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John A. Clarke, Executive Officer/Clerk
By SHAUNYA WESLEY Deputy

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

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

GOLDBERG, PERSKY & WHITE, P.C.
Jason E. Luckasevic, (Pennsylvania Bar No. 85557) *Pro Hac Vice Application Forthcoming*
1030 Fifth Ave.
Pittsburgh, PA 15219
Telephone: (412) 471-3980
Facsimile: (412) 471-8308

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

JOSEPH SWEET and M. STORME SWEET, his)
wife; MICHAEL R. BALDASSIN and MARY)
BALDASSIN, his wife; TONY BOUIE and)
ALLISON BOUIE, his wife; IRV CROSS and)
ELIZABETH CROSS, his wife; LARRY)
EDWARDS; PAUL FLATLEY; DAVID L.)
GRAYSON, JR.; MELVIN HOOVER; KRISTIE)
LONG, Administratrix of the Estate of DOUG)
LONG, DECEASED; MARVIN MATTOX;)
MICHAEL McKIBBEN and RANDI McKIBBEN,)
his wife; BRUCE McNORTON; REGGIE)
REMBERT; GREG TURNER and RHONDA)
TURNER, his wife; DELVIN WILLIAMS;)
STEVEN KENNEY; RALPH GREGORY)

Case No.

BC494568

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

CHECK: 435.00
CASH:
CHANGE:
CARD:

CIT/CASE: BC494568 LEA/DEF:
RECEIPT #: CM465980124
DATE PAID: 10/25/12 04:14:29 PM
PAYMENT: \$435.00
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D69 Ramona Lee

109 2012

1 SAMPSON; ERIC SMEDLEY; BENJAMIN)
2 STANLEY; CASEY FITZSIMMONS; JOHN)
3 FARRIS; CHARLES BEATTY; EDWARD)
4 BELL; SAMUEL BLACKWELL;)
5 JERAMETRIUS BUTLER; ROOSEVELT)
6 COLLINS JR.; DENNIS DEVAUGHN; ROBERT)
7 FARMER II; CEDRICK HARDMAN; LARRY)
8 MALLORY; COREY MAYFIELD; VINCENT)
9 McCOY; ERIC MITCHEL; JERRY OVERTON;)
10 ISIAH ROBERTSON; DAVID SMITH; RALPH)
11 STOCKEMER; BOBBY WATKINS JUNIOR;)
12 MIKELL WILLIAMS; JEFFREY SEVERSON;)
13 EVERETT LITTLE; BERNARDO HARRIS;)
14 ANTHONY BANKS; ANTHONY CURTIS;)
15 RONALD DAVIS; JOHN MILKS; JOHN)
16 CORKER; WILLIAM RAY MICKENS;)
17 BRANDON CHRISTENSON; MICHAEL)
18 ALFORD; REUBEN GIBSON; LARRY BATES;)
19 DONALD MOSEBAR; RICHARD VAN)
20 DRUTEN; DAVID RICHARDS; WILLIAM)
21 KEITH WRIGHT; WALTER WILLIAMS;)
22 CEPHUS WEATHERSPOON; ANDRE)
23 PRESIDENT; RON SMITH; DEON)
24 ANDERSON; DONNELL SMITH; RICHARD)
25 STAFFORD,)

16 Plaintiffs,)
17)
18)

17 v.)
18)

19 NATIONAL FOOTBALL LEAGUE; NFL)
20 PROPERTIES LLC; RIDDELL, INC. d/b/a)
21 RIDDELL SPORTS GROUP, INC., ALL)
22 AMERICAN SPORTS CORPORATION, d/b/a)
23 RIDDELL/ALL AMERICAN; RIDDELL)
24 SPORTS GROUP, INC., EASTON-BELL)
25 SPORTS, INC.; EASTON-BELL SPORTS, LLC;)
26 EB SPORTS CORP.; and RBG HOLDINGS)
27 CORP.; and JOHN DOES 1 through 100,)
28 Inclusive,)

25 Defendants.)
26)
27)
28)

1 The Plaintiffs, all individuals, hereby complain of Defendants listed above and hereby allege as
2 follows:

3 **PARTIES**

4 **Plaintiffs:**

5 1. Mr. Joseph Sweet and his wife, M. Stormé, are residents of and domiciled in the State of
6 California.

7 2. Mr. Michael R. Baldassin and his wife, Mary Baldassin, are residents of and domiciled in the
8 State of Washington.

9 3. Mr. Tony Bouie and his wife, Allison, are residents of and domiciled in the State of Arizona.

10 4. Mr. Irv Cross and his wife, Elizabeth, are residents of and domiciled in the State of
11 Minnesota.

12 5. Mr. Larry Edwards is a resident of and domiciled in the State of Texas.

13 6. Mr. Paul Flatley is a resident of and domiciled in the State of Indiana.

14 7. Mr. David L. Grayson, Sr. is a resident of and domiciled in the State of California.

15 8. Mr. Melvin Hoover is a resident of and domiciled in the State of North Carolina.

16 9. Mrs. Kristie Long, Administratrix of the Estate of Doug Long, is a resident of and domiciled
17 in the State of Washington.

18 10. Mr. Marvin Mattox is a resident of and domiciled in the State of Oklahoma.

19 11. Mr. Michael McKibben and his wife, Randi, are residents of and domiciled in the State of
20 Pennsylvania.

21 12. Mr. Bruce McNorton is a resident of and domiciled in the State of Florida.

22 13. Mr. Reggie Rembert is a resident of and domiciled in the State of Indianapolis.

23 ///

- 1 14. Mr. Greg Turner and his wife, Rhonda, are residents of and domiciled in the State of
2 Arizona.
- 3 15. Mr. Delvin Williams is a resident of and domiciled in the State of California.
- 4 16. Mr. Steven Kenney is a resident of and domiciled in the State of North Carolina.
- 5 17. Mr. Ralph Gregory Sampson is a resident of and domiciled in the State of California.
- 6 18. Mr. Eric Smedley is a resident of and domiciled in the Province of Saskatchewan, Canada.
- 7 19. Mr. Benjamin Stanley is a resident of and domiciled in the State of Texas.
- 8 20. Mr. Casey Fitzsimmons is a resident of and domiciled in the State of Montana.
- 9 21. Mr. John Farris is a resident of and domiciled in the State of California.
- 10 22. Mr. Charles Beatty is a resident of and domiciled in the State of Texas.
- 11 23. Mr. Edward Bell is a resident of and domiciled in the State of Texas.
- 12 24. Mr. Samuel Blackwell is a resident of and domiciled in the State of Virginia.
- 13 25. Mr. Jerametrious Butler, Senior is a resident of and domiciled in the State of Texas.
- 14 26. Mr. Roosevelt Collins Jr. is a resident of and domiciled in the State of Texas.
- 15 27. Mr. Dennis DeVaughn is a resident of and domiciled in the State of Texas.
- 16 28. Mr. Robert Farmer II is a resident of and domiciled in the State of North Carolina.
- 17 29. Mr. Cedrick Hardman is a resident of and domiciled in the State of California.
- 18 30. Mr. Larry Mallory is a resident of and domiciled in the State of Texas.
- 19 31. Mr. Corey Mayfield is a resident of and domiciled in the State of Texas.
- 20 32. Mr. Vincent McCoy is a resident of and domiciled in the State of Florida.
- 21 33. Mr. Eric Mitchel is a resident of and domiciled in the State of Texas.
- 22 34. Mr. Jerry Overton is a resident of and domiciled in the State of Texas.
- 23 35. Mr. Isiah Robertson is a resident of and domiciled in the State of Texas.
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36. Mr. David Smith is a resident of and domiciled in the State of Texas.
37. Mr. Ralph Stockemer is a resident of and domiciled in the State of Texas.
38. Mr. Bobby Watkins Junior is a resident of and domiciled in the State of Texas.
39. Mr. Mikell Williams is a resident of and domiciled in the State of Louisiana.
40. Mr. Jeffrey Severson is a resident of and domiciled in the State of California.
41. Mr. Everett Little is a resident of and domiciled in the State of Texas.
42. Mr. Bernardo Harris is a resident of and domiciled in the State of North Carolina.
43. Mr. Anthony Banks is a resident of and domiciled in the State of Texas.
44. Mr. Anthony Curtis is a resident of and domiciled in the State of Texas.
45. Mr. Ronald Davis is a resident of and domiciled in the State of Arkansas.
46. Mr. John Milks is a resident of and domiciled in the State of California
47. Mr. John Corker is a resident of and domiciled in the State of Texas.
48. Mr. William Ray Mickens is a resident of and domiciled in the State of Texas.
49. Mr. Brandon Christenson is a resident of and domiciled in the State of Oklahoma.
50. Mr. Michael Alford is a resident of and domiciled in the State of Alabama.
51. Mr. Reuben Gibson is a resident of and domiciled in the State of Georgia.
52. Mr. Larry Bates is a resident of and domiciled in the State of California.
53. Mr. Donald Mosebar is a resident of and domiciled in the State of California.
54. Mr. Richard Van Druten is a resident of and domiciled in the State of Texas.
55. Mr. David Richards is a resident of and domiciled in the State of Texas
56. Mr. William Keith Wright is a resident of and domiciled in the State of Texas
57. Mr. Walter Williams is a resident of and domiciled in the State of Texas
58. Mr. Cephus Weatherspoon is a resident of and domiciled in the State of California

1 59. Mr. Andre President is a resident of and domiciled in the State of Texas

2 60. Mr. Ron Smith is a resident of and domiciled in the State of Utah

3 61. Mr. Deon Anderson is a resident of and domiciled in the State of Florida

4 62. Mr. Donnell Smith is a resident of and domiciled in the State of California

5 63. Mr. Richard Stafford is a resident of and domiciled in the State of Texas

6 **Defendants:**

7
8 64. Defendant National Football League ("the NFL") is an unincorporated association with its
9 headquarters located in the State of New York. The NFL regularly conducts business in California.

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

15
16 66. Defendant Riddell, Inc. (d/b/a Riddell Sports Group, Inc.) is a corporation organized and
17 existing under the laws of the State of Illinois, and is engaged in the business of designing, manufacturing,
18 selling and distributing football equipment, including helmets, to the NFL and since 1989 has been the
19 official helmet of the NFL. Riddell, Inc. regularly conducts business in California.

20
21 67. Defendant All American Sports Corporation, d/b/a Riddell/All American, is a corporation
22 organized and existing under the laws of the State of Delaware and is engaged in the business of designing,
23 manufacturing, selling and distributing football equipment, including helmets, to the NFL and since 1989
24 has been the official helmet of the NFL. All American Sports regularly conducts business in California.

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1 68. Defendant Riddell Sports Group, Inc. is a Delaware corporation with its principal place of
2 business at 6255 N. State Highway, #300, Irving, Texas 76038. Riddell Sports Group, Inc. regularly
3 conducts business in California.

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

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

12 71. Defendant EB Sports Corp. is a Delaware corporation with its principal place of business at
13 7855 Haskell Avenue, Van Nuys, California 91406. EB Sports Corp. regularly conducts business in
14 California.

15 72. Defendant RBG Holdings Corp. is a Delaware corporation with its principal place of
16 business at 7855 Haskell Avenue, Suite 350, Van Nuys, California 91406. RBG Holdings Corp. regularly
17 conducts business in California.

18 73. Defendants Riddell, Inc., Riddell Sports Group Inc., All American Sports Corporation,
19 Easton-Bell Sports, Inc., EB Sports Corp., Easton-Bell Sports, LLC, and RBG Holdings Corp., shall
20 hereinafter be referred to collectively as "Riddell" or the "Riddell Defendants."

21 **JURISDICTION AND VENUE**

22 74. Jurisdiction is based upon the California Constitution Article 6, Section 10.

23 ///

1 75. Venue is proper in this Court pursuant to Section 395(A) of the California Code of Civil
2 Procedure.

3 INTRODUCTION

4 76. This case seeks a declaration of liability and financial compensation for the long-term
5 chronic injuries, financial losses, expenses, and intangible losses suffered by the Plaintiffs and Plaintiffs'
6 Spouses as a result of the NFL's intentional tortious misconduct (by its gratuitous, voluntary undertaking),
7 negligence, and fraud.

8
9 77. This action arises from the pathological and debilitating effects of mild traumatic brain
10 injuries, caused by concussive and sub-concussive impacts (referenced herein as "MTBI") that have
11 afflicted former professional football players in the National Football League. For many decades, evidence
12 has linked repetitive MTBI to long-term neurological problems in many sports, including football.

13
14 78. The NFL, as the organizer, marketer, and face of the most popular sport in the United States,
15 in which MTBI is a regular occurrence and/or players have been at risk for MTBI, was aware of the
16 evidence and the risks associated with repetitive traumatic brain injuries for decades, but deliberately
17 ignored and used its monopoly power to actively concealed the information from the Plaintiffs and all
18 others who participated in organized football at all levels.

19
20 79. The NFL has actively concealed and actively disputed any correlation between on the field
21 MTBI and the chronic mental illnesses and maladies suffered by former players, including the Plaintiffs
22 and all others similarly situated.

23
24 80. For many years, the NFL learned that many football players had developed chronic severe
25 headaches, malaise, intolerance of loud noises, depression and emotional lability as a consequence of
26 multiple "dings," sub-concussive events and concussions.

1 81. Moreover, in or around 1994 and possibly earlier, the NFL gratuitously and voluntarily
2 inserted itself into the scientific research and discussion concerning the relationship between the head
3 trauma NFL players are exposed to in practices and game play and short-term and long-term impairment of
4 the brain. The NFL's investigation of this serious medical concern conflicted radically with its continuing
5 promotion of the violence of the sport.
6

7 82. During the past several decades, the NFL intentionally and fraudulently misled then-active
8 and former players and their families regarding its purported expertise in studying MTBI regarding the
9 short-term and long-term risks posed by concussions and head trauma.

10 83. After acknowledging its long-standing duty to investigate, study, and report about the risks
11 of MTBI in the sport of football, the NFL failed to provide reasonably developed instructions and warnings
12 regarding the risks of chronic permanent brain injury sequelae, and instead produced industry-funded,
13 biased research and advocacy that actively deceived players and misrepresented that concussions and sub-
14 concussive head impacts did not present serious, life-altering risks.
15

16 84. The NFL has actively, continuously and vehemently denied any correlation between
17 participation as a player in the NFL and cognitive neurological symptoms and problems such as headaches,
18 dizziness, loss of memory, dementia and ALS by way of gratuitous press releases, funded and/or sponsored
19 publications in the scientific literature and communications intended to mislead and misinform.
20

21 85. The NFL, through its own initiative and voluntary undertaking, created and/or decided to
22 fund the so-called Mild Traumatic Brain Injury Committee (the "MTBI Committee") in 1994 to ostensibly
23 research and study MTBI affecting NFL players. Notwithstanding this purported purpose, and despite clear
24 medical evidence that on-field sub-concussive and concussive events can produce MTBI with tragic results,
25 the NFL failed to inform its current and former players of the true risk and purposefully misrepresented
26 and/or concealed medical evidence on that issue.
27
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1 86. The NFL's active and purposeful concealment and misrepresentation of the severe
2 neurological risks of repetitive MTBI exposed players to dangers they could have avoided had the NFL
3 provided them with truthful and accurate information. Many of these players have MTBI and latent
4 neurodegenerative disorders and diseases as a result of the NFL's acts and/or omissions.

