

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
Eastern District of Pennsylvania

WALTER BRISTER, ET AL.

Plaintiff

v.

NATIONAL FOOTBALL LEAGUE

Defendant

)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Roger Goodell
National Football League
280 Park Avenue
New York, NY 10017

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,

whose name and address are: Anthony Tarricone, Esq.
KREINDLER & KREINDLER LLP
277 Dartmouth Street
Boston, MA 02116

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Michael E. Kunz
Clerk of Court

Date: _____

Signature of Clerk or Deputy Clerk

JS 44 (Rev. 09/11)

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

WALTER BRISTER, ET AL.

DEFENDANTS

National Football League

(b) County of Residence of First Listed Plaintiff Louisiana

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Pennsylvania

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Anthony Tarricone, KREINDLER & KREINDLER LLP, 277 Dartmouth Street, Boston, MA 02116

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|--|--|--|--|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1711 and 28 U.S.C. 1332

Brief description of cause:
Other personal injury

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE The Honorable Anita BrodyDOCKET NUMBER 12-cv-02097-AB

DATE

SIGNATURE OF ATTORNEY OF RECORD

06/28/2012

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 139 Fountainbleau Drive, Mandeville, LA 70471

Address of Defendant: 280 Park Avenue, New York, NY 10017

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☒ No ☐

RELATED CASE, IF ANY:

Case Number: 12-cv-02097-AB Judge Hon. Anita Brody Date Terminated: N/A

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☒ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Anthony Tarricone, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☒ Relief other than monetary damages is sought.

DATE: June 28, 2012

Anthony Tarricone
Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____

Attorney-at-Law

Attorney I.D.#

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 139 Fountainbleau Drive, Mandeville, LA 70471

Address of Defendant: 280 Park Avenue, New York, NY 10017

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☒ No ☐

RELATED CASE, IF ANY:

Case Number: 12-cv-02097-AB Judge Hon. Anita Brody Date Terminated: N/A

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELEA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☒ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Anthony Tarricone, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☒ Relief other than monetary damages is sought.

DATE: June 28, 2012

Anthony Tarricone
Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____

Attorney-at-Law

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

| | | |
|--------------------------|---|--------------|
| WALTER BRISTER, et al. | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| NATIONAL FOOTBALL LEAGUE | : | NO. |

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

June 28, 2012

Date


Attorney-at-law

Plaintiffs

Attorney for

(617) 424-9100

(617) 424-9120

atarricone@kreindler.com

Telephone

FAX Number

E-Mail Address

**Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

-----X
WALTER BRISTER, and his wife BONNIE BRISTER,)
PAUL R. TRIPOLI, and his wife CHERYL TRIPOLI,)
JOHN E. THORNTON, WILLIAM MAAS, and his wife)
SARAH MAAS, ALPHONSO WILLIAMS, and his wife)
TESSIE WILLIAMS, CHARLES JEFFERSON, and his)
wife DEBORAH JEFFERSON, CHAD CASCADDEN,)
and his wife MELISSA CASCADDEN, MARK LEE, and)
his wife LORRIE LEE, BRUCE PERKINS, and his wife)
ORELYNETTE PERKINS, SAMMY WHITE, and his)
wife PENNY WHITE, VINCENT C. BRISBY, BARRY)
DEAN HACKETT, and his wife CINDY HACKETT,)
KEITH JONES, and his wife JEANNE L. JONES,)
CHARLES PHILYAW, JAMES HANNA, IVORY)
SULLY, and his wife SYLVIA SULLY, BUFORD L.)
MCGEE, and his wife JEANNETTE ORTIZ, STEVEN A.)
BRANNON, and his wife LORETTA LOMBARDI)
BRANNON, ANTHONY COOK, and his wife SHAWN)
COOK, TOMMY FAGAN, and his wife ANITA FAGAN,)
MIKE DAVIS, and his wife MARY DAVIS, BRUCE)
HARPER, and his wife NANCY HARPER, RYAN)
TERRY, and his wife ANN-MARIE TERRY, DWIGHT)
GARNER, and his wife VIDA GARNER, STAN PETRY,)
and his wife BRIDGETTE PETRY, MICHAEL)
DOUGLASS, and his wife OLGA DOUGLASS, BOBBY)
D. BROOKS, and his wife RAYNA BROOKS, GREG)
CLARK, and his wife REGAN CLARK, STEVEN BUSH,)
and his wife TERESA BUSH, BRIAN BLAKENSHIP, and)
HIS WIFE MICHEL BLANKENSHIP, MICHAEL)
OBROVAC, CLETIDUS HUNT, CHRISTIAN OKOYE,)
DENNIS BLIGEN, TERRENCE CROSBY, DERRICK)
NED, DARRIUS JOHNSON, DENNIS WATKINS,)
MIKE BELL, TERRY TAYLOR and his wife,)
MICHELLE TAYLOR, KENNETH MCALLISTER,)
DEREK SMITH and his wife, TARYN SMITH, JOHN F.)
CURTIS and his wife, DEBORAH CURTIS, JOHN)
WASHINGTON and his wife, TERRI WASHINGTON,)
ROBERT L. JACKSON, DARREN HUGHES and his)
wife, FELICIA HUGHES, CHRIS BROWN, WALTER)
PESUIT, GUY ROBERTS, CURTIS JOHNSON,)
MICHAEL HUNT and his wife, PAULA LEMKE-HUNT,)
REGGIE SINGLETARY and his wife, JANICE)
SINGLETARY, JAMES BOYD, JOHN MEYER and his)
wife, CARRIE MEYER, RICHARD JOHNSON, CHRIS)

CASE NO.:

COMPLAINT

**Plaintiffs Demand Trial
By Jury**

JONES, BRANDON FRYE, HERMAN HUNTER,)
 ALLAN ELLIS, ED SCOTT, RICK UPCHURCH as his)
 wife, DONNA UPCHURCH, STEVE JORDAN as his wife,)
 ANITA JORDAN, STEVE HEIMKREITER, CHARLES)
 RUTKOWSKI and his wife, CONNIE RUTKOWSKI,)
 JEROME WOODS and his wife, DANA WOODS, KEITH)
 COUNCIL, RANDY GRIMES and his wife, LYDIA)
 GRIMES, JEFFREY PEGUES, JONAS LEWIS and his)
 wife, KIMBERLY SONICO-LEWIS, ANTHONY)
 FLORENCE and his wife, JUDY FLORENCE, VERNON)
 STUDDARD, ROBERT WALLACE and his wife, DENE)
 WALLACE, JEBEDIAH PUTZIER and his wife, JACLYN)
 PUTZIER, MUHAMMED OLIVER and his wife,)
 CASSANDRA OLIVER, MAURICE HAREVEY, JASON)
 BERRYMAN, TONY JONES, EDWARD SMITH,)
 RICHARD CASTER, CECIL TURNER and his wife,)
 MARGOT TURNER, BRYAN PITTMAN and his wife,)
 SUZANNE PITTMAN, JEROME SALLY, and his wife)
 DEBBIE SALLY, JASON KAISER, and his wife SHERI)
 KAISER,)

Plaintiffs,)

-against-)

NATIONAL FOOTBALL LEAGUE,)

Defendant.)

-----X

COMPLAINT

Plaintiffs set forth in the case caption above (collectively "Plaintiffs"), by their attorneys Kreindler and Kreindler LLP, as and for their complaint against defendant NATIONAL FOOTBALL LEAGUE ("NFL" or "Defendant") respectfully allege as follows:

NATURE OF THE ACTION

1. Plaintiffs bring the present personal injury claims predicated on the NFL's misconduct regarding the long-term consequences of multiple concussions and repeated sub-concussive traumatic brain injuries suffered during their NFL careers. For well over half a century, medical evidence has linked concussions and long-term neurological problems, and

specialists in brain trauma have been warning about the risks of permanent brain damage from repetitive concussive events. The NFL, as the organizer, marketer and face of a professional sport in which head trauma is a regular and repeated occurrence voluntarily undertook a duty to research the effects of concussions and traumatic brain injury and educate players about the risks associated with a career in professional football. The NFL was aware of the risks of repeated head trauma and multiple concussive events, but nevertheless chose to ignore, misrepresent to and deliberately conceal from players and their families the risk of serious long-term health effects. Plaintiffs, in turn, relied on the league's deceptive statements and efforts to conceal medical evidence, resulting in the belief that concussive events did not present serious life-altering risks and thereby agreeing to return to play prematurely, and to continue to play for years despite repeated concussions and traumatic brain injury.

2. The NFL's active and purposeful concealment and misrepresentation of the severe neurological risks of repeated head trauma and multiple concussive events exposed players, including Plaintiffs, to dangers they could have avoided had the League provided them with truthful and accurate information. Many players, including Plaintiffs described below, now suffer symptoms of severe and permanent brain damage as a result of the NFL's wrongful acts and omissions, and have suffered serious permanent debilitating injuries. Other players, including Plaintiffs described below, do not currently have symptoms associated with the permanent and debilitating effects of repeated football-related head trauma, but they remain at a greatly increased risk of developing latent brain disease and other neurological injuries as a result of the repeated concussions and blows to the head they sustained during their careers, as a result of the NFL's wrongful conduct.

JURISDICTION AND VENUE

3. Jurisdiction is proper in court pursuant to 28 U.S.C. § 1332(a), (b) and (d). All of Plaintiffs are citizens of a different state from that of Defendant. The amount in controversy exceeds \$75,000, exclusive of interest and costs for each Plaintiff. The amount in controversy for all Plaintiffs in this mass action exceeds \$5,000,000, exclusive of interest and costs. and Plaintiffs are part of a class whose claims have all been transferred to this district as part of a multi-district litigation.

4. This Court has personal jurisdiction over Defendant because it conducts substantial and continuous business in the Commonwealth of Pennsylvania.

5. Venue is proper pursuant to 28 U.S.C. § 1391(a)(2) and (b)(2) in that a substantial part of the events or omissions that give rise to the claims occurred within the Commonwealth of Pennsylvania and this district, and the Defendants conduct a substantial part of their business within this district.

6. Joinder of the claims of Plaintiffs in this complaint is permissible pursuant to Fed. R. Civ. P. 20(a) in that the claims alleged herein arise out of the same series of occurrences, and involve common questions of law and fact. Further, Plaintiffs seek a joint trial with Plaintiffs in *Jay Taylor v. National Football League*, No. 12-cv-02097-AB (E.D. Pa.), *Sydney Justin et al v. National Football League*, No. 12-cv-02098-AB (E.D. Pa.), *George Adams et al v. National Football League*, No. 12-cv-02099-AB (E.D. Pa.), *Kerry Justin et al v. National Football League*, No. 12-cv-02100-AB (E.D. Pa.), *Victor Jones et al v. National Football League*, No. 12-cv-02101-AB (E.D. Pa.), *Scott Darwin Player et al v. National Football League*, No. 12-cv-02102-AB (E.D. Pa.), *David M. Kreig v. National Football League*, No. 12-cv-02103-AB (E.D. Pa.), *Pete Koch v. National Football League*, No. 12-cv-02104-AB (E.D. Pa.), *Lincoln Kennedy*

et al v. National Football League, No. 12-cv-02105-AB (E.D. Pa.), *Alfred R. Camarena v. National Football League*, No. 12-cv- 03125-AB (E.D. Pa.), presently pending before this Court. Because Plaintiffs' claims alleged herein have questions of law or fact in common with Plaintiffs' claims in these other matters, matter can be tried jointly with those cases.

THE PARTIES

WALTER BRISTER AND BONNIE BRISTER

7. Plaintiff WALTER BRISTER and his wife, BONNIE BRISTER, are citizens of Louisiana, presently residing as at 139 Fontainebleau Drive, Mandeville, LA 70471.

8. Plaintiff WALTER BRISTER played in the NFL as a quarterback, from the 1986 through 2000 seasons. From the 1986 season through 1993 season WALTER BRISTER played for the Pittsburgh Steelers. For the 1993 and 1994 seasons, he played for the Philadelphia Eagles, and for the 1995 season he played for the New York Jets. WALTER BRISTER played for the Denver Broncos from the 1997 through 1999 seasons. He then played for the Minnesota Vikings during the 2000 season and played for the Kansas City Chiefs during the 2001 pre-season.

9. Throughout his career as a professional football player, WALTER BRISTER suffered repeated hits and blows to the head.

10. As a result of the head trauma suffered during his playing career WALTER BRISTER suffers from symptoms associated with multiple traumatic brain injury and CTE.

11. WALTER BRISTER is also at heightened risk of developing further adverse neurological symptoms in the future.

PAUL R. TRIPOLI AND CHERYL TRIPOLI

12. Plaintiff PAUL R. TRIPOLI and his wife, CHERYL TRIPOLI, are citizens of Florida, presently residing at 8333 Lyric Drive, Pensacola, FL 32514.

13. Plaintiff PAUL R. TRIPOLI played in the NFL as a safety, in training camp 1985, during the 1987 season and during training camp in 1988. During training camp in 1985 PAUL R. TRIPOLI played for the Cleveland Browns. During the 1987 season and training camp in 1988 PAUL R. TRIPOLI played for the Tampa Bay Buccaneers.

14. Throughout his career as a professional football player, PAUL R. TRIPOLI suffered repeated hits and blows to the head.

15. As a result of the head trauma suffered during his playing career PAUL R. TRIPOLI suffers from symptoms associated with multiple traumatic brain injury and CTE.

16. PAUL R. TRIPOLI is also at heightened risk of developing further adverse neurological symptoms in the future.

JOHN E. THORNTON

17. Plaintiff JOHN E. THORNTON is a citizen of Louisiana, presently residing at 3014 Jean Lafitte Parkway, Chalmette, LA 70043.

18. Plaintiff JOHN E. THORNTON played in the NFL as a defensive lineman between 1991 and 1994. During training camp and the pre-season in 1991, JOHN E. THORNTON was a player for the New Orleans Saints. During the 1991 and 1992 seasons JOHN E. THORNTON played for the Cleveland Browns. During training camp and the pre-season in 1993, JOHN E. THORNTON was a player for the Atlanta Falcons. From December of 1993 through the pre-season in 1994, JOHN E. THORNTON was a player for the Minnesota Vikings.

19. Throughout his career as a professional football player, JOHN E. THORNTON suffered repeated hits and blows to the head.

20. As a result of the head trauma suffered during his playing career JOHN E. THORNTON suffers from symptoms associated with multiple traumatic brain injury and CTE.

21. JOHN E. THORNTON is also at heightened risk of developing further adverse neurological symptoms in the future.

WILLIAM MAAS AND SARAH MAAS

22. Plaintiff WILLIAM MAAS and his wife, SARAH MAAS, are citizens of Missouri, presently residing at 653 NE Shoreline Drive, Lees Summit, MO 64064.

23. Plaintiff WILLIAM MAAS played in the NFL as a defensive tackle from the 1984 through 1994 seasons. From the 1984 season through 1992 season WILLIAM MAAS played for the Kansas City Chiefs. From the 1992 through the 1994 seasons, WILLIAM MAAS played for the Green Bay Packers.

24. Throughout his career as a professional football player, WILLIAM MAAS suffered repeated hits and blows to the head.

25. As a result of the head trauma suffered during his playing career WILLIAM MAAS suffers from symptoms associated with multiple traumatic brain injury and CTE.

26. WILLIAM MAAS is also at heightened risk of developing further adverse neurological symptoms in the future.

ALPHONSO WILLIAMS AND TESSIE WILLIAMS

27. Plaintiff ALPHONSO WILLIAMS and his wife, TESSIE WILLIAMS, are citizens of Louisiana, presently residing at 1844 West Marlboro Drive, Chandler, AZ 85224.

28. Plaintiff ALPHONSO WILLIAMS played in the NFL as a wide receiver and kick returner between 1986 and 1988. During the 1986 season, ALPHONSO WILLIAMS was a player for the Detroit Lions. During the 1987 season ALPHONSO WILLIAMS played for the San Diego Chargers. During 1988, ALPHONSO WILLIAMS was a player for the Tampa Bay Buccaneers.

29. Throughout his career as a professional football player, ALPHONSO WILLIAMS suffered repeated hits and blows to the head.

30. As a result of the head trauma suffered during his playing career ALPHONSO WILLIAMS suffers from symptoms associated with multiple traumatic brain injury and CTE.

