

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

IN RE; NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY LITIGATION

MDL DOCKET NO. 2323
12-md-2323

THIS DOCUMENT RELATES TO:

Wooden, et., al., v. National Football League, No.
1:12-cv-20269-JEM (S.D. Fla.)

SHAWN WOODEN; RYAN FOWLER, individually
and on behalf of all others similarly situated,

**AMENDED COMPLAINT –
CLASS AND MASS ACTION**

and

TIM COUCH; FRED TAYLOR; OLANDIS GARY;
RAHIM ABDULLAH; DENISE TORRANCE;
DEON ANDERSON; TIM ANDERSON; THOMAS
BACKES; CARLTON BAILEY; JODIE BAILEY;
TOMMY BARNHARDT; JASON BELL; KEVIN
BENTLEY; LADELL BETTS; SHATARAH
BETTS; DONNY BRADY; TERRANCE D.
BROOKS; COURTNEY L. BROWN; GILBERT
BROWN; TONY BRYANT; KHARY K.
CAMPBELL; MARCUS COLEMAN; FREDERICK
D. COLEMAN; CASEY CRAMER; KELSEY
CRAMER; ANTHONY T.J. CUNNINGHAM, JR.;
KEITH L. DAVIS; JOHN ISAAC DAVIS; KEN
DILGER; HEIDI DILGER; MICHAEL DOWNS;
VERNON EDWARDS; DEMETRIC EVANS;
AUNGEL L. EVANS; DOUGLAS E. EVANS;
THOMAS G. EVERETT; ERIC E. EVERETT;
CHRISTOPHER FLOYD; ANTHONY FOGLE;
RANDY RULLER; JOE GARTEN; LAPREEA
GARY; CHARLES L. GESSNER; TIM GOAD;
STEVE GRANT; ORANTES L. GRANT;
DAMACIO GREEN; NICK GREISEN; CAROLINE
GREISEN; LARRY GRIFFIN; TAMMY GRIFFIN;
ANTHONY G. GRIGGS; MONTY GROW;
JESSICA GROW; RONALD HALLSTROM;
BOBBY J. HAMILTON; LAWRENCE HART;
KEITH C. HEINRICH; KEVIN HENRY; MAURICE
HICKS; REESE HICKS; RONALD HUMPHREY;
RALPH PETE HUNTER; JAMES J.J. JOHNSON;

GARRICK D. JONES; CHRISTOPHER JONES;
CARLOS JONES; CHARLES JORDAN; SHERI
JORDAN; OMARI JORDAN; ROBERT BRADLEY
KASSELL; CARL KIDD; TIFFANY MCFADDEN
KIDD; ERIC KING; ALEX LEWIS; CHRISTINA
LEWIS; EUGENE LOCKHART JR.; SHARON
LOCKHART; ANTHONY MCCOY; MARCUS A.
MCFADDEN; CURTIS MCGEE; CHELSEY
MCGEE; WILLIAM MIDDLEBROOKS; NATHAN
MILLER; ANTHONY MILLER; MARVIN
MINNIS; KYLE MOORE; JANICE MOORE;
ANTHONY W. PARRISH; PERRY PHENIX;
WILLIAM POOLE; RYAN PRINCE; ISAIA
REESE; RENITA REESE; GERALD ROBINSON;
LAUVALE SAPE; SAM SHADE; JAQUETTA
SHADE; RASHAAN A. SHEHEE; KELLY SIMS;
JOEL SMEENGE; JERALD SOWELL; SCOTT
STARKS; TERESA STARKS; NICK STEITZ;
VINNY SUTHERLAND; JOHN THIERY; ROBERT
L. THOMAS; RATCLIFF THOMAS; DERRIUS D.
THOMPSON; DARRELL THOMPSON;
STEPHANIE THOMPSON; TYSON THOMPSON;
BENNIE THOMPSON; BYRON KEITH
TRAYLOR; KRISTA TRAYLOR; TORRIN L.
TUCKER; KURT F. VOLLERS; HEATHER
VOLLERS; JACK WALKER; AARON WALLACE;
JOHN WELBOURN; MIKE WHITTINGTON; PAM
WHITTINGTON; ROY L. WILLIAMS; WALLY
WILLIAMS; KELVIN HARRIS; TODD COLLINS;
JAMES STEWART; LAWRENCE JONES; COREY
SAWYER; EARL LITTLE; MIKE ARTHUR;
MARCEL SHIPP; JESSE CHATMAN; ROBERT
BANKS; ADEWALE OGUNLEYE; CHARLES
FRYE; DERRICK ODEN; DELBERT COWSETTE;
and JAMES LYNCH,

Plaintiffs,

vs.

NATIONAL FOOTBALL LEAGUE,

Defendant.

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The Plaintiffs sue the Defendant National Football League, and, in support thereof, state as follows:

INTRODUCTION

1. This action arises from the pathological and debilitating effects of head injuries and concussion that are afflicting former professional football players in the National Football League (the “NFL” or the “League”). For many decades, evidence has linked traumatic brain injury and long-term neurological problems, and specialists in brain trauma have been warning about the risks of permanent brain damage from repetitive brain injury for decades. The NFL – as the organizer, marketer, and face of a professional sport in which head trauma is a regular and repeated occurrence – was aware of the evidence and risks associated with repetitive brain injuries and concussions, but deliberately ignored and actively concealed this information from the Plaintiffs and all others who participated in organized football at all levels. Rather than warn its players that they risked permanent brain injury if they returned to play too soon after sustaining a head injury or concussion, the NFL actively deceived players, by misrepresenting to them that head injuries and concussions did not present serious, life-altering risks.

2. Moreover, in or around 1994 and possibly earlier, the NFL voluntarily inserted itself into the scientific research and discussion concerning the relationship between head injuries and concussions and short- and long-term impairment of the brain. Specifically, the NFL, through its own initiative and voluntary undertaking, created the Mild Traumatic Brain Injury Committee (the “MTBI Committee” or the “Committee”) in 1994. The Committee was ostensibly created to research and ameliorate the impact of head injuries and concussions on NFL players. The NFL, however, intentionally and fraudulently misled players and all individuals who reasonably relied upon the NFL’s expertise about its own sport, regarding the short- and long-term risks posed by head injuries and concussions.

3. Despite clear medical evidence that on-field head injuries and concussions led directly to brain damage and tragic repercussions for players at every level of the sport, the NFL failed to protect other players from suffering a similar fate, and failed to inform players of the true risks associated with such head trauma. Instead, the NFL purposefully misrepresented and/or concealed medical evidence on the issue. While athletes who had suffered brain injuries and concussions in other professional sports were being restricted from returning to play for full games or even seasons, NFL players who suffered similar trauma were regularly returned to play after having suffered a head injury or concussion in that same game or practice.

4. The NFL's active and purposeful concealment and misrepresentation of the severe neurological risks associated with head injuries and concussions exposed players to dangers they could have avoided had the NFL provided them with truthful and accurate information. Many of these players, since retired, have suffered severe and permanent brain damage, as well as latent neurodegenerative disorders and diseases, as a result of the NFL's acts and/or omissions. In fact, the MTBI Committee's concealment and misrepresentation of relevant medical evidence over the years has caused an increased risk of life-threatening injury to players who were being kept in the dark.

5. The individual Plaintiff NFL Players each assert some or all of the following claims against the NFL: (i) negligent undertaking; (ii) fraudulent concealment; (iii) fraudulent misrepresentation; and (iv) negligent misrepresentation. This action also seeks to recover fair compensation for the spouses of certain Plaintiff NFL Players based upon their right to seek loss of consortium. Additionally, the Representative Plaintiffs, on behalf of themselves and all others similarly situated, are bringing this action for injunctive relief in the form of medical monitoring with respect to brain injuries caused by repeated traumatic brain and head impacts received during the period when they were playing professional football.

JURISDICTION AND VENUE

6. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332(d)(11) because there are one hundred (100) or more persons whose individual claims are being brought herein and the amount in controversy for each Plaintiff exceeds \$75,000.00 dollars, exclusive of costs, interest, and attorneys' fees. Those claims can be tried jointly in that they involve common questions of law and fact.

7. This Court also has original jurisdiction pursuant to 28 U.S.C. § 1332(d)(2) because this is a class action in which the matter in controversy exceeds the sum or value of five million dollars (\$5,000,000.00) exclusive of interest and costs, and a member of the class of Plaintiffs is a citizen of a state different from the Defendant.

8. The individual claims in this Complaint are so related to the claims in the Class Action portion of this Complaint that they form part of the same case and controversy such that the Court has supplemental jurisdiction over them pursuant to 28 U.S.C. § 1367.

9. This Court has personal jurisdiction over the Defendant because they have substantial and continuous business contacts with this district.

10. Venue is proper in this district pursuant to 28 U.S.C. § 1391(a)(2) and (b)(2), because a substantial part of the events or omissions that give rise to the claims occurred within this district, and the Defendant conducts a substantial part of its business within this district. Venue is also proper pursuant to 28 U.S.C. § 1391(c), as Defendant is a corporation subject to personal jurisdiction in this District.

THE PARTIES

11. Plaintiff Rahim Abdullah is a resident and citizen of the State of Georgia and is married to Plaintiff Denise Torrance, also a resident and citizen of Georgia. He played in the NFL from 1999 to 2000.

12. Plaintiff Deon Anderson is a resident and citizen of the State of Florida. He played in the NFL from 2007 to 2010.

13. Plaintiff Tim Anderson is a resident and citizen of the State of Ohio. He played in the NFL from 2004 to 2007.

14. Plaintiff Thomas Backes is a resident and citizen of the State of Oklahoma. He played in the NFL from 1991 to 1994.

15. Plaintiff Carlton Bailey is a resident and citizen of the State of North Carolina and is married to Plaintiff Jodie Bailey, also a resident and citizen of North Carolina. He played in the NFL from 1988 to 1997.

16. Plaintiff Tommy Barnhardt is a resident and citizen of the State of North Carolina. He played in the NFL from 1987 to 2000.

17. Plaintiff Jason Bell is a resident and citizen of the State of California. He played in the NFL from 2001 to 2006.

18. Plaintiff Kevin Bentley is a resident and citizen of the State of Georgia. He played in the NFL from 2002 to 2011.

19. Plaintiff Ladell Betts is a resident and citizen of the State of Virginia and is married to Plaintiff Shatarah Betts, also a resident and citizen of Virginia. He played in the NFL from 2002 to 2011.

20. Plaintiff Donny Brady is a resident and citizen of the State of New York. He played in the NFL from 1995 to 2001.

21. Plaintiff Terrance D. Brooks is a resident and citizen of the State of Texas. He played in the NFL from 1988 to 1990.

22. Plaintiff Courtney L. Brown is a resident and citizen of the State of California. He played in the NFL from 2000 to 2006.

23. Plaintiff Gilbert Brown is a resident and citizen of the State of Michigan. He played in the NFL from 1993 to 2003.

24. Plaintiff Tony Bryant is a resident and citizen of the State of Florida. He played in the NFL from 1999 to 2006.

25. Plaintiff Khary K. Campbell is a resident and citizen of the State of Virginia. He played in the NFL from 2002 to 2009.

26. Plaintiff Marcus Coleman is a resident and citizen of the State of Texas. He played in the NFL from 1996 to 2006.

27. Plaintiff Frederick D. Coleman is a resident and citizen of the State of Texas. He played in the NFL from 1998 to 2004.

28. Plaintiff Tim Couch is a resident and citizen of the State of Kentucky. He played in the NFL from 1999 to 2007.

29. Plaintiff Casey Cramer is a resident and citizen of the State of Missouri and is married to Plaintiff Kelsey Cramer, also a resident and citizen of Missouri. He played in the NFL from 2004 to 2009.

30. Plaintiff Anthony T.J. Cunningham, Jr., is a resident and citizen of the State of Colorado. He played in the NFL in 1996.

31. Plaintiff Keith L. Davis is a resident and citizen of the State of Texas. He played in the NFL from 2002 to 2008.

32. Plaintiff John Isaac Davis is a resident and citizen of the State of Arkansas. He played in the NFL from 1994 to 1999.

33. Plaintiff Ken Dilger is a resident and citizen of the State of Indiana and is married to Plaintiff Heidi Dilger, also a resident and citizen of Indiana. He played in the NFL from 1995 to 2004.

34. Plaintiff Michael Downs is a resident and citizen of the State of Texas. He played in the NFL from 1981 to 1989.

35. Plaintiff Vernon Edwards is a resident and citizen of the State of Texas. He played in the NFL from 1995 to 1996.

36. Plaintiff Demetric Evans is a resident and citizen of the State of California and is married to Plaintiff Aungel L. Evans, also a resident and citizen of Florida. He played in the NFL from 2001 to 2010.

37. Plaintiff Douglas E. Evans is a resident and citizen of the State of Louisiana. He played in the NFL from 1993 to 2003.

38. Plaintiff Thomas G. Everett is a resident and citizen of the State of Texas. He played in the NFL from 1987 to 1995.

39. Plaintiff Eric E. Everett is a resident and citizen of the State of Utah. He played in the NFL from 1988 to 1992.

40. Plaintiff Christopher Floyd is a resident and citizen of the State of Michigan. He played in the NFL from 1998 to 2000.

41. Plaintiff Anthony Fogle is a resident and citizen of the State of Oklahoma. He played in the NFL from 1997-1998.

42. Plaintiff Randy Fuller is a resident and citizen of the State of Tennessee. He played in the NFL from 1994 to 1999.

43. Plaintiff Joe Garten is a resident and citizen of the State of California. He played in the NFL from 1991 to 1992.

44. Plaintiff Olandis Gary is a resident and citizen of the State of Maryland and is married to Plaintiff Lapreea Gary, also a resident and citizen of Maryland. He played in the NFL from 1999 to 2004.

45. Plaintiff Charles Gessner is a resident and citizen of the State of California. He played in the NFL from 2003 to 2008.

46. Plaintiff Tim Goad is a resident and citizen of the State of North Carolina. He played in the NFL from 1988 to 1996.

47. Plaintiff Steve Grant is a resident and citizen of the State of Texas. He played in the NFL from 1992 to 1997.

48. Plaintiff Orantes L. Grant is a resident and citizen of the State of Virginia. He played in the NFL from 2000 to 2003.

49. Plaintiff Damacio Green is a resident and citizen of the State of Florida. He played in the NFL from 1997 to 1998.

50. Plaintiff Nick Greisen is a resident and citizen of the State of Florida and is married to Plaintiff Caroline Greisen, also a resident and citizen of Florida. He played in the NFL from 2002 to 2009.

51. Plaintiff Larry Griffin is a resident and citizen of the State of North Carolina and is married to Plaintiff Tammy Griffin, also a resident and citizen of North Carolina. He played in the NFL from 1986 to 1993.

52. Plaintiff Anthony G. Griggs is a resident and citizen of the State of Pennsylvania. He played in the NFL from 1982 to 1988.

53. Plaintiff Monty Grow is a resident and citizen of the State of Florida and is married to Plaintiff Jessica Grow, also a resident and citizen of Florida. He played in the NFL from 1994 to 1996.

54. Plaintiff Ronald Hallstrom is a resident and citizen of the State of Wisconsin. He played in the NFL from 1982 to 1993.

55. Plaintiff Bobby J. Hamilton is a resident and citizen of the State of Georgia. He played in the NFL from 1996 to 2007.

56. Plaintiff Lawrence Hart is a resident and citizen of the State of Texas. He played in the NFL in 2001.

57. Plaintiff Keith C. Heinrich is a resident and citizen of the State of Texas. He played in the NFL from 2002 to 2007.

58. Plaintiff Kevin Henry is a resident and citizen of the State of Georgia. He played in the NFL from 1993 to 2000.

59. Plaintiff Maurice Hicks is a resident and citizen of the State of North Carolina. He played in the NFL from 2002 to 2008.

60. Plaintiff Reese Hicks is a resident and citizen of the State of Ohio. He played in the NFL in 2005.

61. Plaintiff Ronald Humphrey is a resident and citizen of the State of Texas. He played in the NFL from 1993 to 1995.

62. Plaintiff Ralph Pete Hunter is a resident and citizen of the State of North Carolina. He played in the NFL from 2002 to 2007.

63. Plaintiff James J.J. Johnson is a resident and citizen of the State of Alabama. He played in the NFL from 1999 to 2002.

64. Plaintiff Garrick D. Jones is a resident and citizen of the State of Arkansas. He played in the NFL from 2002 to 2006.

65. Plaintiff Christopher Jones is a resident and citizen of the State of Florida. He played in the NFL from 1995 to 1999.

66. Plaintiff Carlos Jones is a resident and citizen of the State of Louisiana. He played in the NFL in 1997.

67. Plaintiff Charles Jordan is a resident and citizen of the State of Wisconsin and is married to Plaintiff Sheri Jordan, also a resident and citizen of Wisconsin. He played in the NFL from 1993 to 1999.

68. Plaintiff Omari Jordan is a resident and citizen of the State of North Carolina. He played in the NFL in 2004.

69. Plaintiff Robert Bradley Kassel is a resident and citizen of the State of Texas. He played in the NFL from 2002 to 2008.

70. Plaintiff Carl Kidd is a resident and citizen of the State of Arkansas and is married to Plaintiff Tiffany McFadden Kidd, also a resident and citizen of Arkansas. He played in the NFL from 1995 to 1996.

71. Plaintiff Eric King is a resident and citizen of the State of Florida. He played in the NFL from 2005 to 2010.

72. Plaintiff Alex Lewis is a resident and citizen of the State of Michigan and is married to Plaintiff Christina Lewis, also a resident and citizen of Michigan. He played in the NFL from 2004 to 2008.

73. Plaintiff Eugene Lockhart, Jr., is a resident and citizen of the State of Texas and is married to Plaintiff Sharon Lockhart, also a resident and citizen of Texas. He played in the NFL from 1984 to 1992.

74. Plaintiff Anthony McCoy is a resident and citizen of the State of Florida. He played in the NFL from 1992 to 2000.

75. Plaintiff Marcus A. McFadden is a resident and citizen of the State of Idaho. He played in the NFL in 2002.

76. Plaintiff Curtis McGee is a resident and citizen of the State of Georgia and is married to Plaintiff Chelsey McGee, also a resident and citizen of Georgia. He played in the NFL from 1997 to 1999.

77. Plaintiff William Middlebrooks is a resident and citizen of Ontario, Canada. He played in the NFL from 2001 to 2006.

78. Plaintiff Nathan Miller is a resident and citizen of the State of Georgia. He played in the NFL in 1997.

79. Plaintiff Anthony Miller is a resident and citizen of the State of California. He played in the NFL from 1988 to 1997.

80. Plaintiff Marvin Minnis is a resident and citizen of the State of Florida. He played in the NFL from 2001 to 2004.

81. Plaintiff Kyle Moore is a resident and citizen of the State of Kansas and is married to Plaintiff Janice Moore, also a resident and citizen of Kansas. He played in the NFL from 1993 to 1994.

82. Plaintiff Anthony W. Parrish is a resident and citizen of the State of California. He played in the NFL from 1998 to 2006.

83. Plaintiff Perry Phenix is a resident and citizen of the State of Texas. He played in the NFL from 1998 to 2001.

84. Plaintiff William Poole is a resident and citizen of the State of New York. He played in the NFL from 2004 to 2008.

85. Plaintiff Ryan Prince is a resident and citizen of the State of Utah. He played in the NFL in 2001.

86. Plaintiff Isaia (Ike) Reese is a resident and citizen of the State of New Jersey and is married to Plaintiff Renita Reese, also a resident and citizen of New Jersey. He played in the NFL from 1998 to 2006.

87. Plaintiff Gerald Robinson is a resident and citizen of the State of Georgia. He played in the NFL from 1986 to 1994.

88. Plaintiff Lauvale Sape is a resident and citizen of the State of Texas. He played in the NFL from 2003 to 2005.

89. Plaintiff Sam Shade is a resident and citizen of the State of Alabama and is married to Plaintiff Jaquetta Shade, also a resident and citizen of Alabama. He played in the NFL from 1995 to 2001.

90. Plaintiff Rashaan A. Shehee is a resident and citizen of the State of California. He played in the NFL from 1998 to 1999.

91. Plaintiff Kelly Sims is a resident and citizen of the State of Ohio. He played in the NFL from 1980 to 1984.

92. Plaintiff Joel Smeenge is a resident and citizen of the State of Texas. He played in the NFL from 1990 to 2000.

93. Plaintiff Jerald Sowell is a resident and citizen of the State of Texas. He played in the NFL from 1997 to 2006.

94. Plaintiff Scott Starks is a resident and citizen of the State of Florida and is married to Plaintiff Teresa Starks, also a resident and citizen of Florida. He played in the NFL from 2005 to 2010.