5 87. The NFL has, over the past four decades, actively concealed and disputed any correlation
6 between on the field sub-concussive and concussive events, its return to play policies and the chronic
7 neuro-cognitive damage, illnesses and decline suffered by former players, including the Plaintiffs and all
8 others similarly situated. Further, during the decades of the 1990s and 2000s, the NFL through its
9 authorized agents disputed and actively sought to suppress the findings of others that there is a connection
10 between on-field MTBI and post-career neuro-cognitive damage, illness and decline.
11

12 **GENERAL ALLEGATIONS APPLICABLE TO ALL COUNTS AGAINST THE NFL**
13

14 88. The NFL generates approximately \$9,300,000,000.00 in gross income per year.

15 89. The organization oversees America's most popular spectator sport, acting as a trade
16 association for the benefit of the thirty-two independently operated Teams.

17 90. The NFL governs and promotes the game of football, sets and enforces rules and League
18 policies, and regulates team ownership.
19

20 91. The NFL generates revenue mostly through marketing sponsorships, licensing merchandise,
21 and by selling national broadcasting rights to the games. The Teams share a percentage of the League's
22 overall revenue.
23

24 92. The NFL enjoys partial monopoly power through an anti-trust exemption granted via the
25 federal Sports Broadcasting Act that allows the NFL to sell television rights for all 32 teams as a single
26 unit.
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94. Over many decades, the NFL's influence has been expanded through its use of the media. Through NFL films, the NFL Network, and www.NFL.com, the NFL has promoted NFL football via every mass communication medium available.

95. Part of the NFL's strategy to promote NFL football is: (a) to mythologize players and Teams; (b) to glorify the accomplishments of individuals and Teams; and (c) to glorify the brutality and ferocity of NFL football, by lauding and mythologizing the most brutal and ferocious players and collisions and simultaneously propagating the fraudulent representation that "getting your bell rung," "being dinged" and putting big hits on others is not seriously hazardous to one's health.

97. As a result of this strategy, and the overwhelming influence of the NFL at every level of the game, the NFL has generated for itself and others billions of dollars every year by promoting a product of brutality and ferocity and inculcating in players at every level of the game the false and life-threatening ideas that (a) brutal, ferocious, and debilitating collisions are a required and desired outcome in the game of

1 football; and (b) returning to play despite sustaining repetitive head impacts is a laudable and desirable
2 goal.

3
4 **The NFL Markets and Glorifies Football's Violence Through NFL Films**

5 98. NFL Films is an NFL owned company devoted to producing promotional films for the
6 NFL. One television critic described NFL Films as "the greatest in-house P.R. machine in pro sports
7 history... an outfit that could make even a tedious stalemate seem as momentous as the battle for the
8 Alamo."

9
10 99. NFL Films is known for the style it features in all of its productions, capturing the NFL
11 games, plays, players, and overall NFL environment in an artistic, promotional fashion. NFL Films
12 cinematography is intended to create compelling storylines and highlight certain aspects of the game. NFL
13 Films takes viewers right into the football action with close-ups and slow motion capture of all the hard-
14 hitting action taking place on the football field.

15
16 100. The NFL focuses on violence as one of the NFL's greatest selling points: the football player
17 as gladiator. To advance the NFL's purpose, NFL Films has created numerous highlight features that focus
18 solely on the hardest-hits that take place on the football field. These featured videos are marketed and sold
19 to advance the NFL's culture of violence as entertainment.

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

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1 102. NFL Films created the "Top Ten Most Feared Tacklers" series that was shown on the NFL
2 Network, and it now has its own section on the NFL's website. These features are comprised of videos
3 highlighting the most vicious tacklers the NFL has ever seen.

4 103. An explicit example of how the NFL markets and glorifies the violent nature of the NFL can
5 be found on the back cover of the 2007 film "Moment of Impact." The back cover of "Moment of Impact"
6 advertises the film as follows: "First you hear the breathing, then you feel the wind coming through your
7 helmet's ear hole. Suddenly you're down, and you're looking through your helmet's ear hole. Pain?
8 That's for tomorrow morning. Right now you've gotta focus - focus on the play and try not to focus on the
9 next moment of impact." The NFL's entire message deemphasizes the dangers of these head impacts.
10

11 104. NFL Films, therefore, advances the NFL's agenda to promote the most violent aspects of
12 NFL football and to urge players at every level of the game to disregard the results of violent head impacts.
13

14 105. The NFL strategically utilizes NFL Films' cinematography and sound to exaggerate and
15 emphasize vicious hits. The magnitude of the hit is emphasized by the slow-motion footage and the on-
16 field microphones. Vicious hits captured by NFL Films take on the appearance of the slow-motion crash
17 safety test videos that appear in many car commercials - with players taking on the roll of the crash-test
18 dummy.
19

20 106. The NFL, through NFL Films, promotes a culture in which playing hurt or with an injury is
21 both expected and highly acclaimed in its mythical gladiator world. Through NFL Films, the NFL has
22 produced videos that praise players who embody the ethos of playing hurt (for example, "Top Ten Gutsiest
23 Performances"). This film and others like it celebrate players' ability to play through the pain and injury
24 and promote an expectation among players and fans that players must and often do play through any injury,
25 including MTBI.
26

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1 107. This is part of the overall culture in which NFL players are encouraged to play despite an
2 injury, in part, because failure to play through an injury creates the risk of losing playing time, a starting
3 position, and possibly a career.

4 108. Within this culture, the NFL purposefully profits from the violence it promotes.

5 109. Starting in 2010, the NFL, for the first time in its history, began to levy fines for excessive
6 hits to the head. As recently as October 2010, the NFL fined Pittsburgh Steelers' linebacker James
7 Harrison \$75,000.00 dollars for a vicious hit the NFL deemed "illegal" on Cleveland Browns' receiver
8 Mohamed Massaquoi. That same week the NFL fined New England Patriots' defender Brandon
9 Meriweather and Atlanta Falcons' defender Dunta Robinson for hits the NFL also deemed "dangerous and
10 illegal." In total the NFL fined the three players approximately \$175,000.00 for the hits.
11

12 110. Notwithstanding those fines, in an effort to profit, the NFL sold photos of the illegal hits on
13 its website for between \$54.95 and \$249.95. Only after receiving negative publicity did the NFL removed
14 the photos and acknowledge that it made a mistake to place photos of illegal and dangerous hits for sale on
15 its website.
16

17 Head Injuries, Concussions, and Neurological Damage

18 111. It has been well known for many decades that repetitive and violent jarring of the head or
19 impact to parts of the head can cause MTBI and long term, chronic neuro-cognitive sequelae.
20

21 112. The defendants have known that the American Association of Neurological Surgeons (the
22 "AANS") has defined a concussion as "a clinical syndrome characterized by an immediate and transient
23 alteration in brain function, including an alteration of mental status and level of consciousness, resulting
24 from mechanical force or trauma." The AANS defines traumatic brain injury ("TBI") as:
25

26 a blow or jolt to the head, or a penetrating head injury that disrupts the normal
27 function of the brain. TBI can result when the head suddenly and violently hits an object, or
28 when an object pierces the skull and enters brain tissue. Symptoms of a TBI can be mild,

1 moderate or severe, depending on the extent of damage to the brain. Mild cases may result
2 in a brief change in mental state or consciousness, while severe cases may result in extended
3 periods of unconsciousness, coma or even death.

4 113. The Defendants have known for years that MTBI generally occurs when the head either
5 accelerates rapidly and then is stopped, or is rotated rapidly. The results frequently include, among other
6 things, confusion, blurred vision, memory loss, nausea, and sometimes unconsciousness.

7 114. The defendant has known for years that medical evidence has shown that symptoms of
8 MTBI can appear hours or days after the injury, indicating that the injured party had not healed from the
9 initial blow.

10 115. The NFL has known for years that once a person suffers a MTBI he is up to four times more
11 likely to sustain a second one. Additionally, after suffering even a single sub-concussive or concussive
12 blow, a lesser blow may cause MTBI, and the injured person requires more time to recover. This goes to
13 the heart of the problem: players being unaware of the serious risk posed by returning to play before
14 having allowed their initial head injury or concussion to heal fully.

15 116. The NFL has known for years that clinical and neuro-pathological studies by some of the
16 nation's foremost experts demonstrate that multiple head injuries or concussions sustained during an NFL
17 player's career can cause severe cognitive problems such as depression and early-onset dementia.

18 117. The NFL has known or should have known for decades, published peer reviewed scientific
19 studies have shown that repeated traumatic head impacts (including sub-concussive blows and concussions)
20 cause ongoing and latent brain injury. The brain injuries were documented in various kinds of injuries,
21 including sports-related head impacts in both football and boxing.

22 118. The NFL has known or should have known for decades that neuropathology studies, brain
23 imaging tests, and neuropsychological tests on many former football players, including former NFL
24 players, have established that football players who sustain repetitive head impacts while playing the game

1 have suffered and continue to suffer brain injuries that result in any one or more of the following
2 conditions: early-onset of Alzheimer's Disease, dementia, depression, deficits in cognitive functioning,
3 reduced processing speed, attention, and reasoning, loss of memory, sleeplessness, mood swings,
4 personality changes, and the debilitating and latent disease known as Chronic Traumatic Encephalopathy
5 ("CTE"). The latter condition involves the slow build-up of the Tau protein within the brain tissue that
6 causes diminished brain function, progressive cognitive decline, and many of the symptoms listed above.
7 CTE is also associated with an increased risk of suicide.

9 119. The NFL has known or should have known for decades that CTE is found in athletes with a
10 history of repetitive head trauma. Published papers have shown this condition to be prevalent in retired
11 professional football players who have a history of head injury. The changes in the brain caused by
12 repetitive trauma are thought to begin when the brain is subjected to trauma, but symptoms may not appear
13 until months, years, or even decades after the last traumatic impact or the end of active athletic
14 involvement.

16 120. The NFL has known for a considerable period of time of reported papers and studies
17 documenting autopsies on over twenty-five former NFL players. Reports show that over ninety percent of
18 the players suffered from CTE.

20 121. As a result, published peer reviewed scientific studies have shown that playing professional
21 football is associated with significant risk for permanent brain injury.

22 122. Published peer reviewed scientific studies have shown that 28% of the NFL retirees studied,
23 suffered from depression, whereas the prevalence of depression in the general population is 9.5%.

24 123. Published peer reviewed scientific studies have shown that 36% of NFL retirees, age 65-75,
25 who were studied suffered from dementia, whereas the prevalence of dementia in the general population for
26 the same age group is merely 2.2-6.5%.

1 124. Published peer reviewed scientific studies have shown that retired players with three or more
2 reported concussions had a fivefold prevalence of mild cognitive impairment (MCI) and a threefold
3 prevalence of significant memory problems, compared to other retirees.

4 125. In a study of NFL retirees, 11.1% of all respondents reported having a diagnosis of clinical
5 depression.

6 126. NFL retirees experience earlier onset of Alzheimer's-like symptoms more frequently than
7 the general American male population in the same age range.

8 127. Repeated head trauma can also result in so-called "Second Impact Syndrome," in which re-
9 injury to a person who has already suffered a concussion triggers swelling that the skull cannot
10 accommodate as discovered in 1973.

11
12
13 **The NFL Was and Is in a Superior Position of Knowledge**
14 **and Authority and Owed a Duty to Players**

15 128. At all times, the NFL was and is in a position of superior knowledge as compared with all
16 former NFL players who are Plaintiffs with respect to the risks associated with repetitive traumatic head
17 impacts that involve sub-concussive and concussive injuries.

18 129. On information and belief, over the past two decades, the NFL and paid consultants
19 voluntarily and gratuitously consulted with independent physicians and neuro-cognitive specialists on the
20 issue of head trauma to NFL players, and the NFL has ignored and suppressed professional advice on such
21 diverse and important topics as: the recognition of the circumstances that can precipitate MTBI, the long-
22 term potential consequences of MTBI on NFL players, and solutions for players who have sustained
23 MTBI.

24 130. At all relevant times, the NFL held a long standing duty to protect its players and the public
25 at large to research, study, test, understand and address the risks of neurological injury—short term and
26

1 long term—related to playing football in the NFL. As such, the NFL owed a duty of reasonable care to
2 educate players about the risks associated with repetitive head trauma and/or concussions, of which the
3 NFL was aware and had been aware for many years. By gratuitously undertaking to study and publicly
4 report about MBTI in professional football, the NFL assumed a duty not to mislead players and the general
5 public about the risks of permanent neurological damage that can occur from MBTI incurred while playing
6 football.
7

8 131. Moreover, the NFL held a duty to protect its NFL players by providing truthful information
9 about the risks of play in light of the fact that at all relevant times, the NFL knew that the vast majority of
10 NFL players played under non-guaranteed contracts and, as such, would willingly (and unknowingly)
11 expose themselves to additional neurological injury and an increased risk of harm solely to maintain those
12 non-guaranteed contracts.
13

14 132. Once the NFL assumed a duty to reasonably study and understand the exposure to MTBI
15 and its long-term cognitive complications, it failed to act appropriately by covering-up, hiding, denying and
16 repressing all pertinent information. Instead of using this information for the safety of the players, the NFL
17 fraudulently covered up its knowledge of the dangers.
18

19 **The NFL's Knew the Dangers and Risks Associated with**
20 **Repetitive Head Impacts and Concussions**

21 133. For decades, the NFL has been aware that multiple blows to the head can lead to long-term
22 brain injury, including but not limited to memory loss, dementia, depression, and CTE and its related
23 symptoms.
24

25 134. In 1928, pathologist Harrison Martland described the clinical spectrum of abnormalities
26 found in "almost 50 percent of fighters [boxers] . . . if they ke[pt] at the game long enough" (the "Martland
27
28

1 study"). The article was published in the Journal of the American Medical Association. The Martland
2 study was the first to link sub-concussive blows and "mild concussions" to degenerative brain disease.

3 135. In 1937, the American Football Coaches Associates published a report warning that players
4 who suffer a concussion should be removed from sports demanding personal contact.

