "[i]n the past 15 years, the
10 N.F.L. has made significant investments in medical and biomechanical research. All of that information
11 has been made public, subjected to thorough and on-going peer review, published in leading journals, and
12 distributed to the N.F.L.P.A. and their medical consultants. We have been open and transparent, and have
13 invited dialogue throughout the medical community."
14

15 124. In January 2010, the House Judiciary Committee held further hearings on Football Player
16 Head Injuries. The committee chairman, Rep. John Conyers, Jr., noted that "until recently, the NFL had
17 minimized and disputed evidence linking head injuries to mental impairment in the future."
18

19 125. Dr. Casson provided oral and written testimony at the January 2010 hearings. He continued
20 to deny the validity of other studies, stating that "[t]here is not enough valid, reliable or objective scientific
21 evidence at present to determine whether or not repeat head impacts in professional football result in long
22 term brain damage."
23

24 126. Defendants had concealed for decades the serious risks of long-term effects of traumatic
25 brain injury. It was not until Defendants had to testify before Congress that these eventual admissions were
26 ultimately conceded. Further, Plaintiffs could not have known or discovered with reasonable certainty that
27 the cause of their injuries were due to Defendants' fraudulent concealment of this information.
28

1 127. Since at least 2002, the NFL Committee has been on direct notice of multiple NFL head
2 injuries contributing to cognitive decline in later life, yet it has never amended the 2007 NFL's Brain Injury
3 Committee statement: "Current research with professional athletes has not shown that having more than
4 one or two concussions leads to permanent problems. . . It is important to understand that there is no magic
5 number for how many concussions is too many."
6

7 128. As of June 2010, the NFL had yet to amend these inaccurate and misrepresentative
8 statements to any Plaintiff or retiree.

9 **NFL ACKNOWLEDGES ITS DUTY TO**
10 **PROTECT AGAINST THE LONG-TERM RISK OF CONCUSSIONS**

11 129. On August 14, 2007, the NFL acknowledged its duty to players by enacting rules to protect
12 them against the risks associated with repeated brain trauma.
13

14 130. The NFL's 2007 concussion guidelines, many of which stemmed from an NFL conference
15 in June of 2007 involving team trainers and doctors, were sent to all current players and other team
16 personnel.
17

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

21 132. The NFL's 2007 concussion guidelines also include an informational pamphlet provided to
22 all current NFL players to aid in identifying symptoms of a concussion. This information was later
23 withdrawn by one of the outside counsel of the NFL in a separate letter to its disability plan, as well as the
24 NFL's August 14, 2007 press release denying that "more than one or two concussions leads to permanent
25 problems".
26

27 //
28

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

5
6 134. The NFL's Commissioner also stated, "[b]ecause of the unique and complex nature of the
7 brain, our goal is to continue to have concussions managed conservatively by outstanding medical
8 personnel in a way that clearly emphasizes player safety over competitive concerns."

9 135. The NFL's 2007 concussion guidelines provide when a player with a concussion can return
10 to a game or practice.

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

13
14 137. For the past many decades until August 14, 2007, the NFL's duty to protect its players has
15 never changed and has ever waned. The only change that occurred is that on August 14, 2007, the NFL
16 finally and unequivocally acted upon its longstanding duty to protect its member players by implementing
17 league-wide concussion guidelines.

18
19 138. Importantly, the NFL themselves acknowledged that the 2007 guidelines were inadequate
20 and insufficient. As a result, the NFL enacted more strict regulations to handle concussions starting in the
21 2009 season. Specifically, the NFL announced new rules on managing concussions requiring players who
22 exhibit any significant concussion signs to be removed from a game or practice and be barred from
23 returning the same day.

24
25 139. Nevertheless, it was not until June of 2010 that the NFL warned any player of the long-term
26 risks associated with multiple concussions, including dementia, memory loss, CTE and its related

1 symptoms. The Riddell Defendants also failed to so warn active players until approximately the same time
2 frame.

3 140. As of today, the NFL Defendants and the Riddell Defendants have never warned any
4 Plaintiff or retired player of the long-term health effects of concussions.

5 **THE DEFENDANTS' CONDUCT RISES BEYOND MERE NEGLIGENCE**

6
7 141. The aforementioned acts and omissions of the Defendants demonstrate that the Defendants
8 acted with callous indifference to the rights and duties owed to Plaintiffs, all American Rules Football
9 leagues and players and the public at large.

10 142. The Defendants acted willfully, wantonly, egregiously, with reckless abandon, and with a
11 high degree of moral culpability.

12
13 143. The conduct of the Defendants was despicable, oppressive, malicious, fraudulent and in
14 conscious disregard of the Plaintiffs' rights, for which the Defendants should be assessed exemplary
15 damages in an appropriate amount to punish and make an example of the Defendants.

16 **JOE KAPP**

17 144. Plaintiff Joe Kapp was born on March 19, 1938 and he currently resides in Los Gatos,
18 California.

19
20 145. Plaintiff Joe Kapp played Quarterback for the Minnesota Vikings from 1967 to 1969 and the
21 Boston Patriots in 1970.

22 146. Plaintiff Joe Kapp suffered multiple concussions that were improperly diagnosed and
23 improperly treated throughout his career as a professional football player in the NFL.

24
25 147. Plaintiff Joe Kapp was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants
26 of the risk of long-term injury due to football-related concussions or that the league-mandated equipment
27 did not protect him from such injury. This was a substantial factor in causing his current injury.

1 148. Plaintiff Joe Kapp suffers from multiple past traumatic brain injuries with various symptoms
2 including, but not limited to, sleeping problems, headaches and memory loss.

3 **PAUL LOWE**

4 149. Plaintiff Paul Lowe was born on September 27, 1936 and he currently resides in San Diego,
5 California.

6
7 150. Plaintiff Paul Lowe played Half Back for the Los Angeles/San Diego Chargers from 1960 to
8 1968 and the Kansas City Chiefs from 1968 to 1969.

9 151. Plaintiff Paul Lowe suffered multiple concussions that were improperly diagnosed and
10 improperly treated throughout his career as a professional football player in the NFL.

11 152. Plaintiff Paul Lowe was not warned by the NFL, NFL Properties, Inc., or Riddell
12 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
13 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
14

15 153. Plaintiff Paul Lowe suffers from multiple past traumatic brain injuries with various
16 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

17 **CRAIG COTTON**

18
19 154. Plaintiff Craig Cotton was born on July 7, 1947 and he currently resides in Bakersfield,
20 California.

21 155. Plaintiff Craig Cotton played Tight End for the Detroit Lions from 1969 to 1972, the
22 Chicago Bears in 1972, and the San Diego Chargers in 1973.

23 156. Plaintiff Craig Cotton suffered multiple concussions that were improperly diagnosed and
24 improperly treated throughout his career as a professional football player in the NFL.
25

26 //

27 //

1 157. Plaintiff Craig Cotton was not warned by the NFL, NFL Properties, Inc., or Riddell
2 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
3 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

4 158. Plaintiff Craig Cotton suffers from multiple past traumatic brain injuries with various
5 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
6

7 **JOSEPH BEAUCHAMP**

8 159. Plaintiff Joseph Beauchamp was born on April 11, 1944 and he currently resides in San
9 Diego, California.

10 160. Plaintiff Joseph Beauchamp played Defensive Back for the San Diego Chargers from 1966
11 to 1975.
12

13 161. Plaintiff Joseph Beauchamp suffered multiple concussions that were improperly diagnosed
14 and improperly treated throughout his career as a professional football player in the NFL.