95. Plaintiff Nick Steitz is a resident and citizen of the State of Colorado. He played in the NFL from 2006 to 2007.

96. Plaintiff Vinny Sutherland is a resident and citizen of the State of Florida. He played in the NFL from 2001 to 2002.

97. Plaintiff Fred Taylor is a resident and citizen of the State of Florida. He played in the NFL from 1998 to 2010.

98. Plaintiff John Thiery is a resident and citizen of the State of Ohio. He played in the NFL from 1994 to 2002.

99. Plaintiff Robert L. Thomas is a resident and citizen of the State of Texas. He played in the NFL from 1998 to 2002.

100. Plaintiff Ratcliff Thomas is a resident and citizen of the State of Maryland. He played in the NFL from 1998 to 2000.

101. Plaintiff Derrius D. Thompson is a resident and citizen of the State of Texas. He played in the NFL from 1999 to 2004.

102. Plaintiff Darrell Thompson is a resident and citizen of the State of Minnesota and is married to Plaintiff Stephanie Thompson, also a resident and citizen of Minnesota. He played in the NFL from 1990 to 1994.

103. Plaintiff Tyson Thompson is a resident and citizen of the State of Texas. He played in the NFL from 2005 to 2007.

104. Plaintiff Bennie Thompson is a resident and citizen of the State of Maryland. He played in the NFL from 1989 to 1999.

105. Plaintiff Byron Keith Traylor is a resident and citizen of the State of Oklahoma and is married to Plaintiff Krista Traylor, also a resident and citizen of Oklahoma. He played in the NFL from 1991 to 2007.

106. Plaintiff Torrin L. Tucker is a resident and citizen of the State of Florida. He played in the NFL from 2003 to 2008.

107. Plaintiff Kurt F. Vollers is a resident and citizen of the State of Texas and is married to Plaintiff Heather Vollers, also a resident and citizen of Texas. He played in the NFL from 2002 to 2005.

108. Plaintiff Jack Walker is a resident and citizen of the State of Illinois. He played in the NFL in 2009.

109. Plaintiff Aaron Wallace is a resident and citizen of the State of Texas. He played in the NFL from 1990 to 1998.

110. Plaintiff John Welbourn is a resident and citizen of the State of California. He played in the NFL from 1999 to 2008.

111. Plaintiff Mike Whittington is a resident and citizen of the State of Florida and is married to Plaintiff Pam Whittington, also a resident and citizen of Florida. He played in the NFL from 1980 to 1983.

112. Plaintiff Roy L. Williams is a resident and citizen of the State of Oklahoma. He played in the NFL from 2002 to 2010.

113. Plaintiff Wally Williams is a resident and citizen of the State of Ohio. He played in the NFL from 1993 to 2003.

114. Plaintiff Kelvin Harris is a resident and citizen of the State of Florida. He played in the NFL from 1992 to 1996.

115. Plaintiff Todd Collins is a resident and citizen of the State of Tennessee. He played in the NFL from 1992 to 2000.

116. Plaintiff James Stewart is a resident and citizen of the State of Florida. He played in the NFL from 1995 to 1998.

117. Plaintiff Lawrence Jones is a resident and citizen of the State of Florida. He played in the NFL in 1995.

118. Plaintiff Corey Sawyer is a resident and citizen of the State of Florida. He played in the NFL from 1994 to 1999.

119. Plaintiff Earl Little is a resident and citizen of the State of Florida. He played in the NFL from 1998 to 2005.

120. Plaintiff Mike Arthur is a resident and citizen of the State of Ohio. He played in the NFL from 1991 to 1996.

121. Plaintiff Marcel Shipp is a resident and citizen of the State of Arizona. He played in the NFL from 2001 to 2007.

122. Plaintiff Jesse Chatman is a resident and citizen of the State of Texas. He played in the NFL from 2002 to 2008.

123. Plaintiff Robert Banks is a resident and citizen of the State of Texas. He played in the NFL from 1988 to 1990.

124. Plaintiff Adewale Ogunleye is a resident and citizen of the State of Florida. He played in the NFL from 2000 to 2010.

125. Plaintiff Charles Frye is a resident and citizen of the State of Florida. He played in the NFL from 2005 to 2011.

126. Plaintiff Derrick Oden is a resident and citizen of the State of Alabama. He played in the NFL from 1993 to 1995.

127. Plaintiff Delbert Cowsette is a resident and citizen of the State of Virginia. He played in the NFL from 2000 to 2002.

128. Plaintiff James Lynch is a resident and citizen of the State of Florida. He played in the NFL from 2003 to 2004.

129. Defendant NFL, which maintains its principal place of business at 280 Park Avenue, 15th Floor, New York, New York 10017, is an unincorporated association consisting of

the thirty-two (32) separately owned and independently operated professional football teams, listed below.

MASS ACTION AND JOINDER ALLEGATION

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

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

- a. Whether the NFL, through its own voluntary undertaking, was negligent in its response to the health effects of repetitive traumatic brain injuries and/or concussions sustained by the Plaintiffs during NFL games, practices and other activities;
- b. Whether the NFL conspired to defraud the Plaintiffs by ignoring and/or misrepresenting the risks of repetitive traumatic brain injuries and/or concussions sustained by the Plaintiffs during NFL games, practices and other activities; and
- c. Whether the repetitive traumatic brain injuries and/or concussions sustained by the Plaintiffs during NFL games, practices and other activities cause, among other things, latent neurodegenerative brain disorders, memory loss, and brain disease.

GENERAL ALLEGATIONS APPLICABLE TO ALL COUNTS

The NFL

132. The NFL is an approximately \$9,000,000,000.00 dollar-per-year business.

133. The organization oversees America's most popular spectator sport, acting as a trade association for the benefit of the thirty-two independently operated Teams. The NFL's average attendance per game in 2009 was 67,509.

134. The NFL governs and promotes the game of football, sets and enforces rules and League policies, and regulates team ownership. The NFL is engaged in assisting and guiding the operations of the Teams, and the sale of tickets and telecast rights to the public for the exhibition of the individual and collective talents of players such as the Plaintiffs.

135. It generates revenue mostly through marketing sponsorships, licensing merchandise, and by selling national broadcasting rights to the games. The teams share a percentage of the League's overall revenue.

136. The NFL earns billions of dollars from its telecasting deals with, inter alia, ESPN (\$1.1 billion), DirecTV (\$1 billion), NBC (\$650 million), Fox (\$712.5 million), and CBS (\$622.5 million).

137. Annually, the NFL redistributes approximately \$4 billion in radio, television, and digital earnings to the Teams or approximately \$125 million per Team. Those revenue numbers show no sign of declining and have increased since 2009.

138. The NFL receives additional sources of revenue through companies that seek to associate their brands with the NFL. The NFL has contracts with companies such as Pepsi (\$560 million over eight years, starting in 2004) and Gatorade (\$45 million per year, plus marketing costs and free Gatorade for the Teams). Verizon is paying \$720 million over four years to be the League's wireless service provider. Nike paid \$1.1 billion to acquire the NFL's apparel sponsorship. Previous partner Reebok had been selling \$350 annually in NFL-themed gear.

139. On September 7, 2011, it was announced that the NFL signed a new ten-year, \$2.3 billion contract with Pepsi, which is one of the largest sponsorship deals in sports history. It encompasses a number of Pepsi brands (Pepsi, Frito-Lay, Tropicana, Quaker Oats, and Gatorade). This contract, combined with a number of other new sponsorships, ticket sales projections and TV ratings, means that the NFL is projecting record revenues of over \$9.5 billion for the 2011-2012 season.

140. The League has a \$1.2 billion, six-year contract with beer sponsor Anheuser-Busch.

141. The NFL enjoys partial monopoly power through an anti-trust exemption granted via the federal Sports Broadcasting Act that allows the NFL to sell television rights for all 32 teams as a single unit.

142. A *Forbes* magazine article recently stated that fifteen NFL franchises are worth \$1 billion or more. Even the lowest-valued NFL Teams are worth approximately \$800 million. Over the last fifteen years, the values of the Teams in the NFL has risen 500 percent.

143. Owing in part to its immense financial power and monopoly status in American football, the NFL has enormous influence over the education of team physicians, trainers, coaches, and football players at all levels of the game concerning the diagnosis, treatment, assessment, and impact of football related injuries.

144. The website www.nflhealthandsafety.com states that USA Football, the sport's national governing body, "is the Official Youth Football Development Partner of the NFL and the NFL Players Association" (the "NFLPA").

145. USA Football leads the development of youth, high school, and international amateur football. In addition, USA Football operates programs and builds resources to address key health and safety issues in partnership with leading medical organizations. The organization was endowed by the NFL and NFLPA through the NFL Youth Football Fund in 2002. USA football stands among the leaders in youth sports concussion education, particularly for football.

Head Injuries, Concussions, and CTE Generally

146. It has been well known for many decades that concussions and repetitive head injuries cause a myriad of long-term sequelae.

147. The American Association of Neurological Surgeons (the "AANS") defines a concussion as "a clinical syndrome characterized by an immediate and transient alteration in

brain function, including an alteration of mental status and level of consciousness, resulting from mechanical force or trauma.” The AANS defines traumatic brain injury (“TBI”) as:

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

148. The injury generally occurs when the head either accelerates rapidly and then is stopped, or is rotated rapidly. The results frequently include, among other things, confusion, blurred vision, memory loss, nausea, and sometimes unconsciousness.

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

150. According to neurologists, once a person suffers a concussion, he is up to four times more likely to sustain a second one. Additionally, after suffering even a single concussion, a lesser blow may cause the injury, and the injured person requires more time to recover. This goes to the heart of the problem: players returning to play before allowing their initial head injury or concussion to heal fully.

151. Clinical and neuropathological studies by some of the nation’s foremost experts demonstrate that multiple head injuries or concussions sustained during an NFL player’s career can cause severe cognitive problems such as depression and early-onset dementia.

152. Repeated head trauma can also result in so-called “Second Impact Syndrome,” in which re-injury to a person who has already suffered a concussion triggers swelling that the skull cannot accommodate.

153. Repeated instances of head trauma also frequently lead to Chronic Traumatic Encephalopathy (“CTE”), a progressive degenerative disease of the brain.

154. CTE involves the build-up of toxic proteins in the brain’s neurons. This build-up results in a condition whereby signals sent from one cell to thousands of connecting cells in various parts of the brain are not received, leading to abnormal and diminished brain function.

155. CTE is found in athletes (and others) with a history of repetitive concussions. Conclusive studies have shown this condition to be prevalent in retired professional football players who have a history of head injury.

156. This head trauma, which includes multiple concussions, triggers progressive degeneration of the brain tissue. These changes in the brain are thought to begin when an athlete’s brain is subjected to trauma, but symptoms may not appear until months, years, or even decades after the last concussion or the end of active athletic involvement. The progressive degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse-control problems, aggression, depression, and, eventually, progressive dementia.

157. To date, neuropathologists have performed autopsies on over twenty-five former NFL players. Reports indicate that over ninety percent of the players had CTE.

The NFL’s Knowledge of the Dangers and Risks Associated with Concussions

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

159. In 1928, pathologist Harrison Martland described the clinical spectrum of abnormalities found in “almost 50 percent of fighters [boxers] . . . if they ke[pt] at the game long

enough” (the “Martland study”). The article was published in the *Journal of the American Medical Association*.

160. The Martland study was the first to link sub-concussive blows and “mild concussions” to degenerative brain disease.

161. In or about 1952, the *Journal of the American Medical Association* published a study of encephalopathic changes in professional boxers.

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

163. In 1973, a potentially fatal condition known as “Second Impact Syndrome”—in which re-injury to the already-concussed brain triggers swelling that the skull cannot accommodate—was discovered. It did not receive this name until 1984.

164. Upon information and belief, Second Impact Syndrome has resulted in the deaths of at least forty football players.

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

- d. repetitive head trauma in contact sports has dangerous long-term effects on the brain;
- e. post-mortem evidence of CTE was present in numerous cases of boxers and contact-sport athletes;
- f. there is a relation between neurologic pathology and length of career in athletes who play contact sports;
- g. immediate retrograde memory issues occur following concussions;

- h. mild head injury requires recovery time without risk of subjection to further injury;
- i. head trauma is linked to dementia; and
- j. a football player who suffers a concussion requires significant rest before being subjected to further contact.

166. In the early 1970s, the NFL became aware of the National Operating Committee on Standards for Athletic Equipment's ("NOCSAE") publication of a helmet standard which was intended to improve upon the safety of helmets and minimize the risk of head injury. In the 1970s, the NFL learned that the National Collegiate Athletic Association ("NCAA") and the National High School Football Federations ("NHSFF") had adopted a policy requiring by the beginning of the 1978 season that all helmets used in their respective organizations must be approved for sale and comply with the NOCSAE standard.

167. In the early 1970s, the NFL was aware that the NCAA and NHSFF recognized that the helmet-face mask combination was contributing to the use of the helmeted-head as an offensive weapon, which in turn increased the rate of head injuries and concussions.

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

169. Upon information and belief, by 1991, the NCAA football conferences and individual college teams' medical staffs, along with many lower-level football groups (*e.g.*, high school, junior high school, and pee-wee league) had adopted return-to-play criteria to protect football players even remotely suspected of having sustained concussions.

170. Further, Rule 4.2.14 of the World Boxing Council's Rules and Regulations states: "[b]oxers that suffered concussion by KO, should not participate in sparring sessions for 45 days

and no less than 30 days after concussive trauma, including but not limited to KO's, and should not compete in a boxing match in less than 75 days.”

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

172. In 1999, former Pittsburgh Steeler and Hall of Fame inductee Mike Webster had filed with the NFL's Retirement Plan (“NFL Plan”) a request that he receive complete disability benefits based on the fact that he had sustained repeated and disabling head impacts while a player for the Steelers. In 1999, Webster submitted to the NFL Plan extensive medical reports and testimony that stated, among other things, that Webster suffered from “traumatic or punch drunk encephalopathy [brain disease]” sustained from playing football that left Webster totally and permanently disabled as of 1991.

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

174. The NFL Plan gave Webster less than all of the benefits available, and set the date of his onset of total disability at 1996, six years after Webster was no longer an active player.

175. Webster died in 2002 at the age of fifty. In December 2006, the Estate of Webster received an unpublished opinion from the United States Court of Appeals for the Fourth Circuit that affirmed the decision of the District Court that the administrator had wrongly denied him benefits. In its opinion, the Fourth Circuit stated that the NFL Plan had acknowledged that the multiple head injuries Webster sustained during his playing career (1974-1990) “. . . had caused Webster eventually to suffer total and permanent mental disability”

176. Thus, the NFL, through expert medical testimony presented by Webster and the NFL Plan itself, knew and accepted that repetitive traumatic brain injuries sustained by an NFL player led to long-term encephalopathy and permanent mental disability.

177. A 2000 study, which surveyed 1,090 former NFL players, found that more than sixty (60) percent had suffered at least one concussion, and twenty-six (26) percent had suffered three (3) or more, during their careers. Those who had sustained concussions reported more problems with memory, concentration, speech impediments, headaches, and other neurological problems than those who had not been concussed.

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

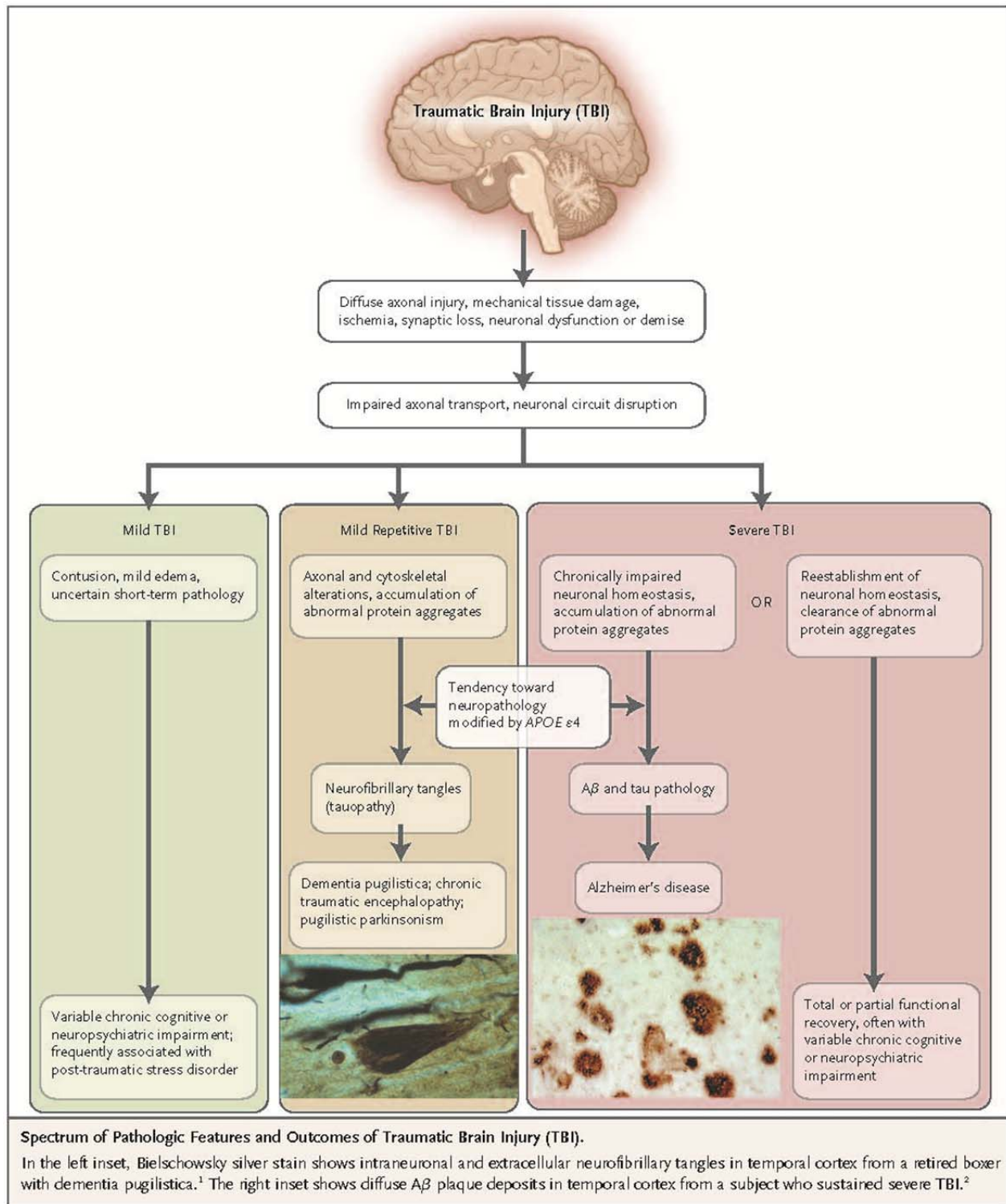
179. A 2001 report by Dr. Frederick Mueller that was published in the Journal of Athletic Training reported that a football-related fatality has occurred every year from 1945 through 1999, except for 1990. Head-related deaths accounted for 69% of football fatalities, cervical spinal injuries for 16.3%,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

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

181. 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 neurological field.

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

183. The chart on the following page, which was excerpted from an article in the 2010 *New England Journal of Medicine* entitled Traumatic Brain Injury—Football, Warfare, and Long-Term Effects, shows that even mild “traumatic brain injury” (“TBI”) can have lasting consequences that are manifest later in the football player’s life.



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

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

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

The NFL Voluntarily Undertakes the Responsibility of Studying Concussions Yet Fraudulently Conceals the Long-Term Effects of Concussions

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

188. Rather than take immediate measures to protect its players from these known dangers, then- NFL Commissioner Paul Tagliabue instead formed a committee to study the issue in 1994. This Committee, the Mild Traumatic Brain Injury Committee (the "MTBI Committee" or the "Committee"), voluntarily undertook the responsibility of studying the effects of concussions on NFL players.

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

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

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

192. The NFL's response to the issue of brain injuries and degenerative brain disease in retired NFL players caused by concussions and repetitive brain trauma received during their years as professional football players has been, until very recently, a conspiracy of deception and denial. The NFL actively tried to conceal the extent of the concussion and brain trauma problem, the risk to the Plaintiffs, and the risks to anyone else who played football.

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

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

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

196. In actuality however, the MTBI Committee was not independent. It consisted of at least five (5) members who were already affiliated with the NFL.