5 136. In 1948, the New York State Legislature created the Medical Advisory Board of the New
6 York Athletic Commission for the specific purpose of creating mandatory rules for professional boxing
7 designed to prevent or minimize the health risks to boxers. After a three year study, the Medical Advisory
8 Board recommended, among other things, (a) an accident survey committee to study ongoing accidents and
9 deaths in boxing rings; (b) two physicians at ring-side for every bout; (c) post-bout medical follow-up
10 exams; (d) a 30-day period of no activity following a knockout and a medical follow up for the boxer, all of
11 which was designed to avoid the development of "punch drunk syndrome," also known at the time as
12 "traumatic encephalopathy"; (e) a physician's prerogative to recommend that a boxer surrender temporarily
13 his boxing license if the physician notes that boxer suffers significant injury or knockout; and (f) a medical
14 investigation of boxers who suffer knockouts numerous times.
15

16 137. The recommendations were codified as rules of the New York State Athletic Commission.
17

18 138. In or about 1952, the Journal of the American Medical Association published a study of
19 encephalopathic changes in professional boxers.
20

21 139. That same year, an article published in the New England Journal of Medicine recommended
22 a three-strike rule for concussions in football (i.e., recommending that players cease to play football after
23 receiving their third concussion.)
24

25 140. In the 1960's and 70's, the development of the protective face mask in football allowed the
26 helmeted head to be used as a battering ram. By 1975 the number of head and neck injuries from football
27 that resulted in permanent quadriplegias in Pennsylvania and New Jersey lead to the creation of the
28

1 National Football Head and Neck Registry, which was sponsored by the National Athletic Trainers
2 Association and the Sports Medicine Center at the University of Pennsylvania.

3 141. In 1973, a potentially fatal condition known as "Second Impact Syndrome"—in which re-
4 injury to the already-concussed brain triggers swelling that the skull cannot accommodate—was identified.
5 It did not receive this name until 1984. Upon information and belief, Second Impact Syndrome has
6 resulted in the deaths of at least forty football players.
7

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

12 repetitive head trauma in contact sports, including boxing and football, has potential
13 dangerous long-term effects on brain function;

14 encephalopathy (dementia pugilistica) is caused in boxers by repeated sub-concussive and
15 concussive blows to the head;

16 acceleration and rapid deceleration of the head that results in brief loss of consciousness in
17 primates also results in a tearing of the axons (brain cells) within the brainstem;

18 mild head injury there is a relation between neurologic pathology and length of career in
19 athletes who play contact sports;

20 immediate retrograde memory issues occur following concussions;

21 mild head injury requires recovery time without risk of subjection to further injury;

22 head trauma is linked to dementia; and

23 a football player who suffers a concussion requires significant rest before being subjected to
24 further contact.

25 143. In the early 1980's, the Department of Neurosurgery at the University of Virginia published
26 studies on patients who sustained mild traumatic brain injury and observed long-term damage in the form
27 of unexpected cognitive impairment. The studies were published in neurological journals and treatises
28

1 within the United States. The results of the studies were reported in the Wall Street Journal and New York
2 Times.

3 144. In 1982, the University of Virginia and other institutions conducted studies on college
4 football teams that showed that football players who suffered mild traumatic brain injuries suffered
5 pathological short-term and long-term damage. With respect to concussions, the same studies showed that
6 a person who sustained one concussion was more likely to sustain a second, particularly if that person was
7 not properly treated and removed from activity so that the concussion symptoms were allowed to resolve.
8

9 145. The same studies showed that two or more concussions close in time could have serious
10 short-term and long-term consequences in both football players and other victims of brain trauma.
11

12 146. In 1986, Dr. Robert Cantu of the American College of Sports Medicine published
13 Concussion Grading Guidelines.

14 147. By 1991, three distinct medical professionals/entities, all independent from the NFL—Dr.
15 Robert Cantu of the American College of Sports Medicine, the American Academy of Neurology, and the
16 Colorado Medical Society—developed return-to-play criteria for football players suspected of having
17 sustained head injuries.
18

19 148. In 1999, the National Center for Catastrophic Sport Injury Research at the University of
20 North Carolina conducted a study involving eighteen thousand (18,000) collegiate and high school football
21 players. The research showed that once a player suffered one concussion, he was three times more likely to
22 sustain a second in the same season.
23

24 149. A 2000 study, which surveyed 1,090 former NFL players, found that more than sixty (60)
25 percent had suffered at least one concussion, and twenty-six (26) percent had suffered three (3) or more,
26 during their careers. Those who had sustained concussions reported more problems with memory,
27
28

1 concentration, speech impediments, headaches, and other neurological problems than those who had not
2 been concussed.

3 150. Also in 2000, a study presented at the American Academy of Neurology's 52nd Annual
4 Meeting and authored by Dr. Barry Jordan, Director of the Brain Injury Program at Burke Rehabilitation
5 Hospital in White Plains, New York, and Dr. Julian Bailes, surveyed 1,094 former NFL players between
6 the ages of 27 and 86 and found that: (a) more than 60% had suffered at least one concussion in their
7 careers with 26% of the players having three or more and 15% having five or more; (b) 51% had been
8 knocked unconscious more than once; (c) 73% of those injured said they were not required to sit on the
9 sidelines after their head trauma; (d) 49% of the former players had numbness or tingling; 28% had neck or
10 cervical spine arthritis; 31% had difficulty with memory; 16% were unable to dress themselves; 11% were
11 unable to feed themselves; and (3) eight suffered from Alzheimer's disease.
12

13
14 151. A 2001 report by Dr. Frederick Mueller that was published in the Journal of Athletic
15 Training reported that a football-related fatality has occurred every year from 1945 through 1999, except
16 for 1990. Head-related deaths accounted for 69% of football fatalities, cervical spinal injuries for 16.3%,
17 and other injuries for 14.7%. High school football produced the greatest number of football head-related
18 deaths. From 1984 through 1999, sixty-nine football head-related injuries resulted in permanent disability.
19

20 152. In 2004, a convention of neurological experts in Prague met with the aim of providing
21 recommendations for the improvement of safety and health of athletes who suffer concussive injuries in ice
22 hockey, rugby, football, and other sports based on the most up-to-date research. These experts
23 recommended that a player never be returned to play while symptomatic, and coined the phrase, "when in
24 doubt, sit them out."
25

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27 ///

1 153. This echoed similar medical protocol established at a Vienna conference in 2001. These two
2 conventions were attended by predominately American doctors who were experts and leaders in the
3 neurological field.

4 154. The University of North Carolina's Center for the Study of Retired Athletes published
5 survey-based papers in 2005 through 2007 that found a strong correlation between depression, dementia,
6 and other cognitive impairment in NFL players and the number of concussions those players had received.
7

8 155. An ESPN report stated in 2006, "[a]ll standard U.S. guidelines, such as those first set by the
9 American Academy of Neurology and the Colorado Medical Society, agree that athletes who lose
10 consciousness should never return to play in the same game."
11

12 156. Upon information and belief, in literally hundreds upon thousands of games and practices,
13 concussed players—including those knocked entirely unconscious—were returned to play in the same
14 game or practice.

15 157. Indeed, while the NFL knew for decades of the harmful effects of concussions on a player's
16 brain, it actively concealed these facts from coaches, trainers, players, and the public.
17

18 **The NFL Voluntarily Undertook the Responsibility of Studying Head Impacts In Football,**
19 **Yet Fraudulently Concealed Their Long-Term Effects**

20 158. As described above, the NFL has known for decades that multiple blows to the head can
21 lead to long-term brain injury, including, but not limited to, memory loss, dementia, depression, and CTE
22 and its related symptoms.

23 159. Rather than take immediate measures to protect its players from these known dangers,
24 between the 1960s and 1994, the NFL failed to react to information readily available to it which warranted
25 action to address this public health issue.
26

27 ///

1 160. Then, in 1994, the NFL agreed to fund a voluntarily and gratuitously formulated committee
2 to study the issue of head injury in the NFL. Then NFL Commissioner Paul Tagliabue voluntarily and
3 unilaterally formed a committee to study the issue in 1994. This Committee, the Mild Traumatic Brain
4 Injury Committee (the "MTBI Committee"), voluntarily undertook the responsibility of studying the effects
5 of concussions on NFL players.
6

7 161. At that time, the current NFL Commissioner, Roger Goodell ("Goodell"), was the NFL's
8 Vice President and Chief Operating Officer.

9 162. With the MTBI Committee, the NFL voluntarily inserted itself into the private and public
10 discussion and research on an issue that goes to the core safety risk for players who participate at every
11 level of the game. Through its voluntary creation of the MTBI Committee, the NFL affirmatively assumed
12 its long-standing duty to use reasonable care in the study of concussions and post-concussion syndrome in
13 NFL players; the study of any kind of brain trauma relevant to the sport of football; the use of information
14 developed; and the publication of data and/or pronouncements from the MTBI Committee.
15

16 163. Rather than exercising reasonable care in these duties, the NFL immediately engaged in a
17 long-running course of fraudulent and negligent conduct, which included a campaign of disinformation
18 designed to (a) dispute accepted and valid neuroscience regarding the connection between repetitive
19 traumatic brain injuries and concussions and degenerative brain disease such as CTE; and (b) to create a
20 falsified body of research which the NFL could cite as proof that truthful and accepted neuroscience on the
21 subject was inconclusive and subject to doubt.
22

23 164. The NFL's response to the issue of brain injuries and degenerative brain disease in retired
24 NFL players caused by concussions and repetitive brain trauma received during their years as professional
25 football players has been, until very recently, a concerted effort of deception and denial. The NFL actively
26
27
28

1 tried to and did conceal the extent of the concussion and brain trauma problem, the risk to the Plaintiffs,
2 and the risks to anyone else who played football.

3 165. The MTBI Committee's stated goal was to present objective findings on the extent to which
4 a concussion problem existed in the League, and to outline solutions. Ironically, the MTBI Committee's
5 studies were supposed to be geared toward "improv[ing] player safety" and for the purpose of instituting
6 "rule changes aimed at reducing head injuries."
7

8 166. By 1994, when the NFL formed the MTBI Committee, independent scientists and
9 neurologists alike were already convinced that all concussions—even seemingly mild ones—were serious
10 injuries that can permanently damage the brain, impair thinking ability and memory, and hasten the onset
11 of mental decay and senility, especially when they are inflicted frequently and without time to properly
12 heal.
13

14 167. The MTBI Committee was publicized by the NFL as independent from the NFL, consisting
15 of a combination of doctors and researchers.

16 168. The MTBI Committee, however, was not independent. It consisted of at least five (5)
17 members who were already affiliated with the NFL.
18

19 169. Instead of naming a noted neurologist to chair the newly formed MTBI Committee, or at
20 least a physician with extensive training and experience treating head injuries, Commissioner Tagliabue
21 appointed Dr. Elliot Pellman, a rheumatologist who lacked any specialized training or education relating to
22 concussions, and who was a paid physician and trainer for the New York Jets.
23

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

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1 171. Dr. Pellman would go on to chair the MTBI Committee from 1994-2007, and his leadership
2 of the Committee came under frequent and harsh outside criticism related to his deficient medical training,
3 background, and experience.

4 172. The fact that Dr. Pellman was a paid physician for an NFL Team was an obvious conflict of
5 interest. At no time was Dr. Pellman independent of the NFL, because he was paid on an ongoing basis by
6 an NFL Team.
7

8 173. The NFL failed to appoint any neuropathologist to the MTBI Committee.

9 174. From its inception in 1994, the MTBI Committee allegedly began conducting studies to
10 determine the effect of concussions on the long-term health of NFL players.
11

12 175. NFL Commissioner Roger Goodell confirmed this in June 2007 when he stated publicly that
13 the NFL had been studying the effects of traumatic brain injury for "close to 14 years"

14 176. Under Dr. Pellman, the MTBI Committee spearheaded a disinformation campaign.

15 177. Dr. Pellman and two other MTBI Committee members, Dr. Ira Casson, a neurologist, and
16 Dr. David Viano, a biomedical engineer, worked to discredit scientific studies that linked head impacts and
17 concussions received by NFL players to brain injuries.
18

19 178. The MTBI Committee did not publish its first findings on active players until 2003. In that
20 publication, the MTBI Committee stated, contrary to years of independent findings, that there were no long
21 term negative health consequences associated with concussions.

22 179. The MTBI Committee published its findings in a series of sixteen (16) papers between 2003
23 and 2009. According to the MTBI Committee, all of their findings supported a conclusion that there were
24 no long term negative health consequences associated with concussions or brain injuries. These findings
25 regularly contradicted the research and experiences of neurologists who treat sports concussions and the
26 players who endured them.
27
28

1 180. Completely contrary to public findings and conclusions, the NFL's team of hand-picked so-
2 called experts on the MTBI Committee did not find concussions to be of significant concern and felt it
3 appropriate for players suffering a concussion to continue playing football during the same game or
4 practice in which one was suffered. This recommendation and practice by the NFL, promoted by the MTBI
5 Committee, was irresponsible and dangerous.
6

7 181. The MTBI Committee's methodology and the conclusions reached in its research were
8 criticized by independent experts due to the numerous flaws in the study design, methodology, and
9 interpretation of the data, which led to conclusions at odds with over 80 years of science and medicine.
10

11 182. For example, in 2004 the MTBI Committee published a conclusion in which it claimed that
12 its research found no risk of repeated concussions in players with previous concussions and that there was
13 no "7- to 10- day window of increased susceptibility to sustaining another concussion."
14

15 183. In a comment to this publication, one independent doctor wrote that "[t]he article sends a
16 message that it is acceptable to return players while still symptomatic, which contradicts literature
17 published over the past twenty years suggesting that athletes be returned to play only after they are
18 asymptomatic, and in some cases for seven days."
19

20 184. As a further example, an MTBI Committee conclusion in 2005 stated that "[p]layers who are
21 concussed and return to the same game have fewer initial signs and symptoms than those removed from
22 play. Return to play does not involve a significant risk of a second injury either in the same game or during
23 the season." "These data suggest," the MTBI Committee reported, "that these players were at no increased
24 risk" of subsequent concussions or prolonged symptoms such as memory loss, headaches, and
25 disorientation.
26

27 ///

28 ///

1 185. Yet, a 2003 NCAA study of 2,905 college football players found just the opposite: "Those
2 who have suffered concussions are more susceptible to further head trauma for seven to 10 days after the
3 injury."

4 186. Support for this same conclusion was developed as early as 1982 in studies conducted at the
5 University of Virginia.

6
7 187. Dr. Pellman and his group stated repeatedly that the NFL study showed "no evidence of
8 worsening injury or chronic cumulative effects of multiple [MTBI] in NFL players."

9 188. The 2003 report by the Center for the Study of Retired Athletes at the University of North
10 Carolina, however, found a link between multiple concussions and depression among former professional
11 players with histories of concussions. A 2005 follow-up study by the Center showed a connection between
12 concussions and both brain impairment and Alzheimer's disease among retired NFL players.