31. ALPHONSO WILLIAMS is also at heightened risk of developing further adverse neurological symptoms in the future.

CHARLES JEFFERSON AND DEBORAH JEFFERSON

32. Plaintiff CHARLES JEFFERSON and his wife, DEBORAH JEFFERSON, are citizens of Louisiana, presently residing at 3309 N. Farrington Drive, Baton Rouge, LA 70814.

33. Plaintiff CHARLES JEFFERSON played in the NFL as a defensive back from the 1979 through 1981. For part of 1979 CHARLES JEFFERSON played for the Denver Broncos. From October 1979, through the 1981 season CHARLES JEFFERSON played for the Houston Oilers.

34. Throughout his career as a professional football player, CHARLES JEFFERSON suffered repeated hits and blows to the head.

35. As a result of the head trauma suffered during his playing career CHARLES JEFFERSON suffers from symptoms associated with multiple traumatic brain injury and CTE.

36. CHARLES JEFFERSON is also at heightened risk of developing further adverse neurological symptoms in the future.

CHAD CASCADDEN AND MELISSA CASCADDEN

37. Plaintiff CHAD CASCADDEN and his wife, MELISSA CASCADDEN, are citizens of New York, presently residing at 92 Garden Street, Garden City, NY 11530 in Nassau County.

38. Plaintiff CHAD CASCADDEN played in the NFL as a linebacker from 1995 through 2000. From 1995 through 1999 CHAD CASCADDEN played for the New York Jets. During the 2000 season, he played for the New England Patriots.

39. Throughout his career as a professional football player, CHAD CASCADDEN suffered repeated hits and blows to the head.

40. As a result of the head trauma suffered during his playing career CHAD CASCADDEN suffers from symptoms associated with multiple traumatic brain injury and CTE.

41. CHAD CASCADDEN is also at heightened risk of developing further adverse neurological symptoms in the future.

MARK LEE

42. Plaintiff MARK LEE and his wife, LORRIE LEE, are citizens of Washington, presently residing at 14817 80th Drive S.E., Snohomish, WA 98296.

43. Plaintiff MARK LEE played in the NFL as a defensive back from 1980 through 1991. From 1980 through part of 1991 MARK LEE played for the Green Bay Packers. For 11 weeks during 1991 he played for the San Francisco 49ers, and for another 4 weeks during 1991 he played for the New Orleans Saints.

44. Throughout his career as a professional football player, MARK LEE suffered repeated hits and blows to the head.

45. As a result of the head trauma suffered during his playing career MARK LEE suffers from symptoms associated with multiple traumatic brain injury and CTE.

46. MARK LEE is also at heightened risk of developing further adverse neurological symptoms in the future.

BRUCE PERKINS AND ORELYNETTE PERKINS

47. Plaintiff BRUCE PERKINS and his wife, ORELYNETTE PERKINS, are citizens of Arizona, presently residing at 19014 E. Ryan Road, Queen Creek, AZ 85742.

48. Plaintiff BRUCE PERKINS played in the NFL as a fullback from 1990 through 1991. From 1990 through August 1991 BRUCE PERKINS played for the Tampa Bay Buccaneers. From September 1991 through December 1991 he played for the Indianapolis Colts.

49. Throughout his career as a professional football player, BRUCE PERKINS suffered repeated hits and blows to the head.

50. As a result of the head trauma suffered during his playing career BRUCE PERKINS suffers from symptoms associated with multiple traumatic brain injury and CTE.

51. BRUCE PERKINS is also at heightened risk of developing further adverse neurological symptoms in the future.

SAMMY WHITE AND PENNY WHITE

52. Plaintiff SAMMY WHITE and his wife, PENNY WHITE, are citizens of Louisiana, presently residing at 102 Margaret Drive, Monroe, LA 71203.

53. Plaintiff SAMMY WHITE played in the NFL as a wide receiver for the Minnesota Vikings from 1976 through 1986.

54. Throughout his career as a professional football player, SAMMY WHITE suffered repeated hits and blows to the head.

55. As a result of the head trauma suffered during his playing career SAMMY WHITE suffers from symptoms associated with multiple traumatic brain injury and CTE.

56. SAMMY WHITE is also at heightened risk of developing further adverse neurological symptoms in the future.

VINCENT C. BRISBY

57. Plaintiff VINCENT C. BRISBY is a citizen of Texas, presently residing at 1700 Seaspray Court, # 1020, Houston, TX 77008.

58. Plaintiff VINCENT C. BRISBY played as a quarterback in the NFL from 1993 to 2001. From 1993 through part of 2000 VINCENT C. BRISBY played for the New England Patriots. From the remainder of 2000 through 2001 he played for the New York Jets.

59. Throughout his career as a professional football player, VINCENT C. BRISBY suffered repeated hits and blows to the head.

60. As a result of the head trauma suffered during his playing career VINCENT C. BRISBY suffers from symptoms associated with multiple traumatic brain injury and CTE.

61. VINCENT C. BRISBY is also at heightened risk of developing further adverse neurological symptoms in the future.

BARRY DEAN HACKETT AND CINDY HACKETT

62. Plaintiff BARRY DEAN HACKETT and his wife, CINDY HACKETT, are citizens of North Carolina, presently residing at 1152 Kearns-Hackett, Pleasant Garden, NC 27313.

63. Plaintiff BARRY DEAN HACKETT played in the NFL as an offensive tackle from 1986 through 1993. From 1986 through part of 1993 BARRY DEAN HACKETT played for the Kansas City Chiefs, and for the remainder of 1993 he played for the Seattle Seahawks.

64. Throughout his career as a professional football player, BARRY DEAN HACKETT suffered repeated hits and blows to the head.

65. As a result of the head trauma suffered during his playing career BARRY DEAN HACKETT suffers from symptoms associated with multiple traumatic brain injury and CTE.

66. BARRY DEAN HACKETT is also at heightened risk of developing further adverse neurological symptoms in the future.

KEITH JONES AND JEANNE L. JONES

67. Plaintiff KEITH JONES and his wife, JEANNE L. JONES, are citizens of Nebraska, presently residing at 1817 N. 130th Circle, Omaha, NE 68154.

68. Plaintiff KEITH JONES played in the NFL as a running back from 1988 to 1992. From April of 1988 through January of 1989 KEITH JONES played for the Los Angeles Rams. From February 1989 through March of 1990 KEITH JONES played for the Cleveland Browns. From March 1990 through September 1992 KEITH JONES played for the Dallas Cowboys. During July and August of 1992, KEITH JONES played for the Houston Oilers.

69. Throughout his career as a professional football player, KEITH JONES suffered repeated hits and blows to the head.

70. As a result of head trauma suffered during his playing career, KEITH JONES suffers from symptoms associated with multiple traumatic brain injury and CTE.

71. KEITH JONES is also at heightened risk of developing further adverse neurological symptoms in the future.

CHARLES PHILYAW

72. Plaintiff CHARLES PHILYAW is a citizen of Louisiana, presently residing at 3929 Eileen Lane, Shreveport, LA 71109.

73. Plaintiff CHARLES PHILYAW played in the NFL as a defensive end for the Oakland Raiders from 1976 through 1979.

74. Throughout his career as a professional football player, CHARLES PHILYAW suffered repeated hits and blows to the head.

75. As a result of head trauma suffered during his playing career, CHARLES PHILYAW suffers from symptoms associated with multiple traumatic brain injury and CTE.

76. CHARLES PHILYAW is also at heightened risk of developing further adverse neurological symptoms in the future.

JAMES HANNA

77. Plaintiff JAMES HANNA is a citizen of Louisiana, presently residing at 435 South Street, Slidell, LA 70460.

78. Plaintiff JAMES HANNA played in the NFL as a defensive lineman between 1993 and 1995. During the 1994 season and through training camp in 1995, JAMES HANNA played for the New Orleans Saints, and during training camp in 1996 he played for the Atlanta Falcons.

79. Throughout his career as a professional football player, JAMES HANNA suffered repeated hits and blows to the head.

80. As a result of the head trauma suffered during his playing career, JAMES HANNA suffers from symptoms associated with multiple traumatic brain injury and CTE.

81. JAMES HANNA is also at heightened risk of developing further adverse neurological symptoms in the future.

IVORY SULLY AND SYLVIA SULLY

82. Plaintiff IVORY SULLY and his wife, SYLVIA SULLY, are citizens of California, presently residing at 6609 Leafwood Drive, Anaheim, CA 92807.

83. Plaintiff IVORY SULLY played in the NFL as a defensive back from 1979 to 1987. From 1979 through 1984 IVORY SULLY played for the Los Angeles Rams. From 1985 through 1986 IVORY SULLY played for the Tampa Bay Buccaneers. During 1987, IVORY SULLY played for the Detroit Lions.

84. Throughout his career as a professional football player, IVORY SULLY suffered repeated hits and blows to the head.

85. As a result of the head trauma suffered during his playing career, IVORY SULLY suffers from symptoms associated with multiple traumatic brain injury and CTE.

86. IVORY SULLY is also at heightened risk of developing further adverse neurological symptoms in the future.

BUFORD L. MCGEE AND JEANNETTE ORTIZ

87. Plaintiff BUFORD L. MCGEE and his wife, JEANNETTE ORTIZ, are citizens of Texas, presently residing at 5914 Annatto Drive, Baytown, TX 77521.

88. Plaintiff BUFORD L. MCGEE played in the NFL as a fullback from 1984 through 1992. From 1984 through 1986 BUFORD L. MCGEE played for the San Diego Chargers. From 1987 through 1991 BUFORD L. MCGEE played for the Los Angeles Rams. During 1992, BUFORD L. MCGEE played for the Green Bay Packers.

89. Throughout his career as a professional football player, BUFORD L. MCGEE suffered repeated hits and blows to the head.

90. As a result of the head trauma suffered during his playing career, BUFORD L. MCGEE suffers from symptoms associated with multiple traumatic brain injury and CTE.

91. BUFORD L. MCGEE is also at heightened risk of developing further adverse neurological symptoms in the future.

STEVEN A. BRANNON AND LORETTA LOMBARDI BRANNON

92. Plaintiff STEVEN A. BRANNON and his wife, LORETTA LOMBARDI BRANNON, are citizens of Washington, presently residing at 12908 NE 13th Avenue, Vancouver, WA 98685.

93. Plaintiff STEVEN A. BRANNON played in the NFL as a defensive lineman from 1993 to 1999. From April 1993 through September 1994 STEVEN A. BRANNON played for the New York Giants. From October 1998 through July 1999 STEVEN A. BRANNON played for the New England Patriots.

94. Throughout his career as a professional football player, STEVEN A. BRANNON suffered repeated hits and blows to the head.

95. As a result of the head trauma suffered during his playing career, STEVEN A. BRANNON suffers from symptoms associated with multiple traumatic brain injury and CTE.

96. STEVEN A. BRANNON is also at heightened risk of developing further adverse neurological symptoms in the future.

ANTHONY COOK AND SHAWN COOK

97. Plaintiff ANTHONY COOK and his wife, SHAWN COOK, are citizens of Texas, presently residing at 9325 Ross Town Way, Houston, TX 77080.

98. Plaintiff ANTHONY COOK played in the NFL as a defensive lineman from 1995 to 2000. From 1995 through 1997 ANTHONY COOK played for the Houston Oilers. From 1998 through part of 1999 ANTHONY COOK played for the Tennessee Titans. For the remainder of 1999 and part of 2000 ANTHONY COOK played for the Washington Redskins. For the remainder of 2000, to August, ANTHONY COOK played for the New York Jets.

99. Throughout his career as a professional football player, ANTHONY COOK suffered repeated hits and blows to the head.

100. As a result of the head trauma suffered during his playing career, ANTHONY COOK suffers from symptoms associated with multiple traumatic brain injury and CTE.

101. ANTHONY COOK is also at heightened risk of developing further adverse neurological symptoms in the future.

TOMMY FAGAN AND ANITA FAGAN

102. Plaintiff TOMMY FAGAN and his wife, ANITA FAGAN, are citizens of Louisiana, presently residing at 9137 Redwood Drive, Bastrop, LA 71220.

103. Plaintiff TOMMY FAGAN played in the NFL as a defensive end from 1994 to 1996. During training camp in 1994 TOMMY FAGAN played for the Miami Dolphins. From September 1994 through September 1995 TOMMY FAGAN played for the Green Bay Packers practice squad. During training camp in 1996 TOMMY FAGAN played for the Atlanta Falcons.

104. Throughout his career as a professional football player, TOMMY FAGAN suffered repeated hits and blows to the head.

105. As a result of the head trauma suffered during his playing career, TOMMY FAGAN suffers from symptoms associated with multiple traumatic brain injury and CTE.

106. TOMMY FAGAN is also at heightened risk of developing further adverse neurological symptoms in the future.

MIKE DAVIS AND MARY DAVIS

107. Plaintiff MIKE DAVIS and his wife, MARY DAVIS, are citizens of Arizona, presently residing at 37039 N. 109th Street, Scottsdale, AZ 85262.

108. Plaintiff MIKE DAVIS played in the NFL as a defensive back from 1977 through 1987. From 1977 through part of 1987 MIKE DAVIS played for the Raiders in Oakland and Los Angeles. For the remainder of the 1987 MIKE DAVIS played for the San Diego Chargers.

109. Throughout his career as a professional football player, MIKE DAVIS suffered repeated hits and blows to the head.

110. As a result of the head trauma suffered during his playing career, MIKE DAVIS suffers from symptoms associated with multiple traumatic brain injury and CTE.

111. MIKE DAVIS is also at heightened risk of developing further adverse neurological symptoms in the future.

BRUCE HARPER AND NANCY HARPER

112. Plaintiff BRUCE HARPER and his wife, NANCY HARPER, are citizens of New Jersey, presently residing at 311 Lindbergh Avenue, Closter, NJ 07624.

113. Plaintiff BRUCE HARPER played in the NFL as a running back, punt-returner and kick-returner for the New York Jets from 1977 through 1984.

114. Throughout his career as a professional football player, BRUCE HARPER suffered repeated hits and blows to the head.

115. As a result of the head trauma suffered during his playing career, BRUCE HARPER suffers from symptoms associated with multiple traumatic brain injury and CTE.

116. BRUCE HARPER is also at heightened risk of developing further adverse neurological symptoms in the future.

RYAN TERRY AND ANN-MARIE TERRY

117. Plaintiff RYAN TERRY and his wife, ANN-MARIE TERRY, are citizens of Texas, presently residing at 11319 Sandermeier Drive, Richmond, TX 77406.

118. Plaintiff RYAN TERRY played in the NFL as a running back and kick-returner for the Arizona Cardinals from 1995 through 1996.

119. Throughout his career as a professional football player, RYAN TERRY suffered repeated hits and blows to the head.

120. As a result of the head trauma suffered during his playing career, RYAN TERRY suffers from symptoms associated with multiple traumatic brain injury and CTE.

121. RYAN TERRY is also at heightened risk of developing further adverse neurological symptoms in the future.

DWIGHT GARNER AND VIDA GARNER

122. Plaintiff DWIGHT GARNER and his wife, VIDA GARNER, are citizens of Florida, presently residing at 6190 NW 41st Drive, Coral Springs, FL 33067.

123. Plaintiff DWIGHT GARNER played in the NFL as a running back and special teams player for the Washington Redskins from 1986 through 1988.

124. Throughout his career as a professional football player, DWIGHT GARNER suffered repeated hits and blows to the head.

125. As a result of the head trauma suffered during his playing career, DWIGHT GARNER suffers from symptoms associated with multiple traumatic brain injury and CTE.

126. DWIGHT GARNER is also at heightened risk of developing further adverse neurological symptoms in the future.

STAN PETRY AND BRIDGETTE PETRY

127. Plaintiff STAN PETRY and his wife, BRIDGETTE PETRY, are citizens of Texas, presently residing at 2603 Tremont Brook Way, Fresno, TX 77545.

128. Plaintiff STAN PETRY played in the NFL as a defensive back and kick-returner from 1989 through 1993. From 1989 through part of 1991, STAN PETRY played for the Kansas City Chiefs. For the remainder of 1991 and through 1992, STAN PETRY played for the New Orleans Saints. During 1993, STAN PETRY played for the Houston Oilers.

129. Throughout his career as a professional football player, STAN PETRY suffered repeated hits and blows to the head.

130. As a result of the head trauma suffered during his playing career, STAN PETRY suffers from symptoms associated with multiple traumatic brain injury and CTE.

131. STAN PETRY is also at heightened risk of developing further adverse neurological symptoms in the future.

MICHAEL DOUGLASS AND OLGA DOUGLASS

132. Plaintiff MICHAEL DOUGLASS and his wife, OLGA DOUGLASS, are citizens of California, presently residing at 1725 Porterfield Place, El Cajon, CA 92019.