15 162. Plaintiff Joseph Beauchamp was not warned by the NFL, NFL Properties, Inc., or Riddell
16 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
17 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
18

19 163. Plaintiff Joseph Beauchamp suffers from multiple past traumatic brain injuries with various
20 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

21 **JIM PETERSON**

22 164. Plaintiff Jim Peterson was born on January 20, 1950 and he currently resides in Encinitas,
23 California.

24 165. Plaintiff Jim Peterson played Linebacker for the Los Angeles Rams from 1973 to 1975 and
25 the Tampa Bay Buccaneers in 1976.
26

27 //
28

1 166. Plaintiff Jim Peterson suffered multiple concussions that were improperly diagnosed and
2 improperly treated throughout his career as a professional football player in the NFL.

3 167. Plaintiff Jim Peterson was not warned by the NFL, NFL Properties, Inc., or Riddell
4 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
5 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
6

7 168. Plaintiff Jim Peterson suffers from multiple past traumatic brain injuries with various
8 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

9 **TIMOTHY STOKES**

10 169. Plaintiff Timothy Stokes was born on March 16, 1950 and he currently resides in Eugene,
11 California.

12 170. Plaintiff Timothy Stokes played Tackle for the Los Angeles Rams from 1973 to 1974, the
13 Washington Redskins from 1975 to 1977, the Green Bay Packers from 1978 to 1982, and the New York
14 Giants in 1981.
15

16 171. Plaintiff Timothy Stokes suffered multiple concussions that were improperly diagnosed and
17 improperly treated throughout his career as a professional football player in the NFL.

18 172. Plaintiff Timothy Stokes was not warned by the NFL, NFL Properties, Inc., or Riddell
19 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
20 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
21

22 173. Plaintiff Timothy Stokes suffers from multiple past traumatic brain injuries with various
23 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
24

25 **JON JAQUA**

26 174. Plaintiff Jon Jaqua was born on September 10, 1948 and he currently resides in California.

27 175. Plaintiff Jon Jaqua played Safety for the Washington Redskins from 1970 to 1974.
28

1 176. Plaintiff Jon Jaqua suffered multiple concussions that were improperly diagnosed and
2 improperly treated throughout his career as a professional football player in the NFL.

3 177. Plaintiff Jon Jaqua was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants
4 of the risk of long-term injury due to football-related concussions or that the league-mandated equipment
5 did not protect him from such injury. This was a substantial factor in causing his current injury.
6

7 178. Plaintiff Jon Jaqua suffers from multiple past traumatic brain injuries with various
8 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

9 **EDWARD GALIGHER**

10 179. Plaintiff Edward Galigher was born on October 15, 1950 and he currently resides in
11 Escondido, California.

12 180. Plaintiff Edward Galigher played Defensive End for the New York Jets from 1972 to 1976
13 and the San Francisco 49ers from 1977 to 1979.
14

15 181. Plaintiff Edward Galigher suffered multiple concussions that were improperly diagnosed
16 and improperly treated throughout his career as a professional football player in the NFL.

17 182. Plaintiff Edward Galigher was not warned by the NFL, NFL Properties, Inc., or Riddell
18 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
19 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
20

21 183. Plaintiff Edward Galigher suffers from multiple past traumatic brain injuries with various
22 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
23

24 **HUBERT GINN**

25 184. Plaintiff Hubert Ginn was born on January 4, 1947 and he currently resides in Savannah,
26 Georgia.

27 //
28

1 185. Plaintiff Hubert Ginn played Running Back for the Miami Dolphins from 1970 to 1975, the
2 Baltimore Colts in 1973, and the Oakland Raiders from 1976 to 1978. 185. Plaintiff Hubert Ginn
3 suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career
4 as a professional football player in the NFL.

5 186. Plaintiff Hubert Ginn was not warned by the NFL, NFL Properties, Inc., or Riddell
6 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
7 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
8

9 187. Plaintiff Hubert Ginn suffers from multiple past traumatic brain injuries with various
10 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
11

12 **ROGER ANDERSON, SENIOR**

13 188. Plaintiff Roger Anderson, Senior was born on November 11, 1942 and he currently resides
14 in Portsmouth, Virginia.

15 189. Plaintiff Roger Anderson, Senior played Defensive Tackle for the New York Giants from
16 1964 to 1979 and the Atlanta Falcons in 1966.

17 190. Plaintiff Roger Anderson, Senior suffered multiple concussions that were improperly
18 diagnosed and improperly treated throughout his career as a professional football player in the NFL.
19

20 191. Plaintiff Roger Anderson, Senior was not warned by the NFL, NFL Properties, Inc., or
21 Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-
22 mandated equipment did not protect him from such injury. This was a substantial factor in causing his
23 current injury.

24 192. Plaintiff Roger Anderson, Senior suffers from multiple past traumatic brain injuries with
25 various symptoms including, but not limited to, sleeping problems, headaches and memory loss.
26

27 //

JOHNNIE DIRDEN

193. Plaintiff Johnnie Dirden was born on March 14, 1954 and he currently resides in Denver, Colorado.

194. Plaintiff Johnnie Dirden played Wide Receiver for the Houston Oilers from 1978 to 1979, the Kansas City Chiefs in 1982, and the Pittsburgh Steelers in 1984.

195. Plaintiff Johnnie Dirden suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

196. Plaintiff Johnnie Dirden was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

197. Plaintiff Johnnie Dirden suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

TAMARICK VANOVER

198. Plaintiff Tamarick Vanover was born on February 25, 1974 and he currently resides in Tallahassee, Florida.

199. Plaintiff Tamarick Vanover played Wide Receiver for the Kansas City Chiefs from 1995 to 1999 and the San Diego Chargers in 2002.

200. Plaintiff Tamarick Vanover suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

201. Plaintiff Tamarick Vanover was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

//

1 202. Plaintiff Tamarick Vanover suffers from multiple past traumatic brain injuries with various
2 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

3 **MYRON JONES**

4 203. Plaintiff Myron Jones was born on February 21, 1968 and he currently resides in
5 Chatsworth, California.

6 204. Plaintiff Myron Jones played Running Back for the Los Angeles Raiders in 1990 and 1992
7 and the Orlando Thunders in 1991.

8 205. Plaintiff Myron Jones suffered multiple concussions that were improperly diagnosed and
9 improperly treated throughout his career as a professional football player in the NFL.
10

11 206. Plaintiff Myron Jones was not warned by the NFL, NFL Properties, Inc., or Riddell
12 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
13 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
14

15 207. Plaintiff Myron Jones suffers from multiple past traumatic brain injuries with various
16 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
17

18 **DENNIS MCKINLEY**

19 208. Plaintiff Dennis McKinley was born on November 3, 1976 and he currently resides in
20 Phoenix, Arizona.

21 209. Plaintiff Dennis McKinley played Running Back for the Arizona Cardinals from 1999 to
22 2002.

23 210. Plaintiff Dennis McKinley suffered multiple concussions that were improperly diagnosed
24 and improperly treated throughout his career as a professional football player in the NFL.
25

26 //

27 //

211. Plaintiff Dennis McKinley was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

212. Plaintiff Dennis McKinley suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

DAVID CADIGAN

213. Plaintiff David Cadigan was born on April 6, 1965 and he currently resides in Garden City, South Carolina.

214. Plaintiff David Cadigan played Offensive Lineman for the New York Jets from 1988 to 1993 and the Cincinnati Bengals in 1994.

215. Plaintiff David Cadigan suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

216. Plaintiff David Cadigan was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

217. Plaintiff David Cadigan suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

MICHAEL JAMESON, JUNIOR

218. Plaintiff Michael Jameson, Junior was born on July 14, 1979 and he currently resides in Chandler, Arizona.

219. Plaintiff Michael Jameson, Junior played Defensive Back for the Cleveland Browns from 2001 to 2005.

//

1 220. Plaintiff Michael Jameson, Junior suffered multiple concussions that were improperly
2 diagnosed and improperly treated throughout his career as a professional football player in the NFL.