13
14 189. Other contrary conclusions that the MTBI Committee published at the behest, urging, and
15 sponsorship of NFL over several years include, but are not limited to, the following:

16 Drs. Pellman and Viano stated that because a "significant percentage of players returned to
17 play in the same game [as they suffered a concussion] and the overwhelming majority of
18 players with concussions were kept out of football-related activities for less than 1 week, it
19 can be concluded that mild [TBIs] in professional football are not serious injuries";

20 that NFL players did not show a decline in brain function after a concussion;

21 that there were no ill effects among those who had three (3) or more concussions or who
22 took hits to the head that sidelined them for a week or more;

23 that "no NFL player experienced the second-impact syndrome or cumulative
24 encephalopathy from repeat concussions"; and

25 that NFL players' brains responded and healed faster than those of high school or college
26 athletes with the same injuries.

27 190. The MTBI Committee's papers and conclusions were against the weight of the scientific
28 evidence and based on biased data collection techniques. They received significant criticism in the

1 scientific and medical media from independent doctors and researchers and were met with skepticism in
2 peer review segments following each article's publication.

3 191. Renowned experts Dr. Robert Cantu and Dr. Julian Bailes wrote harshly critical reviews of
4 the studies' conclusions.

5 192. Dr. Cantu observed that the extremely small sample size and voluntary participation in the
6 NFL's study suggested there was bias in choosing the sample. According to Dr. Cantu, no conclusions
7 should be drawn from the NFL study.
8

9 193. A different scientist who reviewed the MTBI Committee's work further stated that the NFL
10 appeared to be primarily preparing a defense for when injured players eventually sued, and that it seemed
11 to be promoting a flawed scientific study to justify its conclusion that concussions do not have adverse
12 effects on players.
13

14 194. Dr. Kevin Guskiewicz has stated that the "data that hasn't shown up makes their work
15 questionable industry-funded research."

16 195. In and around 2009, The MTBI Committee's work was criticized in the popular press by
17 ESPN and the New York Times when repeated inconsistencies and irregularities in the MTBI Committee's
18 data were revealed.
19

20 196. An October 2006 ESPN article described how the MTBI Committee failed to include
21 hundreds of neuropsychological tests done on NFL players in the results of the Committee's studies on the
22 effects of concussions and was selective in its use of injury reports.
23

24 197. The results reported by Dr. Pellman and the MTBI Committee selectively excluded at least
25 850 baseline tests. In a paper published in Neurosurgery in December 2004, Dr. Pellman and the other
26 MTBI Committee members reported on the baseline data for 655 players and the results for 95 players who
27 had undergone both baseline testing and post-concussion testing. They concluded that NFL players did not
28

1 show a decline in brain function after suffering concussions. Their further analysis purportedly found no ill
2 effects among those who had three or more concussions or who took hits to the head that kept them out for
3 a week or more. The paper did not explain where the players in the study groups came from specifically or
4 why certain player data was included and that data from hundreds of other players was not.

5
6 198. The October 2006 ESPN article further revealed that Dr. Pellman had fired a
7 neuropsychologist for the New York Jets, Dr. William Barr, after Dr. Barr presented at a conference some
8 NCAA study findings that contradicted NFL practices.

9
10 199. As described in the following paragraphs, when faced with studies which implicated a
11 causal link between concussions and cognitive degeneration, the NFL, through the MTBI Committee,
12 continued to produce contrary findings which were false, distorted, and deceptive to NFL players,
13 participants in football nationwide, and the public at large.

14
15 200. Between 2002 and 2007, Dr. Bennet Omalu examined the brain tissue of deceased NFL
16 players, including Mike Webster, Terry Long, Andre Waters, and Justin Strzelczyk. Dr. Omalu concluded
17 that the players suffered from CTE.

18
19 201. All of these individuals suffered multiple concussions during their NFL careers. Later in
20 life, each exhibited symptoms of deteriorated cognitive functions, paranoia, panic attacks, and depression.

21
22 202. Some of Dr. Omalu's findings were published in Neurosurgery. Those findings included
23 that Webster's and Long's respective deaths were partially caused by CTE and were related to multiple
24 concussions suffered during their activity in the NFL.

25
26 203. In response to Dr. Omalu's articles, the MTBI Committee wrote a letter to the editor, Dr.
27 Michael Apuzzo who was an agent of the NFL, of Neurosurgery asking that Dr. Omalu's article be
28 retracted.

///

1 204. In an article published in Neurosurgery in 2007, Dr. Cantu reached a similar conclusion
2 regarding Andre Waters as Dr. Omalu had reached as to Webster and Long.

3 205. A 2003 study partially authored by Dr. Kevin Guskiewicz analyzed data from almost 2,500
4 retired NFL players and found that 263 of the retired players suffered from depression. The study found
5 that having three or four concussions meant twice the risk of depression as never-concussed players and
6 that having five or more concussions meant a nearly threefold risk.
7

8 206. The NFL's MTBI Committee attacked these studies.

9 207. In November 2003, Dr. Guskiewicz was scheduled to appear on HBO's "Inside the NFL" to
10 discuss his research. Dr. Pellman called Dr. Guskiewicz in advance and questioned whether it was in the
11 best interest of Dr. Guskiewicz to appear on the program. On the program, Dr. Pellman stated
12 unequivocally that he did not believe the results of the study led by Dr. Guskiewicz.
13

14 208. In 2005, Dr. Guskiewicz performed a clinical follow-up study, and found that retired players
15 who sustained three or more concussions in the NFL had a five-fold prevalence of mild cognitive
16 impairment in comparison to NFL retirees without a history of concussions. In doing this research, Dr.
17 Guskiewicz conducted a survey of over 2,550 former NFL athletes.
18

19 209. The MBTI Committee attacked and sought to undermine the study, issuing the following
20 excuse and delay tactic: "We want to apply scientific rigor to this issue to make sure that we're really
21 getting at the underlying cause of what's happening. . . . You cannot tell that from a survey."

22 210. In August 2007, the NFL, in keeping with its scheme of fraud and deceit, issued a
23 concussion pamphlet to players which stated:
24

25 Current research with professional athletes has not shown that having more than one
26 or two concussions leads to permanent problems if each injury is managed properly.
27 It is important to understand that there is no magic number for how many
28 concussions is too many. Research is currently underway to determine if there are
any long-term effects of concussion[s] in NFL athletes.

1 211. In a statement made around the time that the concussion pamphlet was released, NFL
2 Commissioner Roger Goodell said, "We want to make sure all NFL players . . . are fully informed and take
3 advantage of the most up to date information and resources as we continue to study the long-term impact
4 on concussions." The NFL decided that the "most up to date information" did not include the various
5 independent studies indicating a causal link between multiple concussions and cognitive decline in later
6 life.
7

8 212. Goodell also stated, "[b]ecause of the unique and complex nature of the brain, our goal is to
9 continue to have concussions managed conservatively by outstanding medical personnel in a way that
10 clearly emphasizes player safety over competitive concerns."
11

12 213. The Plaintiffs relied to their detriment on the NFL's disinformation, all of which was
13 contrary to the findings of the independent scientists who had studied the issue, including Drs. Guskiewicz,
14 Cantu, Omalu, and Bailes, regarding the causal link between multiple head injuries and concussions and
15 cognitive decline.
16

17 214. Facing increasing media scrutiny over the MTBI Committee's questionable studies, Dr.
18 Pellman eventually resigned as the head of the Committee in February 2007. He was replaced as head by
19 Dr. Ira Casson and Dr. David Viano, but remained a member of the Committee.
20

21 215. Dr. Guskiewicz, research director of the University of North Carolina's Center for the Study
22 of Retired Athletes, said at the time that Dr. Pellman was "the wrong person to chair the committee from a
23 scientific perspective and the right person from the league's perspective."
24

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

1 217. Drs. Casson and Viano continued to dismiss outside studies and overwhelming evidence
2 linking dementia and other cognitive decline to brain injuries. In 2007, in a televised interview on HBO's
3 Real Sports, Dr. Casson definitively and unequivocally stated that there was no link between concussions
4 and depression, dementia, Alzheimer's disease, or "anything like [that] whatsoever." 47. In June 2007, the
5 NFL convened a concussion summit for team doctors and trainers. Independent scientists, including Drs.
6 Cantu, and Guskiewicz, presented their research to the NFL.
7

8 218. Dr. Julian Bailes, a neurosurgeon from West Virginia University, briefed the MTBI
9 Committee on the findings of Dr. Omalu and other independent studies linking multiple NFL head injuries
10 with cognitive decline. Dr. Bailes recalled that the MTBI's Committee's reaction to his presentation was
11 adversarial: "The Committee got mad . . . we got into it. And I'm thinking, 'This is a . . . disease in
12 America's most popular sport and how are its leaders responding? Alienate the scientist who found it?
13 Refuse to accept the science coming from him?'"
14

15 219. At the summit, Dr. Casson told team doctors and trainers that CTE has never been
16 scientifically documented in football players.
17

18 220. After reviewing five years of data of on-field concussions, the NFL concluded that there was
19 no evidence for an increase in secondary brain injuries after a concussion.
20

21 221. In 2008, Boston University's Dr. Ann McKee found CTE in the brains of two more deceased
22 NFL players, John Grimsley and Tom McHale. Dr. McKee stated, "the easiest way to decrease the
23 incidence of CTE [in contact sport athletes] is to decrease the number of concussions." Dr. McKee further
24 noted that "[t]here is overwhelming evidence that [CTE] is the result of repeated sublethal brain trauma."
25

26 222. A MTBI Committee representative characterized each study as an "isolated incident" from
27 which no conclusion could be drawn, and said he would wait to comment further until Dr. McKee's
28 research was published in a peer-reviewed journal. When Dr. McKee's research was published in 2009,

1 Dr. Casson asserted that "there is not enough valid, reliable or objective scientific evidence at present to
2 determine whether . . . repeat head impacts in professional football result in long[-]term brain damage."

3 223. In 2008, under increasing pressure, the NFL commissioned the University of Michigan's
4 Institute for Social Research to conduct a study on the health of retired players. Over 1,000 former NFL
5 players took part in the study. The results of the study, released in 2009, reported that "Alzheimer's disease
6 or similar memory-related diseases appear to have been diagnosed in the league's former players vastly
7 more often than in the national population---including a rate of 19 times the normal rate for men ages 30
8 through 49."

10 224. The NFL, who commissioned the study, responded to these results by claiming that the
11 study was incomplete, and that further findings would be needed. NFL spokesperson Greg Aiello stated
12 that the study was subject to shortcomings and did not formally diagnose dementia. Dr. Casson implied
13 that the Michigan study was inconclusive and stated that further work was required. Other experts in the
14 field found the NFL's reaction to be "bizarre," noting that "they paid for the study, yet they tried to distance
15 themselves from it."

17 225. On February 1, 2010, Dr. Omalu spoke before members of the House Judiciary Committee
18 at a forum in Houston, Texas, with regard to "Head and Other Injuries in Youth, High School, College, and
19 Professional Football." In his testimony, Dr. Omalu stated that (a) the medical community has known
20 about concussions and the effects of concussions in football for over a century; (b) that every blow to the
21 head is dangerous; and (c) that repeated concussions and traumatic brain injury have the capacity to cause
22 permanent brain damage.
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**The Congressional Inquiry and
The NFL's Acknowledgement of the Concussion Crisis**

226. Shortly after the results of the Michigan study were released, Representative John Conyers, Jr., Chairman of the House Judiciary Committee, called for hearings on the impact of head injuries sustained by NFL players.

227. Drs. Cantu and McKee testified before the House of Representatives, Committee on the Judiciary, to discuss the long term impact of football-related head injuries.

228. At the first hearing in October 2009, NFL Commissioner Roger Goodell acknowledged that the NFL owes a duty to the public at large to educate them as to the risks of concussions due to the League's unique position of influence: "In addition to our millions of fans, more than three million youngsters aged 6-14 play tackle football each year; more than one million high school players also do so and nearly seventy five thousand collegiate players as well. We must act in their best interests even if these young men never play professional football."

229. When Representative Sanchez questioned Goodell about the limited nature of the NFL's purported studies on repetitive traumatic brain injuries and concussions, the conflicts of interest of those directing the studies, and the potential for bias, Goodell evaded answering the questions.

230. Also at the October hearing, NFL Players' Association ("NFLPA") Executive Director DeMaurice Smith stated, "[T]here have been studies over the last decade highlighting [connection between on-field injury and post career mental illness]. Unfortunately, the N.F.L. has diminished those studies, urged the suppression of the findings and for years, moved slowly in an area where speed should have been the impetus."

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1 231. After the Congressional hearings, the NFLPA called for the removal of Dr. Casson as MTBI
2 Committee co-chair, and stated, "Our view is that he's a polarizing figure on this issue, and the players
3 certainly don't feel like he can be an impartial party on this subject."

4 232. Dr. Casson gave testimony at these hearings, and continued to deny the validity of other
5 non-NFL studies, stating that "[t]here is not enough valid, reliable or objective scientific evidence at
6 present to determine whether or not repeat head impacts in professional football result in long term brain
7 damage."
8

9 233. Shortly after the 2009 congressional hearings, however, the NFL announced that it would
10 impose its most stringent rules to date on managing concussions, requiring players who exhibit any
11 significant sign of concussion to be removed from a game or practice and be barred from returning the
12 same day.
13

14 234. On December 17, 2009, Cincinnati Bengals wide receiver Chris Henry, 26, who played in
15 the NFL from 2004 to 2009, died after falling from the back of a truck. Drs. Omalu and Bailes performed a
16 postmortem study on Chris Henry's brain and diagnosed him with CTE.
17

18 235. The NFL's belated change of policy contradicted past recommendations by its MTBI
19 Committee which had recommended as safe the League's practice of returning players to games or
20 practices after suffering a concussion. In fact, the MTBI Committee had published a paper in 2005 that
21 stated "[p]layers who are concussed and return to the same game have fewer initial signs and symptoms
22 than those removed from play. Return to play does not involve a significant risk of a second injury either
23 in the same game or during the season."
24

25 236. In January 2010, the House Judiciary Committee held further hearings on football player
26 head injuries. Representative Conyers observed that "until recently, the NFL had minimized and disputed
27 evidence linking head injuries to mental impairment in the future."
28

1 237. Representative Linda Sanchez commented that "[i]t seems to me that the N.F.L. has literally
2 been dragging its feet on this issue until the past few years. Why did it take 15 years?"