133. Plaintiff MICHAEL DOUGLASS played in the NFL as an outside linebacker from 1978 to 1987. From April 1978 through April 1986, MICHAEL DOUGLASS played for the Green Bay Packers. From April 1986 through January 1987, MICHAEL DOUGLASS played for the San Diego Chargers.

134. Throughout his career as a professional football player, MICHAEL DOUGLASS suffered repeated hits and blows to the head.

135. As a result of the head trauma suffered during his playing career, MICHAEL DOUGLASS suffers from symptoms associated with multiple traumatic brain injury and CTE.

136. MICHAEL DOUGLASS is also at heightened risk of developing further adverse neurological symptoms in the future.

BOBBY D. BROOKS AND RAYNA BROOKS

137. Plaintiff BOBBY D. BROOKS and his wife, RAYNA BROOKS, are citizens of Texas, presently residing at 7416 Red Osier Road, Dallas, TX 75249.

138. Plaintiff BOBBY D. BROOKS played in the NFL as a defensive back and special teams player for the New York Giants from 1974 through September 1977.

139. Throughout his career as a professional football player, BOBBY D. BROOKS suffered repeated hits and blows to the head.

140. As a result of the head trauma suffered during his playing career, BOBBY D. BROOKS suffers from symptoms associated with multiple traumatic brain injury and CTE.

141. BOBBY D. BROOKS is also at heightened risk of developing further adverse neurological symptoms in the future.

GREG CLARK AND REGAN CLARK

142. Plaintiff GREG CLARK and his wife, REGAN CLARK, are citizens of Arizona, presently residing at 4450 E. Carriage Court, Gilbert, AZ 85297.

143. Plaintiff GREG CLARK played in the NFL as a middle linebacker from the 1988 through 1992 seasons. During the 1988 season, GREG CLARK played for the Chicago Bears. During the 1989 season, GREG CLARK played for the Miami Dolphins. During the 1990 season, GREG CLARK played for the Los Angeles Rams. During the 1991 season, GREG CLARK played for the San Diego Charges. During the 1992 season, GREG CLARK played for the Seattle Seahawks.

144. Throughout his career as a professional football player, GREG CLARK suffered repeated hits and to the head.

145. As a result of head trauma suffered during his playing career, GREG CLARK suffers from symptoms associated with multiple traumatic brain injury and CTE.

146. GREG CLARK is also at heightened risk of developing further adverse neurological symptoms in the future.

STEVEN BUSH AND TERESA BUSH

147. Plaintiff STEVEN BUSH and his wife, TERESA BUSH, are citizens of Arizona, presently residing at 11746 E. Terra Drive, Scottsdale, AZ 85259.

148. Plaintiff STEVEN BUSH played in the NFL as a running back from 1997 through 2005. From 1997 through 2000, STEVEN BUSH played for the Cincinnati Bengals. During training camp in 2001, he played for the St. Louis Rams. From the 2000 through 2003 seasons, STEVEN BUSH played for the Arizona Cardinals. During training camp in 2004, he played for

the Green Bay Packers, but from the 2004 through 2005 seasons, STEVEN BUSH played for the San Francisco 49ers.

149. Throughout his career as a professional football player, STEVEN BUSH suffered repeated hits and blows to the head.

150. As a result of the head trauma suffered during his playing career, STEVEN BUSH suffers from symptoms associated with multiple traumatic brain injury and CTE.

151. STEVEN BUSH is also at heightened risk of developing further adverse neurological symptoms in the future.

BRIAN BLANKENSHIP AND MICHEL BLANKENSHIP

152. Plaintiff BRIAN BLANKENSHIP and his wife, MICHEL BLANKENSHIP, are citizens of West Virginia, presently residing at 1621 Prince Road, Morgantown, WV 26508.

153. Plaintiff BRIAN BLANKENSHIP played in the NFL as an offensive lineman for the Pittsburgh Steelers from August 1987 through February 1992.

154. Throughout his career as a professional football player, BRIAN BLANKENSHIP suffered repeated hits and blows to the head.

155. As a result of the head trauma suffered during his playing career, BRIAN BLANKENSHIP suffers from symptoms associated with multiple traumatic brain injury and CTE.

156. BRIAN BLANKENSHIP is also at heightened risk of developing further adverse neurological symptoms in the future.

MICHAEL OBROVAC

157. Plaintiff MICHAEL OBROVAC is a citizen of New York, presently residing at 1920 Otterbin Street, Louisville, OH 44641.

158. Plaintiff MICHAEL OBROVAC played in the NFL as an offensive lineman from 1981 through 1986. From 1981 through 1984 MICHAEL OBROVAC played for the Cincinnati Bengals. From 1985 through part of 1986 MICHAEL OBROVAC played for the Green Bay Packers.

159. Throughout his career as a professional football player, MICHAEL OBROVAC suffered repeated hits and blows to the head.

160. As a result of the head trauma suffered during his playing career, MICHAEL OBROVAC suffers from symptoms associated with multiple traumatic brain injury and CTE.

161. MICHAEL OBROVAC is also at heightened risk of developing further adverse neurological symptoms in the future.

CLETIDUS HUNT

162. Plaintiff CLETIDUS HUNT is a citizen of Tennessee, presently residing at 3744 Misty Oak Drive, Memphis, TN 38125.

163. Plaintiff CLETIDUS HUNT played in the NFL as an defensive lineman for the Green Bay Packers from 1999 through 2006.

164. Throughout his career as a professional football player, CLETIDUS HUNT suffered repeated hits and blows to the head.

165. As a result of the head trauma suffered during his playing career, CLETIDUS HUNT suffers from symptoms associated with multiple traumatic brain injury and CTE.

166. CLETIDUS HUNT is also at heightened risk of developing further adverse neurological symptoms in the future.

CHRISTIAN OKOYE

167. Plaintiff CHRISTIAN OKOYE is a citizen of California, presently residing at 10082 Big Pine Drive, Alta Loma, CA 91737.

168. Plaintiff CHRISTIAN OKOYE played in the NFL as running back for the Kansas City Chiefs from the 1987 through 1992 seasons.

169. Throughout his career as a professional football player, CHRISTIAN OKOYE suffered repeated hits and blows to the head.

170. As a result of the head trauma suffered during his playing career, CHRISTIAN OKOYE suffers from symptoms associated with multiple traumatic brain injury and CTE.

171. CHRISTIAN OKOYE is also at heightened risk of developing further adverse neurological symptoms in the future.

DENNIS BLIGEN

172. Plaintiff DENNIS BLIGEN is a citizen of New York, presently residing at 2 Hedgeway Court, Hempstead, NY 11550.

173. Plaintiff DENNIS BLIGEN played in the NFL as a fullback from the 1984 through 1987 seasons. From 1984 through part of 1986 DENNIS BLIGEN played for the New York Jets. For the remainder 1986 through part of 1987 DENNIS BLIGEN played for the Tampa Bay Buccaneers. For the remainder of 1987 DENNIS BLIGEN played for the New York Jets.

174. Throughout his career as a professional football player, DENNIS BLIGEN suffered repeated hits and blows to the head.

175. As a result of the head trauma suffered during his playing career, DENNIS BLIGEN suffers from symptoms associated with multiple traumatic brain injury and CTE.

176. DENNIS BLIGEN is also at heightened risk of developing further adverse neurological symptoms in the future.

TERRENCE CROSBY

177. Plaintiff TERRENCE CROSBY is a citizen of South Carolina, presently residing at 104 Bailey Road, Buffalo, SC 29321.

178. Plaintiff TERRENCE CROSBY played in the NFL as wide receiver for the Indianapolis Colts practice squad during 2006.

179. Throughout his career as a professional football player, TERRENCE CROSBY suffered repeated hits and blows to the head.

180. As a result of the numerous concussions and sub-concussive head trauma suffered during his playing career TERRENCE CROSBY suffers from symptoms associated with multiple traumatic brain injury and CTE.

181. TERRENCE CROSBY is also at heightened risk of developing further adverse neurological symptoms in the future.

DERRICK NED

182. Plaintiff DERRICK NED is a citizen of Louisiana, presently residing at 430 Charles Street, Eunice, LA 70535.

183. Plaintiff DERRICK NED played in the NFL as a fullback for the New Orleans Saints from 1992 through 1995.

184. Throughout his career as a professional football player, DERRICK NED suffered repeated hits and blows to the head.

185. As a result of the numerous concussions and sub-concussive head trauma suffered during his playing career DERRICK NED suffers from symptoms associated with multiple traumatic brain injury and CTE.

186. DERRICK NED is also at heightened risk of developing further adverse neurological symptoms in the future.

DARRIUS JOHNSON

187. Plaintiff DARRIUS JOHNSON is a citizen of Louisiana, presently residing at 402 Thomas Street, Terrell, TX 75160.

188. Plaintiff DARRIUS JOHNSON played in the NFL as a defensive back and special teams player from 1996 to 2004. From August 1996 through January 2000, DARRIUS JOHNSON played for the Denver Broncos. From May 2003 through January 2004, he played for the Kansas City Chiefs.

189. Throughout his career as a professional football player, DARRIUS JOHNSON suffered repeated hits and blows to the head.

190. As a result of the head trauma suffered during his playing career, DARRIUS JOHNSON suffers from symptoms associated with multiple traumatic brain injury and CTE.

191. DARRIUS JOHNSON is also at heightened risk of developing further adverse neurological symptoms in the future.

DENNIS WATKINS

192. Plaintiff DENNIS WATKINS is a citizen of Nebraska, presently residing at 1420 D Street, Lincoln, NE 68508.

193. Plaintiff DENNIS WATKINS was a cornerback in the NFL for the Philadelphia Eagles from July 1986 through May 1987.

194. Throughout his career as a professional football player, DENNIS WATKINS suffered repeated hits and blows to the head.

195. As a result of head trauma suffered during his playing career, DENNIS WATKINS suffers from symptoms associated with multiple traumatic brain injury and CTE.

196. DENNIS WATKINS is also at heightened risk of developing further adverse neurological symptoms in the future.

MIKE BELL

197. Plaintiff MIKE BELL is a citizen of Kansas, presently residing at 801 West Douglas, Wichita, KS 67213.

198. Plaintiff MIKE BELL played as a defensive lineman in the NFL for the Kansas City Chiefs from 1979 through 1991.

199. Throughout his career as a professional football player, MIKE BELL suffered repeated hits and blows to the head.

200. As a result of head trauma suffered during his playing career, MIKE BELL suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

201. MIKE BELL is also at heightened risk of developing further adverse neurological symptoms in the future.

TERRY TAYLOR AND MICHELLE TAYLOR

202. Plaintiff TERRY TAYLOR and his wife, MICHELLE TAYLOR, are a citizens of North Carolina, presently residing at 124 Huntington Ridge Place, Mooresville, NC 28115.

203. Plaintiff TERRY TAYLOR played in the NFL as a cornerback from 1984 through 1995. From 1984 through 1988, TERRY TAYLOR played for the Seattle Seahawks. From 1989 through 1991, he played for the Detroit Lions. From 1992 through 1993, TERRY

TAYLOR played for the Cleveland Browns. During 1994, he played for the Seattle Seahawks, and during 1995 he played for the Atlanta Falcons.

204. Throughout his career as a professional football player, TERRY TAYLOR suffered repeated hits and blows to the head.

205. As a result of head trauma suffered during his playing career, TERRY TAYLOR suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

206. TERRY TAYLOR is also at heightened risk of developing further adverse neurological symptoms in the future.

KENNETH MCALLISTER

207. Plaintiff KENNETH MCALLISTER is a citizen of California, presently residing at 13820 Annandale Drive, Unit 42A, Seal Beach, CA 90740.

208. Plaintiff KENNETH MCALLISTER played as a defensive back in the NFL for the Detroit Lions from 1980 through 1982.

209. Throughout his career as a professional football player, KENNETH MCALLISTER suffered repeated hits and blows to the head.

210. As a result of head trauma suffered during his playing career, KENNETH MCALLISTER suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

211. KENNETH MCALLISTER is also at heightened risk of developing further adverse neurological symptoms in the future.

DEREK SMITH AND TARYN SMITH

212. Plaintiff DEREK SMITH and his wife, TARYN SMITH, are a citizens of California, presently residing at 3352 Adams Run, Encinitas, CA 92024.

213. Plaintiff DEREK SMITH played as a linebacker in the NFL from March 1997 through January 2009. From March 1997 through February 2001, DEREK SMITH played for the Washington Redskins. From March 2001 through February 2008, he played for the San Francisco 49ers. From August 2008 through November 2008, DEREK SMITH played for the San Diego Chargers. From December 2008 through January 2009, he played for the Miami Dolphins.

214. Throughout his career as a professional football player, DEREK SMITH suffered repeated hits and blows to the head.

215. As a result of head trauma suffered during his playing career, DEREK SMITH suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

216. DEREK SMITH is also at heightened risk of developing further adverse neurological symptoms in the future.

JOHN F. CURTIS AND DEBORAH S. CURTIS

217. Plaintiff JOHN F. CURTIS and his wife, DEBORAH CURTIS, are a citizens of New Jersey, presently residing at 225 State Rd, Princeton, NJ 08540.

218. Plaintiff JOHN F. CURTIS played as a tight end in the NFL from 1971 through 1975. From April 1971 through August 1971, JOHN F. CURTIS played for the New York Jets. From June 1972 through September 1972, he played for the Kansas City Chiefs. From March 1973 through September 1973, JOHN F. CURTIS played for the Baltimore Colts. From June 1974 through September 1974, he played for the San Francisco 49ers. During February and March of 1975, JOHN F. CURTIS played for the New England Patriots.

219. Throughout his career as a professional football player, JOHN F. CURTIS suffered repeated hits and blows to the head.

220. As a result of head trauma suffered during his playing career JOHN F. CURTIS suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

221. JOHN F. CURTIS is also at heightened risk of developing further adverse neurological symptoms in the future.

JOHN WASHINGTON AND TERRI WASHINGTON

222. Plaintiff JOHN WASHINGTON and his wife, TERRI WASHINGTON, are a citizens of Texas, presently residing at 2106 Long Rock Drive, Missouri City, TX 77489.

223. Plaintiff JOHN WASHINGTON played in the NFL as a defensive end from 1986 through 1993. From 1986 through part of 1992, JOHN WASHINGTON played for the New York Giants. For the remainder 1992 through part of 1993, he played for the New England Patriots. For the remainder 1993, JOHN WASHINGTON played for the Atlanta Falcons.

224. Throughout his career as a professional football player, JOHN WASHINGTON suffered repeated hits and blows to the head.

225. As a result of head trauma suffered during his playing career JOHN WASHINGTON suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

226. JOHN WASHINGTON is also at heightened risk of developing further adverse neurological symptoms in the future.

ROBERT L. JACKSON

227. Plaintiff ROBERT L. JACKSON is a citizen of Texas, presently residing at 3526 Dain Place, Humble, TX 77338 13820.

228. Plaintiff ROBERT L. JACKSON played as a linebacker in the NFL from 1977 through 1982. From 1977 through part of 1981, ROBERT L. JACKSON played for the

Cleveland Browns. For the remainder of 1981 and through 1982, he played for the Atlanta Falcons.

229. Throughout his career as a professional football player, ROBERT L. JACKSON suffered repeated hits and blows to the head.

230. As a result of head trauma suffered during his playing career ROBERT L. JACKSON suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

231. ROBERT L. JACKSON is also at heightened risk of developing further adverse neurological symptoms in the future.

DARREN HUGHES

232. Plaintiff DARREN HUGHES and his wife, FELICIA HUGHES, are citizens of Nevada, presently residing at 6589 Socorro Drive, Las Vegas, NV 89108.

233. Plaintiff DARREN HUGHES played in the NFL as a wide receiver for the Minnesota Vikings from 1990 through 1992.

234. Throughout his career as a professional football player, DARREN HUGHES suffered repeated hits and blows to the head.