3 221. Plaintiff Michael Jameson, Junior was not warned by the NFL, NFL Properties, Inc., or
4 Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-
5 mandated equipment did not protect him from such injury. This was a substantial factor in causing his
6 current injury.
7

8 222. Plaintiff Michael Jameson, Junior suffers from multiple past traumatic brain injuries with
9 various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

10 **BRETT FARYNIARZ**

11 223. Plaintiff Brett Faryniarz was born on July 23, 1965 and he currently resides in Anaheim
12 Hills, California.

13 224. Plaintiff Brett Faryniarz played Line Backer for the Los Angeles Rams from 1988 to 1991,
14 the San Francisco 49ers in 1993, the Houston Oilers in 1994, and the Carolina Panthers in 1995.

15 225. Plaintiff Brett Faryniarz suffered multiple concussions that were improperly diagnosed and
16 improperly treated throughout his career as a professional football player in the NFL.
17

18 226. Plaintiff Brett Faryniarz was not warned by the NFL, NFL Properties, Inc., or Riddell
19 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
20 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
21

22 227. Plaintiff Brett Faryniarz suffers from multiple past traumatic brain injuries with various
23 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
24

25 **MICHAEL KADISH**

26 228. Plaintiff Michael Kadish was born on May 27, 1950 and he currently resides in Ada,
27 Michigan.
28

1 229. Plaintiff Michael Kadish played Defensive Lineman for the Miami Dolphins from 1972 to
2 1973 and the Buffalo Bills from 1973 to 1981.

3 230. Plaintiff Michael Kadish suffered multiple concussions that were improperly diagnosed and
4 improperly treated throughout his career as a professional football player in the NFL.

5 231. Plaintiff Michael Kadish was not warned by the NFL, NFL Properties, Inc., or Riddell
6 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
7 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
8

9 232. Plaintiff Michael Kadish suffers from multiple past traumatic brain injuries with various
10 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
11

12 **REGINALD JOHNSON**

13 233. Plaintiff Reginald Johnson was born on January 27, 1968 and he currently resides in Land
14 O'Lakes, Florida.

15 234. Plaintiff Reginald Johnson played Tight End for the Denver Broncos from 1991 to 1993, the
16 Green Bay Packers in 1994 and 1997, the Philadelphia Eagles in 1995, and the Kansas City Chiefs in 1996.

17 235. Plaintiff Reginald Johnson suffered multiple concussions that were improperly diagnosed
18 and improperly treated throughout his career as a professional football player in the NFL.
19

20 236. Plaintiff Reginald Johnson was not warned by the NFL, NFL Properties, Inc., or Riddell
21 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
22 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
23

24 237. Plaintiff Reginald Johnson suffers from multiple past traumatic brain injuries with various
25 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

26 //

27 //

ERIC WILLIAMS

238. Plaintiff Eric Williams was born on June 17, 1965 and he currently resides in Saint Charles, Missouri.

239. Plaintiff Eric Williams played Line Backer for the Saint Louis Cardinals from 1977 to 1981, the Los Angeles Rams from 1982 to 1983, and the San Diego Chargers in 1984.

240. Plaintiff Eric Williams suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

241. Plaintiff Eric Williams was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

242. Plaintiff Eric Williams suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

MICHAEL PITTMAN

243. Plaintiff Michael Pittman was born on August 14, 1975 and he currently resides in Gilbert, Arizona.

244. Plaintiff Michael Pittman played Running Back for the Arizona Cardinals from 1998 to 2001, the Tampa Bay Buccaneers from 2002 to 2007, and the Denver Broncos in 2008.

245. Plaintiff Michael Pittman suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

246. Plaintiff Michael Pittman was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

//

1 247. Plaintiff Michael Pittman suffers from multiple past traumatic brain injuries with various
2 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

3 **ROBERT PETRICH**

4 248. Plaintiff Robert Petrich was born on March 15, 1941 and he currently resides in El Cajon,
5 California.

6 249. Plaintiff Robert Petrich played Defensive End for the San Diego Chargers from 1963 to
7 1966, the Buffalo Bills in 1967, and the Toronto Argonauts in 1968.

8 250. Plaintiff Robert Petrich suffered multiple concussions that were improperly diagnosed and
9 improperly treated throughout his career as a professional football player in the NFL.

10 251. Plaintiff Robert Petrich was not warned by the NFL, NFL Properties, Inc., or Riddell
11 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
12 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

13 252. Plaintiff Robert Petrich suffers from multiple past traumatic brain injuries with various
14 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

15 **LESLIE "SPEEDY" DUNCAN**

16 253. Plaintiff Leslie "Speedy" Duncan was born on August 10, 1942 and he currently resides in
17 Stockton, California.

18 254. Plaintiff Leslie "Speedy" Duncan played Cornerback for the San Diego Chargers from 1964
19 to 1970 and the Washington Redskins from 1971 to 1974.

20 255. Plaintiff Leslie "Speedy" Duncan suffered multiple concussions that were improperly
21 diagnosed and improperly treated throughout his career as a professional football player in the NFL.

22 256. Plaintiff Leslie "Speedy" Duncan was not warned by the NFL, NFL Properties, Inc., or
23 Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-

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

3 257. Plaintiff Leslie "Speedy" Duncan suffers from multiple past traumatic brain injuries with
4 various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

5
6 WALT SWEENEY

7 258. Plaintiff Walt Sweeney was born on April 18, 1941 and he currently resides in San Diego,
8 California.

9 259. Plaintiff Walt Sweeney played Guard for the San Diego Chargers from 1963 to 1973 and the
10 Washington Redskins from 1974 to 1976.

11 260. Plaintiff Walt Sweeney suffered multiple concussions that were improperly diagnosed and
12 improperly treated throughout his career as a professional football player in the NFL.

13 261. Plaintiff Walt Sweeney was not warned by the NFL, NFL Properties, Inc., or Riddell
14 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
15 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

16 262. Plaintiff Walt Sweeney suffers from multiple past traumatic brain injuries with various
17 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
18

19
20 EARLE FAISON

21 263. Plaintiff Earle Faison was born on January 31, 1939 and he currently resides in Prescott,
22 Arizona.

23 264. Plaintiff Earle Faison played Defensive End for the San Diego Chargers from 1961 to 1966
24 and the Miami Dolphins from 1966 to 1967.

25 265. Plaintiff Earle Faison suffered multiple concussions that were improperly diagnosed and
26 improperly treated throughout his career as a professional football player in the NFL.
27
28

266. Plaintiff Earle Faison was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

267. Plaintiff Earle Faison suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

WILFRED GRANT

268. Plaintiff Wilfred Grant was born on March 7, 1954 and he currently resides in Hamburg, New York.

269. Plaintiff Wilfred Grant played Center for the Buffalo Bills from 1978 to 1987 and the Seattle Seahawks in 1986.

270. Plaintiff Wilfred Grant suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

271. Plaintiff Wilfred Grant was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

272. Plaintiff Wilfred Grant suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

NATHANIEL WHITMYER

273. Plaintiff Nathaniel Whitmyer was born on August 31, 1940 and he currently resides in Marina Del Rey, California.

274. Plaintiff Nathaniel Whitmyer played Defensive End for the Los Angeles Rams from 1963 to 1965 and the San Diego Chargers from 1966 to 1969.

//

1 275. Plaintiff Nathaniel Whitmyer suffered multiple concussions that were improperly diagnosed
2 and improperly treated throughout his career as a professional football player in the NFL.