3 238. In 2010, the NFL re-named the MTBI Committee the "Head, Neck, and Spine Medical
4 Committee" (the "Medical Committee") and announced that Dr. Pellman would no longer be a member of
5 the panel. Drs. H. Hunt Batjer and Richard G. Ellenbogen were selected to replace Drs. Casson and Viano.
6 The two new co-chairmen selected Dr. Mitchel S. Berger to serve on the new Medical Committee.
7

8 239. Under its new leadership, the Committee admitted that data collected by the NFL's formerly
9 appointed brain-injury leadership was "infected," and said that their Committee should be assembled anew.
10 The Medical Committee formally requested that Dr. Pellman not speak at one of its initial conferences.
11

12 240. During a May 2010 Congressional hearing, a Congressman made it plain to Drs. Batjer and
13 Ellenbogen that the NFL: "[had] years of an infected system here, and your job is . . . to mop [it] up."

14 241. Shortly after the May 2010 hearing, Dr. Batjer was quoted as admitting, "[w]e all had issues
15 with some of the methodologies described, the inherent conflict of interest that was there in many areas,
16 that was not acceptable by any modern standards or not acceptable to us. I wouldn't put up with that, our
17 universities wouldn't put up with that, and we don't want our professional reputations damaged by conflicts
18 that were put upon us."
19

20 The NFL's New Committee

21 242. In October 2011, Dr. Mitchel Berger of the NFL's Head, Neck, and Spine Medical
22 Committee announced that a new study was in the planning process. He admitted that the MTBI
23 Committee's previous long-range study was useless because "[t]here was no science in that." Dr. Berger
24 further stated that data from the previous study would not be used. "We're really moving on from that data.
25 There's really nothing we can do with that data in terms of how it was collected and assessed."
26

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1 243. On October 23, 2011, San Diego Charger Kris Dielman suffered a concussion early in a
2 game and could be seen staggering back to the huddle. Despite the obvious brain injury, Mr. Dielman was
3 neither evaluated by a doctor nor held out for even one play. He suffered grand mal seizures on the team's
4 plane ride home.

5 244. Ten days later, in November 2011, the NFL's injury and safety panel issued a directive
6 telling its game officials to watch closely for concussion symptoms in players.
7

8 245. Why in 1994 (and far earlier) the NFL (and its MTBI Committee) failed to change policies,
9 share accurate information, impose strict fines and give adequate warnings is difficult to comprehend in
10 light of the fact that the NFL has known for decades that multiple blows to the head can lead to long-term
11 brain injury, including memory loss, dementia, depression, and CTE and its related symptoms. Instead, the
12 NFL misled players, coaches, trainers, and the public, and actively spread disinformation.
13

14 246. It took decades for the NFL to admit that there was a problem and sixteen years to admit that
15 its information was false and inaccurate. The NFL's conduct in this regard is willful and wanton and
16 exhibits a reckless disregard for the safety of its players and the public at large. At a minimum, the NFL
17 acted with callous indifference to the duty to the Plaintiffs and players at every level of the game.
18

19 247. As a direct result of the fraudulent concealment and misrepresentations of the NFL, former
20 players have for many decades been led to believe that the symptoms of early-onset dementia, loss of
21 memory, headaches, confusion, and the inability to function were not caused by events occurring while
22 they played in the NFL. And, as a result of this willful and malicious conduct, these former players have
23 been deprived of medical treatment, incurred expenses, lost employment, suffered humiliation and other
24 damages to be specified.
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1 molding technology to create a one-piece shell to improve the structural integrity of
2 the entire helmet.

3 (e) In 1973, Riddell developed, designed, manufactured, sold, and/or distributed an air
4 cushion helmet whose interior system consisted of individual vinyl air cushions with
5 layers of fitting and energy absorbing foam. When a blow was struck, the air in the
6 cushion was expelled through a single vent, greatly reducing the initial impact. With
7 the exhausting of the air cushion, the compressed fitting foam was further
8 compressed, reducing impact.

9
10 (f) In 1977, Riddell developed, designed, manufactured, sold, and/or distributed a
11 stainless steel face-mask which offered greater bend resistance that prevented helmet
12 breakage at the drill holes.

13
14 (g) In 1981, Riddell developed, designed, manufactured, sold, and/or distributed an Air
15 Cushion Engineered helmet.

16 (h) In 1982, Riddell developed, designed, manufactured, sold, and/or distributed a M155
17 helmet model with a combination of foam and liquid-filled cells used for padding.
18 On impact, the liquid would be throttled from one cell to the next, resulting in energy
19 attenuation. The M155 helmet model included one-piece injection-molded face-
20 masks which were mar and rust-resistant, in addition to polyurethane face mask
21 straps and universal jaw pads.

22
23 (i) In 2002, Riddell developed, designed, manufactured, sold, and/or distributed the
24 Riddell Revolution helmet designed with the intent of reducing the risk of
25 concussion.
26
27
28

- 1 (j) In 2003, Riddell developed, designed, manufactured, sold, and/or distributed a real-
2 time, Head Impact Telemetry System (HITS) to monitor and record significant
3 incidences of head impact sustained during a football game or practice. The system
4 measured the location, magnitude, duration, and direction of head acceleration and
5 transmitted that information wirelessly to the sideline.
6
7 (k) In 2006, Riddell provided a research grant to the University of Pittsburgh Medical
8 Center for head injury research. The study compared rates of high school athletes
9 who wore the Riddell Revolution helmet with those who wore traditional helmets.
10
11 (l) In 2007, Riddell developed, designed, manufactured, sold, and/or distributed an
12 individual helmet system, Revolution IQ HitsTM, allowing players to monitor the
13 number and severity of impacts received during games and practices. On-board
14 electronics record every impact, allowing players to upload and evaluate each
15 occurrence on their home computers.
16
17 (m) In 2001, Riddell developed, designed, manufactured, sold, and/or distributed the 360
18 helmet which uses energy-managing materials and a face mask attachment system to
19 disperse the energy of frontal impacts. According to Riddell, it developed this
20 helmet using over 1.4 million impacts collected through Riddell's HITS technology.

21 252. Riddell is currently the official helmet of the NFL. As the official helmet for the NFL,
22 Riddell is the only helmet manufacturer allowed to display its logo on helmets wore by players during NFL
23 games. Upon information and belief, Plaintiffs wore Riddell helmets at times while playing and/or
24 practicing during their NFL careers.
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1 253. Riddell at all times herein mentioned engaged in the business of selling, manufacturing,
2 designing, testing, engineering, marketing, modifying, assembling, inspecting, distributing, and controlling
3 the helmets and other similar equipment for use by Plaintiffs and within the NFL.

4 254. Plaintiffs did not know the long-term effects of concussions and relied on the NFL and
5 Riddell to protect them.
6

7 **RIDDELL'S DUTY TO**
8 **PROTECT AGAINST THE LONG-TERM RISK OF CONCUSSIONS**

9 255. Despite years of science and medicine linking the risk of long term brain injury from repeat
10 concussions, it was not until the release of the Revolution Helmet wherein a notification reminding players
11 to "sit out" if they suffer a concussion was placed on the Revolution helmet.
12

13 256. Around the same time, Riddell developed the HITS system to monitor the severity and
14 incident of impacts that a player receives.

15 257. Based on a 2003 University of Pittsburgh Medical Center study funded by a grant from
16 Riddell, the defendants began to market the Revolution helmet as reducing concussions by 31%.

17 258. However, both the HITS system and Revolution helmet both created by Riddell and its
18 employees have been criticized by experts for their inaccurate marketing as being safer in reducing the risk
19 of concussion.
20

21 259. A study published in the Journal of Neurosurgery showed that the study by UPMC was
22 flawed in that it discounted low impact hits and in turn proved that the Revolution did not reduce the risk
23 of concussions.
24

25 260. Even to this day Riddell's helmets do not acknowledge a link between repeat concussions
26 and later life cognitive problems.

27 ///

1 261. In fact, Riddell has never warned any Plaintiff or retired player of the long-term health
2 effects of concussions.

3 **JOSEPH and M. STORMÉ SWEET**

4 262. Plaintiff Joseph Sweet was born on July 5, 1948. He is married to M, Stormé and they
5 currently reside in Phillips Ranch, California.

6
7 263. Plaintiff Joseph Sweet played Wide Receiver for the Los Angeles Rams from 1971 to 1973,
8 the New England Patriots in 1974, and the San Diego Chargers from 1975 to 1976.

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

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

14 266. Plaintiff Joseph Sweet suffers from multiple past traumatic brain injuries with various
15 symptoms.

16
17 **MICHAEL R. and MARY BALDISSAN**

18 267. Plaintiff Michael R. Baldassin was born on July 26, 1955. He is married to Mary and they
19 currently reside in Lakewood, Washington.

20 268. Plaintiff Michael R. Baldassin played Linebacker for the San Francisco 49ers from 1977 to
21 1979.

22 269. Plaintiff Michael R. Baldassin suffered multiple concussions that were improperly
23 diagnosed and improperly treated throughout his career as a professional football player in the NFL.

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

4 271. Plaintiff Michael R. Baldassin suffers from multiple past traumatic brain injuries with
5 various symptoms.
6

7 **TONY and ALLISON BOUIE**

8 272. Plaintiff Tony Bouie was born on August 7, 1972. He is married to Allison and they
9 currently reside in Anthem, Arizona.

10 273. Plaintiff Tony Bouie played Safety for the Tampa Bay Buccaneers from 1995 to 1998.

11 274. Plaintiff Tony Bouie suffered multiple concussions that were improperly diagnosed and
12 improperly treated throughout his career as a professional football player in the NFL.
13

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

18 276. Plaintiff Tony Bouie suffers from multiple past traumatic brain injuries with various
19 symptoms including, but not limited to, short term memory loss.

20 **IRV CROSS and ELIZABETH CROSS**

21 277. Plaintiff Irv Cross was born on July 27, 1939. He is married to Elizabeth and they currently
22 reside in Roseville, Minnesota.

23 278. Plaintiff Irv Cross played Defensive Back for the Philadelphia Eagles from 1961 to 1965,
24 and 1969, and the Los Angeles Rams from 1966 to 1968.
25

26 279. Plaintiff Irv Cross suffered multiple concussions that were improperly diagnosed and
27 improperly treated throughout his career as a professional football player in the NFL.
28

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

4 281. Plaintiff Irv Cross suffers from multiple past traumatic brain injuries with various
5 symptoms.
6

7 **LARRY EDWARDS**

8 282. Plaintiff Larry Edwards was born on December 18, 1948. He currently resides in Houston,
9 Texas.

10 283. Plaintiff Larry Edwards played Linebacker for the New York Giants in 1972.

11 284. Plaintiff Larry Edwards suffered multiple concussions that were improperly diagnosed and
12 improperly treated throughout his career as a professional football player in the NFL.
13

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

18 286. Plaintiff Larry Edwards suffers from multiple past traumatic brain injuries with various
19 symptoms including, but not limited to, memory loss, headaches, and dizziness.

20 **PAUL FLATLEY**

21 287. Plaintiff Paul Flatley was born on January 30, 1941. He currently resides in Richmond,
22 Indiana.

23 288. Plaintiff Paul Flatley played Wide Receiver for the Minnesota Vikings from 1963 to 1967
24 and the Atlanta Falcons from 1968 to 1970.
25

26 289. Plaintiff Paul Flatley suffered multiple concussions that were improperly diagnosed and
27 improperly treated throughout his career as a professional football player in the NFL.
28

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

4 291. Plaintiff Paul Flatley suffers from multiple past traumatic brain injuries with various
5 symptoms including, but not limited to, memory loss.

6
7 **DAVID L. GRAYSON, SR.**

8 292. Plaintiff David L. Grayson, Sr. was born on June 6, 1939. He currently resides in San
9 Diego, California.

10 293. Plaintiff David L. Grayson, Sr. played Defensive Back for the Dallas Texans from 1961 to
11 1962, the Kansas City Chiefs from 1963 to 1964, and the Oakland Raiders from 1965-1969.

12 294. Plaintiff David L. Grayson, Sr. suffered multiple concussions that were improperly
13 diagnosed and improperly treated throughout his career as a professional football player in the NFL.

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

17 296. Plaintiff David L. Grayson, Sr. suffers from multiple past traumatic brain injuries with
18 various symptoms including, but not limited, memory loss.

19
20
21 **MELVIN HOOVER**

22 297. Plaintiff Melvin Hoover was born on August 21, 1959. He currently resides in Charlotte,
23 North Carolina.

24 298. Plaintiff Melvin Hoover played Wide Receiver for the Philadelphia Eagles from 1982 to
25 1985, the New York Giants in 1981, and the Detroit Lions in 1987.

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

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

7 301. Plaintiff Melvin Hoover suffers from multiple past traumatic brain injuries with various
8 symptoms including, but not limited to, memory loss and headaches.

9 **DOUG LONG, DECEASED (Kristie Long, Administratrix)**

10 302. Doug Long was born on May 24, 1955. He died on January 12, 2012.

11 303. Doug Long played for the Seattle Seahawks from 1977 to 1979 as a Wide Receiver and
12 Defensive Back.
13

14 304. Doug Long suffered multiple concussions that were improperly diagnosed and improperly
15 treated throughout his career as a professional football player in the NFL.

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

20 306. Doug Long died from brain cancer and CTE caused from his repeated concussions and
21 Plaintiffs were unaware of the source due to active fraud by the Defendants.

22 **MARVIN MATTOX**

23 307. Plaintiff Marvin Mattox was born on August 7, 1965. He currently resides in Oklahoma
24 City, Oklahoma.
25

26 308. Plaintiff Marvin Mattox played Strong Safety for the San Diego Chargers from 1988 to
27 1989.
28

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

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

7 311. Plaintiff Marvin Mattox suffers from multiple past traumatic brain injuries with various
8 symptoms including, but not limited to, memory loss.

9 **MICHAEL W. and RANDI McKIBBEN**

10 312. Plaintiff Michael W. McKibben was born on September 3, 1956. He is married to Randi
11 and they currently reside in Pittsburgh, Pennsylvania.

12 313. Plaintiff Michael W. McKibben played Linebacker for the New York Jets from 1979 to
13 1981.
14

15 314. Plaintiff Michael W. McKibben suffered multiple concussions that were improperly
16 diagnosed and improperly treated throughout his career as a professional football player in the NFL.

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

22 316. Plaintiff Michael W. McKibben suffers from multiple past traumatic brain injuries with
23 various symptoms.
24

25 **BRUCE McNORTON**

26 317. Plaintiff Bruce McNorton was born on February 28, 1959. He currently resides in Daytona
27 Beach, Florida.
28

1 318. Plaintiff Bruce McNorton played Cornerback for the Detroit Lions from 1982 to 1990 and
2 the Miami Dolphins in 1991.

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

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

9 321. Plaintiff Bruce McNorton suffers from multiple past traumatic brain injuries with various
10 symptoms including, but not limited to, headaches and memory loss.

11 **REGGIE REMBERT**

12 322. Plaintiff Reggie Rembert was born on December 25, 1966. He currently resides in
13 Indianapolis, Indiana.

14 323. Plaintiff Reggie Rembert played Wide Receiver for the Cincinnati Bengals from 1991 to
15 1993.