235. As a result of head trauma suffered during his playing career DARREN HUGHES suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

236. DARREN HUGHES is also at heightened risk of developing further adverse neurological symptoms in the future.

CHRIS BROWN

237. Plaintiff CHRIS BROWN is a citizen of Texas, presently residing at 1432 Duet Drive, Dallas, TX 75241.

238. Plaintiff CHRIS BROWN played in the NFL as a running back for the Denver Broncos during 2010.

239. Throughout his career as a professional football player, CHRIS BROWN suffered repeated hits and blows to the head.

240. As a result of head trauma suffered during his playing career CHRIS BROWN suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

241. CHRIS BROWN is also at heightened risk of developing further adverse neurological symptoms in the future.

WALTER PESUIT

242. Plaintiff WALTER PESUIT is a citizen of West Virginia, presently residing at 2723 Pennsylvania Avenue, Weirton, WV 26062.

243. Plaintiff WALTER PESUIT played in the NFL as an offensive lineman from 1976 through 1980. During 1976, he played for the Dallas Cowboys, the Atlanta Falcons, and finally the Miami Dolphins. From 1977 through part of 1979, WALTER PESUIT continued to play for the Miami Dolphins. For the remainder of 1979 through 1980, he played for the Detroit Lions.

244. Throughout his career as a professional football player, WALTER PESUIT suffered repeated hits and blows to the head.

245. As a result of head trauma suffered during his playing career WALTER PESUIT suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

246. WALTER PESUIT is also at heightened risk of developing further adverse neurological symptoms in the future.

GUY ROBERTS

247. Plaintiff GUY ROBERTS is a citizen of South Carolina, presently residing at 809 East Main Street, Lexington, SC 29072.

248. Plaintiff GUY ROBERTS played in the NFL as a linebacker from 1972 through 1977. From 1972 through 1975, GUY ROBERTS played for the Houston Oilers. During 1976, he played for the Atlanta Falcons, and, during 1977, he played for the Miami Dolphins.

249. Throughout his career as a professional football player, GUY ROBERTS suffered repeated hits and blows to the head.

250. As a result of head trauma suffered during his playing career GUY ROBERTS suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

251. GUY ROBERTS is also at heightened risk of developing further adverse neurological symptoms in the future.

CURTIS JOHNSON

252. Plaintiff CURTIS JOHNSON is a citizen of Florida, presently residing at 6881 Northwest 46th Court, Lauderhill, FL 33319.

253. Plaintiff CURTIS JOHNSON played in the NFL as a defensive end and outside linebacker from 2008 through 2011. During 2008, he played for the Indianapolis Colts. During 2009, CURTIS JOHNSON played for the Indianapolis Colts and the Dallas Cowboys. During 2010, he played for the St. Louis Rams, and, during 2011, he played for the New Orleans Saints.

254. Throughout his career as a professional football player, CURTIS JOHNSON suffered repeated hits and blows to the head.

255. As a result of head trauma suffered during his playing career CURTIS JOHNSON suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

256. CURTIS JOHNSON is also at heightened risk of developing further adverse neurological symptoms in the future.

MICHAEL HUNT AND PAULA LEMKE-HUNT

257. Plaintiff MICHAEL HUNT and his wife, PAULA LEMKE-HUNT, are citizens of Wisconsin, presently residing at N2343 Gen Drive, Merrill, WI 54452.

258. Plaintiff MICHAEL HUNT played in the NFL as a linebacker for the Green Bay Packers from 1978 through 1980, and during 1982.

259. Throughout his career as a professional football player, MICHAEL HUNT suffered repeated hits and blows to the head.

260. As a result of head trauma suffered during his playing career MICHAEL HUNT suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

261. MICHAEL HUNT is also at heightened risk of developing further adverse neurological symptoms in the future.

REGGIE SINGLETARY AND JANICE SINGLETARY

262. Plaintiff REGGIE SINGLETARY and his wife, JANICE SINGLETARY, are citizens of North Carolina, presently residing at 3409 Highway 49 North, Burlington, NC 27217.

263. Plaintiff REGGIE SINGLETARY played in the NFL as an offensive lineman from 1986 through 1991. From 1986 through part of 1990, he played for the Philadelphia Eagles. For the remainder of 1990 through August 1991, REGGIE SINGLETARY played for the Green Bay Packers.

264. Throughout his career as a professional football player, REGGIE SINGLETARY suffered repeated hits and blows to the head.

265. As a result of head trauma suffered during his playing career REGGIE SINGLETARY suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

266. REGGIE SINGLETARY is also at heightened risk of developing further adverse neurological symptoms in the future.

JAMES BOYD

267. Plaintiff JAMES BOYD is a citizen of Maryland, presently residing at 15414 London Lane, Bowie, MD 20715.

268. Plaintiff JAMES BOYD played in the NFL as a safety from 2001 through 2005. From April 2001 through part of May 2003, he played for the Jacksonville Jaguars. From December 2004 through June 2005, he played for the Cleveland Browns.

269. Throughout his career as a professional football player, JAMES BOYD suffered repeated hits and blows to the head.

270. As a result of head trauma suffered during his playing career JAMES BOYD suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

271. JAMES BOYD is also at heightened risk of developing further adverse neurological symptoms in the future.

JOHN MEYER AND CARRIE MEYER

272. Plaintiff JOHN MEYER and his wife, CARRIE MEYER, are citizens of Washington, presently residing at 6544 Blue Ridge Way, Deer Park, WA 99006.

273. Plaintiff JOHN MEYER played in the NFL as a defensive end from 1982 through 1985. From 1982 through 1983, he played for the Pittsburgh Steelers. During 1985, JOHN MEYER played for the Los Angeles Rams.

274. Throughout his career as a professional football player, JOHN MEYER suffered repeated hits and blows to the head.

275. As a result of head trauma suffered during his playing career JOHN MEYER suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

276. JOHN MEYER is also at heightened risk of developing further adverse neurological symptoms in the future.

RICHARD JOHNSON

277. Plaintiff RICHARD JOHNSON is a citizen of Texas, presently residing at 5026 Paradise Lane, Houston, TX 77048.

278. Plaintiff RICHARD JOHNSON played in the NFL as a wide receiver from 1987 through 1990. During 1987, RICHARD JOHNSON played for the Washington Redskins. From 1988 through 1990, he played for the Detroit Lions.

279. Throughout his career as a professional football player, RICHARD JOHNSON suffered repeated hits and blows to the head.

280. As a result of head trauma suffered during his playing career RICHARD JOHNSON suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

281. RICHARD JOHNSON is also at heightened risk of developing further adverse neurological symptoms in the future.

CHRIS JONES

282. Plaintiff CHRIS JONES is a citizen of Georgia, presently residing at 1299 Laboon Road, Monroe, GA 30655.

283. Plaintiff CHRIS JONES played in the NFL as a linebacker from 1999 through 2002. During 1999, CHRIS JONES was drafted by the Minnesota Vikings and also played for the Tennessee Titans and Denver Broncos. During 2001, he played for the St. Louis Rams. During training camp and the preseason in 2002, he played for the Tampa Bay Buccaneers.

284. Throughout his career as a professional football player, CHRIS JONES suffered repeated hits and blows to the head.

285. As a result of head trauma suffered during his playing career CHRIS JONES suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

286. CHRIS JONES is also at heightened risk of developing further adverse neurological symptoms in the future.

BRANDON FRYE

287. Plaintiff BRANDON FRYE is a citizen of South Carolina, presently residing at 2960 Duck Court, Myrtle Beach, SC 29577.

288. Plaintiff BRANDON FRYE played in the NFL as an offensive lineman from 2007 through 2009. During 2007, BRANDON FRYE played for the Houston Texans. During 2008, he played for Houston Texans and Miami Dolphins. During, 2009, BRANDON FRYE played for the Miami Dolphins and Seattle Seahawks.

289. Throughout his career as a professional football player, BRANDON FRYE suffered repeated hits and blows to the head.

290. As a result of head trauma suffered during his playing career BRANDON FRYE suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

291. BRANDON FRYE is also at heightened risk of developing further adverse neurological symptoms in the future.

HERMAN HUNTER

292. Plaintiff HERMAN HUNTER is a citizen of Tennessee, presently residing at 541 Rural Hill Road, Nashville, TN 37217.

293. Plaintiff HERMAN HUNTER played in the NFL as a running back and kick returner from 1985 through 1988. From 1985 through part of 1986, HERMAN HUNTER played for the Philadelphia Eagles. For the remainder of 1986 through part of 1987, he played for the Detroit Lions. For the remainder of 1987, HERMAN HUNTER played for the Houston Oilers.

294. Throughout his career as a professional football player, HERMAN HUNTER suffered repeated hits and blows to the head.

295. As a result of head trauma suffered during his playing career HERMAN HUNTER suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

296. HERMAN HUNTER is also at heightened risk of developing further adverse neurological symptoms in the future.

ALLAN ELLIS

297. Plaintiff ALLAN ELLIS is a citizen of Illinois, presently residing at 7352 South Dante Avenue, Chicago, IL 60619.

298. Plaintiff ALLAN ELLIS played in the NFL as a cornerback from 1973 through 1981. From 1973 through 1980, ALLAN ELLIS played for the Chicago Bears. During 1981, he played for the San Diego Chargers.

299. Throughout his career as a professional football player, ALLAN ELLIS suffered repeated hits and blows to the head.

300. As a result of head trauma suffered during his playing career ALLAN ELLIS suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

301. ALLAN ELLIS is also at heightened risk of developing further adverse neurological symptoms in the future.

ED SCOTT

302. Plaintiff ED SCOTT is a citizen of Louisiana, presently residing at 5731 Wright Road, New Orleans, 70128.

303. Plaintiff ED SCOTT played in the NFL as a cornerback for the St. Louis Cardinals during 1987.

304. Throughout his career as a professional football player, ED SCOTT suffered repeated hits and blows to the head.

305. As a result of head trauma suffered during his playing career ED SCOTT suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

306. ED SCOTT is also at heightened risk of developing further adverse neurological symptoms in the future.

RICK UPCHURCH AND DONNA UPCHURCH

307. Plaintiff RICK UPCHURCH as his wife, DONNA UPCHURCH, are citizens of Louisiana, presently residing at 5731 Wright Road, New Orleans, 70128.

308. Plaintiff RICK UPCHURCH played in the NFL as a wide receiver and kick returner for the Denver Broncos from 1975 through 1983.

309. Throughout his career as a professional football player, RICK UPCHURCH suffered repeated hits and blows to the head.

310. As a result of head trauma suffered during his playing career RICK UPCHURCH suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

311. RICK UPCHURCH is also at heightened risk of developing further adverse neurological symptoms in the future.

STEVE JORDAN AND ANITA JORDAN

312. Plaintiff STEVE JORDAN as his wife, ANITA JORDAN, are citizens of Arizona, presently residing at 581 West San Marcos Drive, Chandler, AZ 85225 5731.

313. Plaintiff STEVE JORDAN played in the NFL as a tight end for the Minnesota Vikings from 1982 through 1994.

314. Throughout his career as a professional football player, STEVE JORDAN suffered repeated hits and blows to the head.

315. As a result of head trauma suffered during his playing career STEVE JORDAN suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

316. STEVE JORDAN is also at heightened risk of developing further adverse neurological symptoms in the future.

STEVE HEIMKREITER

317. Plaintiff STEVE HEIMKREITER is a citizen of Ohio, presently residing at 3012 Glenmore Avenue #14, Cincinnati, OH 45238.

318. Plaintiff STEVE HEIMKREITER played in the NFL as a linebacker for the Baltimore Colts from 1979 through 1982.

319. Throughout his career as a professional football player, STEVE HEIMKREITER suffered repeated hits and blows to the head.

320. As a result of head trauma suffered during his playing career STEVE HEIMKREITER suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

321. STEVE HEIMKREITER is also at heightened risk of developing further adverse neurological symptoms in the future.

CHARLES RUTKOWSKI

322. Plaintiff CHARLES RUTKOWSKI and his wife, CONNIE RUTKOWSKI, are citizens of Wisconsin, presently residing at 1401 N. 24th Street, Manitowoc, WI 54220.

323. Plaintiff CHARLES RUTKOWSKI played in the AFL as a defensive end for the Buffalo Bills during 1960 and the Boston Patriots during 1961.

324. Throughout his career as a professional football player, CHARLES RUTKOWSKI suffered repeated hits and blows to the head.

325. As a result of head trauma suffered during his playing career CHARLES RUTKOWSKI suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

326. CHARLES RUTKOWSKI is also at heightened risk of developing further adverse neurological symptoms in the future.

JEROME WOODS AND DANA WOODS

327. Plaintiff JEROME WOODS and his wife, DANA WOODS, are citizens of Georgia, presently residing at 530 Settles Brook Court, Suwanee, GA 30024.

328. Plaintiff JEROME WOODS played in the NFL as a safety for the Kansas City Chiefs from 1996 through 2006.

329. Throughout his career as a professional football player, JEROME WOODS suffered repeated hits and blows to the head.

330. As a result of head trauma suffered during his playing career JEROME WOODS suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

331. JEROME WOODS is also at heightened risk of developing further adverse neurological symptoms in the future.

KEITH COUNCIL

332. Plaintiff KEITH COUNCIL is a citizen of Florida, presently residing at 10133 Chorlton Circle, Orlando, FL 32832.

333. Plaintiff KEITH COUNCIL played in the NFL as a defensive end from 1998 through 2001. From 1998 through part of 1999, KEITH COUNCIL played for the New York Giants. For the remainder of 1999 through 2001, he played for the Minnesota Vikings.

334. Throughout his career as a professional football player, KEITH COUNCIL suffered repeated hits and blows to the head.

335. As a result of head trauma suffered during his playing career KEITH COUNCIL suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

336. KEITH COUNCIL is also at heightened risk of developing further adverse neurological symptoms in the future.

RANDY GRIMES AND LYDIA GRIMES

337. Plaintiff RANDY GRIMES and his wife, LYDIA GRIMES, are citizens of Florida, presently residing at 302 Lake Shore Drive, Lake Park, FL 33403.

338. Plaintiff RANDY GRIMES played in the NFL as a center for the Tampa Bay Buccaneers from 1983 through 1992.

339. Throughout his career as a professional football player, RANDY GRIMES suffered repeated hits and blows to the head.

340. As a result of head trauma suffered during his playing career RANDY GRIMES suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

341. RANDY GRIMES is also at heightened risk of developing further adverse neurological symptoms in the future.

JEFFREY PEGUES

342. Plaintiff JEFFREY PEGUES is a citizen of North Carolina, presently residing at 5810 Pella Place, Fayetteville, NC 28314.

343. Plaintiff JEFFREY PEGUES played in the NFL as a linebacker between 1984 and 1989. From 1984 through 1985, JEFFREY PEGUES played with the Washington Redskins. From 1988 through 1989, he played for the Cleveland Browns.

344. Throughout his career as a professional football player, JEFFREY PEGUES suffered repeated hits and blows to the head.

345. As a result of head trauma suffered during his playing career JEFFREY PEGUES suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

346. JEFFREY PEGUES is also at heightened risk of developing further adverse neurological symptoms in the future.

JONAS LEWIS AND KIMBERLY SONICO-LEWIS

347. Plaintiff JONAS LEWIS and his wife, KIMBERLY SONICO-LEWIS, are citizens of California, presently residing at 30 W Hayward Court, Martinez, CA 94553.

348. Plaintiff JONAS LEWIS played in the NFL as a running back and kick returner between 2000 and 2005. From 2000 through 2001, JONAS LEWIS played for the San Francisco

49ers. From 2003 through part of 2004, JONAS LEWIS played with the Detroit Lions. For the remainder of 2004 through 2005, he played with the Houston Texas.

349. Throughout his career as a professional football player, JONAS LEWIS suffered repeated hits and blows to the head.

350. As a result of head trauma suffered during his playing career JONAS LEWIS suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

351. JONAS LEWIS is also at heightened risk of developing further adverse neurological symptoms in the future.

ANTHONY FLORENCE AND JUDY FLORENCE

352. Plaintiff ANTHONY FLORENCE and his wife, JUDY FLORENCE, are citizens of Georgia, presently residing at 5506 Panola Downs, Lithonia, GA 30058.

353. Plaintiff ANTHONY FLORENCE played in the NFL as a cornerback from 1989 through 1993. During the 1989-1990 season, ANTHONY FLORENCE played on the Tampa Bay Buccaneers practice squad. For the first half of the 1990-1991 season, ANTHONY FLORENCE played for the Cleveland Browns practice squad. During the second half of the 1990-1991 season, ANTHONY FLORENCE played for the Pittsburgh Steelers practice squad. During the 1991-1992 season, he played with the Cleveland Browns. During the 1992-1993 season, ANTHONY FLORENCE played with the New Orleans Saints.

354. Throughout his career as a professional football player, ANTHONY FLORENCE suffered repeated hits and blows to the head.