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

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

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

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

201. The NFL failed to appoint any neuropathologist to the MTBI Committee.

202. From its inception in 1994, the MTBI Committee allegedly began conducting studies to determine the effect of concussions on the long-term health of NFL players. NFL Commissioner Roger Goodell confirmed this in June 2007 when he stated publicly that the NFL had been studying the effects of traumatic brain injury for “close to 14 years”

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

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

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

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

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

208. The MTBI Committee's methodology and the conclusions reached in their research were criticized by independent experts due to the numerous flaws in the study design, methodology, and interpretation of the data, which led to conclusions at odds with common medical knowledge and basic scientific protocol.

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

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

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

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

213. Dr. Pellman and his group stated repeatedly that the NFL study showed “no evidence of worsening injury or chronic cumulative effects of multiple [mild traumatic brain injury] in NFL players.”

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

215. Other contrary conclusions that the MTBI Committee published over several years include but are not limited to the following:

- a. Drs. Pellman and Viano stated that because a “significant percentage of players returned to play in the same game [as they suffered a

concussion] and the overwhelming majority of players with concussions were kept out of football-related activities for less than 1 week, it can be concluded that mild [TBIs] in professional football are not serious injuries;”

- b. that NFL players did not show a decline in brain function after a concussion;
- c. that there were no ill effects among those who had three (3) or more concussions or who took hits to the head that sidelined them for a week or more;
- d. that “no NFL player experienced the second-impact syndrome or cumulative encephalopathy from repeat concussions;” and
- e. that NFL players’ brains responded and healed faster than those of high school or college athletes with the same injuries.

216. The Committee’s papers (the “Pellman Papers”) and conclusions were against the weight of the scientific evidence and based on biased data collection techniques. They received significant criticism in the media from independent doctors and researchers, and were met with skepticism in peer review segments following each article’s publication.

217. Moreover, the conclusions of the MTBI Committee completely contradicted the medical testimony regarding Mike Webster submitted to the NFL Plan, including testimony submitted by the NFL Plan’s own paid expert.

218. Renowned experts Dr. Robert Cantu and Dr. Julian Bailes wrote harshly critical reviews of the studies’ conclusions.

219. Dr. Cantu observed that the extremely small sample size and voluntary participation in the NFL’s study suggested there was bias in choosing the sample. According to Dr. Cantu, no conclusions should be drawn from the NFL study.

220. A different scientist that reviewed the Committee’s work further stated that the NFL appeared to be primarily preparing a defense for when injured players eventually sued, and

that it seemed to be promoting a flawed scientific study to justify its conclusion that concussions do not have adverse effects on players.

221. Dr. Kevin Guskiewicz has stated that the “data that hasn't shown up makes their work questionable industry-funded research.”

222. The Pellman Papers were also criticized in the popular press by ESPN and the *New York Times* when repeated inconsistencies and irregularities in the MTBI Committee’s data were revealed.

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

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

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

226. As described in the following paragraphs, when faced with studies which implicated a causal link between concussions and cognitive degeneration, the NFL, through the

MTBI Committee, continued to produce contrary findings which were false, distorted, and deceiving, all in an effort to conceal and deceive players and the public at large.

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

228. All of these individuals suffered multiple concussions during their NFL careers. Each also exhibited symptoms of deteriorated cognitive functions, paranoia, panic attacks, and depression.

229. Some of Dr. Omalu's findings were published in *Neurosurgery* articles. Those findings included that Webster's and Long's respective deaths were partially caused by CTE and were related to multiple concussions suffered during their professional playing years in the NFL.

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

231. Dr. Cantu reached a similar conclusion as to Waters in an article published in *Neurosurgery* in 2007.

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

233. The NFL's MTBI Committee attacked these studies.

234. In November 2003, Dr. Guskiewicz was scheduled to appear on HBO's "Inside the NFL" to discuss his research. Dr. Pellman called Dr. Guskiewicz in advance and questioned whether it was in the best interest of Dr. Guskiewicz to appear on the program. On the program,

Dr. Pellman stated unequivocally that he did not believe the results of the study led by Dr. Guskiewicz.

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

236. The MBTI Committee attacked and undermined the study, stating: “We want to apply scientific rigor to this issue to make sure that we’re really getting at the underlying cause of what’s happening. . . . You cannot tell that from a survey.”

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

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

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

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

240. The Plaintiffs relied on the pamphlet and the NFL's other prior disinformation, all of which was contrary to the findings of the independent scientists Drs. Guskiewicz, Cantu, Omalu, and Bailes, regarding the causal link between multiple head injuries and concussions and cognitive decline.

241. The NFL's conflict of interest and motive to suppress information regarding the risks of repetitive traumatic brain injuries and concussions was vividly demonstrated by Dr. Pellman's treatment of a concussion sustained by former star New York Jets player Wayne Chrebet. This occurred in 2003, the same time period when Dr. Pellman chaired the MTBI Committee.

242. In November 2003, Chrebet sustained a concussion from another player's knee to the back of his head. The impact left him face down on the field in an unconscious state for several minutes. Once Chrebet was on the sideline and conscious, Dr. Pellman administered tests. Dr. Pellman knew that Chrebet had sustained a concussion, but reportedly Chrebet performed adequately on standard memory tests. According to reports, Dr. Pellman asked Chrebet some questions, including whether he was "okay." Chrebet responded that he was. Reportedly, Dr. Pellman told Chrebet that, "This is very important for your career," and sent Chrebet back into the game. Shortly thereafter, Chrebet was diagnosed with post-concussion syndrome and kept out of games for the remainder of the 2003 season.

243. Today, Chrebet is 38 years old and reportedly suffers from depression and memory problems.

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

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

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

247. Drs. Casson and Viano continued to dismiss outside studies and overwhelming evidence linking dementia and other cognitive decline to brain injuries. In 2007, in a televised interview on HBO's Real Sports, Dr. Casson definitively and unequivocally stated that there was no link between concussions and depression, dementia, Alzheimer's disease, or "anything like [that] whatsoever."

248. In June 2007, the NFL convened a concussion summit for team doctors and trainers. Independent scientists, including Drs. Cantu, and Guskiewicz, presented their research to the NFL.

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

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

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

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

253. A MTBI Committee representative characterized each study as an "isolated incident" from which no conclusion could be drawn, and said he would wait to comment further until Dr. McKee's research was published in a peer-reviewed journal. When Dr. McKee's research was published in 2009, Dr. Casson asserted that "there is not enough valid, reliable or objective scientific evidence at present to determine whether . . . repeat head impacts in professional football result in long[-]term brain damage."

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

255. The NFL, who commissioned the study, responded to these results by claiming that the study was incomplete, and that further findings would be needed. NFL spokesperson Greg Aiello stated that the study was subject to shortcomings and did not formally diagnose dementia. Dr. Casson implied that the Michigan study was inconclusive and stated that further

work was required. Other experts in the field found the NFL's reaction to be "bizarre," noting that "they paid for the study, yet they tried to distance themselves from it."

256. On February 1, 2010, Dr. Omalu spoke before members of the House Judiciary Committee at a forum in Houston, Texas, with regard to "Head and Other Injuries in Youth, High School, College, and Professional Football." In his prepared testimony, Dr. Omalu stated that (a) the medical community has known about concussions and the effects of concussions in football for over a century; (b) that every blow to the head is dangerous; and (c) that repeated concussions and traumatic brain injury have the capacity to cause permanent brain damage.

***The Congressional Inquiry and
The NFL's Belated Acknowledgement of the Concussion Crisis***

257. 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.

258. 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.

259. 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."

260. 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.

261. 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."

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

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

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

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

266. On or about December 20, 2009, NFL spokesman Greg Aiello contradicted the NFL's previous pronouncements and stated that it was "quite obvious from the medical research that's been done that concussions can lead to long-term problems."

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

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

269. Representative Linda Sanchez criticized the NFL at the hearings and stated, "I find it really ridiculous that [Dr. Casson is] saying that concussions don't cause long-term cognitive problems. I think most people you ask on the street would figure that repeated blows to the head aren't good for you."

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

271. Representative Sanchez noted:

The NFL, quite frankly, has vast resources available to its disposal to educate coaches and players and medical personnel on the proper way to handle a concussed player, and if they have all these resources available to them and are not addressing the problem, imagine how can we expect every high school or college to be able to properly treat a concussed player if that proper action isn't being taken at the very top levels of the sport?

272. In 2010, the NFL re-named the MTBI Committee to the "Head, Neck, and Spine Medical Committee" (the "Medical Committee") and announced that Dr. Pellman would no longer be a member of the panel. Drs. H. Hunt Batjer and Richard G. Ellenbogen were selected

to replace Drs. Casson and Viano. The two new co-chairmen selected Dr. Mitchel S. Berger to serve on the new Medical Committee.

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

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

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

276. In June 2010, scientific evidence linked multiple concussions to yet another degenerative brain disease—Amyotrophic Lateral Sclerosis ("ALS"), commonly referred to as "Lou Gehrig's Disease."

277. Nonetheless, the NFL continued its deficient response to head injuries as the 2010 season began, and the League's concussion problems continued. In the first game of the 2010 season, Philadelphia Eagles middle linebacker Stewart Bradley sustained a head injury, staggered when he attempted to walk, and collapsed.

278. Former Dallas Cowboy's quarterback, Troy Aikman, who had suffered multiple concussions as a player, was analyzing the game on television and commented that "[i]t's hard to

imagine [Bradley] coming back into this game in light of what we just saw.” Four minutes later, Bradley was back in the game.

279. In the same game, Eagles quarterback Kevin Kolb was also sidelined by a concussion. He, too, reentered the game.

280. On February 17, 2011, former Chicago Bears and New York Giants player Dave Duerson committed suicide. Fifty years old at the time, Duerson had suffered months of headaches, blurred vision, and faltering memory. After his death, Dr. Cantu determined that Duerson was suffering from CTE.

281. Before his death, Duerson wrote a final note that asked that his brain be given to the NFL brain bank for evaluation.

282. When this information was reported, NFLPA Executive Director DeMaurice Smith stated that the fact that Duerson was suffering from CTE “makes it abundantly clear what the cost of football is for the men who played and the families. It seems to me that any decision or course of action that doesn’t recognize that as the truth is not only perpetuating a lie, but doing a disservice to what [Duerson] feared and what he wanted to result from the donation of his brain to science.”

283. In July 2011, John Mackey, former tight end of the Baltimore Colts and for whom the 88 Plan was named, passed away. Mackey was diagnosed with front temporal lobe dementia in 2007, forcing him to live full-time in an assisted living facility.

284. Initially, the NFLPA refused to pay a disability income to Mackey because it claimed that there was no proven direct link between brain injury and NFL game participation. When the 88 Plan was created, Mackey received payments, but far less than his family’s costs. Mackey made less than a total of \$500,000.00 during his decade-long NFL career.

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

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

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

288. Why League policy changes, accurate information sharing, strict fines and warnings were not recommended by the NFL's so called "expert" Committee soon after its creation in 1994 is difficult to comprehend when the NFL has known for decades that multiple blows to the head can lead to long-term brain injury, including memory loss, dementia, depression, and CTE and its related symptoms. Instead, the NFL concealed these facts from players, coaches, trainers, and the public and actively spread disinformation.

289. That it took sixteen years for the NFL to admit that there was a problem and to take real action to address that problem is willful and wanton and exhibits a reckless disregard for the safety of its players and the public at large. The NFL acted with callous indifference to the duty it voluntarily assumed to the Plaintiffs and players at every level of the game.

MEDICAL MONITORING ALLEGATIONS

290. As a result of the NFL's negligent and/or fraudulent misconduct, the Plaintiff NFL Players have been exposed to a greater than normal risk of brain injury following an initial concussion, thereby subjecting them to a proven increased risk of developing the adverse symptoms and conditions described above.

291. Many of the Plaintiff NFL Players have not yet fully begun to evidence many of the long-term physical and mental effects of the concussive injuries they sustained while playing in the NFL, which may remain latent and go undetected for some period of time.

292. These latent brain injuries require specialized testing that is not generally given to the public at large.

293. The available monitoring regime is specific for individuals exposed to concussions, and is different from that normally recommended in the absence of exposure to this risk of harm. The medical monitoring regime includes, but is not limited to, baseline tests and diagnostic examinations which will assist in diagnosing the adverse health effects associated with concussions. This diagnosis will facilitate the treatment and behavioral and/or pharmaceutical interventions that will prevent or mitigate various adverse consequences of the latent neurodegenerative disorders and diseases associated with the repeated traumatic head impacts that these players experienced in the NFL.

294. The available monitoring regime is reasonably necessary according to contemporary scientific principles within the medical community specializing in the diagnosis of head injuries and their potential link to, *inter alia*, memory loss, early onset dementia, CTE, Alzheimer-like syndromes, and similar cognitive-impairing conditions.

295. By monitoring and testing the Plaintiff NFL Players who are suspected of having suffered a concussion during either game or practice play, the risk of each such player suffering

long term injuries, disease, and losses, as described herein, will be significantly reduced.

PLAINTIFF-SPECIFIC ALLEGATIONS

Plaintiff Rahim Abdullah's Concussion History in the NFL and Injuries

296. Plaintiff Rahim Abdullah played in the NFL from 1999 to 2000.

297. Plaintiff Abdullah sustained approximately six (6) undiagnosed concussions while playing in the NFL.

298. Plaintiff Abdullah was returned to play too soon after having suffered his concussions and subsequently suffered other head injuries or blows to the head.

299. At no time did the NFL inform Plaintiff Abdullah that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

300. As a result of the numerous concussions suffered during his playing career, Plaintiff Abdullah suffers from, *inter alia*, headaches, migraines, dizziness and blurred vision. Plaintiff Abdullah is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Deon Anderson's Concussion History in the NFL and Injuries

301. Plaintiff Deon Anderson played in the NFL from 2007 to 2010.

302. Plaintiff Anderson sustained multiple concussions while playing in the NFL.

303. Plaintiff Anderson was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

304. At no time did the NFL inform Plaintiff Anderson that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

305. As a result of the numerous concussions suffered during his playing career,

Plaintiff Anderson suffers from, *inter alia*, headaches, memory loss, and loss of concentration. Plaintiff Anderson is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Tim Anderson's Concussion History in the NFL and Injuries

306. Plaintiff Tim Anderson played in the NFL from 2004 to 2009.

307. Plaintiff Anderson sustained multiple concussions while playing in the NFL.

308. Plaintiff Anderson was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

309. At no time did the NFL inform Plaintiff Anderson that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

310. As a result of the numerous concussions suffered during his playing career, Plaintiff Anderson suffers from, *inter alia*, headaches, memory loss, mood swings and loss of concentration. Plaintiff Anderson is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Thomas Backes' Concussion History in the NFL and Injuries

311. Plaintiff Thomas Backes played in the NFL from 1991 to 1994.

312. Plaintiff Backes sustained approximately ten (10) undiagnosed concussions while playing in the NFL.

313. Plaintiff Backes was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

314. At no time did the NFL inform Plaintiff Backes that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

315. As a result of the numerous concussions suffered during his playing career, Plaintiff Backes suffers from, *inter alia*, headaches, memory loss, mood swings and aggressive behavioral issues. Plaintiff Backes is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Carlton Bailey's Concussion History in the NFL and Injuries

316. Plaintiff Carlton Bailey played in the NFL from 1988 to 1997.

317. Plaintiff Bailey sustained between twelve (12) and fourteen (14) undiagnosed concussions while playing in the NFL.

318. Plaintiff Bailey was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

319. At no time did the NFL inform Plaintiff Bailey that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

320. As a result of the numerous concussions suffered during his playing career, Plaintiff Bailey suffers from, *inter alia*, headaches, memory loss, mood swings and stiffness in his neck. Plaintiff Bailey is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Tommy Barnhardt's Concussion History in the NFL and Injuries

321. Plaintiff Tommy Barnhardt played in the NFL from 1987 to 2000.

322. Plaintiff Barnhardt sustained approximately one (1) to two (2) diagnosed and three (3) to (4) undiagnosed concussions while playing in the NFL.

323. Plaintiff Barnhardt was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

324. At no time did the NFL inform Plaintiff Barnhardt that he risked severe and

permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

325. As a result of the numerous concussions suffered during his playing career, Plaintiff Barnhardt suffers from, *inter alia*, dizziness, headaches, insomnia, suicidal thoughts, vision issues, and ears ringing. Plaintiff Barnhardt is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Jason Bell's Concussion History in the NFL and Injuries

326. Plaintiff Jason Bell played in the NFL from 2001 to 2006.

327. Plaintiff Bell sustained one (1) or two (2) diagnosed and multiple undiagnosed concussions while playing in the NFL.

328. Plaintiff Bell was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

329. At no time did the NFL inform Plaintiff Bell that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

330. As a result of the numerous concussions suffered during his playing career, Plaintiff Bell suffers from, *inter alia*, neck pains, headaches, numbness, light sensitivity and noise sensitivity. Plaintiff Bell is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Kevin Bentley's Concussion History in the NFL and Injuries

331. Plaintiff Kevin Bentley played in the NFL from 2002 to 2011.

332. Plaintiff Bentley sustained approximately five (5) to seven (7) undiagnosed concussions while playing in the NFL.

333. Plaintiff Bentley was returned to play too soon after having sustained these

concussions and subsequently suffered other head injuries or blows to the head.

334. At no time did the NFL inform Plaintiff Bentley that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

335. As a result of the numerous concussions suffered during his playing career, Plaintiff Bentley suffers from, *inter alia*, headaches, memory loss, insomnia, mood swings and loss of concentration. Plaintiff Bentley is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Ladell Betts' Concussion History in the NFL and Injuries

336. Plaintiff Ladell Betts played in the NFL from 2002 to 2011.

337. Plaintiff Betts sustained approximately two (2) diagnosed and between three (3) and four (4) undiagnosed concussions while playing in the NFL.

338. Plaintiff Betts was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

339. At no time did the NFL inform Plaintiff Betts that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

340. As a result of the numerous concussions suffered during his playing career, Plaintiff Betts suffers from, *inter alia*, headaches, memory loss, and loss of concentration. Plaintiff Betts is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Donny Brady's Concussion History in the NFL and Injuries

341. Plaintiff Donny Brady played in the NFL from 1995 to 2001.

342. Plaintiff Brady sustained approximately two (2) diagnosed and between six (6) to

eight (8) undiagnosed concussions while playing in the NFL.

343. Plaintiff Brady was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

344. At no time did the NFL inform Plaintiff Brady that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

345. As a result of the numerous concussions suffered during his playing career, Plaintiff Brady suffers from, *inter alia*, headaches, memory loss, insomnia and loss of concentration. Plaintiff Brady is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Terrance D. Brooks' Concussion History in the NFL and Injuries

346. Plaintiff Terrance D. Brooks played in the NFL from 1988 to 1990.

347. Plaintiff Brooks sustained numerous undiagnosed concussions while playing in the NFL.

348. Plaintiff Brooks was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

349. At no time did the NFL inform Plaintiff Brooks that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

350. As a result of the numerous concussions suffered during his playing career, Plaintiff Brooks suffers from, *inter alia*, depression, insomnia, severe headaches, mood swings and noise sensitivity. Plaintiff Brooks is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Courtney L. Brown's Concussion History in the NFL and Injuries

351. Plaintiff Courtney L. Brown played in the NFL from 2000 to 2006.

352. Plaintiff Brown sustained multiple concussions while playing in the NFL.

353. Plaintiff Brown was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

354. At no time did the NFL inform Plaintiff Brown that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

355. As a result of the numerous concussions suffered during his playing career, Plaintiff Brown suffers from, *inter alia*, headaches, loss of memory and loss of concentration. Plaintiff Brown is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Gilbert Brown's Concussion History in the NFL and Injuries

356. Plaintiff Gilbert Brown played in the NFL from 1993 to 2003.

357. Plaintiff Brown sustained approximately fifty (50) to one hundred (100) undiagnosed concussions while playing in the NFL.

358. Plaintiff Brown was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

359. At no time did the NFL inform Plaintiff Brown that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

360. As a result of the numerous concussions suffered during his playing career, Plaintiff Brown suffers from, *inter alia*, migraine headache, loss of memory and lack of concentration. Plaintiff Brown is also at heightened risk of developing further adverse

neurological symptoms in the future.