16 324. Plaintiff Reggie Rembert suffered multiple concussions that were improperly diagnosed and
17 improperly treated throughout his career as a professional football player in the NFL.
18

19 325. Plaintiff Reggie Rembert was not warned by the NFL, NFL Properties, Inc., or Riddell
20 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
21 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.
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23 326. Plaintiff Reggie Rembert suffers from multiple past traumatic brain injuries with various
24 symptoms.
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GREG TURNER and RHONDA HATCHER

327. Plaintiff Greg Turner was born on June 12, 1952. He is married to Rhonda Hatcher and they currently reside in Glendale, Arizona.

328. Plaintiff Greg Turner played Linebacker for the Houston Oilers from 1985 to 1986.

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

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

331. Plaintiff Greg Turner suffers from multiple past traumatic brain injuries with various symptoms.

DELVIN WILLIAMS

332. Plaintiff Delvin Williams was born on April 17, 1951. He currently resides in Mountain View, California.

333. Plaintiff Delvin Williams played Running Back for the San Francisco 49ers from 1974 to 1977, the Miami Dolphins from 1978 to 1980, and the Green Bay Packers in 1981.

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

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

336. Plaintiff Delvin Williams suffers from multiple past traumatic brain injuries with various symptoms including, but not limited to, memory loss.

STEVEN KENNEY

337. Plaintiff Steven Kenney was born on December 26, 1955 and he currently resides in Raleigh, North Carolina.

338. Plaintiff Steven Kenney played Guard for the Philadelphia Eagles from 1979 to 1985 and the Detroit Lions in 1986.

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

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

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

RALPH GREGORY SAMPSON

342. Plaintiff Ralph Gregory Sampson was born on October 25, 1950 and he currently resides in Carlsbad, California.

343. Plaintiff Ralph Gregory Sampson played Offensive Tackle for the Houston Oilers from 1972 to 1979.

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

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

1 346. Plaintiff Ralph Gregory Sampson suffers from multiple past traumatic brain injuries with
2 various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

3 **ERIC SMEDLEY**

4 347. Plaintiff Eric Smedley was born on July 23, 1973 and he currently resides in Regina,
5 Saskatchewan, Canada.

6
7 348. Plaintiff Eric Smedley played Defensive back for the Buffalo Bills from 1996 to 1999 and
8 the Indianapolis Colts from 1999 to 2000.

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

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

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

16
17 **BENJAMIN STANLEY**

18 352. Plaintiff Benjamin Stanley was born on January 29, 1976 and he currently resides in Tyler,
19 Texas.

20
21 353. Plaintiff Benjamin Stanley played Punter for the San Francisco 49ers from 1999 to 2000, the
22 Arizona Cardinals in 2001, and the Houston Texans from 2002 to 2007.

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

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

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

7 **CASEY FITZSIMMONS**

8 357. Plaintiff Casey FitzSimmons was born on October 10, 1980 and he currently resides in
9 Canyon Creek, Montana.

10 358. Plaintiff Casey FitzSimmons played Tight end/Fullback for the Detroit Lions from 2003 to
11 2010.
12

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

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

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

21 **JOHN FARRIS**

22 362. Plaintiff John Farris was born on November 2, 1943 and he currently resides in San Diego,
23 California.
24

25 363. Plaintiff John Farris played Guard for the San Diego Chargers from 1965 to 1966.

26 364. Plaintiff John Farris suffered multiple concussions that were improperly diagnosed and
27 improperly treated throughout his career as a professional football player in the NFL.
28

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

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

7 **CHARLES BEATTY**

8 367. Plaintiff Charles Beatty was born on February 8, 1946 and he currently resides in
9 Waxahachie, Texas.

10 368. Plaintiff Charles Beatty played Safety for the Pittsburgh Steelers from 1969 to 1972 and the
11 St. Louis Cardinals in 1972.

12 369. Plaintiff Charles Beatty suffered multiple concussions that were improperly diagnosed and
13 improperly treated throughout his career as a professional football player in the NFL.
14

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

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

21 **EDWARD BELL**

22 372. Plaintiff Edward Bell was born on September 13, 1946 and he currently resides in Fort
23 Worth, Texas.

24 373. Plaintiff Edward Bell played Wide Receiver for the New York Jets from 1970 to 1975 and
25 the San Diego Chargers in 1976.
26

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

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

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

9 **SAMUEL BLACKWELL**

10 377. Plaintiff Samuel Blackwell was born on July 23, 1959 and he currently resides in Hampton,
11 Virginia.

12 378. Plaintiff Samuel Blackwell played Guard for the Philadelphia Eagles from 1982 to 1987, the
13 Pittsburgh Steelers from 1987-1990 and the Seattle Seahawks in 1991.
14

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

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

21 381. Plaintiff Samuel Blackwell suffers from multiple past traumatic brain injuries with various
22 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

23 **JERAMETRIUS BUTLER**

24 382. Plaintiff Jerametrious Butler was born on November 28, 1978 and he currently resides in
25 Cedar Hill, Texas.
26

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28

1 383. Plaintiff Jerametrious Butler played Defensive Back for the St. Louis Rams from 2001 to
2 2006 and the Buffalo Bills in 2007.

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

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

9 386. Plaintiff Jerametrious Butler suffers from multiple past traumatic brain injuries with various
10 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

11 **ROOSEVELT COLLINS JUNIOR**

12
13 387. Plaintiff Roosevelt Collins Jr. was born on January 25, 1968 and he currently resides in
14 Grand Prairie, Texas.

15 388. Plaintiff Roosevelt Collins Jr. played Linebacker for the Miami Dolphins in 1992.

16 389. Plaintiff Roosevelt Collins Jr. suffered multiple concussions that were improperly diagnosed
17 and improperly treated throughout his career as a professional football player in the NFL.

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

22 391. Plaintiff Roosevelt Collins Jr. suffers from multiple past traumatic brain injuries with
23 various symptoms including, but not limited to, sleeping problems, headaches and memory loss.
24

25 **DENNIS DEVAUGHN**

26 392. Plaintiff Dennis DeVaughn was born on October 28, 1960 and he currently resides in Plano,
27 Texas.
28

1 393. Plaintiff Dennis DeVaughn played Defensive Back for the Philadelphia Eagles from 1982 to
2 1983.

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

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

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

11 **ROBERT FARMER II**

12 397. Plaintiff Robert Farmer II was born on March 4, 1974 and he currently resides in Waxhaw,
13 North Carolina.

14 398. Plaintiff Robert Farmer II played Running Back for the New York Jets in 1999.

15 399. Plaintiff Robert Farmer II suffered multiple concussions that were improperly diagnosed and
16 improperly treated throughout his career as a professional football player in the NFL.
17

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

22 401. Plaintiff Robert Farmer II suffers from multiple past traumatic brain injuries with various
23 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
24

25 **CEDRICK HARDMAN**

26 402. Plaintiff Cedrick Hardman was born on October 4, 1948 and he currently resides in Laguna
27 Beach, California.

1 403. Plaintiff Cedrick Hardman played Defensive End for the San Francisco 49ers from 1970 to
2 1979 and the Oakland Raiders from 1980 to 1981.

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

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

8 406. Plaintiff Cedrick Hardman suffers from multiple past traumatic brain injuries with various
9 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
10

11 **LARRY MALLORY**

12 407. Plaintiff Larry Mallory was born on July 21, 1952 and he currently resides in Arlington,
13 Texas.
14

15 408. Plaintiff Larry Mallory played Defensive Back for the New York Giants from 1976 to 1978.

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

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

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

24 **COREY MAYFIELD**

25 412. Plaintiff Corey Mayfield was born on February 25, 1970 and he currently resides in Forney,
26 Texas.
27

1 413. Plaintiff Corey Mayfield played Defensive Tackle for the Miami Dolphins in 1992 and the
2 Jacksonville Jaguars in 1995.

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

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

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

12 VINCENT McCOY

13 417. Plaintiff Vincent McCoy was born on March 21, 1952 and he currently resides in Ruskin,
14 Florida.

15 418. Plaintiff Vincent McCoy played Tight End for the Washington Redskins from 1975 to 1977
16 and the Green Bay Packers from 1978 to 1979.

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

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

24 421. Plaintiff Vincent McCoy suffers from multiple past traumatic brain injuries with various
25 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
26

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28 ///

ERIC MITCHEL

422. Plaintiff Eric Mitchel was born on February 13, 1967 and he currently resides in Mansfield, Texas.

423. Plaintiff Eric Mitchel played Running Back for the New England Patriots in 1989 and the Dallas Cowboys in 1992.

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

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

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

JERRY OVERTON

427. Plaintiff Jerry Overton was born on January 1, 1941 and he currently resides in Graham, Texas.

428. Plaintiff Jerry Overton played Defensive Back for the Dallas Cowboys in 1963.

429. Plaintiff Jerry Overton suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

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

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

ISIAH ROBERTSON

432. Plaintiff Isiah Robertson was born on August 17, 1949 and he currently resides in Garland, Texas.

433. Plaintiff Isiah Robertson played Linebacker for the Los Angeles Rams from 1971 to 1978 and the Buffalo Bills from 1979 to 1982.

434. Plaintiff Isiah Robertson suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

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

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

DAVID SMITH

437. Plaintiff David Smith was born on November 11, 1965 and he currently resides in DeSoto, Texas.

438. Plaintiff David Smith played Running Back for the Philadelphia Eagles in 1988 and the Dallas Cowboys in 1990.

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

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

///

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

3 **RALPH STOCKEMER**

4 442. Plaintiff Ralph Stockemer was born on December 20, 1962 and he currently resides in
5 Plano, Texas.

6
7 443. Plaintiff Ralph Stockemer played Running back for the San Diego Chargers in 1986 and the
8 Kansas City Chiefs in 1987.

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

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

14 446. Plaintiff Ralph Stockemer suffers from multiple past traumatic brain injuries with various
15 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

16
17 **BOBBY WATKINS JUNIOR**

18 447. Plaintiff Bobby Watkins Jr. was born on May 31, 1960 and he currently resides in DeSoto,
19 Texas.

20
21 448. Plaintiff Bobby Watkins Jr. played Defensive Back for the Detroit Lions from 1982 to 1988.

22 449. Plaintiff Bobby Watkins Jr. suffered multiple concussions that were improperly diagnosed
23 and improperly treated throughout his career as a professional football player in the NFL.

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

1 451. Plaintiff Bobby Watkins Jr. suffers from multiple past traumatic brain injuries with various
2 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

3 MIKELL WILLIAMS

4 452. Plaintiff Mikell Williams was born on November 22, 1953 and he currently resides in
5 Covington, Louisiana.

6
7 453. Plaintiff Mikell Williams played Defensive Back for the San Diego Chargers from 1975 to
8 1982 and the Los Angeles Rams in 1983.

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

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

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

17 JEFFREY SEVERSON

18 457. Plaintiff Jeffrey Severson was born on September 16, 1949 and he currently resides in Long
19 Beach, California.

20 458. Plaintiff Jeffrey Severson played Defensive Back for the Houston Oilers from 1973 to 1974,
21 the Denver Broncos in 1977, and the St. Louis Cardinals in 1977.

22 459. Plaintiff Jeffrey Severson suffered multiple concussions that were improperly diagnosed and
23 improperly treated throughout his career as a professional football player in the NFL.
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1 460. Plaintiff Jeffrey Severson was not warned by the NFL, NFL Properties, Inc., or Riddell
2 Defendants of the risk of long-term injury due to football-related concussions or that the league-mandated
3 equipment did not protect him from such injury. This was a substantial factor in causing his current injury.

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

7 **EVERETT LITTLE**

8 462. Plaintiff Everett Little was born on June 12, 1954 and he currently resides in Fort Worth,
9 Texas.

10 463. Plaintiff Everett Little played Guard for the Tampa Bay Buccaneers in 1976.

11 464. Plaintiff Everett Little suffered multiple concussions that were improperly diagnosed and
12 improperly treated throughout his career as a professional football player in the NFL.
13

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

17 466. Plaintiff Everett Little suffers from multiple past traumatic brain injuries with various
18 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
19

20 **BERNARDO HARRIS**

21 467. Plaintiff Bernardo Harris was born on October 15, 1971 and he currently resides in Chapel
22 Hill, North Carolina.

23 468. Plaintiff Bernardo Harris played Linebacker for the Green Bay Packers from 1995 to 2001
24 and the Baltimore Ravens in 2002.

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

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

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

7 **ANTHONY BANKS**

8 472. Plaintiff Anthony Banks was born on April 5, 1973 and he currently resides in Irving, Texas.

9 473. Plaintiff Anthony Banks played Quarterback for the St. Louis Rams from 1996 to 1999, the
10 Baltimore Ravens from 1999 to 2000, the Washington Redskins in 2001, and the Houston Texans from
11 2003 to 2005.
12

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

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

19 476. Plaintiff Anthony Banks suffers from multiple past traumatic brain injuries with various
20 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
21

22 **ANTHONY CURTIS**

23 477. Plaintiff Anthony Curtis was born on November 11, 1983 and he currently resides in
24 Colleyville, Texas.

25 478. Plaintiff Anthony Curtis played Tight End for the Dallas Cowboys from 2006 to 2008.

26 479. Plaintiff Anthony Curtis suffered multiple concussions that were improperly diagnosed and
27 improperly treated throughout his career as a professional football player in the NFL.
28

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

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

7 **RONALD DAVIS**

8 482. Plaintiff Ronald Davis was born on February 24, 1974 and he currently resides in Marion,
9 Arkansas.

10 483. Plaintiff Ronald Davis played Linebacker for the Atlanta Falcons from 1995 to 1996 and the
11 Green Bay Packers in 1999.

12 484. Plaintiff Ronald Davis suffered multiple concussions that were improperly diagnosed and
13 improperly treated throughout his career as a professional football player in the NFL.
14

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

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

21 **JOHN MILKS**

22 487. Plaintiff John Milks was born on October 17, 1943 and he currently resides in Escondido,
23 California.

24 488. Plaintiff John Milks played Linebacker for the San Diego Chargers in 1966.

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

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

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

7 **JOHN CORKER**

8 492. Plaintiff John Corker was born on December 29, 1958 and he currently resides in Fort
9 Worth, Texas.

10 493. Plaintiff John Corker played Linebacker for the Houston Oilers from 1980 to 1982 and the
11 Green Bay Packers in 1988.
12

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

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

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

21 **WILLIAM RAY MICKENS**

22 497. Plaintiff William Ray Mickens was born on January 4, 1973 and he currently resides in
23 Westlake, Texas.

24 498. Plaintiff William Ray Mickens played Defensive Back for the New York Jets from 1996 to
25 2003, the Cleveland Browns in 2005, and the New England Patriots in 2006.
26

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1 499. Plaintiff William Ray Mickens suffered multiple concussions that were improperly
2 diagnosed and improperly treated throughout his career as a professional football player in the NFL.