355. As a result of head trauma suffered during his playing career ANTHONY FLORENCE suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

356. ANTHONY FLORENCE is also at heightened risk of developing further adverse neurological symptoms in the future.

VERNON STUDDARD

357. Plaintiff VERNON STUDDARD is a citizen of Mississippi, presently residing at 50060 Huck Lann Drive, Amory, MS 38821.

358. Plaintiff VERNON STUDDARD played in the NFL as a wide receiver and kick-returner for the New York Jets from 1971 to 1972.

359. Throughout his career as a professional football player, VERNON STUDDARD suffered repeated hits and blows to the head.

360. As a result of head trauma suffered during his playing career VERNON STUDDARD suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

361. VERNON STUDDARD is also at heightened risk of developing further adverse neurological symptoms in the future.

ROBERT WALLACE AND DENE WALLACE

362. Plaintiff ROBERT WALLACE and his wife, DENE WALLACE, are citizens of Arizona, presently residing at 44111 North 43rd Drive, Phoenix, AZ 85087.

363. Plaintiff ROBERT WALLACE played in the NFL as a wide receiver and tight end for the Chicago Bears from 1968 through 1972.

364. Throughout his career as a professional football player, ROBERT WALLACE suffered repeated hits and blows to the head.

365. As a result of head trauma suffered during his playing career ROBERT WALLACE suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

366. ROBERT WALLACE is also at heightened risk of developing further adverse neurological symptoms in the future.

JEBEDIAH PUTZIER AND JACLYN PUTZIER

367. Plaintiff JEBEDIAH PUTZIER and his wife, JACLYN PUTZIER, are citizens of Colorado, presently residing at 815 Vine Street, Denver CO 80206.

368. Plaintiff JEBEDIAH PUTZIER played in the NFL as a tight end from 2002 through 2009. From 2002 through 2005, JEBEDIAH PUTZIER played for the Denver Broncos. From 2006 through 2007, JEBEDIAH PUTZIER played for the Houston Texans. For part of 2008, he played for the Seattle Seahawks, and for the remainder of 2008 through 2009 he played for the Denver Broncos again.

369. Throughout his career as a professional football player, JEBEDIAH PUTZIER suffered repeated hits and blows to the head.

370. As a result of head trauma suffered during his playing career JEBEDIAH PUTZIER suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

371. JEBEDIAH PUTZIER is also at heightened risk of developing further adverse neurological symptoms in the future.

MUHAMMED OLIVER AND CASSANDRA OLIVER

372. Plaintiff MUHAMMED OLIVER and his wife, CASSANDRA OLIVER, are citizens of Arizona, presently residing at 14521 West Roanoke Avenue, Goodyear, AZ 85395.

373. Plaintiff MUHAMMED OLIVER played in the NFL as a cornerback from 1992 through 1996. During 1992, MUHAMMED OLIVER played for the Denver Broncos. During 1993, MUHAMMED OLIVER played for the Kansas City Chiefs, Green Bay Packers and Miami Dolphins. During 1994, he played for the Miami Dolphins. From 1995 through 1996, MUHAMMED OLIVER played for the Washington Redskins.

374. Throughout his career as a professional football player, MUHAMMED OLIVER suffered repeated hits and blows to the head.

375. As a result of head trauma suffered during his playing career MUHAMMED OLIVER suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

376. MUHAMMED OLIVER is also at heightened risk of developing further adverse neurological symptoms in the future.

MAURICE HARVEY

377. Plaintiff MAURICE HAREVEY is a citizen of Michigan, presently residing at 27 Clark Street, Pontiac, MI 48342.

378. Plaintiff MAURICE HAREVEY played in the NFL as a safety and special teams player from 1978 through 1985. From July through September 1978, MAURICE HAREVEY played with the Oakland Raiders. From 1978 through part of 1981, MAURICE HAREVEY played for the Denver Broncos. For the remainder of 1981 through part of 1983, he played for the Green Bay Packers. For the remainder of 1983 through part of 1984, he played with the Detroit Lions. For the remainder of 1984 through 1985, he played for the Tampa Bay Buccaneers.

379. Throughout his career as a professional football player, MAURICE HAREVEY suffered repeated hits and blows to the head.

380. As a result of head trauma suffered during his playing career MAURICE HAREVEY suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

381. MAURICE HAREVEY is also at heightened risk of developing further adverse neurological symptoms in the future.

JASON BERRYMAN

382. Plaintiff JASON BERRYMAN is a citizen of Michigan, presently residing at 7222 Bellerive Drive, Houston, TX 77036.

383. Plaintiff JASON BERRYMAN played in the NFL as a linebacker for the Cincinnati Bengals during 2006 and 2007.

384. Throughout his career as a professional football player, JASON BERRYMAN suffered repeated hits and blows to the head.

385. As a result of head trauma suffered during his playing career JASON BERRYMAN suffers from neurological symptoms associated with multiple traumatic brain injury and CTE.

386. JASON BERRYMAN is also at heightened risk of developing further adverse neurological symptoms in the future.

TONY JONES

387. Plaintiff TONY JONES is a citizen of Georgia, presently residing at 60 Perimeter Center Place, Apt. 644, Atlanta, GA 30346.

388. Plaintiff TONY JONES played in the NFL as a wide receiver from 1990 through 1992. From 1990 through part of 1991, TONY JONES played for the Houston Oilers. For the remainder of 1991 and through part of 1992, he played for the Atlanta Falcons. For the remainder of 1992 through 1993, TONY JONES played for the Houston Oilers.

389. Throughout his career as a professional football player, TONY JONES suffered repeated hits and blows to the head.

390. TONY JONES does not yet suffer from any symptoms associated with multiple traumatic brain injury, CTE or other brain disease caused by football-related head trauma.

391. However, as a result of the head trauma sustained during his playing career, TONY JONES is at a substantially increased risk of suffering latent brain disease, developing symptoms associated with traumatic brain injury and CTE, and experiencing the negative health consequences associated with multiple concussions and repeated blows to the head.

EDWARD SMITH

392. Plaintiff EDWARD SMITH is a citizen of Arizona, presently residing at 16801 N 94th Street, Scottsdale, AZ 85260.

393. Plaintiff EDWARD SMITH played in the NFL as a tight end from 1996 through 1999. During 1996, EDWARD SMITH played for the Washington Redskins. From 1997 through 1998, EDWARD SMITH played for the Atlanta Falcons. During 1999, he played for the Philadelphia Eagles and the Detroit Lions.

394. Throughout his career as a professional football player, EDWARD SMITH suffered repeated hits and blows to the head.

395. EDWARD SMITH does not yet suffer from any symptoms associated with multiple traumatic brain injury, CTE or other brain disease caused by football-related head trauma.

396. However, as a result of the head trauma sustained during his playing career, EDWARD SMITH is at a substantially increased risk of suffering latent brain disease, developing symptoms associated with traumatic brain injury and CTE, and experiencing the negative health consequences associated with multiple concussions and repeated blows to the head.

RICHARD CASTER

397. Plaintiff RICHARD CASTER is a citizen of New York, presently residing at 41 Lincoln Court, Rockville Centre, NY 11570.

398. Plaintiff RICHARD CASTER played in the NFL as a wide receiver and tight end from 1970 through 1982. From 1970 through part of 1977, RICHARD CASTER played for the New York Jets. From 1978 through part of 1980, RICHARD CASTER played for the HOuston Oilers. For the remainder of 1980 and through part of 1981, he played for the New Orleans Saints. For the remainder of 1981 through 1982, RICHARD CASTER played for the Washington Redskins.

399. Throughout his career as a professional football player, RICHARD CASTER suffered repeated hits and blows to the head.

400. RICHARD CASTER does not yet suffer from any symptoms associated with multiple traumatic brain injury, CTE or other brain disease caused by football-related head trauma.

401. However, as a result of the head trauma sustained during his playing career, RICHARD CASTER is at a substantially increased risk of suffering latent brain disease, developing symptoms associated with traumatic brain injury and CTE, and experiencing the negative health consequences associated with multiple concussions and repeated blows to the head.

CECIL TURNER AND MARGO TURNER

402. Plaintiff CECIL TURNER and his wife, MARGO TURNER, is a citizen of Texas, presently residing at 2717 Dog Leg Trail, McKinney, TX 75069.

403. Plaintiff CECIL TURNER played in the NFL as a wide receiver and special teams player for the Chicago Bears from 1968 through 1973.

404. Throughout his career as a professional football player, CECIL TURNER suffered repeated hits and blows to the head.

405. CECIL TURNER does not yet suffer from any symptoms associated with multiple traumatic brain injury, CTE or other brain disease caused by football-related head trauma.

406. However, as a result of the head trauma sustained during his playing career, CECIL TURNER is at a substantially increased risk of suffering latent brain disease, developing symptoms associated with traumatic brain injury and CTE, and experiencing the negative health consequences associated with multiple concussions and repeated blows to the head.

BRYAN PITTMAN AND SUZANNE PITTMAN

407. Plaintiff BRYAN PITTMAN and his wife, SUZANNE PITTMAN, are citizens of Texas, presently residing at 3011 Tahoe Basin, Missouri City, TX 77459.

408. Plaintiff BRYAN PITTMAN played in the NFL as a long snapper from 2003 through 2010. During 2003, BRYAN PITTMAN played for the Cleveland Browns and Houston Texans. From 2004 through 2008, BRYAN PITTMAN played for the Houston Texans. During the offseason in 2009, played with the Seattle Seahawks, and then during the 2009-2010 season he played for the Atlanta Falcons and Houston Texans.

409. Throughout his career as a professional football player, BRYAN PITTMAN suffered repeated hits and blows to the head.

410. BRYAN PITTMAN does not yet suffer from any symptoms associated with multiple traumatic brain injury, CTE or other brain disease caused by football-related head trauma.

411. However, as a result of the head trauma sustained during his playing career, BRYAN PITTMAN is at a substantially increased risk of suffering latent brain disease, developing symptoms associated with traumatic brain injury and CTE, and experiencing the negative health consequences associated with multiple concussions and repeated blows to the head.

JEROME SALLY AND DEBBIE SALLY

412. Plaintiff JEROME SALLY and his wife, DEBBIE SALLY, are citizens of Missouri, presently residing as husband and wife at 4107 Roxbury Court, Columbia, MO 65203.

413. Plaintiff JEROME SALLY played in the NFL as a defensive lineman from 1982 to 1989. From June of 1982 through August of 1982 JEROME SALLY was a player for the New Orleans Saints. From November 1982 through August 1987 JEROME SALLY played for the New York Giants. From August 1987 through August 1988 JEROME SALLY played for

the Indianapolis Colts. During 1988 and 1989, JEROME SALLY played for the Kansas City Chiefs.

414. Throughout his career as a professional football player, JEROME SALLY suffered repeated hits and blows to the head.

415. JEROME SALLY does not yet suffer from any symptoms associated with multiple traumatic brain injury, CTE or other brain disease caused by football-related head trauma.

416. However, as a result of the head trauma sustained during his playing career, JEROME SALLY is at a substantially increased risk of suffering latent brain disease, developing symptoms associated with traumatic brain injury and CTE, and experiencing the negative health consequences associated with multiple concussions and repeated blows to the head.

JASON KAISER AND SHERI KAISER

417. Plaintiff JASON KAISER and his wife, SHERI KAISER, are citizens of Colorado, presently residing as husband and wife at 10063 White Oak Place, Highlands Ranch, CO 80129.

418. Plaintiff JASON KAISER played in the NFL as a defensive back from 1998 to 2001. From April 1998 through August 1998 JASON KAISER was a player for the Denver Broncos. From October 1998 through December 1999 JASON KAISER played for the Kansas City Chiefs. From December 1999 through September 2000 JASON KAISER was a player for the Dallas Cowboys. From June 2001 through September 2001 JASON KAISER was a player for the Washington Redskins.

419. Throughout his career as a professional football player, JASON KAISER suffered repeated hits and blows to the head.

420. JASON KAISER does not yet suffer from any symptoms associated with multiple traumatic brain injury, CTE or other brain disease caused by football-related head trauma.

421. However, as a result of the head trauma sustained during his playing career, JASON KAISER is at a substantially increased risk of suffering latent brain disease, developing symptoms associated with traumatic brain injury and CTE, and experiencing the negative health consequences associated with multiple concussions and repeated blows to the head.

DEFENDANT NATIONAL FOOTBALL LEAGUE

422. Defendant NFL is a nonprofit, unincorporated entity, with its principal place of business located at 280 Park Avenue, 15th Floor, New York, NY 10017, presently conducting business activities in Philadelphia County and receiving substantial revenues from its business activities in Philadelphia County.

423. At all relevant times, the NFL, which is also the successor of the American Football League ("AFL") with which it merged in 1970, was a trade association of franchise owners, currently numbering thirty-two (32), within two conferences, the AFC and the NFC ("NFL" or "Defendant").

424. The NFL is a separate entity from each of its teams.

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

426. The NFL is not, and has never been, the employer of Plaintiffs who, as players, were employed directly by independent franchise teams during his career in professional football.

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

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

MASS ACTION AND JOINDER ALLEGATIONS

429. Joinder is permissible pursuant to Fed. R. Civ. P. 20(a) in that the claims alleged herein arise out of the same series of occurrences, and questions of law or fact common to all Plaintiffs arise in this action.

430. Common questions of law and fact will arise in this action, including but not limited to:

- a. Whether the NFL, through its own voluntary undertaking, was negligent in its response to the health effects of repeated head impacts and the injuries consequently suffered by the Plaintiffs;
- b. Whether the NFL committed negligence and/or fraud in misrepresenting the risks of repeated head impacts in NFL play to the Plaintiffs; and
- c. Whether repeated head impacts during play in the NFL cause latent neurodegenerative brain disorders and disease.

431. As a result of the foregoing, a joint action is superior to other available methods for fairly and efficiently adjudicating the controversy.

GENERAL ALLEGATIONS

THE NFL HAS PROMOTED AND MYTHOLOGIZED THE VIOLENT NATURE OF PROFESSIONAL FOOTBALL

432. The NFL focuses on violence as one of the League's greatest selling points, portraying the league's players as gladiators. To advance the NFL's purpose, its propaganda arm, NFL Films, has created numerous highlight features that focus solely on the hardest-hits that take place on the football field. These featured videos are marketed and sold to advance the NFL's culture of violence as entertainment.

433. The list of videos created by NFL Films glorifying violent plays includes, but is not limited to, the following titles: *NFL: Moment of Impact* (2007); *NFL's 100 Greatest Tackles* (1995); *Big Blocks and King Size Hits* (1990); *The Best of Thunder and Destruction – NFL's Hardest Hits*; *NFL Films Video: Strike Force* (1989); *The NFL's Greatest Hits* (1989); *Crunch Course*; *Crunch Course II* (1988); *Crunch Masters*; *In the Crunch* (1987); *NFL Rocks*; and *NFL Rocks: Extreme Football*.

434. NFL Films also created TV series shown on NFL Network, entitled the "*Top Ten Most Feared Tacklers*", which now features its own section on the NFL's website. The episodes of this program are comprised of videos highlighting the most vicious tacklers the NFL has ever seen.

435. The NFL Defendants, through NFL Films, also promotes a culture in which playing hurt or with an injury is both expected and acclaimed of players. The NFL has produced videos that praise players who embody the ethos of playing hurt (for example, "*Top Ten Gutsiest Performances*"). This film and others like it celebrate players' ability to play through the pain and injury and promote an expectation among players and fans that players

must and often do play through any injury, including concussions and sub-concussive traumatic brain injuries.

436. These videos evidence an overall culture in the NFL where players are encouraged to play despite an injury, in part, because failure to play through an injury creates the risk of losing playing time, a starting position, and possibly a career.

437. Within this culture, the NFL Defendants purposefully profit from the violence they promote.

CONCUSSIONS, TRAUMATIC BRAIN INJURY AND CTE

438. The American Association of Neurological Surgeons ("AANS") defines a concussion as "a clinical syndrome characterized by an immediate and transient alteration in brain function, including an alteration of mental status and level of consciousness, resulting from mechanical force or trauma." The injury generally occurs when the head either accelerates rapidly and then is stopped, or is spun suddenly. The results frequently include confusion, blurred vision, memory loss, nausea and, sometimes, unconsciousness.