Plaintiff Tony Bryant's Concussion History in the NFL and Injuries

361. Plaintiff Tony Bryant played in the NFL from 1999 to 2006.

362. Plaintiff Bryant sustained approximately ten (10) undiagnosed concussions while playing in the NFL.

363. Plaintiff Bryant was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

364. At no time did the NFL inform Plaintiff Bryant that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

365. As a result of the numerous concussions suffered during his playing career, Plaintiff Bryant suffers from, *inter alia*, headaches, loss of memory, insomnia, depression, hearing loss, vision issues, dizziness and lack of concentration. Plaintiff Bryant is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Khary K. Campbell's Concussion History in the NFL and Injuries

366. Plaintiff Khary K. Campbell played in the NFL from 2002 to 2009.

367. Plaintiff Campbell sustained one (1) diagnosed and numerous undiagnosed concussions while playing in the NFL.

368. Plaintiff Campbell was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

369. At no time did the NFL inform Plaintiff Campbell that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

370. As a result of the numerous concussions suffered during his playing career,

Plaintiff Campbell suffers from, *inter alia*, headaches, loss of memory, depression, anger issues, and lack of concentration. Plaintiff Campbell is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Marcus Coleman's Concussion History in the NFL and Injuries

371. Plaintiff Marcus Coleman played in the NFL from 1996 to 2006.

372. Plaintiff Coleman sustained multiple concussions while playing in the NFL.

373. Plaintiff Coleman was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

374. At no time did the NFL inform Plaintiff Coleman that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

375. As a result of the numerous concussions suffered during his playing career, Plaintiff Coleman suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Coleman is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Frederick D. Coleman's Concussion History in the NFL and Injuries

376. Plaintiff Frederick D. Coleman played in the NFL from 1998 to 2004.

377. Plaintiff Coleman sustained multiple concussions while playing in the NFL.

378. Plaintiff Coleman was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

379. At no time did the NFL inform Plaintiff Coleman that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

380. As a result of the numerous concussions suffered during his playing career,

Plaintiff Coleman suffers from, *inter alia*, headaches, loss of memory and light sensitivity. Plaintiff Coleman is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Tim Couch's Concussion History in the NFL and Injuries

381. Plaintiff Tim Couch played in the NFL from 1999 to 2007.

382. Plaintiff Couch sustained approximately two (2) diagnosed and two (2) undiagnosed concussions while playing in the NFL.

383. Plaintiff Couch was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

384. At no time did the NFL inform Plaintiff Couch that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

385. As a result of the numerous concussions suffered during his playing career, Plaintiff Couch suffers from, *inter alia*, headaches, light sensitivity, loss of memory and lack of concentration. Plaintiff Couch is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Casey Cramer's Concussion History in the NFL and Injuries

386. Plaintiff Casey Cramer played in the NFL from 2004 to 2009.

387. Plaintiff Cramer sustained approximately two (2) diagnosed and numerous undiagnosed concussions while playing in the NFL.

388. Plaintiff Cramer was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

389. At no time did the NFL inform Plaintiff Cramer that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's

failure was a substantial cause of his current injuries.

390. As a result of the numerous concussions suffered during his playing career, Plaintiff Cramer suffers from, *inter alia*, headaches, anger issues, depression and blurred vision. Plaintiff Cramer is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Anthony T.J. Cunningham, Jr.'s Concussion History in the NFL and Injuries

391. Plaintiff Anthony T.J. Cunningham, Jr., played in the NFL in 1996.

392. Plaintiff Cunningham sustained approximately two (2) undiagnosed concussions while playing in the NFL.

393. Plaintiff Cunningham was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

394. At no time did the NFL inform Plaintiff Cunningham that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

395. As a result of the numerous concussions suffered during his playing career, Plaintiff Cunningham suffers from, *inter alia*, headaches, loss of memory, mood swings, anxiety, depression, hearing issues, dizziness, vision issues and lack of concentration. Plaintiff Cunningham is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Keith L. Davis' Concussion History in the NFL and Injuries

396. Plaintiff Keith L. Davis played in the NFL from 2002 to 2008.

397. Plaintiff Davis sustained multiple concussions while playing in the NFL.

398. Plaintiff Davis was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

399. At no time did the NFL inform Plaintiff Davis that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

400. As a result of the numerous concussions suffered during his playing career, Plaintiff Davis suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Davis is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff John Isaac Davis' Concussion History in the NFL and Injuries

401. Plaintiff John Isaac Davis played in the NFL from 1994 to 1999.

402. Plaintiff Davis sustained numerous concussions while playing in the NFL.

403. Plaintiff Davis was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

404. At no time did the NFL inform Plaintiff Davis that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

405. As a result of the numerous concussions suffered during his playing career, Plaintiff Davis suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Davis is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Ken Dilger's Concussion History in the NFL and Injuries

406. Plaintiff Ken Dilger played in the NFL from 1995 to 2004.

407. Plaintiff Dilger sustained approximately six (6) diagnosed concussions while playing in the NFL.

408. Plaintiff Dilger was returned to play too soon after having sustained these

concussions and subsequently suffered other head injuries or blows to the head.

409. At no time did the NFL inform Plaintiff Dilger that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

410. As a result of the numerous concussions suffered during his playing career, Plaintiff Dilger suffers from, *inter alia*, headaches, ringing in ears, loss of memory and lack of concentration. Plaintiff Dilger is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Michael Downs' Concussion History in the NFL and Injuries

411. Plaintiff Michael Downs played in the NFL from 1981 to 1989.

412. Plaintiff Downs sustained multiple concussions while playing in the NFL.

413. Plaintiff Downs was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

414. At no time did the NFL inform Plaintiff Downs that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

415. As a result of the numerous concussions suffered during his playing career, Plaintiff Downs suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Downs is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Vernon Edwards' Concussion History in the NFL and Injuries

416. Plaintiff Vernon Edwards played in the NFL from 1995 to 1996.

417. Plaintiff Edwards sustained approximately four (4) concussions while playing in the NFL.

418. Plaintiff Edwards was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

419. At no time did the NFL inform Plaintiff Edwards that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

420. As a result of the numerous concussions suffered during his playing career, Plaintiff Edwards suffers from, *inter alia*, severe headaches, ringing in ears and light sensitivity. Plaintiff Edwards is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Demetric Evans' Concussion History in the NFL and Injuries

421. Plaintiff Demetric Evans played in the NFL from 2001 to 2010.

422. Plaintiff Evans sustained approximately four (4) diagnosed and numerous undiagnosed concussions while playing in the NFL.

423. Plaintiff Evans was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

424. At no time did the NFL inform Plaintiff Evans that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

425. As a result of the numerous concussions suffered during his playing career, Plaintiff Evans suffers from, *inter alia*, dizziness, light sensitivity, blurred vision, migraine headaches, loss of memory and slurred speech. Plaintiff Evans is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Douglas E. Evans' Concussion History in the NFL and Injuries

426. Plaintiff Douglas E. Evans played in the NFL from 1993 to 2003.

427. Plaintiff Evans sustained approximately two (2) diagnosed and multiple undiagnosed concussions while playing in the NFL.

428. Plaintiff Evans was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

429. At no time did the NFL inform Plaintiff Evans that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

430. As a result of the numerous concussions suffered during his playing career, Plaintiff Evans suffers from, *inter alia*, neck pain, headaches, loss of memory, depression, mood swings, increased agitation and lack of concentration. Plaintiff Evans is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Thomas G. Everett's Concussion History in the NFL and Injuries

431. Plaintiff Thomas G. Everett played in the NFL from 1987 to 1995.

432. Plaintiff Everett sustained approximate three (3) diagnosed and multiple undiagnosed concussions while playing in the NFL.

433. Plaintiff Everett was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

434. At no time did the NFL inform Plaintiff Everett that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

435. As a result of the numerous concussions suffered during his playing career, Plaintiff Everett suffers from, *inter alia*, headaches, loss of memory, insomnia and blurred vision. Plaintiff Everett is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Eric E. Everett's Concussion History in the NFL and Injuries

436. Plaintiff Eric E. Everett played in the NFL from 1988 to 1992.

437. Plaintiff Everett sustained multiple concussions while playing in the NFL.

438. Plaintiff Everett was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

439. At no time did the NFL inform Plaintiff Everett that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

440. As a result of the numerous concussions suffered during his playing career, Plaintiff Everett suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Everett is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Christopher Floyd's Concussion History in the NFL and Injuries

441. Plaintiff Christopher Floyd played in the NFL from 1998 to 2000.

442. Plaintiff Floyd sustained two (2) diagnosed and multiple undiagnosed concussions while playing in the NFL.

443. Plaintiff Floyd was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

444. At no time did the NFL inform Plaintiff Floyd that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

445. As a result of the numerous concussions suffered during his playing career, Plaintiff Floyd suffers from, *inter alia*, headaches, light sensitivity, insomnia, lack of concentration, and loss of memory. Plaintiff Floyd is also at heightened risk of developing

further adverse neurological symptoms in the future.

Plaintiff Anthony Fogle's Concussion History in the NFL and Injuries

446. Plaintiff Anthony Fogle played in the NFL from 1997-1998.

447. Plaintiff Fogle sustained multiple concussions while playing in the NFL.

448. Plaintiff Fogle was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

449. At no time did the NFL inform Plaintiff Fogle that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

450. As a result of the numerous concussions suffered during his playing career, Plaintiff Fogle suffers from, *inter alia*, headaches, loss of memory, dizziness, mood swings and lack of concentration. Plaintiff Fogle is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Randy Fuller's Concussion History in the NFL and Injuries

451. Plaintiff Randy Fuller played in the NFL from 1994 to 1999.

452. Plaintiff Fuller sustained numerous concussions while playing in the NFL.

453. Plaintiff Fuller was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

454. At no time did the NFL inform Plaintiff Fuller that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

455. As a result of the numerous concussions suffered during his playing career, Plaintiff Fuller suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Fuller is also at heightened risk of developing further adverse neurological symptoms in

the future.

Plaintiff Joe Garten's Concussion History in the NFL and Injuries

456. Plaintiff Joe Garten played in the NFL from 1991 to 1992.

457. Plaintiff Garten sustained multiple concussions while playing in the NFL.

458. Plaintiff Garten was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

459. At no time did the NFL inform Plaintiff Garten that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

460. As a result of the numerous concussions suffered during his playing career, Plaintiff Garten suffers from, *inter alia*, headaches, loss of hearing, insomnia and loss of memory. Plaintiff Garten is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Olandis Gary's Concussion History in the NFL and Injuries

461. Plaintiff Olandis Gary played in the NFL from 1999 to 2004.

462. Plaintiff Gary sustained one (1) diagnosed and approximately four (4) undiagnosed concussions while playing in the NFL.

463. Plaintiff Gary was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

464. At no time did the NFL inform Plaintiff Gary that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

465. As a result of the numerous concussions suffered during his playing career, Plaintiff Gary suffers from, *inter alia*, headaches, light headedness, loss of memory and

insomnia. Plaintiff Gary is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Charles Gessner's Concussion History in the NFL and Injuries

466. Plaintiff Charles Gessner played in the NFL from 2003 to 2008.

467. Plaintiff Gessner sustained multiple concussions while playing in the NFL.

468. Plaintiff Gessner was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

469. At no time did the NFL inform Plaintiff Gessner that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

470. As a result of the numerous concussions suffered during his playing career, Plaintiff Gessner suffers from, *inter alia*, severe migraines, loss of memory, insomnia and light sensitivity. Plaintiff Gessner is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Tim Goad's Concussion History in the NFL and Injuries

471. Plaintiff Tim Goad played in the NFL from 1988 to 1996.

472. Plaintiff Goad sustained at least one (1) diagnosed and numerous undiagnosed concussions while playing in the NFL.

473. Plaintiff Goad was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

474. At no time did the NFL inform Plaintiff Goad that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

475. As a result of the numerous concussions suffered during his playing career,

Plaintiff Goad suffers from, *inter alia*, headaches, loss of memory, insomnia, dizziness, numbness and lack of concentration. Plaintiff Goad is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Steve Grant's Concussion History in the NFL and Injuries

476. Plaintiff Steve Grant played in the NFL from 1992 to 1997.

477. Plaintiff Grant sustained numerous concussions while playing in the NFL.

478. Plaintiff Grant was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

479. At no time did the NFL inform Plaintiff Grant that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

480. As a result of the numerous concussions suffered during his playing career, Plaintiff Grant suffers from, *inter alia*, headaches, loss of hearing, loss of memory and lack of concentration. Plaintiff Grant is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Orantes L. Grant's Concussion History in the NFL and Injuries

481. Plaintiff Orantes L. Grant played in the NFL from 2000 to 2003.

482. Plaintiff Grant sustained at least one (1) diagnosed and multiple undiagnosed concussions while playing in the NFL.

483. Plaintiff Grant was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

484. At no time did the NFL inform Plaintiff Grant that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

485. As a result of the numerous concussions suffered during his playing career, Plaintiff Grant suffers from, *inter alia*, headaches, loss of memory, anxiety, light sensitivity, dizziness, blurred vision, tightening of jaw, numbness in arms and hands, and lack of concentration. Plaintiff Grant is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Damacio Green's Concussion History in the NFL and Injuries

486. Plaintiff Damacio Green played in the NFL from 1997 to 1998.

487. Plaintiff Green sustained approximate three (3) to four (4) concussions while playing in the NFL.

488. Plaintiff Green was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

489. At no time did the NFL inform Plaintiff Green that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

490. As a result of the numerous concussions suffered during his playing career, Plaintiff Green suffers from, *inter alia*, headaches, loss of memory, noise sensitivity and irritability. Plaintiff Green is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Nick Greisen's Concussion History in the NFL and Injuries

491. Plaintiff Nick Greisen played in the NFL from 2002 to 2009.

492. Plaintiff Greisen sustained approximately three (3) to four (4) concussions while playing in the NFL.

493. Plaintiff Greisen was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

494. At no time did the NFL inform Plaintiff Greisen that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

495. As a result of the numerous concussions suffered during his playing career, Plaintiff Greisen suffers from, *inter alia*, headaches, migraines, loss of memory and vision issues. Plaintiff Greisen is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Larry Griffin's Concussion History in the NFL and Injuries

496. Plaintiff Larry Griffin played in the NFL from 1986 to 1993.

497. Plaintiff Griffin sustained three (3) diagnosed and approximately five (5) undiagnosed concussions while playing in the NFL.

498. Plaintiff Griffin was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

499. At no time did the NFL inform Plaintiff Griffin that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

500. As a result of the numerous concussions suffered during his playing career, Plaintiff Griffin suffers from, *inter alia*, headaches, loss of memory, dizziness and lack of concentration. Plaintiff Griffin is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Anthony G. Griggs' Concussion History in the NFL and Injuries

501. Plaintiff Anthony G. Griggs played in the NFL from 1982 to 1988.

502. Plaintiff Griggs sustained multiple concussions while playing in the NFL.

503. Plaintiff Griggs was returned to play too soon after having sustained these

concussions and subsequently suffered other head injuries or blows to the head.

504. At no time did the NFL inform Plaintiff Griggs that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

505. As a result of the numerous concussions suffered during his playing career, Plaintiff Griggs suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Griggs is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Monty Grow's Concussion History in the NFL and Injuries

506. Plaintiff Monty Grow played in the NFL from 1994 to 1996.

507. Plaintiff Grow sustained multiple concussions while playing in the NFL.

508. Plaintiff Grow was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

509. At no time did the NFL inform Plaintiff Grow that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

510. As a result of the numerous concussions suffered during his playing career, Plaintiff Grow suffers from, *inter alia*, headaches, loss of memory, dizziness, sleeplessness and lack of concentration. Plaintiff Grow is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Ronald Hallstrom's Concussion History in the NFL and Injuries

511. Plaintiff Ronald Hallstrom played in the NFL from 1982 to 1993.

512. Plaintiff Hallstrom sustained one (1) diagnosed and multiple undiagnosed concussions while playing in the NFL.

513. Plaintiff Hallstrom was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

514. At no time did the NFL inform Plaintiff Hallstrom that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

515. As a result of the numerous concussions suffered during his playing career, Plaintiff Hallstrom suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Hallstrom is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Bobby J. Hamilton's Concussion History in the NFL and Injuries

516. Plaintiff Bobby J. Hamilton played in the NFL from 1996 to 2007.

517. Plaintiff Hamilton sustained approximately five (5) diagnosed and thirteen (13) undiagnosed concussions while playing in the NFL.

518. Plaintiff Hamilton was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

519. At no time did the NFL inform Plaintiff Hamilton that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

520. As a result of the numerous concussions suffered during his playing career, Plaintiff Hamilton suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Hamilton is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Lawrence Hart's Concussion History in the NFL and Injuries

521. Plaintiff Lawrence Hart played in the NFL in 2001.

522. Plaintiff Hart sustained multiple concussions while playing in the NFL.

523. Plaintiff Hart was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

524. At no time did the NFL inform Plaintiff Hart that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

525. As a result of the numerous concussions suffered during his playing career, Plaintiff Hart suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Hart is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Keith C. Heinrich's Concussion History in the NFL and Injuries

526. Plaintiff Keith C. Heinrich played in the NFL from 2002 to 2007.

527. Plaintiff Heinrich sustained multiple concussions while playing in the NFL.

528. Plaintiff Heinrich was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

529. At no time did the NFL inform Plaintiff Heinrich that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

530. As a result of the numerous concussions suffered during his playing career, Plaintiff Heinrich suffers from, *inter alia*, headaches, dizziness, impulse anger issues, insomnia, depression, loss of memory and lack of concentration. Plaintiff Heinrich is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Kevin Henry's Concussion History in the NFL and Injuries

531. Plaintiff Kevin Henry played in the NFL from 1993 to 2000.

532. Plaintiff Henry sustained approximately four (4) diagnosed concussions while playing in the NFL.

533. Plaintiff Henry was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

534. At no time did the NFL inform Plaintiff Henry that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

535. As a result of the numerous concussions suffered during his playing career, Plaintiff Henry suffers from, *inter alia*, headaches, dizziness, loss of memory, neurological disorder, suicidal thoughts, insomnia, depression, fatigue, irritability and numbness and tingling. Plaintiff Henry is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Maurice Hicks' Concussion History in the NFL and Injuries

536. Plaintiff Maurice Hicks played in the NFL from 2002 to 2008.

537. Plaintiff Hicks sustained multiple concussions while playing in the NFL.

538. Plaintiff Hicks was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

539. At no time did the NFL inform Plaintiff Hicks that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

540. As a result of the numerous concussions suffered during his playing career, Plaintiff Hicks suffers from, *inter alia*, headaches, loss of memory, fatigue and mood swings. Plaintiff Hicks is also at heightened risk of developing further adverse neurological symptoms in

the future.

Plaintiff Reese Hicks' Concussion History in the NFL and Injuries

541. Plaintiff Reese Hicks played in the NFL in 2005.

542. Plaintiff Hicks sustained approximately ten (10) to fifteen (15) concussions while playing in the NFL.

543. Plaintiff Hicks was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

544. At no time did the NFL inform Plaintiff Hicks that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

545. As a result of the numerous concussions suffered during his playing career, Plaintiff Hicks suffers from, *inter alia*, headaches, loss of memory, hearing issues and lack of concentration. Plaintiff Hicks is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Ronald Humphrey's Concussion History in the NFL and Injuries

546. Plaintiff Ronald Humphrey played in the NFL from 1993 to 1995.

547. Plaintiff Humphrey sustained two (2) diagnosed and approximately two (2) to three (3) undiagnosed concussions while playing in the NFL.

548. Plaintiff Humphrey was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

549. At no time did the NFL inform Plaintiff Humphrey that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

550. As a result of the numerous concussions suffered during his playing career,

Plaintiff Humphrey suffers from, *inter alia*, migraine headaches, loss of memory and lack of concentration. Plaintiff Humphrey is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Ralph Pete Hunter's Concussion History in the NFL and Injuries

551. Plaintiff Ralph Pete Hunter played in the NFL from 2002 to 2007.

552. Plaintiff Hunter sustained two (2) diagnosed and approximately four (4) undiagnosed concussions while playing in the NFL.

553. Plaintiff Hunter was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

554. At no time did the NFL inform Plaintiff Hunter that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

555. As a result of the numerous concussions suffered during his playing career, Plaintiff Hunter suffers from, *inter alia*, light sensitivity, headaches, loss of focus, loss of memory, insomnia, mood swings, anxiety and cold sweats. Plaintiff Hunter is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff James J.J. Johnson's Concussion History in the NFL and Injuries

556. Plaintiff James J.J. Johnson played in the NFL from 1999 to 2002.

557. Plaintiff Johnson sustained multiple concussions while playing in the NFL.

558. Plaintiff Johnson was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

559. At no time did the NFL inform Plaintiff Johnson that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

560. As a result of the numerous concussions suffered during his playing career, Plaintiff Johnson suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Johnson is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Garrick D. Jones' Concussion History in the NFL and Injuries

561. Plaintiff Garrick D. Jones played in the NFL from 2002 to 2006.

562. Plaintiff Jones sustained approximately two (2) diagnosed and four (4) undiagnosed concussions while playing in the NFL.