3 276. Plaintiff Nathaniel Whitmyer was not warned by the NFL, NFL Properties, Inc., or Riddell
4 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
5 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
6

7 277. Plaintiff Nathaniel Whitmyer suffers from multiple past traumatic brain injuries with various
8 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

9 **TOM MYERS**

10 278. Plaintiff Tom Myers was born on October 24, 1950 and he currently resides in Kingwood,
11 Texas.

12 279. Plaintiff Tom Myers played Defensive Back for the New Orleans Saints from 1972 to 1981.
13

14 279. Plaintiff Tom Myers suffered multiple concussions that were improperly diagnosed and
15 improperly treated throughout his career as a professional football player in the NFL.

16 280. Plaintiff Tom Myers was not warned by the NFL, NFL Properties, Inc., or Riddell
17 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
18 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
19

20 281. Plaintiff Tom Myers suffers from multiple past traumatic brain injuries with various
21 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

22 **BOB GAGLIANO**

23 282. Plaintiff Bob Gagliano was born on April 18, 1941 and he currently resides in Ventura,
24 California.
25

26 //

27 //

283. Plaintiff Bob Gagliano played Quarterback for the Kansas City Chiefs from 1981 to 1983, the San Francisco 49ers from 1986 to 1988 and 1995, the Detroit Lions from 1989 to 1990, the San Diego Chargers from 1991 to 1992, the Green Bay Packers in 1994, and the Atlanta Falcons in 1995.

284. Plaintiff Bob Gagliano suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

285. Plaintiff Bob Gagliano was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

286. Plaintiff Bob Gagliano suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

MATTHEW HATCHETTE

287. Plaintiff Matthew Hatchette was born on May 1, 1974 and he currently resides in Reseda, California.

288. Plaintiff Matthew Hatchette played Wide Receiver for the Minnesota Vikings from 1997 to 2000, the New York Jets in 2001, and the Jacksonville Jaguars in 2003.

289. Plaintiff Matthew Hatchette suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

290. Plaintiff Matthew Hatchette was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

291. Plaintiff Matthew Hatchette suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

//

JIM COLLINS

292. Plaintiff Jim Collins was born on June 11, 1958 and he currently resides in Newport Beach, California.

293. Plaintiff Jim Collins played Linebacker for the Los Angeles Rams from 1981 to 1988 and the San Diego Chargers in 1989.

294. Plaintiff Jim Collins suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

295. Plaintiff Jim Collins was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

296. Plaintiff Jim Collins suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

RICHARD WESTMORELAND

297. Plaintiff Richard Westmoreland was born on February 17, 1941 and he currently resides in San Diego, California.

298. Plaintiff Richard Westmoreland played Defensive Back for the San Diego Chargers from 1963 to 1965 and the Miami Dolphins from 1966 to 1969.

299. Plaintiff Richard Westmoreland suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

300. Plaintiff Richard Westmoreland was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

1 301. Plaintiff Richard Westmoreland suffers from multiple past traumatic brain injuries with
2 various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

3 HUGH DOUGLAS

4 302. Plaintiff Hugh Douglas was born on August 23, 1971 and he currently resides in Glen Mills,
5 Pennsylvania.

6
7 303. Plaintiff Hugh Douglas played Defensive End for the New York Jets from 1995 to 1998, the
8 Philadelphia Eagles from 1998 to 2004, and the Jacksonville Jaguars in 2003.

9 304. Plaintiff Hugh Douglas suffered multiple concussions that were improperly diagnosed and
10 improperly treated throughout his career as a professional football player in the NFL.

11 305. Plaintiff Hugh Douglas was not warned by the NFL, NFL Properties, Inc., or Riddell
12 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
13 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

14
15 306. Plaintiff Hugh Douglas suffers from multiple past traumatic brain injuries with various
16 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

17 ERIC WILLIAMS

18 307. Plaintiff Eric Williams was born on February 24, 1962 and he currently resides in Tyler,
19 Texas.

20
21 308. Plaintiff Eric Williams played Defensive Lineman for the Detroit Lions from 1984 to 1990
22 and the Washington Redskins from 1990 to 1994.

23 309. Plaintiff Eric Williams suffered multiple concussions that were improperly diagnosed and
24 improperly treated throughout his career as a professional football player in the NFL.

25
26 //

27 //
28

1 310. Plaintiff Eric Williams was not warned by the NFL, NFL Properties, Inc., or Riddell
2 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
3 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

4 311. Plaintiff Eric Williams suffers from multiple past traumatic brain injuries with various
5 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
6

7 **ANDREW GISSINGER**

8 312. Plaintiff Andrew Gissinger was born on July 5, 1959 and he currently resides in Calabasas,
9 California.

10 313. Plaintiff Andrew Gissinger played Offensive Tackle for the San Diego Chargers from 1981
11 to 1985.
12

13 314. Plaintiff Andrew Gissinger suffered multiple concussions that were improperly diagnosed
14 and improperly treated throughout his career as a professional football player in the NFL.

15 315. Plaintiff Andrew Gissinger was not warned by the NFL, NFL Properties, Inc., or Riddell
16 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
17 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
18

19 316. Plaintiff Andrew Gissinger suffers from multiple past traumatic brain injuries with various
20 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

21 **JAMES WASHINGTON**

22 317. Plaintiff James Washington was born on January 10, 1965 and he currently resides in
23 Whittier, California.

24 318. Plaintiff James Washington played safety for the Los Angeles Rams from 1988 to 1989, the
25 Dallas Cowboys from 1990 to 1994, and the Washington Redskins in 1995.
26

27 //

1 319. Plaintiff James Washington suffered multiple concussions that were improperly diagnosed
2 and improperly treated throughout his career as a professional football player in the NFL.

3 320. Plaintiff James Washington was not warned by the NFL, NFL Properties, Inc., or Riddell
4 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
5 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

6 321. Plaintiff James Washington suffers from multiple past traumatic brain injuries with various
7 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

8
9 **REUBEN DROUGHNS**

10 322. Plaintiff Reuben Droughns was born on August 21, 1978 and he currently resides in
11 Centennial, Colorado.

12 323. Plaintiff Reuben Droughns played running back for the Detroit Lions from 2000 to 2001, the
13 Denver Broncos from 2002 to 2004, the Cleveland Browns from 2005 to 2006, and the New York Giants
14 from 2007 to 2008.

15 324. Plaintiff Reuben Droughns suffered multiple concussions that were improperly diagnosed
16 and improperly treated throughout his career as a professional football player in the NFL.

17 325. Plaintiff Reuben Droughns was not warned by the NFL, NFL Properties, Inc., or Riddell
18 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
19 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

20 326. Plaintiff Reuben Droughns suffers from multiple past traumatic brain injuries with various
21 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

22
23
24 **MARVIN SMITH**

25 327. Plaintiff Marvin Smith currently resides in Rancho Cucamonga, California.

26
27 //

328. Plaintiff Marvin Smith was a Linebacker for the Los Angeles Rams in 1980, the Oakland Raiders in 1981, and again for the Los Angeles Rams in 1982.

329. Plaintiff Marvin Smith suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

330. Plaintiff Marvin Smith was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

331. Plaintiff Marvin Smith suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

CLARENCE DUREN

332. Plaintiff Clarence Duren was born on December 9, 1950 and he currently resides in Lancaster, California.

333. Plaintiff Clarence Duren played safety for the St. Louis Cardinals from 1973 to 1977, the San Diego Chargers from 1977 to 1978, and the Oakland Raiders from 1978 to 1979.