439. The AANS defines traumatic brain injury ("TBI") as:

a blow or jolt to the head, or a penetrating head injury that disrupts the normal function of the brain. TBI can result when the head suddenly and violently hits an object, or when an object pierces the skull and enters brain tissue. Symptoms of a TBI can be mild, moderate or severe, depending on the extent of damage to the brain. Mild cases may result in a brief change in mental state or consciousness, while severe cases may result in extended periods of unconsciousness, coma or even death.

440. A concussion or sub-concussive TBI may result in the brain smashing, jiggling and torquing, causing strains and tears, snapping blood vessels, killing brain cells (neurons) and shearing the delicate connections (axons) that link this incredibly complex organ.

441. Medical evidence has shown that symptoms of a concussion can reappear hours or days after a concussive event, indicating that the injury has not healed.

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

443. Clinical and neuro-pathological studies by some of the nation's foremost experts demonstrate that multiple concussions and/or repeated sub-concussive TBIs sustained during an NFL player's career may cause severe cognitive problems such as depression early-onset Alzheimer's Disease, dementia, deficits in cognitive functioning, reduced processing speed, attention, and reasoning, loss of memory, sleeplessness, mood swings, personality changes, and the debilitating and latent disease known as Chronic Traumatic Encephalopathy.

444. Chronic Traumatic Encephalopathy ("CTE") is, a progressive degenerative disease of the brain found in athletes (and others) with a history of multiple concussions and/or repeated sub-concussive TBIs. Conclusive studies have shown this condition to be prevalent in retired professional football players who have a history of head trauma.

445. Multiple concussions and/or repeated sub-concussive TBIs, trigger latent, progressive degeneration of brain tissue. These changes in the brain can begin months, years, or even decades after the last concussion or end of active athletic involvement.

446. To date, neuro-anatomists have performed autopsies on greater than 25 former NFL players who died after exhibiting signs of degenerative brain disease. At least 90 % of these players were found to have suffered from CTE.

447. Published scientific research has shown that 36% of NFL retirees studied, age 65-75, suffered from dementia, while only 2.2-6.5% of the same age group in the general population suffered from dementia.

THE NFL OWED A DUTY TO ITS PLAYERS

448. At all times, the NFL was and is in a position of superior knowledge as compared with Plaintiffs with respect to the risks associated with multiple concussions and repeated sub-concussive TBIs.

449. At all times, the NFL's possessed vastly superior knowledge than that available to players regarding head injuries in professional football, and the associated health risks.

450. Since its inception, the NFL unilaterally placed itself in the role of protecting players, informing players of safety concerns, and imposing unilaterally a wide variety of rules to protect players from injuries that were costly to the player, the game, and profits. From the beginning, the NFL portrayed itself to players and the public at large as the guardian of the players' best interests on health and safety issues.

451. As a result, players and their families relied on the NFL to intervene in matters of player safety, to recognize issues of player safety, and to be truthful on the issue of player safety.

452. Recently, the NFL admitted that "[s]ince its earliest days, the league has continuously taken steps to ensure that the game is played as fairly as possible without unnecessary risk to its participants, including making changes and enhancements to game safety rules." (www.nflhealthsasfety.com/commitment/regulations) (2011-2012).

453. Over many decades, the NFL has known the risks of concussive and sub-concussive injury in football. On information and belief, the NFL has paid medical science

consultants to advise it regarding health risks associated with playing football, including the health risks associated with repetitive concussive and sub-concussive injuries.

454. Such ongoing medical advice and information gave the NFL continuing superior knowledge to the players. When taken with the NFL's unilateral power to set rules and determine policies throughout its game, the NFL was at all relevant times situated to direct and control how the game would be played and to determine the risks to which players would be exposed.

455. As a result, the NFL unilaterally assumed a duty to act in the best interests of the health and safety of NFL players, to provide truthful information to NFL players regarding risks to their health, and to take all reasonable steps necessary to ensure the safety of players.

456. As early as the 1920s, the NFL assumed the common law duty to ensure the safety of players participating in professional football and to inform the players of safety information that they needed to know.

457. Over the history of the league, the NFL has instituted the following rule changes in carrying out its legal duties including, but not limited to:

- a. In 1929, adding a field judge;
- b. In 1933, establishing hash-marks at 10 yards from the sidelines;
- c. In 1938, enacting a rule making unnecessary roughness, a deliberate rough contact on the passer after the pass is made, a penalty;
- d. In 1943, making helmets mandatory;
- e. In 1947, adding a back field judge;
- f. In 1955, enacting a rule that the ball is dead when a runner touches the ground with any part of his body except his hands while in the grasp of an opponent (1955);

- g. In 1956, enacting a rule that the ball is dead immediately if the runner touches the ground with any part of his body except his hands after being contacted by a defensive player;
- h. In 1956, enacting a rule prohibiting the grabbing of any player's facemask, other than the ball carrier;
- i. In 1966, enacting a rule prohibiting players from grabbing any player's facemask;
- j. In 1966, requiring that goal posts be offset from the goal line (1966);
- k. In 1967, enacting a rule prohibiting a player who signals for a fair catch from blocking or initiating contact with one of the kicking team's players until the ball touches a player;
- l. In 1973, enacting a rule prohibiting a defensive player who jumps or stands on a teammate, or who is picked up by a teammate, from attempting to block an opponent's kick;
- m. In 1974, enacting a rule preventing any receiver from being blocked below the waist after moving beyond the line of scrimmage;
- n. In 1974, enacting a rule preventing eligible receivers who take a position more than two yards from the tackle from being blocked below the waist;
- o. In 1976, enacting a rule prohibiting a defender from running or diving into a ball carrier who has fallen to the ground untouched;
- p. In 1977, enacting a rule prohibiting a defensive lineman from striking an opponent above the shoulders during his initial charge (previously the NFL made this illegal only during the first step);
- q. In 1977, enacting a rule prohibiting a wide receiver from clipping an opponent anywhere;
- r. In 1979, enacting rules regarding mandatory equipment;
- s. In 1979, enacting a rule prohibiting a player in the backfield from chopping an outside rusher on a pass play;
- t. In 1979, enacting a rule prohibiting players from throwing a punch or forearm or kicking an opponent; and
- u. In 1980, enacting a rule prohibiting players from striking, swinging, or clubbing an opponent in the head, neck or face.

458. As the sport's sole governing entity, the NFL has made it known to players and teams alike that the NFL actively and pervasively governs player conduct and health and safety both on and off the field. In public statements since its inception, the NFL has stated that its goals include taking necessary steps for the safety, health and well-being of players and their families.

459. The NFL's paternalistic approach included comprehensive rookie training programs to teach new players how to manage their personal lives, inquiries from the media, and newly acquired income.

460. For decades, the NFL voluntarily instituted programs to support player health and safety on and off the field, and the players and their families looked to the NFL for guidance on these issues.

461. For instance, the NFL unilaterally established medical, life insurance, and retirement plans, funded the plans, and controlled the nature and extent of each of these plans without input or involvement of from any player.

462. Despite its unilateral duty and power to govern player conduct on and off the field, the NFL has for decades ignored, turned a blind eye to, and actively concealed the risks to players of repetitive sub-concussive and concussive head impacts, which can and do result in players being knocked unconscious or having "their bell rung" so that they are in a conscious but disoriented state.

463. Thus, since its inception, and continuing into the present, the NFL has been in a position that affords it a special relationship to NFL players as the guardian of their health and safety. For that reason, from its inception and continuing into the present, the NFL owed a duty of reasonable care to keep NFL players informed of neurological risks, to inform NFL players

truthfully, and not to mislead NFL players about the risks of permanent neurological damage that can occur from multiple concussions and/or repeated sub-concussive TBIs incurred while playing football.

464. During the decades of the 1930s through the 1960s, the NFL – in its supervisory role as guardian of player safety -- identified tackling techniques, as listed among the examples in ¶ 46 above that exposed players to increased risks of injury, including head, neck, and leg injuries. The NFL issued regulations which served as daily warnings to players of the hazardous nature of continuing to follow hazardous tackling techniques.

465. As a result of its position of authority and repository of a composite of information throughout the League, the NFL was aware of how to protect NFL players from dangerous circumstances on the field of play and took unilateral, but insufficient, measures to do so.

466. On information and belief, over decades, the NFL, its agents, and its paid consultants voluntarily and gratuitously consulted with independent physicians and neuro-cognitive specialists on the issue of head trauma to NFL players. The NFL then ignored and suppressed professional advice on such diverse and important topics as: the recognition of the circumstances that can precipitate concussions and sub-concussive TBI, the long-term potential consequences of concussions and sub-concussive TBI to NFL players, and solutions for players who have sustained concussions and sub-concussive TBI.

467. At all relevant times, the NFL gratuitously assumed a duty to research, study, test, understand and address the risks of neurological injury—short term and long term—related to playing football in the NFL. As such, the NFL owed a duty of reasonable care to educate players about the risks associated with multiple concussions and/or repetitive sub-concussive

TBIs, of which the NFL was aware and had been aware for many years. By gratuitously undertaking to study and publicly report about concussions and sub-concussive TBIs in professional football, the NFL assumed a duty not to mislead players and the general public about the risks of permanent neurological damage that can occur from head trauma incurred while playing football.

468. Moreover, the NFL gratuitously assumed a duty to the current and retired players to provide truthful information about the risks of concussive and sub-concussive injuries in light of the fact that, at all relevant times, the NFL knew that the vast majority of NFL players played under non-guaranteed contracts and, as such, would willingly (and unknowingly) expose themselves to additional neurological injury and an increased risk of harm solely to maintain their income under such contracts.

469. Once the NFL assumed a duty to reasonably study and understand the long-term cognitive consequences of exposure to multiple concussions and/or repeated sub-concussive TBIs, it failed to act appropriately by covering-up, hiding, denying, and suppressing all pertinent information. Instead of using this information for the safety of the players, the NFL fraudulently covered up its knowledge of the dangers.

RESEARCH REGARDING CONCUSSIONS AND HEAD TRAUMA IN FOOTBALL

470. For well over 60 years, the NFL has known or should have known of the rate and seriousness of concussions and sub-concussive TBIs in the sport of football.

471. In a landmark 1928 study, pathologist Harrison Martland described the clinical spectrum of abnormalities found in “almost 50 percent of fighters [boxers] . . . if they ke[pt] at the game long enough” (the “Martland study”). The article was published in the *Journal of the*

American Medical Association. This study was the first to link sub-concussive blows and “mild concussions” to neurodegenerative disease.

472. In a 1937 report, the American Football Coaches Association warned that players who suffered a concussion should be removed from sports demanding personal contact.

473. In 1948, the New York State Legislature created the Medical Advisory Board of the New York Athletic Commission for the specific purpose of creating mandatory rules for professional boxing designed to prevent or minimize the health risks to boxers. After a three year study, the Medical Advisory Board recommended, among other things, (a) an accident survey committee to study ongoing accidents and deaths in boxing rings; (b) two physicians at ring-side for every bout; (c) post-bout medical follow-up exams; (d) a 30-day period of no activity following a knockout and a medical follow up for the boxer, all of which was designed to avoid the development of “punch drunk syndrome,” also known at the time as “traumatic encephalopathy”; (e) a physician’s prerogative to recommend that a boxer surrender temporarily his boxing license if the physician notes that boxer suffers significant injury or knockout; and (f) a medical investigation of boxers who suffer knockouts numerous times.

474. The New York State Athletic Commission codified the recommendations of its Medical Advisory Board as rules governing all boxing matches.

475. A 1952 article published in the *New England Journal of Medicine* recommended a three-strike rule for concussions in football (i.e., recommending that players cease to play football after receiving their third concussion.)

476. A 1967 study examined changes in brain activity caused by impacts from football by utilizing EEG to read brain activity in game conditions, including after head trauma. Drs.

Hughes & Hendrix, "Telemetered EEG from a Football Player in Action,"

Electroencephalography & Clinical Neurophysiology 24:183-86.

477. In 1969, a paper published in the *Journal of Medicine and Science in Sports* by a leading medical expert in the treatment of head injuries recommended that any concussive event with transitory loss of consciousness requires the removal of the football player from play and requires monitoring. This paper was also the basis for a 1973 book by the same experts, entitled *Head and Neck Injuries in Football*.

478. A 1975 study by Drs. Gronwall & Wrightson looked at the cumulative effects of concussive injuries in non-athletes and found that those who suffered two concussions took longer to recover than those who suffered from a single concussion. The authors noted that these results could be extrapolated to athletes given the common occurrence of concussions in sports.

479. NFL rule-makers knew or should have known that, by the 1960s and 1970s, sports medicine professionals were documenting that the advent and use of the helmet-face mask combination was contributing to the use of the helmeted-head as an offensive weapon, which in turn was increasing the rate of head and neck injuries in football.

480. Between 1952 and 1994, numerous additional studies were published in medical journals including the *Journal of the American Medical Association*, *Neurology*, the *New England Journal of Medicine*, and *Lancet* warning of the dangers of single concussions, multiple concussions, and/or football-related head trauma. These studies collectively established that:

- a. repetitive head trauma in contact sports, including boxing and football, has potential dangerous long-term effects on brain function;
- b. acceleration and rapid deceleration of the head that results in brief loss of consciousness in primates also results in a tearing of the axons (brain cells) within the brainstem;

- c. with respect to mild head injury in athletes who play contact sports, there is a relationship between neurologic pathology and length of the athlete's career;
- d. immediate retrograde memory issues occur following concussions;
- e. mild head injury requires recovery time without risk of subjection to further injury;
- f. head trauma is linked to dementia;
- g. a football player who suffers a concussion requires significant rest before being subjected to further contact; and,
- h. minor head trauma can lead to neuropathological and neurophysiological alterations, including neuronal damage, reduced cerebral blood flow, altered brainstem evoked potentials and reduced speed of information processing.

481. By 1991, three distinct medical professionals/entities, all independent from the NFL—Dr. Robert Cantu of the American College of Sports Medicine, the American Academy of Neurology and the Colorado Medical Society—developed return-to-play criteria for football players suspected of having sustained head injuries, but the NFL failed to adopt any of the three sets of criteria.

482. In 1999, former Pittsburgh Steeler and Hall of Famer Mike Webster filed with the NFL a request that he receive complete disability benefits based on the fact that he had sustained repeated and disabling head impacts while a player for the Steelers. In support of his claim, Webster submitted extensive medical reports and testimony that stated, among other things, that Webster suffered from “traumatic or punch drunk encephalopathy” sustained from playing football that left him totally and permanently disabled as of 1991.

483. The NFL's own physician independently examined Webster and concluded that Webster was mentally "completely and totally disabled as of the date of his retirement and was certainly disabled when he stopped playing football sometime in 1990."

484. Thus, the NFL, knew and accepted that repeated TBIs led to long-term encephalopathy and permanent mental disability.

485. In 2000, Dr. Barry Jordan and Dr. Julian Bailes presented a study at the American Academy of Neurology's 52nd Annual Meeting that surveyed 1,094 former NFL players between the ages of 27 and 86. The study concluded that: (a) more than 60% had suffered at least one concussion in their careers with 26% of the players having three or more and 15% having five or more; (b) 51% had been knocked unconscious more than once; (c) 73% of those injured said they were not required to sit on the sidelines after their head trauma; (d) 49% of the former players had numbness or tingling; (e) 28% had neck or cervical spine arthritis; (f) 31% had difficulty with memory; (g) 16% were unable to dress themselves; (h) 11% were unable to feed themselves; and (i) eight suffered from Alzheimer's disease.

486. A 2003 study partially authored by Dr. Kevin Guskiewicz analyzed data from almost 2,500 retired NFL players and found that 263 of the retired players suffered from depression. The study found that having three or four concussions meant twice the risk of depression as never-concussed players and five or more concussions meant a nearly threefold risk.

487. In 2004, a convention of neurological experts in Prague met with the aim of providing recommendations for the improvement of safety and health of athletes who suffer concussive injuries in ice hockey, rugby, football, and other sports based on the most up-to-date

research. These experts recommended that a player never be returned to play while symptomatic, and coined the phrase, “when in doubt, sit them out.”

488. The University of North Carolina’s Center for the Study of Retired Athletes published survey-based papers in 2005 through 2007 that found a strong correlation between depression, dementia, and other cognitive impairment in NFL players and the number of concussions those players had received.

489. Since the 1960s, the Defendant has known or it has had reason to know, from its supervisory and management role, that NFL players suffering repeated concussions were more likely to experience evolving symptoms of post-traumatic brain injury, including headaches, dizziness, loss of memory, and other symptoms associated with neurodegenerative brain disease. Despite this knowledge, until 2010, the Defendant continued to deny any connection or correlation between players suffering concussions and/or sub-concussive TBIs and long-term chronic brain injury or illness.