563. Plaintiff Jones was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

564. At no time did the NFL inform Plaintiff Jones that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

565. As a result of the numerous concussions suffered during his playing career, Plaintiff Jones suffers from, *inter alia*, headaches, loss of memory, delayed reaction time, slow thought process and lack of concentration. Plaintiff Jones is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Christopher Jones' Concussion History in the NFL and Injuries

566. Plaintiff Christopher Jones played in the NFL from 1995 to 1999.

567. Plaintiff Jones sustained numerous concussions while playing in the NFL.

568. Plaintiff Jones was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

569. At no time did the NFL inform Plaintiff Jones that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was

a substantial cause of his current injuries.

570. As a result of the numerous concussions suffered during his playing career, Plaintiff Jones suffers from, *inter alia*, headaches, light sensitivity, loss of memory, depression, irritability, suicidal thoughts, sleeplessness, neck and cervical arthritis, numbness and tingling, and lack of concentration. Plaintiff Jones is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Carlos Jones' Concussion History in the NFL and Injuries

571. Plaintiff Carlos Jones played in the NFL in 1997.

572. Plaintiff Jones sustained multiple concussions while playing in the NFL.

573. Plaintiff Jones was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

574. At no time did the NFL inform Plaintiff Jones that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

575. As a result of the numerous concussions suffered during his playing career, Plaintiff Jones suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Jones is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Charles Jordan's Concussion History in the NFL and Injuries

576. Plaintiff Charles Jordan played in the NFL from 1993 to 2001.

577. Plaintiff Jordan sustained numerous concussions while playing in the NFL.

578. Plaintiff Jordan was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

579. At no time did the NFL inform Plaintiff Jordan that he risked severe and

permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

580. As a result of the numerous concussions suffered during his playing career, Plaintiff Jordan suffers from, *inter alia*, headaches, loss of memory, blurred vision, depression, extreme personality disorder, unexplained black-outs, obsessive compulsive behavior and unexplained episodes of rage. Plaintiff Jordan is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Omari Jordan's Concussion History in the NFL and Injuries

581. Plaintiff Omari Jordan played in the NFL in 2004.

582. Plaintiff Jordan sustained approximately three (3) concussions while playing in the NFL.

583. Plaintiff Jordan was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

584. At no time did the NFL inform Plaintiff Jordan that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

585. As a result of the numerous concussions suffered during his playing career, Plaintiff Jordan suffers from, *inter alia*, headaches, loss of memory, light headedness, insomnia and lack of concentration. Plaintiff Jordan is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Robert Bradley Kassell's Concussion History in the NFL and Injuries

586. Plaintiff Robert Bradley Kassell played in the NFL from 2002 to 2008.

587. Plaintiff Kassell sustained three (3) diagnosed concussions and multiple undiagnosed concussions while playing in the NFL.

588. Plaintiff Kassel was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

589. At no time did the NFL inform Plaintiff Kassel that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

590. As a result of the numerous concussions suffered during his playing career, Plaintiff Kassel suffers from, *inter alia*, migraine headaches, loss of memory, insomnia and lack of concentration. Plaintiff Kassel is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Carl Kidd's Concussion History in the NFL and Injuries

591. Plaintiff Carl Kidd played in the NFL from 1995 to 1996.

592. Plaintiff Kidd sustained approximately five (5) concussions while playing in the NFL.

593. Plaintiff Kidd was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

594. At no time did the NFL inform Plaintiff Kidd that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

595. As a result of the numerous concussions suffered during his playing career, Plaintiff Kidd suffers from, *inter alia*, headaches, nausea, light sensitivity, insomnia, loss of memory, impulse control problems, blurred vision and depression. Plaintiff Kidd is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Eric King's Concussion History in the NFL and Injuries

596. Plaintiff Eric King played in the NFL from 2005 to 2010.

597. Plaintiff King sustained approximately three (3) to four (4) diagnosed and multiple undiagnosed concussions while playing in the NFL.

598. Plaintiff King was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

599. At no time did the NFL inform Plaintiff King that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

600. As a result of the numerous concussions suffered during his playing career, Plaintiff King suffers from, *inter alia*, headaches, loss of memory, fatigue and mood swings. Plaintiff King is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Alex Lewis' Concussion History in the NFL and Injuries

601. Plaintiff Alex Lewis played in the NFL from 2004 to 2008.

602. Plaintiff Lewis sustained approximately two (2) concussions while playing in the NFL.

603. Plaintiff Lewis was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

604. At no time did the NFL inform Plaintiff Lewis that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

605. As a result of the numerous concussions suffered during his playing career, Plaintiff Lewis suffers from, *inter alia*, headaches, vision problems and lack of concentration. Plaintiff Lewis is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Eugene Lockhart, Jr.'s Concussion History in the NFL and Injuries

606. Plaintiff Eugene Lockhart, Jr., played in the NFL from 1984 to 1992.

607. Plaintiff Lockhart sustained multiple concussions while playing in the NFL.

608. Plaintiff Lockhart was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

609. At no time did the NFL inform Plaintiff Lockhart that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

610. As a result of the numerous concussions suffered during his playing career, Plaintiff Lockhart suffers from, *inter alia*, extreme headaches, ears ringing, nose bleeds, loss of memory, early stages of dementia, dizziness, depression, fatigue, irritability, anxiety, suicidal thoughts, insomnia, and neck and cervical spine problems. Plaintiff Lockhart is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Anthony McCoy's Concussion History in the NFL and Injuries

611. Plaintiff Anthony McCoy played in the NFL from 1992 to 2000.

612. Plaintiff McCoy sustained multiple concussions while playing in the NFL.

613. Plaintiff McCoy was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

614. At no time did the NFL inform Plaintiff McCoy that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

615. As a result of the numerous concussions suffered during his playing career, Plaintiff McCoy suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff McCoy is also at heightened risk of developing further adverse neurological symptoms

in the future.

Plaintiff Marcus A. McFadden's Concussion History in the NFL and Injuries

616. Plaintiff Marcus A. McFadden played in the NFL in 2002.

617. Plaintiff McFadden sustained approximately one (1) to two (2) diagnosed and multiple undiagnosed concussions while playing in the NFL.

618. Plaintiff McFadden was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

619. At no time did the NFL inform Plaintiff McFadden that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

620. As a result of the numerous concussions suffered during his playing career, Plaintiff McFadden suffers from, *inter alia*, headaches, loss of memory, depression, diagnosed schizophrenia, light sensitivity, noise sensitivity and lack of concentration. Plaintiff McFadden is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Curtis McGee's Concussion History in the NFL and Injuries

621. Plaintiff Curtis McGee played in the NFL from 1997 to 1999.

622. Plaintiff McGee sustained approximately three (3) to four (4) diagnosed and multiple undiagnosed concussions while playing in the NFL.

623. Plaintiff McGee was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

624. At no time did the NFL inform Plaintiff McGee that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

625. As a result of the numerous concussions suffered during his playing career,

Plaintiff McGee suffers from, *inter alia*, headaches, loss of hearing, loss of memory and blurred vision. Plaintiff McGee is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff William Middlebrooks' Concussion History in the NFL and Injuries

626. Plaintiff William Middlebrooks played in the NFL from 2001 to 2006.

627. Plaintiff Middlebrooks sustained approximately two (2) diagnosed and multiple undiagnosed concussions while playing in the NFL.

628. Plaintiff Middlebrooks was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

629. At no time did the NFL inform Plaintiff Middlebrooks that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

630. As a result of the numerous concussions suffered during his playing career, Plaintiff Middlebrooks suffers from, *inter alia*, headaches, neck problems, loss of memory, insomnia and hearing issues. Plaintiff Middlebrooks is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Nathan Miller's Concussion History in the NFL and Injuries

631. Plaintiff Nathan Miller played in the NFL in 1997.

632. Plaintiff Miller sustained approximately ten (10) concussions while playing in the NFL.

633. Plaintiff Miller was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

634. At no time did the NFL inform Plaintiff Miller that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's

failure was a substantial cause of his current injuries.

635. As a result of the numerous concussions suffered during his playing career, Plaintiff Miller suffers from, *inter alia*, blurred vision, headaches, loss of memory, muscles spasms and lack of concentration. Plaintiff Miller is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Anthony Miller's Concussion History in the NFL and Injuries

636. Plaintiff Anthony Miller played in the NFL from 1988 to 1997.

637. Plaintiff Miller sustained multiple concussions while playing in the NFL.

638. Plaintiff Miller was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

639. At no time did the NFL inform Plaintiff Miller that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

640. As a result of the numerous concussions suffered during his playing career, Plaintiff Miller suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Miller is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Marvin Minnis' Concussion History in the NFL and Injuries

641. Plaintiff Marvin Minnis played in the NFL from 2001 to 2004.

642. Plaintiff Minnis sustained two (2) diagnosed and approximately eight (8) undiagnosed concussions while playing in the NFL.

643. Plaintiff Minnis was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

644. At no time did the NFL inform Plaintiff Minnis that he risked severe and

permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

645. As a result of the numerous concussions suffered during his playing career, Plaintiff Minnis suffers from, *inter alia*, headaches, light sensitivity, loss of memory, mood swings and depression. Plaintiff Minnis is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Kyle Moore's Concussion History in the NFL and Injuries

646. Plaintiff Kyle Moore played in the NFL from 1993 to 1994.

647. Plaintiff Moore sustained approximately one (1) to two (2) diagnosed and four (4) undiagnosed concussions while playing in the NFL.

648. Plaintiff Moore was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

649. At no time did the NFL inform Plaintiff Moore that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

650. As a result of the numerous concussions suffered during his playing career, Plaintiff Moore suffers from, *inter alia*, headaches, neck problems and dizziness. Plaintiff Moore is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Anthony W. Parrish's Concussion History in the NFL and Injuries

651. Plaintiff Anthony W. Parrish played in the NFL from 1998 to 2006.

652. Plaintiff Parrish sustained multiple concussions while playing in the NFL.

653. Plaintiff Parrish was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

654. At no time did the NFL inform Plaintiff Parrish that he risked severe and

permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

655. As a result of the numerous concussions suffered during his playing career, Plaintiff Parrish suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Parrish is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Perry Phenix's Concussion History in the NFL and Injuries

656. Plaintiff Perry Phenix played in the NFL from 1998 to 2001.

657. Plaintiff Phenix sustained approximately two (2) diagnosed and five (5) undiagnosed concussions while playing in the NFL.

658. Plaintiff Phenix was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

659. At no time did the NFL inform Plaintiff Phenix that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

660. As a result of the numerous concussions suffered during his playing career, Plaintiff Phenix suffers from, *inter alia*, headaches, loss of memory, sleep apnea and vision problems. Plaintiff Phenix is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff William Poole's Concussion History in the NFL and Injuries

661. Plaintiff William Poole played in the NFL from 2004 to 2008.

662. Plaintiff Poole sustained approximately five (5) concussions while playing in the NFL.

663. Plaintiff Poole was returned to play too soon after having sustained these

concussions and subsequently suffered other head injuries or blows to the head.

664. At no time did the NFL inform Plaintiff Poole that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

665. As a result of the numerous concussions suffered during his playing career, Plaintiff Poole suffers from, *inter alia*, headaches, loss of memory, insomnia and blurred vision. Plaintiff Poole is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Ryan Prince's Concussion History in the NFL and Injuries

666. Plaintiff Ryan Prince played in the NFL in 2001.

667. Plaintiff Prince sustained approximately four (4) concussions while playing in the NFL.

668. Plaintiff Prince was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

669. At no time did the NFL inform Plaintiff Prince that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

670. As a result of the numerous concussions suffered during his playing career, Plaintiff Prince suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Prince is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Isaia (Ike) Reese's Concussion History in the NFL and Injuries

671. Plaintiff Isaia (Ike) Reese played in the NFL from 1998 to 2006.

672. Plaintiff Reese sustained approximately two (2) diagnosed and eight (8)

undiagnosed concussions while playing in the NFL.

673. Plaintiff Reese was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

674. At no time did the NFL inform Plaintiff Reese that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

675. As a result of the numerous concussions suffered during his playing career, Plaintiff Reese suffers from, *inter alia*, headaches, loss of memory, insomnia and lack of concentration. Plaintiff Reese is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Gerald Robinson's Concussion History in the NFL and Injuries

676. Plaintiff Gerald Robinson played in the NFL from 1986 to 1994.

677. Plaintiff Robinson sustained multiple concussions while playing in the NFL.

678. Plaintiff Robinson was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

679. At no time did the NFL inform Plaintiff Robinson that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

680. As a result of the numerous concussions suffered during his playing career, Plaintiff Robinson suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Robinson is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Lauvale Sape's Concussion History in the NFL and Injuries

681. Plaintiff Lauvale Sape played in the NFL from 2003 to 2005.

682. Plaintiff Sape sustained one (1) diagnosed and multiple undiagnosed concussions while playing in the NFL.

683. Plaintiff Sape was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

684. At no time did the NFL inform Plaintiff Sape that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

685. As a result of the numerous concussions suffered during his playing career, Plaintiff Sape suffers from, *inter alia*, chronic migraines, loss of memory, light sensitivity, anxiety, depression, increased anger levels, dizziness, sleeplessness, vision problems, severe vertigo and lack of concentration. Plaintiff Sape is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Sam Shade's Concussion History in the NFL and Injuries

686. Plaintiff Sam Shade played in the NFL from 1995 to 2001.

687. Plaintiff Shade sustained approximately five (5) concussions while playing in the NFL.

688. Plaintiff Shade was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

689. At no time did the NFL inform Plaintiff Shade that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

690. As a result of the numerous concussions suffered during his playing career, Plaintiff Shade suffers from, *inter alia*, headaches, loss of memory and lack of concentration.

Plaintiff Shade is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Rashaan A. Shehee's Concussion History in the NFL and Injuries

691. Plaintiff Rashaan A. Shehee played in the NFL from 1998 to 1999.

692. Plaintiff Shehee sustained approximately two (2) diagnosed and multiple undiagnosed concussions while playing in the NFL.

693. Plaintiff Shehee was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

694. At no time did the NFL inform Plaintiff Shehee that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

695. As a result of the numerous concussions suffered during his playing career, Plaintiff Shehee suffers from, *inter alia*, migraine headaches, loss of memory, sleeplessness, vision problems and lack of concentration. Plaintiff Shehee is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Kelly Sims' Concussion History in the NFL and Injuries

696. Plaintiff Kelly Sims played in the NFL from 1980 to 1984.

697. Plaintiff Sims sustained multiple concussions while playing in the NFL.

698. Plaintiff Sims was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

699. At no time did the NFL inform Plaintiff Sims that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

700. As a result of the numerous concussions suffered during his playing career,

Plaintiff Sims suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Sims is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Joel Smeenge's Concussion History in the NFL and Injuries

701. Plaintiff Joel Smeenge played in the NFL from 1990 to 2000.

702. Plaintiff Smeenge sustained approximately three (3) diagnosed and multiple undiagnosed concussions while playing in the NFL.

703. Plaintiff Smeenge was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

704. At no time did the NFL inform Plaintiff Smeenge that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

705. As a result of the numerous concussions suffered during his playing career, Plaintiff Smeenge suffers from, *inter alia*, headaches, ringing in ears and blurred vision. Plaintiff Smeenge is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Jerald Sowell's Concussion History in the NFL and Injuries

706. Plaintiff Jerald Sowell played in the NFL from 1997 to 2006.

707. Plaintiff Sowell sustained multiple concussions while playing in the NFL.

708. Plaintiff Sowell was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

709. At no time did the NFL inform Plaintiff Sowell that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

710. As a result of the numerous concussions suffered during his playing career, Plaintiff Sowell suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Sowell is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Scott Starks' Concussion History in the NFL and Injuries

711. Plaintiff Scott Starks played in the NFL from 2005 to 2010.

712. Plaintiff Starks sustained one (1) diagnosed and approximately four (4) to five (5) undiagnosed concussions while playing in the NFL.

713. Plaintiff Starks was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

714. At no time did the NFL inform Plaintiff Starks that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

715. As a result of the numerous concussions suffered during his playing career, Plaintiff Starks suffers from, *inter alia*, headaches, loss of memory, sleeplessness and lack of concentration. Plaintiff Starks is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Nick Steitz's Concussion History in the NFL and Injuries

716. Plaintiff Nick Steitz played in the NFL from 2006 to 2007.

717. Plaintiff Steitz sustained approximately four (4) concussions while playing in the NFL.

718. Plaintiff Steitz was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

719. At no time did the NFL inform Plaintiff Steitz that he risked severe and

permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

720. As a result of the numerous concussions suffered during his playing career, Plaintiff Steitz suffers from, *inter alia*, headaches, loss of memory and depression. Plaintiff Steitz is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Vinny Sutherland's Concussion History in the NFL and Injuries

721. Plaintiff Vinny Sutherland played in the NFL from 2001 to 2002.

722. Plaintiff Sutherland sustained one (1) diagnosed and approximately four (4) undiagnosed concussions while playing in the NFL.

723. Plaintiff Sutherland was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

724. At no time did the NFL inform Plaintiff Sutherland that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

725. As a result of the numerous concussions suffered during his playing career, Plaintiff Sutherland suffers from, *inter alia*, headaches, loss of memory, nose bleeds and vision issues. Plaintiff Sutherland is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Fred Taylor's Concussion History in the NFL and Injuries

726. Plaintiff Fred Taylor played in the NFL from 1998 to 2010.

727. Plaintiff Taylor sustained approximate two (2) to three (3) diagnosed and numerous undiagnosed concussions while playing in the NFL.

728. Plaintiff Taylor was returned to play too soon after having sustained these

concussions and subsequently suffered other head injuries or blows to the head.

729. At no time did the NFL inform Plaintiff Taylor that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

730. As a result of the numerous concussions suffered during his playing career, Plaintiff Taylor suffers from, *inter alia*, headaches, dizziness, nausea, loss of memory, impulse control problems, depression, fatigue, irritability, numbness and tingling, and neck and cervical spine arthritis. Plaintiff Taylor is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff John Thiery's Concussion History in the NFL and Injuries

731. Plaintiff John Thiery played in the NFL from 1998 to 2002.

732. Plaintiff Thiery sustained approximately three (3) to four (4) diagnosed and numerous undiagnosed concussions while playing in the NFL.

733. Plaintiff Thiery was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

734. At no time did the NFL inform Plaintiff Thiery that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

735. As a result of the numerous concussions suffered during his playing career, Plaintiff Thiery suffers from, *inter alia*, migraine headaches, loss of memory, vision issues, ringing in ears, dizziness, mood swings, anxiety and depression. Plaintiff Thiery is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Robert L. Thomas' Concussion History in the NFL and Injuries

736. Plaintiff Robert L. Thomas played in the NFL from 1998 to 2002.

737. Plaintiff Thomas sustained numerous concussions while playing in the NFL.

738. Plaintiff Thomas was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

739. At no time did the NFL inform Plaintiff Thomas that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

740. As a result of the numerous concussions suffered during his playing career, Plaintiff Thomas suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Thomas is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Ratcliff Thomas' Concussion History in the NFL and Injuries

741. Plaintiff Ratcliff Thomas played in the NFL from 1998 to 2000.

742. Plaintiff Thomas sustained approximately nine (9) to ten (10) concussions while playing in the NFL.

743. Plaintiff Thomas was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

744. At no time did the NFL inform Plaintiff Thomas that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

745. As a result of the numerous concussions suffered during his playing career, Plaintiff Thomas suffers from, *inter alia*, headaches, loss of memory, mood swings, hearing loss and depression. Plaintiff Thomas is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Derrius D. Thompson's Concussion History in the NFL and Injuries

746. Plaintiff Derrius D. Thompson played in the NFL from 1999 to 2004.

747. Plaintiff Thompson sustained multiple concussions while playing in the NFL.

748. Plaintiff Thompson was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

749. At no time did the NFL inform Plaintiff Thompson that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

750. As a result of the numerous concussions suffered during his playing career, Plaintiff Thompson suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Thompson is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Darrell Thompson's Concussion History in the NFL and Injuries

751. Plaintiff Darrell Thompson played in the NFL from 1990 to 1994.

752. Plaintiff Thompson sustained approximately twelve (12) to fifteen (15) concussions while playing in the NFL.

753. Plaintiff Thompson was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

754. At no time did the NFL inform Plaintiff Thompson that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

755. As a result of the numerous concussions suffered during his playing career, Plaintiff Thompson suffers from, *inter alia*, headaches, vision problems, anger issues, loss of memory, insomnia and lack of concentration. Plaintiff Thompson is also at heightened risk of

developing further adverse neurological symptoms in the future.