334. Plaintiff Clarence Duren suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

335. Plaintiff Clarence Duren was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

336. Plaintiff Clarence Duren suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

//

//

WILLIE GERMANY

337. Plaintiff Willie Germany was born on May 9, 1948 and he currently resides in Baltimore, Maryland.

338. Plaintiff Willie Germany played defensive back for the Redskins in 1971, the Atlanta Falcons in 1973, the Detroit Lions in 1974, the Houston Oilers in 1975, and the New England Patriots in 1976.

339. Plaintiff Willie Germany suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

340. Plaintiff Willie Germany was not warned by the NFL, NFL Properties, Inc., or Riddell Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

341. Plaintiff Willie Germany suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

TERRELLE SMITH

342. Plaintiff Terrelle Smith was born on March 12, 1978 and he currently resides in Riverside, California.

343. Plaintiff Terrelle Smith played fullback for the New Orleans Saints from 2000 to 2003, the Cleveland Browns from 2004 to 2006, the St. Louis Cardinals from 2007 to 2008, and the Detroit Lions from 2008 to 2009.

344. Plaintiff Terrelle Smith suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

//

//

1 345. Plaintiff Terrelle Smith was not warned by the NFL, NFL Properties, Inc., or Riddell
2 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
3 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

4 346. Plaintiff Terrelle Smith suffers from multiple past traumatic brain injuries with various
5 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

6
7 **FIRST CAUSE OF ACTION**

8 **NEGLIGENCE - Monopolist**

9 **(As Against the NFL)**

10 347. Plaintiffs incorporate by reference the foregoing paragraphs as if fully set forth herein at
11 length.

12 348. The NFL, by and through its monopoly power, has historically had a duty to invoke rules
13 that protect the health and safety of its players, including Plaintiffs, and the public, including but not
14 limited to, a duty to use reasonable care in researching, studying and/or examining the dangers and risks of
15 head injuries and/or concussions to NFL players, to inform and warn their players of such risks and to
16 effectuate reasonable league policies and/or take other reasonable action to minimize the risks of head
17 injuries.

18 349. The NFL affirmatively and voluntarily established the MTBI Committee to examine the
19 dangers and consequences of head injuries to NFL players, to report on its findings, to provide information
20 and guidance from its research and studies concerning concussions to teams and players, and to make
21 recommendations to lessen the risks of concussions. The NFL is responsible for the staffing and conduct of
22 the MTBI Committee

23 350. As a monopoly, the NFL has a duty to protect the health and safety of its players, as well as
24 the public at large.

1 351. Throughout the history of the NFL, the NFL organization has consistently breached its duty
2 to protect the health and safety of its players by failing to enact rules, policies and regulations to best
3 protect its players.

4 352. The NFL breached its duty to its players, including Plaintiffs, to use ordinary care to protect
5 the physical and mental health of players by failing to implement standardized post-concussion guidelines
6 by failing to enact rules to decrease the risk of concussions during games or practices, and by failing to
7 implement mandatory rules that would prevent a player who suffered a mild traumatic brain injury from re-
8 entering a football game and being placed at further risk of injury.

9
10 353. Throughout its many years, the NFL has repeatedly established its duty to protect the health
11 and safety of its players when known and foreseeable risk exists. Until August 14, 2007, the NFL failed to
12 create and implement league-wide guidelines concerning the treatment and monitoring of players who
13 suffer concussive brain injuries.

14
15 354. It has been well established since 1928 that repeated blows to the head can lead to CTE,
16 commonly known as "punch drunk syndrome." Punch Drunk Syndrome has been prevalent in boxers who
17 have repeatedly suffered concussions.

18
19 355. Despite the fact that other sporting associations exist, such as the National Hockey League
20 and the World Boxing Association, which have decades ago established standardized association-wide
21 concussion management rules, until August 14, 2007, the NFL failed to establish any guidelines or policies
22 to protect the mental health and safety of its players.

23 356. Nonetheless, it took the NFL until June of 2010 to finally acknowledge the long-term risks
24 associated with concussions, including dementia, memory loss, CTE and its related symptoms. At that
25 time, the NFL warned active players of those risks. To date, the NFL has never warned any past players,
26 including Plaintiffs, or the public of the long-term brain injury caused from concussions.

1 357. The NFL's failure to fulfill its duty to protect its players, the plaintiffs and the public,
2 include, but are not limited to, the following failures:

- 3 (a) Failure to use reasonable care in the manner in which it created the MTBI Committee and in
4 the appointment of physicians to head the Committee who were not qualified;
- 5 (b) Failure to use reasonable care in researching, studying and/or examining the risks of head
6 injuries and/or concussions in professional football and in downplaying and in many cases
7 denying both the severity of such injuries and the clear link between concussions and brain
8 damage, thereby breaching its duty to their players, including the Plaintiffs;
- 9 (c) Failure to institute acclimation requirements or procedures to ensure proper acclimation of
10 the NFL players before they participate in practices or games;
- 11 (d) Failure to regulate and monitor practices, games, equipment, and medical care so as to
12 minimize the long-term risks associated with concussive brain injuries suffered by the NFL
13 players, including Plaintiffs;
- 14 (e) Failure to require that an adequate concussive brain injury history be taken of NFL players;
- 15 (f) Failure to ensure accurate diagnosis and recording of concussive brain injury so the
16 condition can be treated in an adequate and timely manner;
- 17 (g) Failure to invoke league-wide guidelines, policies, and procedures regarding the
18 identification and treatment of concussive brain injury, and the return to play insofar as such
19 matters pertain to concussive brain injury;
- 20 (h) Failure to properly inform the public and other American Rules Football leagues and players
21 of the health risks associated with concussive injury;
- 22 (i) Failure to license and approve the best equipment available that will reduce the risk of
23 concussive brain injury; and
24
25
26
27
28

1 (j) Failure to warn of the harm of repetitive concussion injuries.

2 358. The NFL breached its duty to protect the health and safety of its players by subjecting NFL
3 players to an increased risk of concussive brain injury.

4 359. The NFL failed to provide complete, current, and competent information and directions to
5 NFL athletic trainers, physicians, and coaches regarding concussive brain injuries and its prevention,
6 symptoms, and treatment.

7
8 360. If the NFL would have taken the necessary steps to oversee and protect the NFL players,
9 including Plaintiffs, by developing and implementing necessary guidelines, policies, and procedures;
10 providing reasonably safe helmets; and educating and training all persons involved with the NFL Teams in
11 the recognition, prevention, and treatment of concussive brain injuries, then NFL players, such as Plaintiffs,
12 would not have suffered from the subject condition or the effects of that condition, would have recovered
13 more rapidly, or would not have suffered long-term brain injuries.

14
15 361. Under all of the above circumstances, it was foreseeable that the NFL's violating its duties
16 would cause or substantially contribute to the personal injuries suffered by Plaintiffs.

17 362. The NFL committed acts of omission and commission, which collectively and severally,
18 constituted negligence. The NFL's negligence was a proximate and producing cause of the personal
19 injuries and other damages suffered by Plaintiffs.

20
21 363. As a result of the personal injuries, Plaintiffs are entitled to damages, as alleged herein or
22 allowed by law, from the NFL in an amount reasonably anticipated to exceed the jurisdictional minimum of
23 \$25,000.

24 //

25 //

26 //

27 //

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECOND CAUSE OF ACTION

NEGLIGENCE

(As Against the NFL)

364. Plaintiffs incorporate by reference the foregoing paragraphs as if fully set forth herein at length.

365. The NFL has historically assumed an independent tort duty to invoke rules that protect the health and safety of its players, but it has violated Section 323 of the Restatement (Second) of Torts.

366. Throughout the history of the NFL, the NFL organization has consistently exercised its duty to protect the health and safety of its players by implementing rules, policies and regulations in an attempt to best protect its players.