**MISREPRESENTATIONS AND ATTEMPTS TO CONCEAL
EVIDENCE OF THE RISKS OF REPEATED HEAD TRAUMA**

490. In 1994, the NFL created the Multiple Traumatic Brain Injury ("MTBI") Committee to research the problem of head injuries in the NFL. In doing so, the NFL affirmatively assumed a duty to use reasonable care in creating the MTBI Committee, studying concussions on behalf of NFL players, and a duty to use reasonable care in keeping players informed of the risks associated with concussions and sub-concussive TBIs.

491. The MTBI Committee's stated goal was to present objective findings on the extent to which a concussion problem existed in the NFL, and to outline solutions. The MTBI Committee's studies were purportedly geared toward “improv[ing] player safety” and instituting “rule changes aimed at reducing head injuries.”

492. However, since 1994, the NFL's MTBI Committee has negligently and fraudulently pursued its stated goals by engaging in a campaign of disinformation (a) disputing accepted medical science regarding the connection between concussions and repetitive sub-concussive TBIs and neurodegenerative disease; and (b) creating falsified studies that would act as scientific evidence to support the NFL's position.

493. The MTBI Committee was intended to be independent from the NFL, consisting of a combination of doctors and researchers.

494. In actuality, however, the MTBI Committee was not independent and consisted of five (5) members already affiliated with the NFL.

495. In particular, rather than appointing an expert in brain trauma to lead the MTBI, the NFL appointed Dr. Elliot Pellman, a rheumatologist employed by the New York Jets who lacked any specialized training or education relating to concussions, brain injury or neurology.

496. Dr. Pellman had reportedly been fired by Major League Baseball for lying to Congress regarding his resume.

497. Despite frequent and harsh outside criticism related to his deficient medical training, background, and experience, Dr. Pellman was permitted to chair the MTBI Committee from 1994 to 2007.

498. The fact that Dr. Pellman was a paid physician for an NFL Team was an obvious conflict of interest. At no time was Dr. Pellman independent of the NFL, because he remained a paid employee of an NFL Team on an ongoing basis.

499. The NFL failed to appoint any neuro-pathologist, neurologist, or any other doctor specializing in brain research to the MTBI Committee.

500. Beginning in 2003, the NFL's MTBI Committee published a series of articles in medical journals with numerous conclusions at odds with years of existing medical research, including the following:

- a. that "[b]ecause a significant percentage of players returned to play in the same game [after suffering a concussion] and the overwhelming majority of players with concussions were kept out of football-related activities for less than 1 week, it can be concluded that mild [traumatic brain injuries] in professional football are not serious injuries." See "Concussions in professional football: Summary of the research conducted by the National Football League's Committee on Mild Traumatic Brain Injury." *Neurosurg. Focus* 21 (4):E12; 2006, Rl. Pellman and D.C. Viano;
- b. that NFL players did not show a decline in brain function after a concussion;
- c. that there were no ill effects among those who had three or more concussions or who took hits to the head that sidelined them for a week or more;
- d. that "no NFL player experienced the second-impact syndrome or cumulative encephalopathy from repeat concussions"; and
- e. NFL players' brains responded and healed faster than those of high school or college athletes with the same injuries.

501. The NFL-funded studies are completely devoid of logic and science, and contrary to the NFL's Health and Safety Rules as well as 75 years of published medical literature on concussions and traumatic head injury.

502. The MTBI Committee's methodology and the conclusions reached in their research were criticized by independent experts due to numerous conclusions at odds with common medical knowledge and basic scientific protocol.

503. For example, in 2004 the MTBI Committee published a conclusion in which it claimed that the Committee's research found no risk of harm or injury from repeated

concussions in players with previous concussions, and that there was no “7- to 10-day window of increased susceptibility to sustaining another concussion.”

504. In a comment to this publication, one independent doctor wrote that “[t]he article sends a message that it is acceptable to return players while still symptomatic, which *contradicts literature published over the past twenty years* suggesting that athletes be returned to play only after they are asymptomatic, and in some cases for seven days.” (emphasis added).

505. The Committee failed to include hundreds of neuropsychological tests done on players in the results of the Committee's studies on the effects of concussions.

506. The results reported by Dr. Pellman and the MTBI Committee selectively excluded at least 850 baseline tests. In a paper published in *Neurosurgery* in December 2004, Dr. Pellman and the other MTBI Committee members reported on the baseline data for 655 players and the results for 95 players who had undergone both baseline testing and post-concussion testing. They concluded that NFL players did not show a decline in brain function after suffering concussions. Their further analysis purportedly found no ill effects among those who had three or more concussions or who took hits to the head that kept them out for a week or more. The paper did not explain where the players in the study groups came from specifically or why certain player data was included and that data from hundreds of other players was not.

507. In addition, Dr. Pellman fired a neuropsychologist employed by the New York Jets, Dr. William Barr, after Dr. Barr presented the results of an NCAA study, which conflicted with the findings of the MTBI, at a conference.

508. In contrast to the research conducted by the NFL's MTBI Committee, clinical and neuro-pathological studies performed by independent scientists and physicians demonstrated that

multiple NFL-induced concussions cause cognitive problems such as depression, early on-set dementia and CTE.

509. In response to these studies, to further the NFL's scheme of fraud and deceit, members of the NFL's MTBI Committee denied knowledge of a link between concussions and cognitive decline.

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

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

512. In response to Dr. Omalu's article, the NFL's MTBI Committee wrote a letter to the editor of *Neurosurgery* asking that Dr. Omalu's article be retracted.

513. In 2007, Dr. Julian Bailes, from West Virginia University, briefed the NFL's MTBI Committee on the findings of Dr. Omalu and other independent studies linking multiple NFL head injuries with cognitive decline. Dr. Bailes recalled the MTBI Committee's reaction to his presentation: "the Committee got mad ... we got into it. And I'm thinking, 'This is a ... disease in America's,[sic] most popular sport and how are its leaders responding? Alienate the scientist who found it? Refuse to accept the science coming from him?'"

514. A clinical study performed by Dr. Kevin Guskiewicz found that retired players who sustained three or more concussions in the NFL had a fivefold prevalence of mild cognitive

impairment. In response, the NFL's MTBI Committee, promptly attacked the article by refusing to accept a survey of 2,400 former NFL players.

515. Due to Congressional scrutiny and media pressure, the NFL scheduled a league-wide Concussion Summit for June 2007. The NFL, in furtherance of its scheme of deceit, issued a pamphlet to players in August 2007, which stated: "Current research with professional athletes has not shown that having more than one or two concussions leads to permanent problems... It is important to understand that there is no magic number for how many concussions is too many."

516. In 2008, the NFL commissioned a study of over 1,000 former players by the University of Michigan's Institute for Social Research, which concluded that "Alzheimer's disease or similar memory-related diseases appear to have been diagnosed in the league's former players vastly more often than in the national population—including a rate of 19 times the normal rate for men ages 30 through 49."

517. Despite commissioning the study, the NFL responded to the study's results by claiming it was incomplete and that further findings would be needed. Several experts in the field found the NFL's reaction to be "bizarre," noting that "they paid for the study, yet they tried to distance themselves from it."

518. At a series of Congressional hearings in 2009 and 2010 on the issue of head injuries in the NFL, the Defendant and the members of its MTBI Committee continued to deny links between football-related head injuries and heightened rates of dementia, and faced strong criticism from members of Congress.

519. In particular, at a Congressional hearing in January 2010, Dr. Casson of the MTBI Committee provided written and oral testimony where he stated, "there is not enough valid,

reliable or objective scientific evidence at present to determine whether or not, repeat head impacts in professional football result in long-term brain damage.”

520. In 2010, the NFL re-named the MTBI Committee the Head, Neck and Spine Medical Committee and replaced all of its members.

521. The members of the new Committee called the data collected by the MTBI Committee “infected”, stating, “[w]e all had issues with some of the methodologies described; the inherent conflict of interest that was there in many areas, that was not acceptable by any modern standards or not acceptable to us. I wouldn't put up with that, our universities wouldn't put up with that, and we don't want our professional reputations damaged by conflicts that were put upon us.”

522. For many years, the NFL and its MTBI Committee have been on direct notice of multiple NFL head injuries contributing to cognitive decline in later life, yet Defendant has never amended any of its inaccurate and misleading statements.

**NFL HAS ACKNOWLEDGED ITS DUTY TO PROTECT
PLAYERS FROM THE LONG-TERM RISKS OF
CONCUSSIONS AND SUB-CONCUSSIVE TBIs**

523. On August 14, 2007, the NFL acknowledged its duty to protect players from the risk of concussions and sub-concussive head trauma by enacting concussion guidelines, many of which stemmed from the NFL's Concussion Summit involving team trainers and doctors, were sent to all current players and other team personnel.

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

525. The NFL's 2007 concussion guidelines also include an informational pamphlet provided to all current NFL players to aid in identifying symptoms of a concussion.

526. However, the NFL's August 14, 2007 press release accompanying the concussion guidelines denied that "more than one or two concussions lead to permanent problems."

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

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

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

530. Defendant acknowledged that the 2007 concussion guidelines were inadequate and insufficient. As a result, the NFL enacted more strict regulations to handle concussions starting in the 2009 season. Specifically, the NFL announced new rules requiring players who exhibit any significant signs of concussion to be removed from a game or practice and be barred from returning the same day.

531. Nevertheless, it was not until June 2010 that the NFL finally issued a warning poster and related pamphlet to its players regarding identification of concussions. This was the

first time the NFL attempted to acknowledge the truth to its active players regarding concussions.

532. The June 2010 poster and pamphlet warned active players of the long-term risks associated with multiple concussions, including dementia, memory loss, CTE and its related symptoms. Unlike its previous messages to players, including the 2007 pamphlet, the NFL instructed players regarding reporting possible concussions, treating concussions, and the long-term risk of concussions. The NFL quoted the Center for Disease Control's conclusions that, "traumatic brain injury can cause a wide range of short or long term changes affecting thinking, sensation, language or emotions." The NFL further informed players, "[t]hese changes may lead to problems with memory or communication, personality changes, as well as depression and early onset dementia. Concussions and conditions resulting from repeated brain injury can change your life and your family's life forever."

533. As of today, Defendant has not warned retired players of the long-term health effects of concussions.

534. Due to the statements and actions of the NFL and the MTBI Committee, the Plaintiffs did not know, nor did he have reason to know, the long-term effects of concussions and relied on the Defendant to provide reasonable warnings and studies.

535. The NFL knew that a substantial risk of physical and mental harm to players existed in connection with repeated concussive and sub-concussive blows to the head, to wit: the danger of irreversible brain-damage and/or dementia. The Defendant consciously, willfully, and deliberately disregarded the safety of others in working to discredit and undermine accepted medical research, and spreading misinformation to players, including Plaintiffs and the Class regarding the risks of multiple concussions and repeated sub-concussive TBIs.

COUNT I
DECLARATORY RELIEF

536. Plaintiffs repeat and reallege each of the allegations contained in the foregoing paragraphs as if set forth herein at length.

537. There is a justiciable controversy involving substantial legal interests between Plaintiffs on the one hand and Defendant on the other for which declaration of rights will have practical effect. In the face of clear medical evidence to the contrary, the NFL refuses to acknowledge that, due to multiple concussions and sub-concussive blows to the head during their NFL careers, retired and former players are at an increased risk of developing debilitating brain disease and other cognitive problems.

538. Plaintiffs, have no adequate remedy at law in that, while they are at an increased risk of developing brain disease and other cognitive problems, Plaintiffs have not yet suffered any medically verifiable injury.

539. Plaintiffs seek a declaration as to the following:

- a. that Defendant knew or reasonably should have known that the multiple concussions and repeated sub-concussive TBIs suffered by Plaintiffs while playing NFL football were likely to put them at excess risk to neurodegenerative disorders and diseases, including but not limited to CTE, Alzheimer's disease and/or similar cognitive-impairing conditions;
- b. that Defendant had a duty to advise Plaintiffs of these medical risks;
- c. that Defendant willfully and intentionally concealed from and misled Plaintiffs concerning these medical risks; and
- d. that Defendant thereby recklessly endangered Plaintiffs.

COUNT II
MEDICAL MONITORING

540. Plaintiffs repeat and reallege each of the allegations contained in the foregoing paragraphs as if set forth herein at length.

541. As explained above, NFL players, including Plaintiffs, experienced repeated traumatic brain and head impacts, including but not limited to concussions and sub-concussive blows, during the duration of their respective NFL professional careers, far beyond what is experienced by the average person.

542. As stated in greater detail above, medical evidence shows that repeated traumatic brain and head impacts, including but not limited to concussions, result in at a significantly increased risk of latent neurodegenerative disorders and diseases, including but not limited to CTE, Alzheimer's disease and/or similar cognitive-impairing conditions.

543. As a result of repeated traumatic brain and head impacts, including but not limited to concussions, during the duration of their respective NFL professional careers, Plaintiffs and members of the Class are at a significantly increased risk of latent neurodegenerative disorders and diseases, including but not limited to CTE, Alzheimer's disease or similar cognitive-impairing conditions.

544. Defendant was fully aware of the danger of exposing players to multiple traumatic brain injuries, including consussive and sub-concussive blows.

545. Yet, Defendant did not warn any players of the medical risks associated with these injuries, and instead attempted to conceal the harmful effects of football-related concussions from players, including Plaintiffs. Furthermore, Defendant breached its duties of reasonable and ordinary care to the Plaintiffs by failing to protect their physical and mental health and failing to provide necessary and adequate safety information.

546. As a proximate result of Defendant's conduct, Plaintiffs have experienced an increased risk of developing serious, latent, neurodegenerative disorders and diseases, including but not limited to CTE, Alzheimer's disease or similar cognitive-impairing conditions.

547. Monitoring procedures exist that comport with contemporary scientific principles and makes early detection of cognitive impairment possible. Such monitoring includes baseline exams, diagnostic exams, and behavioral and pharmaceutical interventions, which will prevent or mitigate the adverse consequences of the latent neurodegenerative disorders and diseases associated with the repeated traumatic brain and head impacts described herein.

548. The latent brain injuries for which Plaintiffs are at greater risk require specialized testing that is not generally given to the public.

549. Such monitoring is different from that normally recommended in the normal medical treatment prescribed for adult males who have not suffered repeated concussions and sub-concussive head trauma.

550. The prescribed monitoring regime is reasonably necessary according to contemporary scientific principles to test, prevent, mitigate and treat Plaintiffs for neurodegenerative disorders and diseases, including but not limited to CTE, Alzheimer's disease or similar cognitive-impairing conditions.

551. Plaintiffs and the members of the Class have no adequate remedy at law in that monetary damages alone cannot compensate them for the risk of long-term physical and economic losses due to concussions and sub-concussive injuries. Without a Court-approved medical monitoring program as described herein, the Plaintiffs will continue to face an unreasonable risk of injury and disability.

552. Plaintiffs therefore seek an injunction creating a Court-supervised, Defendant-funded medical monitoring regime for Plaintiffs and Class members, which will facilitate the early diagnosis and adequate treatment in the event a neurodegenerative disorder or disease is diagnosed.

553. The medical monitoring regime should include, inter alia:

- a. a trust fund in an amount to be determined to pay for the medical monitoring of all NFL players as frequently and appropriately as necessary; and
- b. notification of all Plaintiffs in writing regarding the specific regime recommended and the need for, and importance of, frequent medical monitoring.

554. Plaintiffs also seek all other necessary relief in connection with this claim.

COUNT III
FRAUDULENT CONCEALMENT

555. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs as if set forth herein at length and further allege on information and belief as follows.

556. Prior to 1994, the NFL knew that repetitive head impacts in football games and full-contact practices created a risk of harm to NFL players.

557. Prior to 1994, the NFL was aware of and understood the significance of the published medical literature demonstrating the serious risk of both short-term and long-term adverse consequences from the kind of multiple concussions and repetitive sub-concussive TBIs to which NFL players were exposed.

558. The NFL knowingly and fraudulently concealed from NFL players and former NFL players the risks of head injuries, in particular the heightened risk created by returning to the playing field before making a proper recovery from their head injuries.

559. From 1994 through June of 2010, the NFL voluntarily and repeatedly made material misrepresentations to its players, former players, the United States Congress, and the public at large that there was no evidence linking, or insufficient evidence linking multiple concussions and repetitive sub-concussive TBIs to latent cognitive/brain injury, including CTE and its related symptoms.