Plaintiff Tyson Thompson's Concussion History in the NFL and Injuries

756. Plaintiff Tyson Thompson played in the NFL from 2005 to 2007.

757. Plaintiff Thompson sustained multiple concussions while playing in the NFL.

758. Plaintiff Thompson was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

759. At no time did the NFL inform Plaintiff Thompson that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

760. As a result of the numerous concussions suffered during his playing career, Plaintiff Thompson suffers from, *inter alia*, headaches, dizziness, light headedness and light sensitivity. Plaintiff Thompson is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Bennie Thompson's Concussion History in the NFL and Injuries

761. Plaintiff Bennie Thompson played in the NFL from 1989 to 1999.

762. Plaintiff Thompson sustained approximately four (4) to six (6) concussions while playing in the NFL.

763. Plaintiff Thompson was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

764. At no time did the NFL inform Plaintiff Thompson that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

765. As a result of the numerous concussions suffered during his playing career, Plaintiff Thompson suffers from, *inter alia*, headaches, loss of memory and lack of

concentration. Plaintiff Thompson is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Byron Keith Traylor's Concussion History in the NFL and Injuries

766. Plaintiff Byron Keith Traylor played in the NFL from 1991 to 2007.

767. Plaintiff Traylor sustained multiple concussions while playing in the NFL.

768. Plaintiff Traylor was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

769. At no time did the NFL inform Plaintiff Traylor that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

770. As a result of the numerous concussions suffered during his playing career, Plaintiff Traylor suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Traylor is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Torrin L. Tucker's Concussion History in the NFL and Injuries

771. Plaintiff Torrin L. Tucker played in the NFL from 2003 to 2008.

772. Plaintiff Tucker sustained multiple concussions while playing in the NFL.

773. Plaintiff Tucker was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

774. At no time did the NFL inform Plaintiff Tucker that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

775. As a result of the numerous concussions suffered during his playing career, Plaintiff Tucker suffers from, *inter alia*, headaches, loss of memory and lack of concentration.

Plaintiff Tucker is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Kurt F. Vollers' Concussion History in the NFL and Injuries

776. Plaintiff Kurt F. Vollers played in the NFL from 2002 to 2005.

777. Plaintiff Vollers sustained approximately three (3) diagnosed and between five (5) and fifteen (15) undiagnosed concussions while playing in the NFL.

778. Plaintiff Vollers was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

779. At no time did the NFL inform Plaintiff Vollers that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

780. As a result of the numerous concussions suffered during his playing career, Plaintiff Vollers suffers from, *inter alia*, headaches, visual disturbances, tinnitus, nausea, dizziness, fatigue, depression, anxiety, manic depressive, loss of memory and diagnosed bi-polar. Plaintiff Vollers is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Jack Walker's Concussion History in the NFL and Injuries

781. Plaintiff Jack Walker played in the NFL in 2009.

782. Plaintiff Walker sustained multiple concussions while playing in the NFL.

783. Plaintiff Walker was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

784. At no time did the NFL inform Plaintiff Walker that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

785. As a result of the numerous concussions suffered during his playing career, Plaintiff Walker suffers from, *inter alia*, blurred vision, severe vision issues, headaches, loss of memory, anxiety, hearing loss and depression. Plaintiff Walker is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Aaron Wallace's Concussion History in the NFL and Injuries

786. Plaintiff Aaron Wallace played in the NFL from 1990 to 1998.

787. Plaintiff Wallace sustained two (2) diagnosed and numerous undiagnosed concussions while playing in the NFL.

788. Plaintiff Wallace was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

789. At no time did the NFL inform Plaintiff Wallace that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

790. As a result of the numerous concussions suffered during his playing career, Plaintiff Wallace suffers from, *inter alia*, headaches, dizziness, numbed extremities, mood swings, loss of memory and lack of concentration. Plaintiff Wallace is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff John Welbourn's Concussion History in the NFL and Injuries

791. Plaintiff John Welbourn played in the NFL from 1999 to 2008.

792. Plaintiff Welbourn sustained multiple concussions while playing in the NFL.

793. Plaintiff Welbourn was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

794. At no time did the NFL inform Plaintiff Welbourn that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's

failure was a substantial cause of his current injuries.

795. As a result of the numerous concussions suffered during his playing career, Plaintiff Welbourn suffers from, *inter alia*, severe ADHD, headaches, loss of memory and emotional apathy. Plaintiff Welbourn is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Mike Whittington's Concussion History in the NFL and Injuries

796. Plaintiff Mike Whittington played in the NFL from 1980 to 1983.

797. Plaintiff Whittington sustained numerous concussions while playing in the NFL.

798. Plaintiff Whittington was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

799. At no time did the NFL inform Plaintiff Whittington that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

800. As a result of the numerous concussions suffered during his playing career, Plaintiff Whittington suffers from, *inter alia*, headaches, loss of memory, dementia, neurological disorder, sleep problems, neck and cervical arthritis, anxiety, depression, total loss of smell and lack of concentration. Plaintiff Whittington is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Roy L. Williams's Concussion History in the NFL and Injuries

801. Plaintiff Roy L. Williams played in the NFL from 2002 to 2010.

802. Plaintiff Williams sustained three (3) diagnosed and numerous undiagnosed concussions while playing in the NFL.

803. Plaintiff Williams was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

804. At no time did the NFL inform Plaintiff Williams that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

805. As a result of the numerous concussions suffered during his playing career, Plaintiff Williams suffers from, *inter alia*, headaches, loss of memory, sleep problems, neck and cervical arthritis, dizziness, depression, fatigue, irritability, nose bleeds and lack of concentration. Plaintiff Williams is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Wally Williams' Concussion History in the NFL and Injuries

806. Plaintiff Wally Williams played in the NFL from 1993 to 2003.

807. Plaintiff Williams sustained multiple concussions while playing in the NFL.

808. Plaintiff Williams was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

809. At no time did the NFL inform Plaintiff Williams that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

810. As a result of the numerous concussions suffered during his playing career, Plaintiff Williams suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Williams is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Kelvin Harris' Concussion History in the NFL and Injuries

811. Plaintiff Kelvin Harris played in the NFL from 1994 to 1996.

812. Plaintiff Harris sustained multiple concussions while playing in the NFL.

813. Plaintiff Harris was returned to play too soon after having sustained these

concussions and subsequently suffered other head injuries or blows to the head.

814. At no time did the NFL inform Plaintiff Harris that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

815. As a result of the numerous concussions suffered during his playing career, Plaintiff Harris suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Harris is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Todd Collins' Concussion History in the NFL and Injuries

816. Plaintiff Todd Collins played in the NFL from 1992 to 2000.

817. Plaintiff Collins sustained multiple concussions while playing in the NFL.

818. Plaintiff Collins was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

819. At no time did the NFL inform Plaintiff Collins that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

820. As a result of the numerous concussions suffered during his playing career, Plaintiff Collins suffers from, *inter alia*, headaches, insomnia, loss of memory, lack of concentration, suicidal thoughts and depression. Plaintiff Collins is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff James Stewart's Concussion History in the NFL and Injuries

821. Plaintiff James Stewart played in the NFL from 1995 to 1998.

822. Plaintiff Stewart sustained multiple concussions while playing in the NFL.

823. Plaintiff Stewart was returned to play too soon after having sustained these

concussions and subsequently suffered other head injuries or blows to the head.

824. At no time did the NFL inform Plaintiff Stewart that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

825. As a result of the numerous concussions suffered during his playing career, Plaintiff Stewart suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Stewart is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Lawrence Jones' Concussion History in the NFL and Injuries

826. Plaintiff Lawrence Jones played in the NFL in 1995.

827. Plaintiff Jones sustained multiple concussions while playing in the NFL.

828. Plaintiff Jones was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

829. At no time did the NFL inform Plaintiff Jones that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

830. As a result of the numerous concussions suffered during his playing career, Plaintiff Jones suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Jones is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Corey Sawyer's Concussion History in the NFL and Injuries

831. Plaintiff Corey Sawyer played in the NFL from 1994 to 1999.

832. Plaintiff Sawyer sustained multiple concussions while playing in the NFL.

833. Plaintiff Sawyer was returned to play too soon after having sustained these

concussions and subsequently suffered other head injuries or blows to the head.

834. At no time did the NFL inform Plaintiff Sawyer that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

835. As a result of the numerous concussions suffered during his playing career, Plaintiff Sawyer suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Sawyer is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Earl Little's Concussion History in the NFL and Injuries

836. Plaintiff Earl Little played in the NFL from 1998 to 2005.

837. Plaintiff Little sustained multiple concussions while playing in the NFL.

838. Plaintiff Little was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

839. At no time did the NFL inform Plaintiff Little that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

840. As a result of the numerous concussions suffered during his playing career, Plaintiff Little suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Little is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Mike Arthur's Concussion History in the NFL and Injuries

841. Plaintiff Mike Arthur played in the NFL from 1991 to 1996.

842. Plaintiff Arthur sustained multiple concussions while playing in the NFL.

843. Plaintiff Arthur was returned to play too soon after having sustained these

concussions and subsequently suffered other head injuries or blows to the head.

844. At no time did the NFL inform Plaintiff Arthur that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

845. As a result of the numerous concussions suffered during his playing career, Plaintiff Arthur suffers from, *inter alia*, headaches, vision issues, ringing in ears, loss of memory, anxiety, dizziness, anger issues and depression. Plaintiff Arthur is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Marcel Shipp's Concussion History in the NFL and Injuries

846. Plaintiff Marcel Shipp played in the NFL from 2001 to 2007.

847. Plaintiff Shipp sustained multiple concussions while playing in the NFL.

848. Plaintiff Shipp was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

849. At no time did the NFL inform Plaintiff Shipp that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

850. As a result of the numerous concussions suffered during his playing career, Plaintiff Shipp suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Shipp is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Jesse Chatman's Concussion History in the NFL and Injuries

851. Plaintiff Jesse Chatman played in the NFL from 2002 to 2008.

852. Plaintiff Chatman sustained multiple concussions while playing in the NFL.

853. Plaintiff Chatman was returned to play too soon after having sustained these

concussions and subsequently suffered other head injuries or blows to the head.

854. At no time did the NFL inform Plaintiff Chatman that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

855. As a result of the numerous concussions suffered during his playing career, Plaintiff Chatman suffers from, *inter alia*, headaches, loss of memory, lack of concentration, mood swings, insomnia, anxiety and depression. Plaintiff Chatman is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Robert Banks' Concussion History in the NFL and Injuries

856. Plaintiff Robert Banks played in the NFL from 1988 to 1990.

857. Plaintiff Banks sustained multiple concussions while playing in the NFL.

858. Plaintiff Banks was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

859. At no time did the NFL inform Plaintiff Banks that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

860. As a result of the numerous concussions suffered during his playing career, Plaintiff Banks suffers from, *inter alia*, headaches, loss of memory, lack of concentration, dizziness, vision issues, mood swings, sleeping issues and anxiety. Plaintiff Banks is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Adewale Ogunleye's Concussion History in the NFL and Injuries

861. Plaintiff Adewale Ogunlyge's played in the NFL from 2000 to 2010.

862. Plaintiff Ogunleye sustained approximately six (6) to seven (7) concussions while playing in the NFL.

863. Plaintiff Ogunleye was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

864. At no time did the NFL inform Plaintiff Ogunleye that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

865. As a result of the numerous concussions suffered during his playing career, Plaintiff Ogunleye suffers from, *inter alia*, headaches, loss of memory, dizziness, vision issues, mood swings, depression, anxiety, sleeping issues and lack of concentration. Plaintiff Ogunleye is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Charles Frye's Concussion History in the NFL and Injuries

866. Plaintiff Charles Frye played in the NFL from 2005 to 2011.

867. Plaintiff Frye sustained four (4) diagnosed and approximate twelve (12) undiagnosed concussions while playing in the NFL.

868. Plaintiff Frye was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

869. At no time did the NFL inform Plaintiff Frye that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

870. As a result of the numerous concussions suffered during his playing career, Plaintiff Frye suffers from, *inter alia*, headaches, loss of memory, ringing in ears, vision issues, mood swings, depression, anxiety, dizziness, sleeping issues and lack of concentration. Plaintiff Frye is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Derrick Oden's Concussion History in the NFL and Injuries

871. Plaintiff Derrick Oden played in the NFL from 1993 to 1995.

872. Plaintiff Oden sustained approximately five (5) to six (6) concussions while playing in the NFL.

873. Plaintiff Oden was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

874. At no time did the NFL inform Plaintiff Oden that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

875. As a result of the numerous concussions suffered during his playing career, Plaintiff Oden suffers from, *inter alia*, headaches, loss of memory, dizziness, ringing in ears, vision issues, mood swings, depression, anxiety, sleeping issues and lack of concentration. Plaintiff Oden is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Delbert Cowsette's Concussion History in the NFL and Injuries

876. Plaintiff Delbert Cowsette played in the NFL from 2000 to 2002.

877. Plaintiff Cowsette sustained approximately ten (10) concussions while playing in the NFL.

878. Plaintiff Cowsette was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

879. At no time did the NFL inform Plaintiff Cowsette that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

880. As a result of the numerous concussions suffered during his playing career, Plaintiff Cowsette suffers from, *inter alia*, headaches, dizziness, vision issues, mood swings and

lack of concentration. Plaintiff Cowsette is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff James Lynch's Concussion History in the NFL and Injuries

881. Plaintiff James Lynch played in the NFL from 2003 to 2004.

882. Plaintiff Lynch sustained multiple concussions while playing in the NFL.

883. Plaintiff Lynch was returned to play too soon after having sustained these concussions and subsequently suffered other head injuries or blows to the head.

884. At no time did the NFL inform Plaintiff Lynch that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

885. As a result of the numerous concussions suffered during his playing career, Plaintiff Lynch suffers from, *inter alia*, headaches, loss of memory and lack of concentration. Plaintiff Lynch is also at heightened risk of developing further adverse neurological symptoms in the future.

CLASS ACTION ALLEGATIONS

886. This action is brought and may properly be maintained as a class action pursuant to Federal Rule of Civil Procedure 23(a) and (b).

887. The Representative Plaintiffs bring this action for injunctive relief in the form of medical monitoring on behalf of themselves and all others similarly situated (the "Class"), with respect to which the NFL has acted or refused to act on grounds that apply generally to the class.

888. This action satisfies the numerosity, commonality, typicality, adequacy, predominance, and superiority requirements of Rule 23.

889. The Class is defined as:

All retired or former professional football players in the United States who are not now salaried employees of the NFL or any member club, and who

have not filed a personal injury action for latent brain injury.

890. The members of the Class are ascertainable.

891. Any differences in the laws of states that permit medical monitoring can be accommodated through the creation of subclasses, which Plaintiffs shall identify in their motion for class certification.

892. Excluded from the Class is the NFL, its parents, subsidiaries, affiliates, members, officers and directors, any entity in which the NFL has a controlling interest, governmental entities, and all judges assigned to hear any aspect of this litigation, as well as their immediate family members.

893. The Representative Plaintiffs reserve the right to modify or amend the definition of the proposed Class before the Court determines whether certification is appropriate.

894. The Class is so numerous and geographically so widely dispersed that joinder of all members is impracticable.

895. There are questions of law and fact common to the Class, and those common questions predominate over any questions affecting only individual Class members.

896. The questions of law and fact common to the Class include but are not limited to the following:

- a. Whether the Representative Plaintiffs and the Class were exposed to a greater than normal risk of brain injury following a return to contact play too soon after suffering an initial head injury/concussion;
- b. Whether that greater than normal exposure level was caused by the NFL's negligent misconduct;
- c. Whether the Representative Plaintiffs and the Class have an increased risk of developing latent neurological disorders as a proximate result of the increased exposure caused by the NFL's negligence;
- d. Whether a monitoring procedure exists that makes the early

detection of those diseases or symptoms possible;

- e. Whether that prescribed monitoring regime is reasonably necessary according to contemporary scientific principles;
- f. Whether the Representative Plaintiffs and the Class are entitled to the medical monitoring relief that they seek herein;
- g. Whether the NFL has any affirmative defenses that can be litigated on a classwide basis

897. The Representative Plaintiffs' claims are typical of the claims of the Class that they represent, and the Representative Plaintiffs will fairly and adequately protect the interests of the proposed Class. The Representative Plaintiffs, like all Class members, have been damaged by the NFL's misconduct related to the concealment of the severe neurological risks associated with concussions. Further, the factual basis of the NFL's misconduct is common to all Class members, and represents a common thread of negligent misconduct resulting in injury to all members of the Class.

898. The Representative Plaintiffs have suffered the harm alleged and have no interests antagonistic to the interests of any other Class member.

899. The Representative Plaintiffs are committed to the vigorous prosecution of this action and have retained competent counsel experienced in the prosecution of class actions. Accordingly, Plaintiffs are adequate representatives and will fairly and adequately protect the interests of the Class.

900. The monitoring is medically reasonable and necessary and will allow the Class to avoid or minimize damages.

901. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. Given the complex legal and factual issues involved, individualized litigation would significantly increase the delay and expense to all parties and to the Court.

902. Individualized litigation would also create the potential for inconsistent or contradictory rulings.

903. By contrast, a class action presents far fewer management difficulties and provides the benefits of adjudication, economies of scale, and comprehensive supervision by a single court.

THE REPRESENTATIVE PLAINTIFFS' SPECIFIC FACTUAL ALLEGATIONS

Plaintiff Shawn Wooden's Concussion History in the NFL and Injuries

904. Plaintiff Sean Wooden played in the NFL from 1996 to 2004.

905. Plaintiff Wooden sustained numerous diagnosed and undiagnosed concussions while playing in the NFL.

906. Plaintiff Wooden was returned to play too soon after having suffered his concussions and subsequently suffered other head injuries or blows to the head.

907. At no time did the NFL inform Plaintiff Wooden that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

908. As a result of the numerous concussions suffered during his playing career, Plaintiff Wooden suffers from, *inter alia*, problems with short-term memory and migraine headaches. Plaintiff Wooden is also at heightened risk of developing further adverse neurological symptoms in the future.

Plaintiff Ryan Fowler's Concussion History in the NFL and Injuries

909. Plaintiff Ryan Fowler played in the NFL from 2004 to 2009.

910. Plaintiff Fowler sustained numerous diagnosed and undiagnosed concussions while playing in the NFL.

911. Plaintiff Fowler was returned to play too soon after having suffered his concussions and subsequently suffered other head injuries or blows to the head.

912. At no time did the NFL inform Plaintiff Fowler that he risked severe and permanent brain damage by returning to play too soon after sustaining a concussion. The NFL's failure was a substantial cause of his current injuries.

913. As a result of the numerous concussions suffered during his playing career, Plaintiff Fowler suffers from, *inter alia*, mood swings. Plaintiff Fowler is also at heightened risk of developing further adverse neurological symptoms in the future.

COUNT I—NEGLIGENT UNDERTAKING
(On behalf of all individual Plaintiff NFL Players)

914. The Plaintiff NFL Players incorporate by reference paragraphs 1 through 913 as if fully set forth herein and further allege on information and belief as follows:

915. Defendant NFL, through its own voluntary initiative and undertaking, created the MTBI Committee in 1994 which undertook to research the long-term effects of head injuries/concussions and to ameliorate the occurrence/severity of head injuries/concussions during game and practice play in an effort to educate and protect NFL players.

916. In so doing, the NFL undertook to render services to the thirty two (32) franchised teams and/or to individual NFL players.

917. The NFL, as purveyors of safety rules and regulations for the League and because of its enormous influence and control over research and education concerning football injuries,

recognized that its formation of the MTBI Committee and the Committee's subsequent activities were necessary for the safety of individual NFL players, including the Plaintiff NFL Players and the public at large.

918. Because of its undertaking to render the above-described services and its recognition that such services were necessary to NFL players' safety, the NFL had a duty to exercise reasonable care in its and the MTBI Committee's undertaking.