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

7 501. Plaintiff William Ray Mickens suffers from multiple past traumatic brain injuries with
8 various symptoms including, but not limited to, sleeping problems, headaches and memory loss.

9 **BRANDON CHRISTENSON**

10 502. Plaintiff Brandon Christenson was born on May 10, 1977 and he currently resides in
11 Edmond, Oklahoma.

12 503. Plaintiff Brandon Christenson played Tight End for the Oakland Raiders in 2002.

13 504. Plaintiff Brandon Christenson suffered multiple concussions that were improperly diagnosed
14 and improperly treated throughout his career as a professional football player in the NFL.
15

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

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

22 **MICHAEL ALFORD**

23 507. Plaintiff Michael Alford was born on June 19, 1943 and he currently resides in Vestavia,
24 Alabama.

25 508. Plaintiff Michael Alford played Center for the St. Louis Cardinals in 1965 and the Detroit
26 Lions in 1966.
27
28

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

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

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

9 **REUBEN GIBSON**

10 512. Plaintiff Reuben Gibson was born on June 16, 1955 and he currently resides in Lake Spivey,
11 Georgia.

12 513. Plaintiff Reuben Gibson played Running Back for the Buffalo Bills in 1977 and the Atlanta
13 Falcons in 1977.
14

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

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

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

23 **LARRY BATES**

24 517. Plaintiff Larry Bates was born on March 21, 1954 and he currently resides in San Jose,
25 California.
26

27 518. Plaintiff Larry Bates played Running Back for the Seattle Seahawks in 1976.
28

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

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

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

9 **DONALD MOSEBAR**

10 522. Plaintiff Donald Mosebar was born on September 11, 1961 and he currently resides in
11 Manhattan Beach, California.

12 523. Plaintiff Donald Mosebar played Center for the Los Angeles Raiders from 1983 to 1994.

13 524. Plaintiff Donald Mosebar suffered multiple concussions that were improperly diagnosed and
14 improperly treated throughout his career as a professional football player in the NFL.
15

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

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

22 **RICHARD VAN DRUTEN**

23 527. Plaintiff Richard Van Druten was born on September 23, 1962 and he currently resides in
24 Plano, Texas.

25 528. Plaintiff Richard Van Druten played Outside Linebacker for the Kansas City Chiefs in 1988.
26

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1 529. Plaintiff Richard Van Druten suffered multiple concussions that were improperly diagnosed
2 and improperly treated throughout his career as a professional football player in the NFL.

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

7 531. Plaintiff Richard Van Druten suffers from multiple past traumatic brain injuries with various
8 symptoms including, but not limited to, sleeping problems, headaches and memory loss.

9 **DAVID RICHARDS**

10 532. Plaintiff David Richards was born on April 11, 1968 and he currently resides in Dallas,
11 Texas.

12 533. Plaintiff David Richards played Guard for the San Diego Chargers from 1988 to 1992, the
13 Detroit Lions in 1993, and the Atlanta Falcons from 1994 to 1996.

14 534. Plaintiff David Richards suffered multiple concussions that were improperly diagnosed and
15 improperly treated throughout his career as a professional football player in the NFL.
16

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

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

23 **WILLIAM KEITH WRIGHT**

24 537. Plaintiff William Keith Wright was born on January 30, 1956 and he currently resides in
25 Emory, Texas.
26

27 ///

1 538. Plaintiff William Keith Wright played Wide Receiver for the Cleveland Browns from 1978
2 to 1980.

3 539. Plaintiff William Keith Wright suffered multiple concussions that were improperly
4 diagnosed and improperly treated throughout his career as a professional football player in the NFL.

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

8 541. Plaintiff William Keith Wright suffers from multiple past traumatic brain injuries with
9 various symptoms including, but not limited to, sleeping problems, headaches and memory loss.
10

11 WALTER WILLIAMS

12 542. Plaintiff Walter Williams was born on July 10, 1954 and he currently resides in Dallas,
13 Texas.
14

15 543. Plaintiff Walter Williams played Defensive Back for the Detroit Lions from 1977 to 1980
16 and the Minnesota Vikings from 1981 to 1983.

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

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

23 546. Plaintiff Walter Williams suffers from multiple past traumatic brain injuries with various
24 symptoms including, but not limited to, sleeping problems, headaches and memory loss.
25

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CEPHUS WEATHERSPOON

547. Plaintiff Cephus Weatherspoon was born on June 14, 1948 and he currently resides in Brea, California.

548. Plaintiff Cephus Weatherspoon played Wide Receiver for the New Orleans Saints in 1972.

549. Plaintiff Cephus Weatherspoon suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

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

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

ANDRE PRESIDENT

552. Plaintiff Andre President was born on June 16, 1971 and he currently resides in Fort Worth, Texas.

553. Plaintiff Andre President played Tight End for the Chicago Bears in 1995 and the New England Patriots in 1995.

554. Plaintiff Andre President suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

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

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

RON SMITH

557. Plaintiff Ron Smith was born on November 20, 1956 and he currently resides in West Jordan, Utah.

558. Plaintiff Ron Smith played Wide Receiver for the Los Angeles Rams from 1978 to 1979, the San Diego Chargers from 1980 to 1981, and the Philadelphia Eagles from 1981 in 1983.

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

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

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

DEON ANDERSON

562. Plaintiff Deon Anderson was born on January 27, 1983 and he currently resides in Coral Springs, Florida.

563. Plaintiff Deon Anderson played Fullback for the Dallas Cowboys from 2007 to 2010.

564. Plaintiff Deon Anderson suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

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

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

DONNELL SMITH

567. Plaintiff Donnell Smith was born on May 25, 1949 and he currently resides in Corona, California.

568. Plaintiff Donnell Smith played Defensive End for the Green Bay Packers in 1971 and the New England Patriots from 1973 to 1974.

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

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

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

RICHARD STAFFORD

572. Plaintiff Richard Stafford was born on August 21, 1940 and he currently resides in Dallas, Texas.

573. Plaintiff Richard Stafford played Defensive End for the Philadelphia Eagles from 1962 to 1963.

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

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

///

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

3
4 COUNT I
5 FRAUDULENT CONCEALMENT
6 (Against NFL)

7 577. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if
8 fully set forth herein.

9
10 578. For decades, the NFL knew that repetitive head impacts in football games and full-contact
11 practices created a risk of harm to NFL players that was similar or identical to the risk of harm to, for
12 example, boxers who receive repetitive impacts to the head during boxing practices and matches.

13 579. For decades, the NFL was aware of and understood the significance of the published
14 medical literature demonstrating the serious risk of both short-term and long-term adverse consequences
15 from the kind of repetitive traumatic impacts to the head to which NFL players were exposed.

16
17 580. The NFL knowingly and fraudulently concealed from NFL players and former NFL players
18 the risks of head injuries, in particular the heightened risk created by returning to the playing field before
19 making a proper recovery from their head injuries.

20 581. From 1994 through June of 2010, the NFL voluntarily and repeatedly made material
21 misrepresentations to its players, former players, the United States Congress, and the public at large that
22 there was no link between repetitive traumatic head impacts and later-in-life cognitive/brain injury,
23 including CTE and its related symptoms.

24
25 582. The NFL's MTBI Committee published articles and the concussion pamphlet issued to
26 players, therein affirmatively concealing and downplaying known risks of repetitive brain impacts to NFL
27 players.
28

1 583. The NFL's concussion pamphlet created an atmosphere of trust that the NFL had carefully
2 undertaken its voluntary responsibility to research, test, study, and report accurate findings to the players
3 and former players. The NFL stated that "[w]e want to make sure all NFL players ... are fully informed and
4 take advantage of the most up to date information and resources as we continue to study the long-term
5 impact of concussions."
6

7 584. The concealment was ongoing. Dr. Casson provided oral and written testimony at the 2010
8 congressional hearings in which he continued to deny the validity of other studies. Dr. Casson also denied
9 the link between repetitive brain impacts and short and long term brain damage in public interviews.
10

11 585. The NFL, therefore, concealed facts and information which caused Plaintiffs to become
12 exposed to the harm referenced above. For those Plaintiffs who had retired prior to the above-mentioned
13 misrepresentations, the NFL's concerted concealment of the risks to which they had been exposed on the
14 playing field delayed their ability to plan for the future of themselves and their families and to seek
15 appropriate treatment of their latent neurodegenerative conditions.
16

17 586. The NFL knew and expected that Plaintiffs would rely on the inaccurate information
18 provided by the NFL, and Plaintiffs in fact did rely on this inaccurate information during and after their
19 NFL careers.
20

21 587. As a direct and proximate result of the NFL's fraudulent conduct, Plaintiffs have suffered
22 physical injury, including, but not limited to, existing and latent cognitive conditions that create memory
23 loss, diminished cognitive function, non-economic losses, and economic losses.
24

25 588. As a direct and proximate result of the NFL's willful concealment, Plaintiffs have suffered
26 and will continue to suffer substantial injuries, emotional distress, pain and suffering, and economic and
27 non-economic damages that are ongoing and continuing in nature.
28

///

1 589. As a result of the Defendants' misconduct as alleged herein, Defendants are liable to
2 Plaintiffs for the full measure of damages allowed under applicable law.

3
4 COUNT II

5 FRAUD

6 (Against the NFL)

7 590. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if
8 fully set forth herein.

9 591. For decades, the NFL knew that repetitive head impacts in football games and practices
10 circumstances created a risk of harm to NFL players that was similar or identical to the risk of harm to
11 boxers who receive repetitive impacts to the head during boxing practices and matches.

12 592. For decades, the NFL was aware of and understood the significance of the published
13 medical literature demonstrating the serious risk of both short-term and long-term adverse consequences
14 from the kind of repetitive traumatic impacts to the head to which NFL players were exposed

15 593. The NFL, however, withheld this information from NFL players and ignored the risks to
16 NFL players.

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

21 595. The NFL and its agents intended to defraud the Plaintiffs.

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

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

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

4 599. As a result of the NFL's fraud, the NFL is liable to Plaintiffs for the full measure of
5 damages allowed under applicable law.
6

7 **COUNT III**
8 **NEGLIGENT MISREPRESENTATION**
9 **(Against the NFL)**

10
11 600. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if
12 fully set forth herein.

13 601. For decades, the NFL knew that repetitive head impacts in football game and practices
14 circumstances created a risk of harm to NFL players that was similar or identical to the risk of harm to
15 boxers who receive repetitive impacts to the head during boxing practices and matches.
16

17 602. For decades, the NFL was aware of and understood the significance of the published
18 medical literature demonstrating the serious risk of both short-term and long-term adverse consequences
19 from the kind of repetitive traumatic impacts to the head to which NFL players were exposed.

20 603. The NFL, however, withheld this information from NFL players and ignored the risks to
21 NFL players.
22

23 604. From 1994 through June of 2010, the NFL made material misrepresentations to its players,
24 former players, the United States Congress, and the public at large that there was no scientifically proven
25 link between repetitive traumatic head impacts and later-in-life cognitive/brain injury, including CTE and
26 its related symptoms.
27
28

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

4 606. The NFL's MTBI Committee made public statements, published articles, and issued the
5 concussion pamphlet to its players, which the NFL knew or should have known were misleading,
6 downplaying and obfuscating to NFL players the true and serious risks of repetitive traumatic head
7 impacts.
8

9 607. The MTBI Committee made material misrepresentations on multiple occasions, including
10 but not limited to testimony at congressional hearings and other information issued to current and former
11 NFL Players.
12

13 608. The Defendant's misrepresentations included the false statement that present NFL players
14 were not at an increased risk of short- and long-term adverse consequences if they returned too soon to an
15 NFL games or practices after suffering head trauma and, therefore, that former players had not been
16 exposed to such increased risk during their time in the NFL.
17

18 609. The NFL's misrepresentations included ongoing and baseless criticism of legitimate
19 scientific studies that set forth the dangers and risks of head impacts which NFL players regularly
20 sustained.
21

22 610. The NFL made these misrepresentations and actively concealed true information at a time
23 when it knew, or should have known, because of its superior position of knowledge, that the Plaintiffs
24 faced health problems if they returned to a game too soon after sustaining a concussion.
25

26 611. The NFL knew or should have known the misleading nature of their statements when they
27 were made.
28

///

1 612. The NFL made the misrepresentations and actively concealed information with the intention
2 that the Plaintiffs would rely on the misrepresentations or omissions in selecting a course of action.

3 613. As a result of the NFL's misrepresentations, Defendants are liable to Plaintiffs.

4 614. As a direct and proximate result of the NFL's negligent misrepresentations, Plaintiffs have
5 suffered and continue to suffer serious personal injury, including neuro-cognitive brain disease and
6 associated damages including mental disability, loss of income, pain and suffering, emotional distress, and
7 loss of consortium. Plaintiffs seek the full measure of damages allowed under applicable law.
8

9 **COUNT IV**

10 **NEGLIGENCE**

11 **(Against the NFL)**

12
13 615. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if
14 fully set forth herein.

15 616. The NFL, by and through its monopoly power, has historically had a duty to protect the
16 health and safety of its players, including Plaintiffs, and the public, including but not limited to, a duty to
17 use reasonable care in researching, study and/or examining the dangers and risks of head injuries and/or
18 concussions to NFL players, to inform and warn their players of such risks and to effectuate reasonable
19 league policies and/or take other reasonable action to minimize the risks of head injuries.
20

21 617. In the early 1990's, the NFL voluntarily undertook to study the issue of neurocognitive
22 injuries in former NFL players.
23

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

26 619. The NFL recognized that its voluntary undertaking to study and report information about the
27 effect of head impacts on NFL players would not just be for the benefit of then-present and former NFL
28

1 players alone. Since the NFL is the most prominent and influential entity in the sport of football, the NFL
2 knew or should have known that its MBTI Committee's statements would have a broad public impact.

3 620. By voluntarily undertaking to study and report on the issue of the neurocognitive effects of
4 head impacts in professional football, the NFL assumed its long-standing duty to exercise reasonable care
5 in the MTBI Committee's work and the NFL and its agents' public statements about the substance of the
6 Committee's work.
7

8 621. Further, the NFL was well aware of 80 years of documented science and medicine linking
9 CTE to repeated concussion and cumulative problems from collusion sports including boxing and football.

10 622. However, the MBTI Committee negligently performed the NFL's voluntarily undertaken
11 research mission.
12

13 623. In addition, from 1994 through June of 2010, the NFL and its MBTI Committee made
14 material misrepresentations to players, former players, the United States Congress, and the public at large
15 that there was no scientifically valid link between repetitive traumatic head impacts and later-in-life
16 cognitive/brain injury, including CTE and its related symptoms.
17

18 624. The NFL's failure to exercise reasonable care and its breach of duty increased the risk that
19 the Plaintiffs would suffer long-term neurocognitive injuries.