367. By enacting rules to protect the health and safety of its players, the NFL has repeatedly confirmed its duty to take reasonable and prudent actions to protect the health and safety of its players when known and foreseeable risks exist.

368. The NFL breached its duty to its players, including Plaintiffs, to use ordinary care to protect the physical and mental health of players by implementing standardized post- concussion guidelines and by failing to implement mandatory rules that would prevent a player who suffered a mild traumatic brain injury from re-entering a football game or practice.

369. Throughout the many years that the NFL has repeatedly established its duty to protect the health and safety of its players when known and foreseeable risks exist, until August 14, 2007, the NFL failed to create and implement league-wide guidelines concerning the treatment and monitoring of players who suffer a concussive brain injury during a game.

//

//

1 370. It has been well established since 1928 that repeated blows to the head can lead to CTE,
2 commonly known as "punch drunk syndrome." Punch Drunk Syndrome has been prevalent in boxers who
3 have repeatedly suffered concussions.

4 371. Despite the fact that other sporting associations exist, such as the World Boxing Association,
5 which have decades ago established standardized association-wide concussion management rules, until
6 August 14, 2007, the NFL failed to establish any guidelines or policies to protect the mental health and
7 safety of its players.
8

9 372. The NFL's failure to fulfill its assumed duty to protect its players includes but is not limited
10 to the following failures:

- 11 (a) Failure to institute acclimation requirements or procedures to ensure proper acclimation of
12 the NFL players before they participate in practices or games;
- 13 (b) Failure to regulate and monitor practice, games, rules, equipment, and medical care so as to
14 minimize the long-term risks associated with concussive brain injuries suffered by the NFL
15 players, including Plaintiffs;
- 16 (c) Failure to require that an adequate concussive brain injury history be taken of NFL players;
- 17 (d) Failure to ensure accurate diagnosis and recording of concussive brain injury so the
18 condition can be treated in an adequate and timely manner;
- 19 (e) Failure to invoke league-wide guidelines, policies, and procedures regarding the
20 identification and treatment of concussive brain injury, and the return to play insofar as such
21 matters pertain to concussive brain injury; and,
- 22 (f) Failure to license and approve the best equipment available that will reduce the risk of
23 concussive brain injury.
24
25
26

27 //
28

1 373. The NFL breached its assumed duty to protect the health and safety of its players by
2 subjecting NFL players to an increased risk of concussive brain injury.

3 374. The NFL failed to provide complete, current, and competent information and directions to
4 NFL athletic trainers, physicians, and coaches regarding concussive brain injuries and its prevention.
5 symptoms, and treatment.

6 375. If the NFL would have taken the necessary steps to oversee and protect the NFL players,
7 including Plaintiffs, by developing and implementing necessary guidelines, policies, and procedures;
8 providing reasonably safe helmets; and educating and training all persons involved with the NFL Teams in
9 the recognition, prevention, and treatment of concussive brain injuries, then NFL players, such as Plaintiffs,
10 would not have suffered from the subject condition or the effects of that condition, would have recovered
11 more rapidly, or would not have suffered long-term brain damage, dementia, and depression and related to
12 dementia and CTE.
13

14 376. Under all of above circumstances, it was foreseeable that the NFL's violations of its duties
15 would cause or substantially contribute to the personal injuries suffered by the Plaintiffs.
16

17 377. The NFL committed acts of omission and commission, which collectively and severally,
18 constituted negligence. The NFL's negligence was a proximate and producing cause of the personal
19 injuries and other damages suffered by Plaintiffs.
20

21 378. As a result of the personal injuries of Plaintiffs, they are entitled to damages, as alleged
22 herein or allowed by law, from the NFL in an amount reasonably anticipated to exceed the jurisdictional
23 minimum of \$25,000.

24 //

25 //

26 //

27 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THIRD CAUSE OF ACTION

FRAUD

(As Against the NFL)

379. Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as if fully set forth herein at length.

380. From 2005 through June of 2010, the NFL made through its "Mild Traumatic Brain Injury Committee" and others, its agents, material misrepresentations to its players, former players, the Congress and the public at large that there was no link between concussions and later life cognitive/brain injury, including CTE and its related symptoms.

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

382. The material misrepresentations include the NFL's remarks that the Plaintiffs 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.

383. The material misrepresentations include NFL's remarks that Plaintiffs 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.

384. The persons who made the misrepresentations as agents of the NFL and the NFL knew they were false when they were made.

385. The persons who made the misrepresentations as agents of the NFL and the NFL intended to defraud, among others, the Plaintiffs in this action.

//

1 386. The Plaintiffs, among others, justifiably relied on these misrepresentations to their detriment
2 in getting care for their injuries.

3 387. The NFL knew, or should have known, that the Plaintiffs would rely on the NFL's
4 misrepresentations.

5 388. The Plaintiffs, among others, were damaged by these misrepresentations. Among other
6 things, they require increased home care, loss of consortium, loss of employment, medical costs and pain
7 and suffering.

8 389. As a result of the personal injuries of Plaintiffs, they are entitled to damages, as alleged
9 herein or allowed by law, from the NFL in an amount reasonably anticipated to exceed the jurisdictional
10 minimum of \$25,000.
11

12 **FOURTH CAUSE OF ACTION**

13 **FRAUDULENT CONCEALMENT**

14 **(As Against the NFL)**

15 390. Plaintiffs incorporate by reference the foregoing paragraphs as if set fully herein at length.

16 391. The NFL's MTBI Committee concealed the risks of head injuries to Plaintiffs, and the risk
17 to Plaintiffs if they returned to the playing field before making a proper recovery from their injuries.
18

19 392. The NFL's MTBI Committee, through misleading public statements, published articles and
20 the concussion pamphlet issued to players, concealed and downplayed known long-term risks of
21 concussions to NFL players.
22

23 393. The concussion pamphlet clearly created player reliance. The NFL stated that "[w]e want to
24 make sure all N.F.L. players . . . are fully informed and take advantage of the most up to date information
25 and resources as we continue to study the long-term impact on concussions."
26

27 //

394. 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.

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

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

397. The NFL willfully concealed this information from Plaintiffs in order to prevent negative publicity and increased scrutiny of its medical practices.

398. The NFL knew that Plaintiffs would rely on the inaccurate information provided by The NFL.

399. Plaintiffs relied on this inaccurate information during their NFL careers.

400. As a direct and proximate result of The NFL's fraudulent conduct, Plaintiffs have suffered physical injury, including, but not limited to, memory and cognitive problems, and multiple economic losses.

401. As a result of the personal injuries of Plaintiffs, they are entitled to damages, as alleged herein or allowed by law, from the NFL in an amount reasonably anticipated to exceed the jurisdictional minimum of \$25,000.

FIFTH CAUSE OF ACTION

NEGLIGENT MISREPRESENTATION

(As Against the NFL)

402. Plaintiffs incorporate by reference the foregoing paragraphs as if set fully herein at length.

//

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

5 404. Material misrepresentations were made by members of The NFL's committee on multiple
6 occasions, including but not limited to testimony at congressional hearings and the "informational"
7 pamphlet issued to players.
8

9 405. The misrepresentations included The NFL's remarks that Plaintiffs were not at an increased
10 risk of head injury if they returned too soon to an NFL game or training session after suffering a head
11 injury.
12

13 406. The NFL's material misrepresentations also included The NFL's criticism of legitimate
14 scientific studies that illustrated the dangers and risks of head injuries.

15 407. The NFL made these misrepresentations and actively concealed adverse information at a
16 time when they knew, or should have known, because of their superior position of knowledge, that
17 Plaintiffs faced health problems if he were to return to a game too soon.
18

19 408. The NFL knew or should have known the misleading nature of these statements when they
20 were made.