919. The NFL failed to exercise reasonable care by numerous actions and omissions including but not limited to the following:

- a. Appointing unqualified physicians to key positions within the MTBI Committee;
- b. Appointing a physician to lead the MTBI Committee whose main goal was to satisfy the NFL in representing that there were no risks associated with sustaining concussions rather than accurately report or investigate such risks;
- c. Allowing, requesting, or mandating the MTBI Committee to conduct research and/or studies that were deficient in a number of respects, including but not limited to the following:
 - i. The MTBI Committee's studies were based on an insufficient pool of players and omitted key groups of affected players, including players who were forced to retire due to post-concussion syndrome;
 - ii. The MTBI Committee's methodology contained numerous design, data-collection, and data-analytical flaws;
 - iii. The MTBI Committee refused to recognize, warn of, or adopt available independent research and/or evidence that established a link between head injuries/concussions and long-term physical and mental health issues to which the players would be susceptible;
 - iv. The MTBI Committee refused to recognize or warn players that practice and game-play head injuries/concussions were likely and/or common in a contact sport such as professional football;
 - v. The MTBI Committee failed to track medical status of players who left the NFL to determine whether they suffered from long-term health effects due to head injuries/concussions;

- d. Downplaying or denying the severity of concussions and/or head injuries and the link between such injuries and long-term adverse health effects;
- e. Failing to educate, inform, or warn the players about the potential for, or proof of, long-term adverse health effects from sustaining concussions/head injuries during practice and/or game-play;
- f. Failing to take immediate action to ameliorate the occurrences and severity of concussions/head injuries sustained during practice and/or game-play after its studies revealed a clear link between head injuries/concussions and long-term cognitive health problems; and
- g. Creating a “culture” within the NFL that promoted return-to-play policies that focused on increasing revenue rather than player safety.

920. The NFL’s failure to exercise reasonable care increased the risk that the Plaintiff NFL Players would suffer brain injuries.

921. The Plaintiff NFL Players reasonably relied to their detriment on the NFL’s actions and omissions on the subject. The Plaintiff NFL Players sustained injuries due to their reliance.

922. The NFL’s failure to exercise reasonable care directly and proximately caused the Plaintiff NFL Players to suffer brain injuries that have resulted in severe and permanent adverse health effects.

923. Due to the Plaintiff NFL Players’ injuries, the Plaintiff NFL Players have suffered from the symptoms and/or afflictions described herein and will continue to suffer from them in the future.

924. The NFL’s negligent undertaking entitle the Plaintiff NFL Players to damages for, *inter alia*, bodily injury, pain and suffering, disability, medical expenses, loss of earnings, medical monitoring, and loss of potential employment. These losses are either permanent or continuing, and the Plaintiff NFL Players will suffer these losses into the future.

WHEREFORE, the Plaintiff NFL Players demand judgment against Defendant NFL for all recoverable damages, costs, pre-judgment interest, medical monitoring, and all such other

relief this Court deems appropriate. The Plaintiff NFL Players further demand trial by jury of all issues triable as of right by jury.

COUNT II—FRAUDULENT CONCEALMENT
(On behalf of all individual Plaintiff NFL Players)

925. The Plaintiff NFL Players incorporate by reference paragraphs 1 through 913 as if fully set forth herein and further allege on information and belief as follows:

926. Defendant NFL, because of its enormous influence over football-injury-related research and education and in light of its voluntary undertaking described above, owed NFL players, including the Plaintiff NFL Players, a duty to disclose the known risks of long-term adverse medical effects associated with concussions and related head injuries.

927. The NFL and its MTBI Committee actively concealed and/or failed to disclose, to both its players and the general public, information related to the long term health risks of sustaining concussions/head-injuries during football play.

928. The NFL—as a result of both findings of other independent studies published on the same topic and its own Committee’s data—knew that a clear causal link exists between head injuries/concussions suffered during football play and adverse long-term health effects.

929. The NFL engaged in a pattern of fraudulently concealing that causal link. It failed to publish warnings of the adverse health effects of football-related head injuries/concussions until as late as June 2010, over sixteen (16) years after the NFL’s MTBI Committee first began researching the health effects of such injuries and approximately eighty-two (82) years after the first published article discussing the correlation between contact sports and brain trauma.

930. Between 1994–2010, the NFL’s MTBI Committee played a pivotal role in actively concealing and downplaying the known link between adverse health effects and football-related head injuries/concussions, as described above.

931. The NFL knew that NFL Players, including the Plaintiff NFL Players, did not recognize the severity of the dangers posed by concussions and related head injuries, and that they relied on the NFL for such risk-related information. The NFL also knew that there were no rules, guidelines, or criteria in place to protect the Plaintiff NFL Players from concussions and related head injuries. Consequently, the NFL knew that its concealment of information related to the health risks of concussions and/or brain injuries would induce NFL players, including the Plaintiff NFL Players, to continue to play after sustaining a concussion or related head injury, to return to play sooner than medically recommended after suffering such injury, and to play an aggressive style of football.

932. The Plaintiff NFL Players were justified in relying on the NFL's representations of information relating to the negative long-term effects of concussions/head-injuries because of the NFL's unique position as the regulatory body of professional football, its enormous influence over research and education relating to football injuries, and its establishment of the MTBI Committee. The Plaintiff NFL Players relied on the NFL's representations to their detriment by, *inter alia*, returning to play too soon after sustaining concussions and related head injuries and failing to seek appropriate medical treatment for those injuries, thereby suffering long-term neurological damage.

933. Due to the Plaintiff NFL Players' injuries, the Plaintiff NFL Players have suffered from the symptoms and/or afflictions described herein and will continue to suffer from them in the future.

934. The NFL's fraudulent misconduct entitle the Plaintiff NFL Players to damages for, *inter alia*, bodily injury, pain and suffering, disability, medical expenses, loss of earnings, medical monitoring, and loss of potential employment. These losses are either permanent or continuing, and the Plaintiff NFL Players will suffer these losses into the future.

WHEREFORE, the Plaintiff NFL Players demand judgment against Defendant NFL for all recoverable damages, costs, pre-judgment interest, medical monitoring, and all such other relief this Court deems appropriate. The Plaintiff NFL Players further demand trial by jury of all issues triable as of right by jury.

COUNT III—FRAUDULENT MISREPRESENTATION

(On behalf of the following Plaintiff NFL Players: Rahim Abdullah; Deon Anderson; Tim Anderson; Thomas Backes; Carlton Bailey; Tommy Barnhardt; Jason Bell; Kevin Bentley; Ladell Betts; Donny Brady; Courtney L. Brown; Gilbert Brown; Tony Bryant; Khary K. Campbell; Marcus Coleman; Frederick D. Coleman; Tim Couch; Casey Cramer; Anthony T.J. Cunningham, Jr.; Keith L. Davis; John Isaac Davis; Ken Dilger; Vernon Edwards; Demetric Evans; Douglas E. Evans; Thomas G. Everett; Christopher Floyd; Anthony Fogle; Randy Fuller; Olandis Gary; Charles L. Gessner; Tim Goad; Steve Grant; Orantes L. Grant; Damacio Green; Nick Greisen; Monty Grow; Bobby J. Hamilton; Lawrence Hart; Keith C. Heinrich; Kevin Henry; Maurice Hicks; Reese Hicks; Ronald Humphrey; Ralph Pete Hunter; James J.J. Johnson; Garrick D. Jones; Christopher Jones; Carlos Jones; Charles Jordan; Omari Jordan; Robert Bradley Kassell; Carl Kidd; Eric King; Alex Lewis; Anthony McCoy; Marcus A. McFadden; Curtis McGee; William Middlebrooks; Nathan Miller; Anthony Miller; Marvin Minnis; Kyle Moore; Anthony W. Parrish; Perry Phenix; William Poole; Ryan Prince; Isaia (Ike) Reese; Gerald Robinson; Lauvale Sape; Sam Shade; Rashaan A. Shehee; Joel Smeenge; Jerald Sowell; Scott Starks; Nick Steitz; Vinny Sutherland; Fred Taylor; John Thiery; Robert L. Thomas; Ratcliff Thomas; Derrius D. Thompson; Darrell Thompson; Tyson Thompson; Bennie Thompson; Byron Keith Traylor; Torrin L. Tucker; Kurt F. Vollers; Jack Walker; Aaron Wallace; John Welbourn; Roy L. Williams; Wally Williams; Kelvin Harris; Todd Collins; James Stewart; Lawrence Jones; Corey Sawyer; Earl Little; Mike Arthur; Marcel Shipp; Jesse Chatman; Adewale Ogunleye; Charles Frye; Derrick Oden; Delbert Cowsette; and, James Lynch)

935. These Plaintiff NFL Players adopt and incorporate by reference paragraphs 1 through 913 and those paragraphs applicable to the above-listed Plaintiff NFL Players as if fully set forth herein and further allege on information and belief as follows:

936. The NFL's MTBI Committee was established in 1994 for the purpose of researching, producing, and publishing a series of studies on the adverse health effects of football related head injuries/concussions. The Committee began conducting research to support its studies from its inception in 1994.

937. The Committee’s research efforts culminated in the publication of sixteen (16) research papers in medical journals of general circulation between 2003 and 2009.

938. The myriad representations contained in the Committee’s research papers are discussed in detail at ¶¶ 206-226. By way of example, the salient misrepresentations include:

- a. The studies’ findings that, after suffering an initial concussion, a player was not exposed to a “7- to 10- day window of increased susceptibility to sustaining another concussion;”
- b. The studies’ conclusion that, because there was “no evidence of any adverse effect” of returning a formerly unconscious NFL player to play in the same game, these players were “at no increased risk” of suffering subsequent concussions after returning to play;
- c. The studies’ conclusion that because a “significant percentage of players returned to play in the same game [after suffering a concussion] and the overwhelming majority of players with concussions were kept out of football-related activities for less than 1 week, it can be concluded that mild [concussions] in professional football are not serious injuries;”
- d. The studies’ conclusion that there was no increased risk of adverse health effects among players who had suffered three (3) or more concussions or among players who had been sidelined for more than one (1) week as a result of a concussion;
- e. The studies’ claim that, after suffering a concussive injury, NFL players’ brains healed faster than those of high school or collegiate football players; and
- f. The studies’ claim that “no NFL player experienced the second-impact syndrome or cumulative encephalopathy from repeat concussions.”

939. The NFL bolstered the misrepresentations contained in its published studies with public statements made by members of the Committee—including but not limited to statements made by Drs. Elliot Pellman, David Viano, and Ira Casson in both generally circulated publications and media outlets—that defended the Committee’s studies from the near-unanimous criticisms levied by the independent medical community.

940. In accord with the Committee's conclusions, the NFL produced a concussion pamphlet in August 2007 which it distributed to all NFL players, including Plaintiffs. That pamphlet made the following false or misleading representations of material fact:

- a. That "current research with professional athletes has shown that you should not be at further risk of greater injury once you receive proper medical treatment for a concussion;"
- b. That "current research with professional athletes has not shown that having more than one or two concussions leads to permanent problems if each injury is managed properly;" and
- c. That "there is no magic number for how many concussions is too many" and that "research is currently underway to determine if there are any long-term effects of concussion in NFL athletes."

941. Additionally, in a statement made around the time that the concussion pamphlet was distributed, NFL Commissioner Roger Goodell said, "We want to make sure all NFL players . . . are fully informed and take advantage of the most up to date information and resources as we continue to study the long-term impact on concussions."

942. Throughout the 2003 to 2009 period that the NFL published the Committee's research papers, endorsed statements made by Committee doctors, and produced the concussion pamphlet, the NFL knew that all of the misrepresentations contained therein were false or misleading because: (1) prior studies, published as early as 1952, in medical journals of general circulation, linked football related concussions with myriad adverse health effects; (2) contemporaneous findings from independent research studies—some of which were commissioned by the NFL itself—concluded that concussions suffered by NFL players place those players at a heightened risk of future cognitive impairment; and (3) both the medical community and general media sources such as ESPN and the *New York Times* levied near-unanimous criticisms of the Committee's studies.

943. Despite such knowledge, the NFL made the misrepresentations outlined above with the intent of inducing NFL players, including these Plaintiff NFL Players, to return to play too soon after having suffered a football-related head injuries/concussion and to promote an aggressive style of football that would attract viewers and promote the spectacle of violence that the NFL uses to market its product and merchandise to consumers.

944. These Plaintiff NFL Players relied on the misrepresentations made by the NFL's studies, Committee members, concussion pamphlet, and other literature by, *inter alia*, playing an aggressive style of football (*e.g.* hitting players by leading with the crown of their head), failing to seek proper medical treatment for their head injuries/concussive brain injuries, returning to play immediately after having suffered in-game head injuries/concussions, participating in subsequent games and practices without allowing sufficient time for their head injuries/concussions to heal, and failing to seek proper medical treatment for head injury/concussion-related health problems, these Plaintiff NFL Players continued to suffer after retiring from the NFL.

945. As a result of these Plaintiff NFL Players' reliance on the NFL's misrepresentations, the damage resulting from these Plaintiff NFL Players' football-related head injuries/concussions was unnecessarily exacerbated. The numerous head injuries/concussions that these Plaintiff NFL Players sustained during their NFL careers now cause them to suffer from a number of severe and permanent adverse health effects.

946. The NFL's misrepresentations entitle these Plaintiff NFL Players to damages for, *inter alia*, bodily injury, pain and suffering, disability, medical expenses, loss of earnings, medical monitoring, and loss of potential employment. These losses are either permanent or continuing, and these Plaintiff NFL Players will suffer these losses into the future.

WHEREFORE, these Plaintiff NFL Players demand judgment against Defendant NFL for all recoverable damages, costs, pre-judgment interest, medical monitoring, and all such other relief this Court deems appropriate. These Plaintiff NFL Players further demand trial by jury of all issues triable as of right by jury.

COUNT IV—NEGLIGENT MISREPRESENTATION

(On behalf of the following Plaintiff NFL Players: Rahim Abdullah; Deon Anderson; Tim Anderson; Thomas Backes; Carlton Bailey; Tommy Barnhardt; Jason Bell; Kevin Bentley; Ladell Betts; Donny Brady; Courtney L. Brown; Gilbert Brown; Tony Bryant; Khary K. Campbell; Marcus Coleman; Frederick D. Coleman; Tim Couch; Casey Cramer; Anthony T.J. Cunningham, Jr.; Keith L. Davis; John Isaac Davis; Ken Dilger; Vernon Edwards; Demetric Evans; Douglas E. Evans; Thomas G. Everett; Christopher Floyd; Anthony Fogle; Randy Fuller; Olandis Gary; Charles L. Gessner; Tim Goad; Steve Grant; Orantes L. Grant; Damacio Green; Nick Greisen; Monty Grow; Bobby J. Hamilton; Lawrence Hart; Keith C. Heinrich; Kevin Henry; Maurice Hicks; Reese Hicks; Ronald Humphrey; Ralph Pete Hunter; James J.J. Johnson; Garrick D. Jones; Christopher Jones; Carlos Jones; Charles Jordan; Omari Jordan; Robert Bradley Kassell; Carl Kidd; Eric King; Alex Lewis; Anthony McCoy; Marcus A. McFadden; Curtis McGee; William Middlebrooks; Nathan Miller; Anthony Miller; Marvin Minnis; Kyle Moore; Anthony W. Parrish; Perry Phenix; William Poole; Ryan Prince; Isaia (Ike) Reese; Gerald Robinson; Lauvale Sape; Sam Shade; Rashaan A. Shehee; Joel Smeenge; Jerald Sowell; Scott Starks; Nick Steitz; Vinny Sutherland; Fred Taylor; John Thiery; Robert L. Thomas; Ratcliff Thomas; Derrius D. Thompson; Darrell Thompson; Tyson Thompson; Bennie Thompson; Byron Keith Traylor; Torrin L. Tucker; Kurt F. Vollers; Jack Walker; Aaron Wallace; John Welbourn; Roy L. Williams; Wally Williams; Kelvin Harris; Todd Collins; James Stewart; Lawrence Jones; Corey Sawyer; Earl Little; Mike Arthur; Marcel Shipp; Jesse Chatman; Adewale Ogunleye; Charles Frye; Derrick Oden; Delbert Cowsette; and, James Lynch)

947. These Plaintiff NFL Players adopt and incorporate by reference paragraphs 1 through 913 and those paragraphs applicable to the above-listed Plaintiff NFL Players as if fully set forth herein and further allege on information and belief as follows:

948. As outlined in detail above, the Committee's research papers, statements made by Committee members in support of those statements, the 2007 concussion pamphlet, and other NFL literature all contain numerous misrepresentations of material facts.

949. At the time the NFL made the representations at issue, the NFL knew or should have known of the falsity and/or misleading nature of those representations and was negligent in making them without first verifying their truthfulness or veracity. The NFL ignored (1) established findings of prior research studies; (2) contemporaneous findings from independent research studies; and (3) near-unanimous criticisms of its studies' validity by the medical community and mass media, all of which placed the NFL on notice of the falsity and/or misleading nature of the representations made by the MTBI Committee's studies, the Committee's members and doctors, and the NFL's concussion pamphlet and other literature.

950. The NFL made the misrepresentations outlined above with the intent of inducing NFL players, including these Plaintiff NFL Players, to return to play too soon after having suffered a football-related head injury/concussion and to promote an aggressive style of football that would attract viewers and promote the spectacle of violence that the company uses to market its product and merchandise to consumers.

951. These Plaintiff NFL Players justifiably relied on the misrepresentations made by the NFL's studies, Committee members, concussion pamphlet, and other literature by, *inter alia*, playing an aggressive style of football (*e.g.* hitting players by leading with the crown of his head), failing to seek proper medical treatment for their head injuries/concussions, returning to play immediately after having suffered in-game head injuries/concussions, participating in subsequent games and practices without allowing sufficient time for their head injuries/concussions to heal, and failing to seek proper medical treatment for head injury/concussion-related health problems, these Plaintiff NFL Players continued to suffer after retiring from the NFL.

952. The NFL occupies the unique position of regulating the game of professional football. Because of its influential position, amateur and professional football players, as well as

the public at large, reasonably rely on the NFL to truthfully and accurately educate them as to the risks of football-related head injuries/concussions. Consequently, these Plaintiff NFL Players were justified in relying on the NFL's representations that football-related head injuries/concussions pose no significant long term health risks.

953. As a result of these Plaintiff NFL Players' reliance on the NFL's misrepresentations, the damage resulting from these Plaintiff NFL Players' football-related head injuries/concussions was unnecessarily exacerbated. The numerous head injuries/concussions that these Plaintiff NFL Players sustained during their NFL careers now cause them to suffer from a number of severe and permanent adverse neurological problems.

954. The NFL's misrepresentations entitle these Plaintiff NFL Players to damages for, *inter alia*, bodily injury, pain and suffering, disability, medical expenses, loss of earnings, medical monitoring, and loss of potential employment. These losses are either permanent or continuing, and these Plaintiff NFL Players will suffer these losses into the future.

WHEREFORE, these Plaintiff NFL Players demand judgment against Defendant NFL for all recoverable damages, costs, pre-judgment interest, medical monitoring, and all such other relief this Court deems appropriate. These Plaintiff NFL Players further demand trial by jury of all issues triable as of right by jury.

COUNT V—LOSS OF CONSORTIUM

(On behalf of Denise Torrance; Jodie Bailey; Shatarah Betts; Kelsey Cramer; Heidi Dilger; Aungel L. Evans; Lapreea Gary; Carolina Greisen; Tammy Griffin; Jessica Grow; Sheri Jordan; Tiffany McFadden Kidd; Christina Lewis; Sharon Lockhart; Chelsey McGee; Janice Moore; Renita Reese; Jaquetta Shade; Teresa Starks; Stephanie Thompson; Krista Traylor; Heather Vollers; and Pam Whittington)

955. Plaintiff Spouses adopt and incorporate by reference the factual allegations set forth in paragraphs 1 through 295 and those paragraphs applicable to their husbands as if fully set forth herein, and further allege on information and belief as follows:

956. Plaintiff Spouses are married to NFL players who are suffering from various symptoms caused by the head injuries/concussions they received while playing in the NFL.

957. As a result of their husbands' injuries, the Plaintiff Spouses have suffered a loss of the love, companionship, fellowship, comfort, consortium, solace, and aid of their husbands. The Plaintiff Spouses will continue to suffer these losses for an indefinite time into the future.

WHEREFORE, the Plaintiff Spouses demand judgment against Defendant NFL for all recoverable damages, costs, pre-judgment interest, and all such other relief this Court deems appropriate. The Plaintiff Spouses further demand trial by jury of all issues triable as of right by jury.

COUNT VI—CLASS ACTION CLAIM FOR MEDICAL MONITORING

958. The Representative Plaintiffs adopt and incorporate by reference paragraphs 1 through 10, paragraphs 132 through 295, and paragraphs 886 through 913 of this Complaint as if fully set forth herein and further allege on information and belief as follows:

959. As a result of the NFL's negligent misconduct, the Representative Plaintiffs and the Class have been exposed to a greater than normal risk of brain injury following a return to contact play too soon after suffering an initial head injury/concussion, thereby subjecting them to a proven increased risk of developing the adverse symptoms and conditions described above.

960. The Representative Plaintiffs and the Class have not yet fully begun to evidence many of the long-term physical and mental effects of the head injuries/concussions they sustained while playing in the NFL, which may remain latent and go undetected for some period of time.