560. Defendant's MTBI Committee published articles, and the NFL issued a concussion pamphlet to players, that affirmatively concealed and downplayed known long-term risks of concussions to NFL players.

561. The concussion pamphlet created player reliance by Plaintiffs that the NFL would and did carefully undertake its affirmatively adopted responsibility to research, test, study, and report accurate findings to Plaintiffs. The NFL stated that "[w]e want to make sure all NFL players ... are fully informed and take advantage of the most up to date information and resources as we continue to study the long-term impact of concussions."

562. Further concealment of material information continued in January 2010. Dr. Casson of the MTBI Committee provided oral and written testimony at the 2010 congressional hearings in which he continued to deny the validity of other studies.

563. The NFL, therefore, concealed material facts and information with the intent to deceive and defraud, which caused Plaintiffs to become exposed to the harm referenced above. For those Plaintiffs who had retired prior to the above-mentioned misrepresentations, the NFL's concerted concealment of the risks to which they had been exposed on the playing field delayed

their ability to plan for the future of themselves and their families and to seek appropriate treatment of their latent neurodegenerative conditions.

564. Defendant knew that Plaintiffs, and other NFL players, would rely on the inaccurate information provided by the NFL.

565. Plaintiffs relied on this inaccurate information during and after their NFL careers.

566. As a direct and proximate result of the NFL's fraudulent conduct, Plaintiffs have suffered physical injury, including, but not limited to, existing and latent cognitive conditions that create memory loss, diminished cognitive function, non-economic losses, and economic losses.

567. As a direct and proximate result of the NFL's willful concealment, Plaintiffs have suffered and will continue to suffer substantial injuries, emotional distress, pain and suffering, and economic and non-economic damages that are ongoing and continuing in nature.

568. As a result of the NFL's misconduct as alleged herein, the NFL is liable to Plaintiffs for, and Plaintiffs seek, the full measure of damages allowed under applicable law.

569. For the above reasons, Plaintiffs demand judgment against the NFL for an amount in excess of \$75,000.00 each and an amount in excess of \$5,000,000 overall, compensatory and punitive damages to be determined upon the trial of this matter.

COUNT IV **FRAUD**

570. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs as if set forth herein at length and further allege on information and belief as follows.

571. Prior to 1994, the NFL knew that repetitive head impacts in football games and practices circumstances created a risk of harm to NFL players.

572. Prior to 1994, the NFL was aware of and understood the significance of the published medical literature demonstrating the serious risk of both short-term and long-term adverse consequences from the kind of multiple concussions and repetitive sub-concussive TBIs to which NFL players were exposed.

573. The NFL, however, withheld this information from NFL players and ignored the risks to NFL players.

574. From 1994 through June of 2010, the NFL and its agents made material misrepresentations to the players, former players, the United States Congress, and the public at large that there was no scientifically proven link between repetitive traumatic head impacts and latent cognitive/brain injury, including CTE and its related symptoms, arising later in life.

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

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

577. Defendant's material misrepresentations, through its MTBI Committee, denied a link between concussions and CTE and other neurodegenerative diseases and disorders.

578. The NFL and its agents made such material misrepresentations with the intent to defraud the Plaintiffs.

579. Defendant had actual knowledge of the misleading nature of these statements when they were made.

580. The Plaintiffs justifiably and reasonably relied on the NFL's omissions and misrepresentations to their detriment.

581. Defendant had actual knowledge that players, including Plaintiffs, would rely on these misrepresentations.

582. As a result of the NFL's misconduct as alleged herein, the NFL is liable to Plaintiffs.

583. The Plaintiffs were damaged by the NFL's misconduct. They have suffered and will continue to suffer substantial injuries, emotional distress, pain and suffering, and economic and non-economic damages that are ongoing and continuing in nature.

584. As a result of the NFL's fraud, the NFL is liable to Plaintiffs for, and Plaintiffs seek, the full measure of damages allowed under applicable law.

585. For the above reasons, Plaintiffs demand judgment against the NFL for an amount in excess of \$75,000.00 each and an amount in excess of \$5,000,000 overall, compensatory and punitive damages to be determined upon the trial of this matter.

COUNT V
NEGLIGENCE REGARDING NFL
CONDUCT PRIOR TO 1968

586. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs as if set forth herein at length and further allege on information and belief as follows.

587. Between 1933 and 1968, the NFL assumed and carried out a duty to supervise how the game of football was played in the United States.

588. Between 1933 and 1968, the NFL assumed and carried out a duty to inform and advise players and teams of the foreseeable harm that can arise from such things as the use of leather helmets, the need to wear hard plastic helmets to reduce head wounds and internal injury

(1943) and the grabbing of an opponent's facemask—to minimize or avoid head and neck injuries (1956/1962). These warnings and imposed safety rules were furnished by the NFL because it had assumed a duty to provide a safe environment for players and because of its superior knowledge of the risks of injury players.

589. During this time period, the NFL was advised or should have been advised by medical scientists and health professionals, including neurologists and neurosurgeons, regarding the risks of short and long term neuro-cognitive disabilities and deficits to NFL players.

590. During this time period, the NFL knew or should have known that repetitive sub-concussive and concussive blows to the heads of NFL players can and do result in short-term and long-term brain damage.

591. During this time period, the NFL knew or should have known that it was the practice in the NFL to compel or cajole players to play with injuries, including sub-concussive injuries, concussive injuries and injuries involving a loss of consciousness.

592. During this time period, the NFL had superior knowledge to its players that athletic sporting events causing sub-concussive and concussive injuries posed a serious risk of short-term and long-term cognitive disabilities.

593. The NFL's failure to address the continuing health risks associated with sub-concussive and/or concussive injuries that NFL players sustained before 1968 constituted a breach of its duty to these players, which has resulted in long term neuro-cognitive problems and disabilities to former NFL players, including the Plaintiffs.

594. During this time period, the NFL's continuing perpetration of the dangerous myth that NFL players are tough and can withstand "getting their bell rung", "suffering dings" or temporarily losing consciousness while playing constitutes causative negligence. The

perpetration of misleading and false statements and a philosophy of invincibility nurtured and publicized by the NFL throughout this time period constitutes continuing negligent conduct which the NFL continued to perpetrate until subjected to Congressional scrutiny and civil lawsuits.

595. Given the NFL's superior and unique knowledge and position of authority regarding the issue of head injuries and concussions, the Plaintiffs playing prior to 1968 reasonably relied to their detriment on the NFL's actions and omissions on the subject.

596. The failure of the NFL to publicize within the League—to active players—and to the public at large, including retired players, the mounting evidence in the scientific literature of the evolving and chronic neuro-cognitive problems amongst former players caused then-current players and retired players to believe that their physical, cognitive and psychological ailments were not serious and/or not related to football. These commissions or omissions caused the plaintiffs to ignore the need for necessary treatment. Likewise, these omissions and commissions had the effect of reducing the interest in helmet safety research, avoiding changes in rule-playing to minimize head injury, avoiding the need to promulgate rules to detect concussions and other TBIs in players during games and practice, avoiding the need to promulgate rules affecting the return-to-play rules for players who suffer a concussion or are knocked unconscious, and establishing programs to educate players about the risks of sub-concussive and concussive head trauma to their health.

COUNT VI
NEGLIGENCE REGARDING NFL
CONDUCT POST-1968

597. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs as if set forth at length and further alleges on information and belief as follows.

598. Increasingly, during the 1970s, 1980s and 1990s, the NFL marketed the game of football as acceptably violent and it rewarded its most violent players. This marketing technique was directed to the general public, as well as the community of players associated with organized football from sandlot to college. In pursuing these deliberate marketing strategies, the defendant knew or should have known that by equating the violence that caused head trauma with heroism would induce NFL players and those who aspired to play in the NFL to play with reckless violence.

599. In the early 1990's, the NFL voluntarily undertook to study the issue of neurocognitive injuries in former NFL players.

600. In 1994, in connection with that voluntary undertaking, the NFL created the aforementioned MTBI Committee.

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

602. By voluntarily undertaking to study and report on the issue of the neurocognitive effects of head impacts in professional football, the NFL assumed a duty to exercise reasonable care in the MTBI Committee's work and the NFL and its agents' public statements about the substance of the Committee's work.

603. However, the MTBI Committee negligently performed the NFL's voluntarily undertaken research mission.

604. In addition, from 1994 through June of 2010, the NFL and its MTBI Committee made material misrepresentations to players, former players, the United States Congress, and the public at large that there was no scientifically valid link between repetitive traumatic head impacts and latent cognitive/brain injury, including CTE and its related symptoms, arising later in life.

605. The NFL's failure to exercise reasonable care in its voluntarily assumed duty increased the risk that the Plaintiffs would suffer long-term neurocognitive injuries.

606. The Plaintiffs reasonably relied to their detriment on the NFL's actions and omissions on the subject.

607. Under all of the above circumstances, it was foreseeable that the NFL's failure to exercise reasonable care in the execution of its voluntarily undertaken duties would cause or substantially contribute to the personal injuries suffered by the Plaintiffs.

608. The NFL's failure to exercise reasonable care in the execution of its voluntarily undertaken duties proximately caused or contributed to Plaintiffs' injuries, including but not limited to CTE and multiple cognitive deficiencies.

609. That by reason of the foregoing negligence on the part of Defendant, Plaintiffs aforesaid injuries are permanent and that they will continue to suffer from the effects of his aforesaid injuries, including but not limited to continuous pain and suffering and severe emotional distress.

610. As a result of the NFL's negligence, the NFL is liable to Plaintiffs, and the Plaintiffs are entitled to, and seek, all damages allowed by applicable law.

611. For the above reasons, Plaintiffs demand judgment against the NFL for an amount in excess of \$75,000.00 each and an amount in excess of \$5,000,000 overall, compensatory and punitive damages to be determined upon the trial of this matter.

COUNT VII
NEGLIGENT MISREPRESENTATION

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

613. A special relationship exists between the NFL and the Plaintiffs sufficient to impose a duty on the NFL to disclose accurate information to the Plaintiffs.

614. Prior to 1994, the NFL knew that repetitive head impacts in football games and practices created a risk of harm to NFL players.

615. Prior to 1994, the NFL was aware of and understood the significance of the published medical literature demonstrating the serious risk of both short-term and long-term adverse consequences from the kind of multiple concussions and repetitive sub-concussive TBIs regularly experienced by NFL players.

616. The NFL, however, withheld this information from NFL players and ignored the risks to NFL players.

617. From 1994 through June of 2010, the NFL made material misrepresentations to its players, former players, the United States Congress, and the public at large that there was no scientifically proven link between repetitive traumatic head impacts and latent cognitive/brain injury, including CTE and its related symptoms, arising later in life.

618. The NFL misrepresented the dangers that NFL players faced in returning to play too quickly after sustaining a head injury. Defendant's MTBI Committee, through public statements which it knew or should have known were misleading, published articles and issued

the concussion pamphlet to its players downplaying the long-term risks of concussions to NFL players.

619. Defendant NFL, therefore, misrepresented the dangers the Plaintiffs faced in returning to action after sustaining a head injury and the long-term effects of continuing to play football after a head injury.

620. The MTBI Committee made material misrepresentations on multiple occasions, including but not limited to testimony at congressional hearings and other information issued to current and former NFL Players.

621. The Defendant's misrepresentations included the false statement that present NFL players were not at an increased risk of short-term and long-term adverse consequences if they returned too soon to an NFL games or practices after suffering head trauma and, therefore, that former players had not been exposed to such increased risk during their time in the NFL.

622. The NFL's misrepresentations included ongoing and baseless criticism of legitimate scientific studies that set forth the dangers and risks of head impacts which NFL players regularly sustained.

623. The NFL made these misrepresentations and actively concealed true information at a time when it knew, or should have known, because of its superior position of knowledge, that the Plaintiffs faced serious health problems if they returned to a game too soon after sustaining a concussion.

624. The NFL knew or should have known the misleading nature of their statements when they were made.

625. The NFL made the misrepresentations and actively concealed information knowing that the Plaintiffs would and did rely on the misrepresentations or omissions in, among

other things, how the Plaintiffs addressed the concussions and sub-concussive TBIs they sustained.

626. As a direct and proximate result of the NFL's negligent misrepresentations, Plaintiffs have suffered and continue to suffer serious personal injury, including neuro-cognitive brain disease and associated damages including mental disability, loss of income, pain and suffering, emotional distress, and loss of consortium. Plaintiffs seek the full measure of damages allowed under applicable law.

627. For the above reasons, Plaintiffs demand judgment against the NFL for an amount in excess of \$75,000.00 each and an amount in excess of \$5,000,000 overall, compensatory and punitive damages to be determined upon the trial of this matter.

COUNT VIII **NEGLIGENT HIRING**

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

629. The NFL voluntarily and gratuitously inserted itself into the business of studying, and rendering purported expert opinions regarding, the relationship between repetitive head impacts in football and brain injury.

630. In doing so, the NFL assumed a duty to the Plaintiffs and the general public to retain and employ persons within the MTBI Committee who were professionally competent to study and render opinions on the relationship of repetitive head impacts in football to brain injury, to ensure that those whom it hired had no conflict of interest, and to ensure that each Committee member had the professional and personal qualifications to conduct those studies and render opinions that were scientifically rigorous, valid, defensible, and honest.

631. The NFL breached its duty to the Plaintiffs and the general public by hiring persons who:

- a. were unqualified;
- b. were not competent to engage in rigorous and defensible scientific research;
- c. were not competent to render valid and defensible opinions;
- d. created fraudulent industry-funded research; and/or
- e. attacked as not credible the valid and defensible research and opinions generated by neuro-scientists who were independent from the NFL.

632. The NFL's negligence in failing to retain competent and honest persons of the MTBI Committee resulted in a body of falsified industry-funded research that purposefully and/or negligently contested and suppressed valid and truthful bio-medical science. The NFL's negligence allowed the MTBI Committee to use falsified industry-funded research to mislead the Plaintiffs, other former NFL players, and the general public regarding the risks associated with repetitive head impacts in the game of football.

633. As a result of the NFL's failure, the Plaintiffs have sustained brain injuries that are progressive and latent and did not take protective measures or seek the diagnosis and treatment they would have sought had they been told the truth.

634. For the above reasons, Plaintiffs demand judgment against the NFL for an amount in excess of \$75,000.00 each and an amount in excess of \$5,000,000 overall, compensatory and punitive damages to be determined upon the trial of this matter.

COUNT IX
LOSS OF CONSORTIUM

635. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs as if set forth at length and further alleges on information and belief as follows.

636. As a direct and proximate result of the aforementioned conduct of Defendant, and as a result of the injuries and damages to Plaintiffs herein, the wives of Plaintiffs provided above:

- a. have been deprived of the love, companionship, comfort, affection, society, solace or moral support, and protection of their spouses.
- b. suffered loss of consortium, loss of services, loss of earnings, and loss of physical assistance in the operation and maintenance of the home, of their husbands.
- c. will be and will continue to be required to spend money for medical care and household care for the treatment of their respective husbands.

637. Therefore, they have thereby sustained, and will continue to sustain damages resulting from Defendant's wrongful conduct.

638. For the above reasons, Plaintiff-Spouses demand judgment against the NFL for an amount in excess of \$75,000.00 each and an amount in excess of \$5,000,000 overall, compensatory and punitive damages to be determined upon the trial of this matter.

CONCLUSION AND PRAYER

WHEREFORE, Plaintiffs requests trial by jury and that the Court grant them the following relief against the NFL, on all counts of this Complaint, including:

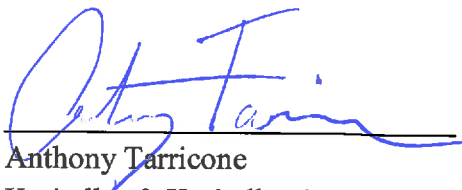
- A. Money Damages representing fair, just and reasonable compensation for their respective common law claims in excess of \$75,000.00 for each Plaintiff and in excess of \$5,000,000 for all of their claims;
- B. Lost Wages;
- C. Punitive and/or Treble Damages pursuant to state law;
- D. All elements of damages recoverable under the law applicable to these claims;
- E. Pre-judgment and post-judgment interests as authorized by law on the judgments which enter on Plaintiffs' behalf; and
- F. Such other relief as is deemed just and appropriate.

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JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiffs hereby demand a trial by jury on all matters so triable.

Dated: New York, New York
June 28, 2012



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