21 409. The NFL made misrepresentations and actively concealed information with the intention
22 that Plaintiffs would rely on the misrepresentations or omissions in selecting their course of action.

23 410. As a direct and proximate result of The NFL's fraudulent conduct, Plaintiffs have suffered
24 physical injury, including, but not limited to, memory and cognitive problems, and have suffered multiple
25 economic losses.
26

27 //

1 411. As a result of the personal injuries of Plaintiffs, they are entitled to damages, as alleged
2 herein or allowed by law, from the NFL in an amount reasonably anticipated to exceed the jurisdictional
3 minimum of \$25,000.

4 **SIXTH CAUSE OF ACTION**

5 **CONSPIRACY**

6 **(As Against the NFL)**

7
8 412. Plaintiffs incorporate by reference the foregoing paragraphs as if set fully herein at length.

9 413. The NFL actively and deliberately conspired with its team members and/or independent
10 contractors, who were directed to continuously discount and reject the causal connection between multiple
11 concussions suffered while playing in the NFL.

12 414. This conduct between the NFL and others was a proximate cause of the chronic injuries and
13 damages suffered by the Plaintiffs.

14 415. As a result of the personal injuries of Plaintiffs, they are entitled to damages, as alleged
15 herein or allowed by law, from the NFL in an amount reasonably anticipated to exceed the jurisdictional
16 minimum of \$25,000.

17
18 **SEVENTH CAUSE OF ACTION**

19 **STRICT LIABILITY FOR DESIGN DEFECT**

20 **(As Against Riddell Defendants)**

21 416. Plaintiffs incorporate by reference the foregoing paragraphs as if set fully herein at length.

22 417. At the time the helmets were designed, manufactured, sold, and distributed by the Riddell
23 Defendants, the helmets were defective in design, unreasonably dangerous, and unsafe for their intended
24 purpose because they did not provide adequate protection against the foreseeable risk of concussive brain
25 injury. The design defect includes, but is not limited to the following:
26
27
28

1 (a) Negligently failing to design the subject helmet with a safe means of attenuating and
2 absorbing the foreseeable forces of impact in order to minimize and/or reduce the forces and
3 energy directed to the player's head;

4 (a) Negligently designing the subject helmet with a shock attenuating system which was not
5 safely configured;

6 (b) Negligently failing to properly and adequately test the helmet model;

7 (c) Other acts of negligence that may be discovered during the course of this matter; and

8 (d) Failing to warn Plaintiffs that their helmets would not protect against the long-term health
9 consequences of concussive brain injury.
10

11 418. The defective design and unreasonably dangerous condition were a proximate and producing
12 cause of the personal injuries suffered by the Plaintiffs and other damages, including but not limited to,
13 economic damages and non-economic damages.
14

15 419. At all times, the helmets were being used for the purpose for which they were intended.

16 420. The Riddell Defendants are strictly liable for designing a defective and unreasonably
17 dangerous product and for failing to warn which were proximate and producing causes of the personal
18 injuries and other damages including, but not limited to, economic damage as alleged herein. A safer
19 alternative design was economically and technologically feasible at the time the product left the control of
20 the Riddell Defendants.
21

22 421. As a result of the personal injuries of Plaintiffs, Plaintiffs are entitled to damages from
23 Riddell Defendants in an amount reasonably anticipated to exceed the jurisdictional minimum of
24 \$25,000.00.
25

26 //

27 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EIGHTH CAUSE OF ACTION

STRICT LIABILITY FOR MANUFACTURING DEFECT

(As Against Riddell Defendants)

422. Plaintiffs incorporate by reference the foregoing paragraphs as if set forth herein at length.

423. At the time the helmets were designed, manufactured, sold and distributed by the Riddell Defendants, the helmets were defective in their manufacturing and unreasonably dangerous and unsafe for their intended purpose because they did not provide adequate protection against the foreseeable risk of concussive brain injury. The Riddell Defendants' failure to design the helmets to design and manufacturing specifications resulted in, among other things, the following:

- (a) Negligently failing to manufacture the subject helmet with a safe means of attenuating and absorbing the foreseeable forces of impact in order to minimize and/or reduce the forces and energy directed to the player's head;
- (b) Negligently manufacturing the subject helmet with a shock attenuating system which was not safely configured;
- (c) Negligently failing to properly and adequately inspect and/or test the helmet model;
- (d) Other acts of negligence that may be discovered during the course of this matter; and
- (e) Failure to warn Plaintiffs that its helmets wouldn't protect against concussive brain injury.

424. The manufacturing defect was a proximate and producing cause of the personal injuries suffered by Plaintiffs and other damages, including but not limited to, economic damages and non-economic damages.

425. The Riddell Defendants are strictly liable for manufacturing and placing in the stream of commerce a defective and unreasonably dangerous product which was a proximate and producing cause of the personal injuries and other damages, including but not limited to, economic damages and non-economic

1 damages. A safe alternative design was economically and technologically feasible at the time the product
2 left the control of the Riddell Defendants.

3 426. As a result of the personal injuries of Plaintiffs, Plaintiffs are entitled to damages from
4 Riddell Defendants in an amount reasonably anticipated to exceed the jurisdictional minimum of
5 \$25,000.00.

6
7 **NINTH CAUSE OF ACTION**

8 **NEGLIGENCE**

9 **(As Against NFL Properties)**

10 427. Plaintiffs incorporate by reference the foregoing paragraphs as if fully set forth herein at
11 length.

12 428. NFL Properties breached its duty to ensure that the equipment it licensed and approved were
13 of the highest possible quality and sufficient to protect the NFL players, including Plaintiffs, from the risk
14 of concussive brain injuries.

15 429. NFL Properties breached its duty by licensing the Riddell Defendants' helmets, and
16 approving and/or requiring the use of the helmets for the NFL players, knowing or having reason to know
17 that the helmets were negligently and defectively designed and/or manufactured.

18 430. As a result of these breaches by NFL Properties, Plaintiffs suffer personal injuries as a result
19 the long-term health effects of concussive brain injuries.

20 431. As a result of the personal injuries of Plaintiffs, Plaintiffs are entitled to damages from NFL
21 Properties, LLC in an amount reasonably anticipated to exceed the jurisdictional minimum of \$25,000.00.

22 //

23 //

24 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TENTH CAUSE OF ACTION

FAILURE TO WARN

(As Against Riddell Defendants)

432. Plaintiffs incorporate by reference the foregoing paragraphs as if set forth herein at length.

433. The Riddell Defendants knew or should have known of the substantial dangers involved in the reasonably foreseeable use of the helmets.

434. The Riddell Defendants failed to provide necessary and adequate safety and instructional materials and warnings of the risk and means available to reduce and/or minimize the risk of concussive brain injuries while playing football.

435. The Riddell Defendants failed to provide necessary and adequate information, warnings, and/or instructional materials regarding the fact that other model helmets provided greater shock attenuation from blows to the head area.

436. The Riddell Defendants knew that these substantial dangers were not readily recognizable to an ordinary consumer or user and that such person would use these products without inspection for defects.

437. Plaintiffs neither knew, nor had reason to know of the existence of the aforementioned defects, or increased risks of harm.

438. Plaintiffs were using the helmets in a reasonably foreseeable manner at all times.

439. Plaintiffs' damages were the legal and proximate result of the actions of the Riddell Defendants who owed a duty to warn Plaintiffs of the risks of substantial harm associated with the foreseeable use of their products.

440. The Riddell Defendants' failure to warn caused the Plaintiffs' personal injuries.

//

//

1 441. As a result of the personal injuries of Plaintiffs, Plaintiffs are entitled to damages from the
2 Riddell Defendants, in an amount reasonably anticipated to exceed the jurisdictional minimum of
3 \$25,000.00.