961. These latent brain injuries require specialized testing that is not generally given to the public at large.

962. The available monitoring regime is specific for individuals exposed to head

injuries/concussions, and is different from that normally recommended in the absence of exposure to this risk of harm. The medical monitoring regime includes, but is not limited to, baseline exams and diagnostic exams which will assist in diagnosing the adverse health effects associated with concussions. This diagnosis will facilitate the treatment and behavioral and/or pharmaceutical interventions that will prevent or mitigate the various adverse consequences of the latent neurodegenerative disorders and diseases associated with the repeated traumatic head impacts that these players experienced while playing in the NFL.

963. The available monitoring regime is reasonably necessary according to contemporary scientific principles within the medical community specializing in the diagnosis of head injuries and their potential link to, *inter alia*, memory loss, early onset dementia, CTE, Alzheimer-like syndromes, and similar cognition-impairing conditions.

964. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Plaintiffs seek certification of a medical monitoring class in this matter, consisting of:

All retired or former professional football players in the United States who are not now salaried employees of the NFL or any member club, and who have not filed a personal injury action for latent brain injury.

965. By monitoring and testing these former NFL players, the risk of each such player suffering the long term injuries, disease, and losses, as described above, will be significantly reduced.

966. Because the NFL has until now failed to properly, reasonably, and safely monitor, test, and/or otherwise study whether and when a player has suffered a head injury/concussion to minimize the risk of long-term injury or illness, medical monitoring is the most appropriate method to determine whether a particular individual is now at risk of long-term injury or illness associated with a head injury/concussive event.

967. Accordingly, the NFL should be required to establish a medical monitoring

program that includes, *inter alia*:

- a. Establishing a trust fund, in an amount to be determined, that will pay for the medical monitoring, as necessary and appropriate, of all retired or former professional football players in the United States who are not now salaried employees of the NFL or any member club, and who have not filed a personal injury action for latent brain injury
- b. Notifying in writing all Class members that they should have frequent medical monitoring.

968. The Representative Plaintiffs and Class members have no adequate remedy at law because monetary damages alone cannot compensate them for the risk of long-term physical and economic losses due to head/concussive injuries. Without a Court-approved medical monitoring program as described herein, or established by the Court, the Representative Plaintiffs and Class members will continue to face an unreasonable risk of injury and disability, and any potential damages they suffer will be exponentially increased due to a lack of timely diagnosis.

WHEREFORE, the Representative Plaintiffs individually and on behalf of the proposed Class, demand a jury trial on all claims so triable, and pray for judgment as follows:

- a. Certification of the proposed Class pursuant to Federal Rule of Civil Procedure 23;
- b. Designation of Plaintiffs as representatives of the proposed Class and designation of the Representative Plaintiffs' counsel as Class counsel;
- c. The establishment of a medical monitoring program/regime which includes, among other things, those measures described above;
- d. Costs and disbursements incurred by the Representative Plaintiffs in connection with this action, including reasonable attorneys' fees and costs pursuant to applicable law; and
- e. Such other relief as the Court deems just and proper.

DATED this 20th day of April, 2012.

Respectfully submitted,

PODHURST ORSECK, P.A.
25 West Flagler Street, Suite 800
Miami, FL 33130
Telephone: (305) 358-2800
Fax: (305) 358-2382

By: /s/ Steven C. Marks
STEVEN C. MARKS
Fla. Bar. No. 516414
Email: smarks@podhurst.com
STEPHEN F. ROSENTHAL
Fla. Bar No. 0131458
Email: srosenthal@podhurst.com
RICARDO M. MARTÍNEZ-CID
Fla. Bar No. 383988
Email: rncid@podhurst.com
Attorneys for Plaintiffs

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by via Email on April 20th, 2012, on all counsel or parties of record on the attached Schedule B Attorneys Service List.

s/ Steven C. Marks

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

**IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION**

**MDL No. 2323
12-md-2323**

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

**SCHEDULE B
ATTORNEY SERVICE LIST**

ARTHUR N. BAILEY
111 W. SECOND ST.
STE. 4500
JAMESTOWN, NY 14701
TEL 716-664-2967
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

LYNN B. BAYARD
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON, LLP
1285 AVNEUE OF THE AMERICAS
NEW YORK, NY 10019-6064
212-373-3054
lbayard@paulweiss.com
Assigned: 01/31/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **NATIONAL FOOTBALL
LEAGUE, INC.**
(Notice Only Party)

NFL PROPERTIES LLC
(Notice Only Party)

BRUCE BIRENBOIM
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON, LLP
1285 AVENUE OF THE AMERICAS

representing **NATIONAL FOOTBALL
LEAGUE, INC.**
(Notice Only Party)

NEW YORK, NY 10019-6064
212-373-3165
bbirenboim@paulweiss.com
Assigned: 01/31/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

NFL PROPERTIES LLC
(Notice Only Party)

M. GINO BROGDON, SR.
POPE MCGLAMRY KILPATRICK MORRISON &
NORWOOD, LLP
3455 PEACHTREE ROAD, NE
THE PINNACLE, STE. 925
P.O. BOX 191625
ATLANTA, GA 31119
404-523-7706
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

WILLIAM G. CALDES
SPECTOR ROSEMAN KODROFF & WILLIS, P.C.
1818 MARKET STREET
SUITE 2500
PHILADELPHIA, PA 19103
215-496-0300
bcaldes@srkw-law.com
Assigned: 02/17/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

JAMES E. CECCHI
CARELLA BYRNE BAIN GILFILLAN CECCHI
STEWART & OLSTEIN, PC
5 BECKER FARM ROAD
ROSELAND, NJ 07068
973-994-1700
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

PAUL G. CEREGHINI
BOWMAN & BROOKE LLP
2901 NORTH CENTRAL AVENUE
SUITE 1600

representing **ALL AMERICAN SPORTS
CORPORATION**
(Notice Only Party)

PHOENIX, AZ 85012
602-643-2400
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

**EASTON-BELL SPORTS,
INC.**

(Notice Only Party)

**EASTON-BELL SPORTS,
LLC**

(Notice Only Party)

EB SPORTS CORP.

(Notice Only Party)

RBG HOLDINGS CORP.

(Notice Only Party)

**RIDDELL SPORTS
GROUP, INC.**

(Notice Only Party)

RIDDELL, INC.

(Notice Only Party)

CELENE SHI-LING CHAN
GIRARDI & KEESE
1126 WILSHIRE BLVD
LOS ANGELES, CA 90017
213-977-0211
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

LARRY E. COBEN
ANAPOL SCHWARTZ WEISS COHAN
FELDMAN & SMALLEY PC
1710 SPRUCE ST
PHILADELPHIA, PA 19103
215-735-1130
lcoben@anapolschwartz.com
Assigned: 01/31/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

VINCENT GALVIN, JR.
BOWMAN & BROOKE LLP

representing **ALL AMERICAN SPORTS
CORPORATION**

1741 TECHNOLOGY DRIVE
SUITE 200
SAN JOSE, CA 95110
408-279-5393
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

(Notice Only Party)

**EASTON-BELL SPORTS,
INC.**

(Notice Only Party)

**EASTON-BELL SPORTS,
LLC**

(Notice Only Party)

EB SPORTS CORP.

(Notice Only Party)

RBG HOLDINGS CORP.

(Notice Only Party)

**RIDDELL SPORTS
GROUP, INC.**

(Notice Only Party)

RIDDELL, INC.

(Notice Only Party)

THOMAS V GIRARDI
GIRARDI & KEESE
1126 WILSHIRE BOULEVARD
LOS ANGELES, CA 90017-1904
213-977-0211
tgirardi@girardikeese.com
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

BRIAN C. GUDMUNDSON
ZIMMERMAN REED PLLP
6551 NICOLETT MALL STE 501
MINNEAPOLIS, MN 55402
612-341-0400
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

EARL W. GUNN

representing **NATIONAL FOOTBALL**

WEINBERG WHEELER HUDGINS GUNN &
DIAL, LLC
3344 PEACHTREE ROAD, NE
STE. 2400
ATLANTA, GA 30326
404-876-2700

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

LEAGUE, INC.

(Notice Only Party)

NFL PROPERTIES LLC

(Notice Only Party)

HARVEY W. GURLAND, JR.

MERESHON, SAWYER, JOHNSTON, DUNWODY
& COLE

200 S. BISCAYNE BLVD.
4500 FIRST UNION FINANCIAL CENTER
MIAMI, FL 33131

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

NATIONAL FOOTBALL

representing **LEAGUE, INC.**

(Notice Only Party)

BRUCE A. HAGEN

BRUCE A. HAGEN, P.C.
119 NORTH MCDONOUGH ST
DECATUR, GA 30030
404-522-7553

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**

(Notice Only Party)

MICHAEL D. HAUSFELD

HAUSFELD LLP.
1700 K STREET NW STE 650
WASHINGTON, DC 20006
202-540-7200

mhausfeld@hausfeldllp.com

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**

(Notice Only Party)

JAY FORBES HIRSCH

POPE MCGLAMRY KILPATRICK MORRISON &
NORWOOD, LLP
3455 PEACHTREE ROAD, NE
THE PINNACLE, STE. 925

representing **PLAINTIFF(S)**

(Notice Only Party)

P.O. BOX 191625
ATLANTA, GA 31119
404-523-7706
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

BRAD S. KARP
PAUL WEISS RIFKIND WHARTON &
GARRISON LLP
1285 AVENUE OF THE AMERICAS
NEW YORK, NY 10019-6064
212-373-3316
bkarp@paulweiss.com
Assigned: 01/31/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

**NATIONAL FOOTBALL
LEAGUE, INC.**
representing **LEAGUE, INC.**
(Notice Only Party)

NFL PROPERTIES LLC
(Notice Only Party)

JEANNINE M. KENNEY
HAUSFELD LLP
1604 LOCUST ST 2ND FL
PHILADELPHIA, PA 19103
215-985-3272
jkenney@hausfeldllp.com
Assigned: 01/09/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

DANA B. KLINGES
DUANE MORRIS LLP
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103
215-979-1143
dklinges@duanemorris.com
Assigned: 01/09/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **NFL PROPERTIES LLC**
(Notice Only Party)

**NATIONAL FOOTBALL
LEAGUE, INC.**
(Notice Only Party)

BRENT W. LANDAU
HAUSFELD LLP

representing **PLAINTIFF(S)**
(Notice Only Party)

1604 LOCUST ST 2ND FL
PHILADELPHIA, PA 19103
215-985-3270

blandau@hausfeldllp.com

Assigned: 01/09/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

DAVID D. LANGFITT

LOCKS LAW FIRM

601 WALNUT ST STE 720 EAST

PHILADELPHIA, PA 19106

215-893-3423

dlangfitt@lockslaw.com

Assigned: 01/18/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

MICHAEL B. LEH

LOCKS LAW FIRM

601 WALNUT ST STE 720 EAST

PHILADELPHIA, PA 19106

215-893-3410

215-893-3444 (fax)

mleh@lockslawpa.com

Assigned: 01/18/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

MICHAEL P. LEHMANN

HAUSFELD LLP

44 MONTGOMERY

SUITE 3400

SAN FRANCISCO, CA 94104

415-633-1908

415-358-4980 (fax)

mlehmann@hausfeldllp.com

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

KELLIE LERNER

LABATON SUCHAROW LLP

140 BROADWAY

NEW YORK, NY 10005

212-907-0885

representing **PLAINTIFF(S)**
(Notice Only Party)

klerner@labaton.com

Assigned: 02/28/2012

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

ARNOLD LEVIN

LEVIN FISHBEIN SEDRAN & BERMAN

510 WALNUT STREET

SUITE 500

PHILADELPHIA, PA 19106

215-592-1500

alevin@lfsblaw.com

Assigned: 02/02/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

RICHARD S. LEWIS

COHEN, MILSTEIN, HAUSFELD AND TOLL

1100 NEW YORK AVE., N.W.

SUITE 500, WEST TOWER

WASHINGTON, DC 20005

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

GRAHAM B. LIPPSMITH

GIRARDI & KEESE

1126 WILSHIRE BLVD

LOS ANGELES, CA 90017

213-977-0211

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

GENE LOCKS

LOCKS LAW FIRM

THE CURTIS CENTER

SUITE 720 EAST

601 WALNUT STREET

PHILADELPHIA, PA 19106

215-893-3434

glocks@lockslaw.com

Assigned: 01/18/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

FRED S. LONGER

LEVIN, FISHBEIN, SEDRAN & BERMAN
510 WALNUT ST
SUITE 500
PHILADELPHIA, PA 19106
215-592-1500
215-592-4663 (fax)
flonger@lfsblaw.com
Assigned: 02/02/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

JASON E. LUCKASEVIC

GOLDBERG PERSKY & WHITE
1030 FIFTH AVE
PITTSBURGH, PA 15219
412-471-3980
jluckasevic@gpwlaw.com
Assigned: 01/23/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

STEVEN CRAIG MARKS

PODHURST ORSECK JOSEFSBERG
CITY NATIONAL BANK BLDG
25 W FLAGLER ST STE 800
MIAMI, FL 33130-1780
305-358-2800
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

RICARDO M. MARTINEZ-CID

PODHURST ORSECK JOSEFSBERG
CITY NATIONAL BANK BLDG
25 W FLAGLER ST STE 800
MIAMI, FL 33130-1780
305-358-2800
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

MARION V. MAUCH

BOWMAN & BROOKE LLP
879 WEST 190TH STREET
SUITE 700

representing **ALL AMERICAN SPORTS
CORPORATION**
(Notice Only Party)

GARDENA, CA 90248
310-768-3068
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

**EASTON-BELL SPORTS,
INC.**

(Notice Only Party)

**EASTON-BELL SPORTS,
LLC**

(Notice Only Party)

EB SPORTS CORP.

(Notice Only Party)

RBG HOLDINGS CORP.

(Notice Only Party)

**RIDDELL SPORTS
GROUP, INC.**

(Notice Only Party)

RIDDELL, INC.

(Notice Only Party)

RYAN A. MCCARTHY
BOWMAN & BROOKE LLP
1741 TECHNOLOGY DRIVE
SUITE 200
SAN JOSE, CA 95110
408-279-5393
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

**ALL AMERICAN SPORTS
CORPORATION**
representing

(Notice Only Party)

**EASTON-BELL SPORTS,
INC.**

(Notice Only Party)

**EASTON-BELL SPORTS,
LLC**

(Notice Only Party)

EB SPORTS CORP.

(Notice Only Party)

RBG HOLDINGS CORP.

(Notice Only Party)

**RIDDELL SPORTS
GROUP, INC.**

(Notice Only Party)

RIDDELL, INC.

(Notice Only Party)

MICHAEL LEE MCGLAMRY

POPE MCGLAMRY KILPATRICK MORRISON &
NORWOOD, LLP

3455 PEACHTREE ROAD, NE

THE PINNACLE, STE. 925

P.O. BOX 191625

ATLANTA, GA 31119

404-523-7706

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

DIANNE M. NAST

RODA & NAST, PC

801 ESTELLE DRIVE

LANCASTER, PA 17601

717-892-3000

717-892-1200 (fax)

dnast@rodanast.com

Assigned: 01/19/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

RONALD L. OLSON

MUNGER TOLLES & OLSON, LLP

355 SOUTH GRAND AVENUE

35TH FLOOR

LOS ANGELES, CA 90071

213-683-9100

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

representing **NATIONAL FOOTBALL
LEAGUE, INC.**
(Notice Only Party)

NFL PROPERTIES LLC

(Notice Only Party)

CLIFFORD H. PEARSON

PEARSON SIMON WARSHAW PENNY LLP

15165 VENTURA BLVD STE 400

SHERMAN OAKS, CA 91403

representing **PLAINTIFF(S)**
(Notice Only Party)

818-788-8300
cpearson@pswplaw.com
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

N. KIRKLAND POPE
POPE MCGLAMRY KILPATRICK MORRISON &
NORWOOD LLP
3455 PEACHTREE RD NE
THE PINNACLE SUITE 925
POBOX 191625
ATLANTA, GA 31119-3243
404-523-7706
efile@pmkm.com
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

JOHN MICHAEL RAPPAPORT
MUNGER TOLLES & OLSON LLP
355 SOUTH GRAND AVENUE
35TH FLOOR
LOS ANGELES, CA 90071
213-683-9586
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **NATIONAL FOOTBALL
LEAGUE, INC.**
(Notice Only Party)

NFL PROPERTIES LLC
(Notice Only Party)

RAMON ALVARO RASCO
PODHURST ORSECK JOSEFSBERG
CITY NATIONAL BANK BLDG
25 W FLAGLER ST STE 800
MIAMI, FL 33130-1780
305-358-2800
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

DAVID A. ROSEN
ROSE, KLEIN & MARIAS
801 SOUTH GRAND AVENUE
11TH FLOOR
LOS ANGELES, CA 90017-4645

representing **PLAINTIFF(S)**
(Notice Only Party)

213-626-0571
d.rosen@rkmlaw.net
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

STEPHEN FREDERICK ROSENTHAL
PODHURST ORSECK JOSEFSBERG
CITY NATIONAL BANK BLDG
25 W FLAGLER ST STE 800
MIAMI, FL 33130-1780
305-358-2800
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

HOLLIS L. SALZMAN
LABATON SUCHAROW LLP
140 BROADWAY
NEW YORK, NY 10005
212-907-0717
hsalzman@labaton.com
Assigned: 02/28/2012
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

CHRISTOPHER A. SEEGER
SEEGER WEISS LLP
550 BROAD ST STE 920
NEWARK, NJ 07102
973-639-9100
cseeger@seegerweiss.com
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

KEVIN P. SMITH
ROSE KLEIN & MARIAS LLP
801 S. GRAND AVE 11TH FL
LOS ANGELES, CA 90017
213-626-0571
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)

SYLVIA SOKOL

representing **PLAINTIFF(S)**

MOSCONE EMBLIDGE & QUADRA LLP
220 MONTGOMERY ST
SUITE 2100
SAN FRANCISCO, CA 94101
45-362-3599

(Notice Only Party)

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

JOHN W. SPIEGEL

MUNGER TOLLES & OLSON, LLP
355 SOUTH GRAND AVENUE
35TH FLOOR
LOS ANGELES, CA 90071
213-683-9100

**NATIONAL FOOTBALL
representing LEAGUE, INC.**

(Notice Only Party)

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

NFL PROPERTIES LLC

(Notice Only Party)

LINDSEY H. TAYLOR

CARELLA BYRNE BAIN GILFILLAN CECCHI
STEWART & OLSTEIN
5 BECKER FARM ROAD
ROSELAND, NJ 07068
973-994-1700

representing **PLAINTIFF(S)**
(Notice Only Party)

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

GEORGE W. WALKER, III

POPE MCGLAMRY KILPATRICK MORRISON &
NORWOOD, LLP
3455 PEACHTREE ROAD, NE
THE PINNACLE, STE. 925
ATLANTA, GA 31119
404-523-7706

representing **PLAINTIFF(S)**
(Notice Only Party)

Assigned: 02/28/2012

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

SOL H. WEISS

ANAPOL SCHWARTZ WEISS COHAN
FELDMAN & SMALLEY PC
1710 SPRUCE ST

representing **PLAINTIFF(S)**
(Notice Only Party)

PHILADELPHIA, PA 19103
215-735-2098
215-735-2024 (fax)
sweiss@anapolschwartz.com
Assigned: 01/31/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

THEODORE V. WELLS
PAUL WEISS RIFKIND WHARTON &
GARRISON LLP
1285 AVENUE OF THE AMERICAS
NEW YORK, NY 10019-6064
212-373-3089
twells@paulweiss.com
Assigned: 01/31/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

NATIONAL FOOTBALL
representing **LEAGUE, INC.**
(Notice Only Party)

NFL PROPERTIES LLC
(Notice Only Party)

BETH A. WILKINSON
PAUL WEISS RIFKIND WHARTON &
GARRISON LLP
1285 AVENUE OF THE AMERICAS
NEW YORK, NY 10019
212-737-3000
bwilkinson@paulweiss.com
Assigned: 01/31/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

NATIONAL FOOTBALL
representing **LEAGUE, INC.**
(Notice Only Party)

NFL PROPERTIES LLC
(Notice Only Party)

CHARLES S. ZIMMERMAN
ZIMMERMAN REED PLLP
1100 IDS CENTER
80 SOUTH EIGHTH ST
MINNEAPOLIS, MN 55402
612-341-0400
charles.zimmerman@zimmreed.com
Assigned: 02/28/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing **PLAINTIFF(S)**
(Notice Only Party)