20 625. The NFL failed to properly inform the public and other football leagues and players of the
21 health risks associated with concussive injuries.

22 626. The NFL failed to license and approve the best equipment available that will reduce the risk
23 of concussive brain injury.
24

25 627. The Plaintiffs reasonably relied to their detriment on the NFL's actions and omissions on the
26 subject.
27

28 ///

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

4 629. The NFL's failure to exercise reasonable care in the execution of its duties proximately
5 caused or contributed to Plaintiffs' injuries.

6 630. As a result of the NFL's negligence, the NFL is liable to Plaintiffs, and the Plaintiffs are
7 entitled to all damages allowed by applicable law.
8

9
10 COUNT V
11 LOSS OF CONSORTIUM
12 (Against All Defendants)

13 631. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if
14 fully set forth herein.

15 632. As a result of the named Defendants' misconduct, the named Defendants are liable to
16 Plaintiffs' Spouses.
17

18 633. As a direct and proximate result of the intentional misconduct, carelessness, negligence, and
19 recklessness, the Plaintiffs have sustained the aforesaid injuries, and the Plaintiffs' Spouses have been
20 damaged as follows:

- 21 a. They have been and will continue to be deprived of the services, society and
22 companionship of their respective husbands;
23
24 b. They have, will be and will continue to be required to spend money for medical care
25 and household care for the treatment of their respective husbands; and,
26
27 c. They have been and will continue to be deprived of the earnings of their respective
28 husbands.

1 634. As a result of the injuries, the Plaintiffs' Spouses are entitled to damages, as alleged herein
2 or allowed by law.

3
4 **COUNT VI**
NEGLIGENCE/NFL

5 635. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if
6 fully set forth herein.

7
8 636. The NFL had a long-standing duty of studying the relationship between repetitive head
9 impacts in football and brain injury.

10 637. In doing so, the NFL had a duty to the Plaintiffs and the general public to retain and employ
11 persons within the MTBI Committee who were professionally competent to study and render opinions on
12 that bio-medical issue and to ensure that those whom it hired had the professional and personal
13 qualifications to conduct those studies and render opinions that were scientifically rigorous, valid,
14 defensible, and honest.

15
16 638. The NFL breached its duty to the Plaintiffs and the general public by hiring persons who:
17

- 18 a. were unqualified,
19
20 b. were not competent to engage in rigorous and defensible scientific research,
21
22 c. were not competent to render valid and defensible opinions,
23
24 d. created fraudulent industry-funded research; and/or
25
26 e. attacked as not credible the valid and defensible research and opinions generated by neuro-
27
28 scientists who were unconnected to and not paid by the NFL.

1 639. The NFL's negligence in failing to retain competent and honest members of the MTBI
2 Committee resulted in a body of falsified industry-funded research that purposefully and/or negligently
3 suppressed valid and truthful bio-medical science. The NFL's negligence allowed the MTBI Committee to
4 use falsified industry-funded research to mislead the Plaintiffs, other former NFL players, and the general
5 public regarding the risks associated with repetitive head impacts in the game of football.
6

7 640. As a result of the NFL's failure, the Plaintiffs have sustained brain injuries that are
8 progressive and latent and did not take protective measures or seek the diagnosis and treatment they would
9 have sought had they been told the truth.
10

11 **COUNT VII**
12 **NEGLIGENT RETENTION**
13 **(Against the NFL)**

14 641. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if
15 fully set forth herein.
16

17 642. The NFL knew or should have known that the incompetent persons it hired for the MTBI
18 Committee demonstrated on an ongoing basis their lack of competence and inadequate judgment to study
19 and render expert opinions on the issue of the relationship between repetitive head impacts in football and
20 brain injury.
21

22 643. The NFL had a long-standing duty to the Plaintiffs and the general public not to allow those
23 incompetent persons it had hired within the MTBI Committee to continue to conduct incompetent and
24 falsified studies and render incompetent opinions on the relationship between repetitive head impacts in
25 football and brain injury.
26

27 644. During the time period when the MTBI was conducting its purported research and rendering
28 its purported opinions, the NFL knew or should have known that the purported research and opinions of the
MTBI were false and indefensible.

1 645. The NFL breached its duty to the Plaintiffs and the general public by allowing these
2 incompetent and unqualified persons, under the auspices and with the imprimatur of the NFL:

- 3 a. to continue to create incompetent and indefensible research,
4
5 b. to continue to render invalid and indefensible opinions, and
6
7 c. to continue to attack the credible and defensible research and opinions of neuro-scientists not
8 connected to or paid by the NFL.

9 646. The NFL's negligence allowed the incompetent members of the MTBI Committee to
10 continue to advance their false and incompetent research and opinions in an attempt to suppress valid bio-
11 medical science. The NFL's negligence allowed the MTBI Committee members to mislead the Plaintiffs,
12 other former NFL players, and the general public regarding the permanent brain injury risks associated with
13 repetitive head impacts in the game of football.
14

15 647. As a result of the NFL's failure, the Plaintiffs have sustained brain injuries that are
16 progressive and latent and did not take protective measures or seek the diagnosis and treatment they would
17 have sought had they been told the truth.
18

19 COUNT VIII
20 WRONGFUL DEATH AND SURVIVAL ACTIONS
21 (Against All Defendants)
22

23 648. Plaintiff and his respective Personal Representative incorporate by reference all of the
24 foregoing paragraphs of this Complaint as if fully set forth herein.

25 649. The Plaintiff's Personal Representative brings this action in her capacity as Personal
26 Representative of the deceased Plaintiff and on behalf of the respective survivors of that Plaintiff.
27
28

1 650. As a direct and proximate cause of the conduct alleged herein, the Defendants caused the
2 Plaintiffs to develop the debilitating brain diseases and conditions set forth above, which diseases and
3 conditions caused extreme pain, suffering, and anguish and, ultimately, the death of a Plaintiff.

4
5 651. The Personal Representative of the deceased Plaintiff claims damages recoverable under
6 applicable law for all pecuniary and non-pecuniary losses suffered by the deceased Plaintiff by reason of
7 his death.

8
9 652. As a direct and proximate result of the untimely death of the Plaintiff, his respective
10 survivors have been deprived of the earnings, maintenance, guidance, support and comfort that they would
11 have received from for the rest of the respective Plaintiff's natural life, and have suffered commensurate
12 pecuniary and non-pecuniary losses because of the Plaintiff's wrongful death.

13
14 653. The Plaintiff's Personal Representative claims the full measure of damages allowed under
15 applicable law.

16 **COUNT IX**
17 **NEGLIGENCE**
18 **(Against NFL Defendants)**

19 654. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if
20 fully set forth herein.

21
22 655. NFL Defendants breached its duty to ensure that the equipment it licensed and approved
23 were of the highest possible quality and sufficient to protect the NFL players, including Plaintiffs, from the
24 risk of concussive brain injuries.

25
26 656. NFL Defendants breached its duty by licensing the Riddell Defendants' helmets, and
27 approving and/or requiring the use of the helmets for the NFL players, knowing or having reason to know
28

1 that the helmets were negligently and defectively designed and/or manufactured and lacked an adequate
2 warning concerning the risks of concussion injury.

3 657. As a result of these breaches by NFL Defendants, Plaintiffs suffer personal injuries as a
4 result of the long-term health effects of concussive brain injuries.
5

6 **COUNT X**
7 **STRICT LIABILITY FOR DESIGN DEFECT**
8 **(Against Riddell)**

9 658. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if
10 fully set forth herein.
11

12 659. At the time the helmets were designed, manufactured, sold, and distributed by Riddell, the
13 helmets were defective in design, unreasonably dangerous, and unsafe for their intended purpose because
14 they did not provide adequate protection against the foreseeable risk of concussive brain injury. The design
15 defect includes, but is not limited to the following:
16

- 17 (a) Negligently failing to design the subject helmet with a safe means of attenuating and
18 absorbing the foreseeable forces of impact in order to minimize and/or reduce the
19 forces and energy directed to the player's head;
20 (a) Negligently designing the subject helmet with a shock attenuating system which was
21 not safely configured;
22 (b) Negligently failing to properly and adequately test the helmet model;
23 (c) Other acts of negligence that may be discovered during the course of this matter; and
24 (d) Failing to warn Plaintiffs that their helmets would not protect against the long-term
25 health consequences of concussive brain injury.
26
27
28

1 660. The defective design and unreasonably dangerous condition were a proximate and producing
2 cause of the personal injuries suffered by the Plaintiffs and other damages, including but not limited to,
3 economic damages and non-economic damages.

4 661. At all times, the helmets were being used for the purpose for which they were intended.

5 662. Riddell is strictly liable for designing a defective and unreasonably dangerous product and
6 for failing to warn which were proximate and producing causes of the personal injuries and other damages
7 including, but not limited to, economic damage as alleged herein. A safer alternative design was
8 economically and technologically feasible at the time the product left the control of Riddell.
9

10
11 COUNT XI
12 FAILURE TO WARN
13 (Against Riddell)

14 663. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if
15 fully set forth herein.
16

17 664. Riddell knew or should have known of the substantial dangers involved in the reasonably
18 foreseeable use of the helmets.

19 665. Riddell failed to provide necessary and adequate safety and instructional materials and
20 warnings of the risk and means available to reduce and/or minimize the risk of concussive brain injuries
21 while playing football.

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

25 ///

26 ///

27 ///

1 667. Riddell failed to warn players of risk of long term brain injury from repeated concussions so
2 that they could make an informed decision on returning to play post concussion.

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

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

7
8 670. Plaintiffs were using the helmets in a reasonably foreseeable manner at all times.

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

11 672. Riddell's failure to warn caused the Plaintiffs' personal injuries.
12

13 COUNT XII

14 NEGLIGENCE

15 (Against Riddell)
16

17 673. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if
18 fully set forth herein.

19 674. Riddell was negligent in its design, testing, assembly, manufacture, marketing, and
20 engineering of the helmets as described herein.

21 675. Riddell owed a duty of care to the Plaintiffs in their design, testing, manufacture, assembly,
22 marketing and sale of the helmets and all components and sub-assemblies of the helmets.

23 676. Riddell should have been well aware that since 1928 repeated blows to the head can lead to
24 CTE, commonly known as "punch-drunk syndrome".
25

26 ///

27 ///

1 677. Riddell breached its duty of reasonable care by failing to provide necessary and adequate
2 safety and instructional materials and warnings of the risk and means available to reduce and/or minimize
3 the risk of concussive brain injuries while playing football using their helmets.

4 678. As a result of Riddell's breach of duty, Plaintiffs have sustained permanent injury.

5
6 **COUNT XIII**

7 **CIVIL CONSPIRACY/FRAUDULENT CONCEALMENT**

8 **(Against NFL)**

9
10 679. Plaintiffs incorporate by reference all of the foregoing paragraphs of this Complaint as if
11 fully set forth herein.

12 680. The named defendants, along with others who were employed by the NFL to participate as
13 its MTBI Committee, acted in concert to perpetrate the fraudulent concealment of the connection between
14 repetitive MTBI and long-term neuro-cognitive damage, illness, and decline.

15 681. The named Defendants, along with those who participated in the concerted efforts
16 referenced above, knowingly made continuing misrepresentations of material fact and disputed and
17 affirmatively misrepresented that there was an absence of any scientific basis to believe that repetitive
18 MTBI created any known long-term neuro-cognitive risks to NFL players. That misconduct by the named
19 Defendants exposed Plaintiffs to an increased risk of brain injury and was the proximate cause of the
20 Plaintiffs' brain injuries.
21

22
23 682. Plaintiffs have suffered personal injuries as a result of the named defendants' concerted
24 activities.

25 **PRAYER FOR RELIEF**

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

- 27 1. For compensatory and general damages according to proof;
28

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

6 **JURY DEMAND**

7 Plaintiffs hereby demand a trial by jury on all claims so triable.
8

9 Dated: October 25, 2012
10

11 By: 
12

13 **GIRARDI | KEESE**

14 Thomas Girardi (California Bar No. 36603)

15 Graham LippSmith (California Bar No. 221984)

16 Celene S. Chan (California Bar No. 260267)

17 1126 Wilshire Boulevard

18 Los Angeles, California 90017

19 Telephone: (213) 977-0211

20 Facsimile: (213) 481-1554
21

22 **RUSSOMANNO & BORRELLO, P.A.**

23 Herman J. Russomanno (Florida Bar No. 240346)

24 Robert J. Borrello (Florida Bar No. 764485)

25 150 West Flagler Street - PH 2800

26 Miami, FL 33130

27 Telephone: (305) 373-2101

28 Facsimile: (305) 373-2103

GOLDBERG, PERSKY & WHITE, P.C.

Jason E. Luckasevic (Pennsylvania Bar No. 85557)

1030 Fifth Avenue

Pittsburgh, PA 15219

Telephone: (412) 471-3980

Facsimile: (412) 471-8308

Attorneys for Plaintiffs

FILED

Los Angeles Superior Court ONLY

OCT 25 2012

John A. Clarke, Executive Officer/Clerk
By SHAUNYA WESLEY, Deputy

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

Thomas V. Girardi, SBN: 36603
GIRARDI | KEESE
1126 Wilshire Boulevard
Los Angeles, CA 90017

TELEPHONE NO.: (213) 977-0211

FAX NO.: (213) 977-0211

ATTORNEY FOR (Name): PLAINTIFFS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS:

CITY AND ZIP CODE: Los Angeles, 90012

BRANCH NAME: Central District

CASE NAME: JOSEPH SWEET, et al. v. NFL, et al.

CIVIL CASE COVER SHEET

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

Complex Case Designation

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

CASE NUMBER:

JUDGE: BC494568

DEPT:

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

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

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)

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

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

Non-PI/PD/WD (Other) Tort

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

Employment

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

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)
Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

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

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

4. Number of causes of action (specify): Thirteen (13)

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

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

Date: October 25, 2012

Thomas V. Girardi

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

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

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease
 - Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (*non-harassment*)
 - Mechanics Lien
 - Other Commercial Complaint Case (*non-tort/non-complex*)
 - Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief from Late Claim
 - Other Civil Petition

SHORT TITLE: JOSEPH SWEET, et al. v. NFL, et al.

CASE NUMBER

BC494568

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

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

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

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 5-7 ☐ HOURS/ ☒ DAYS

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

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

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

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

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

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

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

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

SHORT TITLE: JOSEPH SWEET, et al. v. NFL, et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: JOSEPH SWEET, et al. v. NFL, et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: JOSEPH SWEET, et al. v. NFL, et al.

CASE NUMBER

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

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

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

ADDRESS: 818 W. 7th Street

CITY:

Los Angeles

STATE:

CA

ZIP CODE:

90017

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

Dated: Oct. 25, 2012

(SIGNATURE OF ATTORNEY/FILING PARTY)

Thomas V. Girardi

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

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