4 **ELEVENTH CAUSE OF ACTION**

5 **NEGLIGENCE**

6 **(As Against Riddell Defendants)**

7
8 442. Plaintiffs incorporate by reference the foregoing paragraphs as if set forth herein at length.

9 443. The Riddell Defendants were negligent in their design, testing, assembly, manufacture,
10 marketing, and engineering of the helmets as described herein.

11 444. The Riddell Defendants owed a duty of care to the Plaintiffs in their design, testing,
12 manufacture, assembly, marketing and sale of the helmets and all components and sub-assemblies of the
13 helmets.
14

15 445. The Riddell Defendants should have been well aware that since 1928 repeated blows to the
16 head can lead to CTE, commonly known as "punch-drunk syndrome".

17 446. The Riddell Defendants breached their duty of reasonable care by failing to provide
18 necessary and adequate safety and instructional materials and warnings of the risk and means available to
19 reduce and/or minimize the risk of concussive brain injuries while playing football using their helmets.
20

21 447. As a result of the Riddell Defendants' breach of duty, Plaintiffs have sustained permanent
22 injury.

23 448. For the personal injuries of Plaintiffs, Plaintiffs are entitled to damages from the Riddell
24 Defendants in an amount reasonably anticipated to exceed the jurisdictional minimum of \$25,000.00.
25

26 //

27 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TWELFTH CAUSE OF ACTION

LOSS OF CONSORTIUM

(As Against All Defendants)

449. Plaintiffs incorporate by reference the foregoing paragraphs as if set forth herein at length.

450. As a direct and proximate result of the carelessness, negligence and recklessness of all Defendants and of the aforesaid injuries to their husbands, the wife Plaintiffs have been damaged as follows:

- (a) They have been and will continue to be deprived of the services, society and companionship of their husbands;
- (b) They have been and will continue to be required to spend money for medical care and household care for the treatment of their husbands; and
- (c) They have been and will continue to be deprived of the earnings of their husbands.

451. As a result of the injuries to Plaintiffs, wife Plaintiffs are entitled to damages from the Defendants, in an amount reasonably anticipated to exceed the jurisdictional minimum of \$25,000.00.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as follows:

1. For compensatory and general damages according to proof;
2. For special and incidental damages according to proof;
3. For punitive damages according to proof;
4. For costs of the proceedings herein; and
5. For all such other and further relief as the Court deems just.

//

//

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all claims so triable.

Dated: May 31, 2012

By: 

GIRARDI | KEESE

Thomas Girardi (California Bar No. 36603)

Graham LippSmith (California Bar No. 221984)

Celene S. Chan (California Bar No. 260267)

1126 Wilshire Boulevard

Los Angeles, California 90017

Telephone: (213) 977-0211

Facsimile: (213) 481-1554

RUSSOMANNO & BORRELLO, P.A.

Herman J. Russomanno (Florida Bar No. 240346) *Pro Hac Vice Application Forthcoming*

Robert J. Borrello (Florida Bar No. 764485) *Pro Hac Vice Application Forthcoming*

150 West Flagler Street - PH 2800

Miami, FL 33130

Telephone: (305) 373-2101

Facsimile: (305) 373-2103

GOLDBERG, PERSKY & WHITE, P.C.

Jason E. Luckasevic (Pennsylvania Bar No. 85557) *Pro Hac Vice Application Forthcoming*

1030 Fifth Ave.

Pittsburgh, PA 15219

Telephone: (412) 471-3980

Facsimile: (412) 471-8308

Attorneys for Plaintiffs

FOR COURT USE ONLY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAY 31 2012

John A. Clarke, Executive Officer/Clerk

BY Shaunya Wesley Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Thomas V. Girardi, SBN: 36603
 Graham B. LippSmith, SBN: 221984
 GIRARDI | KEESE

1126 Wilshire Boulevard
 Los Angeles, CA 90017

TELEPHONE NO.: 213-977-0211 FAX NO.: 213-481-1554

ATTORNEY FOR (Name): Plaintiffs

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS:

CITY AND ZIP CODE: Los Angeles, 90012

BRANCH NAME: Central District

CASE NAME: LEDDURE RASHAD BAUMAN et al. v. National
 Football League, et al.

CIVIL CASE COVER SHEET

☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less)

Complex Case Designation☐ Counter ☐ Joinder

Filed with first appearance by defendant
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

BC 485777

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☒ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment☐ Enforcement of judgment (20)**Miscellaneous Civil Complaint**

☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☒ Large number of witnesses
 b. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☒ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. ☒ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): Fourteen (14)

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 31, 2012

Graham B. LippSmith

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

1 GIRARDI | KEESE

2 THOMAS V. GIRARDI, Bar No. 36603

3 1126 Wilshire Boulevard

4 Los Angeles, California 90017

5 Telephone: (213) 977-0211

6 Facsimile: (213) 481-1554

7 RUSSOMANNO & BORRELLO, P.A.

8 Herman Russomanno (Florida Bar No. 240346) *Pro Hac Vice Application Forthcoming*

9 Robert Borrello (Florida Bar No. 764485) *Pro Hac Vice Application Forthcoming*

10 150 West Flagler Street - PH 2800

11 Miami, FL 33130

12 Telephone: (305) 373-2101

13 Facsimile: (305) 373-2103

14 GOLDBERG, PERSKY & WHITE, P.C.

15 Jason E. Luckasevic (Pennsylvania Bar No. 85557) *Pro Hac Vice Application Forthcoming*

16 1030 Fifth Avenue

17 Pittsburgh, PA 15219

18 Telephone: (412) 471-3980

19 Facsimile: (412) 471-8308

20 *Attorneys for Plaintiffs*

21
22
23
24
25
26
27
28
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

21 LEDDURE RASHAD BAUMAN and)
22 VERONICA BAUMAN, his wife; JOHN W.)
23 BEASLEY and PATRICIA BEASLEY, his wife;)
24 JEFF BLACKSHEAR; CARLTON BREWSTER;)
25 JOSEPH CAMPBELL; FRED H. COOK III;)
26 COREY V. CROOM; PATRICK CUNNINGHAM)
27 and DEBBIE CUNNINGHAM, his wife;)
28 TIMOTHY DANIEL; ENNIS R. DAVIS, II;)
MICHAEL DAVIS and GWENDOLYN DAVIS,)
his wife; KEVIN DEVINE; ARNOLD FIELDS)
and OLGA FIELDS, his wife; ROGER L. FINNIE)

Case No.

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

SHORT TITLE: Bauman, et al. v. National Football League,
et al.

CASE NUMBER

BC 485777

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below) --

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4. 1., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input checked="" type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 3. 1., 4.

SHORT TITLE: Bauman, et al. v. National Football League, et al.	CASE NUMBER:
---	--------------

	A Civil Case Cover Sheet Category/No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Non-Personal Injury/Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Real Property	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction) <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction) <input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure <input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6. 2., 6. 2., 6. 2., 6.

21/10/11

SHORT TITLE: Bauman, et al. v. National Football League, et al.

CASE NUMBER

A Civil Case Cover Sheet Category No.		B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)	
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.	
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.	
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.	
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.	
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.	
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.	
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.	
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.	
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.	
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.	
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.	
	Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
		Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
		Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition

SHORT TITLE: Bauman, et al. v. National Football League,
et al.

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

☐ 1. ☐ 2. ☐ 3. ☒ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10.

ADDRESS: 818 W. 7th Street

CITY:

Los Angeles,

STATE:

CA

ZIP CODE:

90017

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Los Angeles courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: May 31, 2012

(SIGNATURE OF ATTORNEY/FILING PARTY)

Graham B. Lippsmith

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

MS/01/12