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24 **UNITED STATES DISTRICT COURT**
25 **CENTRAL DISTRICT OF CALIFORNIA**

26 DAVID PEAR, *et al.*,
27 Plaintiffs,

28 v.

29 NATIONAL FOOTBALL LEAGUE; NFL
30 PROPERTIES LLC; RIDDELL, INC. d/b/a
31 RIDDELL SPORTS GROUP, INC., ALL
32 AMERICAN SPORTS CORPORATION,
33 d/b/a RIDDELL/ALL AMERICAN;
34 RIDDELL SPORTS GROUP, INC,
35 EASTON-BELL SPORTS, INC.;
36 EASTON-BELL SPORTS, LLC; EB
37 SPORTS CORP.; and RBG HOLDINGS
38 CORP.; and JOHN DOES 1 through 100,
Inclusive,

Defendants.

CASE NO. CV-11-08395 R (MANx)

FIRST AMENDED COMPLAINT FOR DAMAGES

- 1. Negligence – Monopolist
- 2. Negligence
- 3. Fraud
- 4. Fraudulent Concealment
- 5. Negligent Misrepresentation
- 6. Conspiracy
- 7. Strict Liability – Design Defect
- 8. Strict Liability – Manufacturing Defect
- 9. Negligence
- 10. Failure to Warn
- 11. Negligence
- 12. Loss of Consortium

BY FAX

DEMAND FOR JURY TRIAL

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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

3 **PARTIES**

4 **Plaintiffs:**

5 1. Mr. Dave Pear and his wife, Heidi, are residents of and domiciled in the State
6 of Washington.

7 2. Mr. Leonard Marshall and his wife, Maryann, are residents of and domiciled
8 in the State of Florida.

9 3. Mr. Barry Foster and his wife, Teray, are residents of and domiciled in the
10 State of Texas.

11 4. Mr. Eric W. Martin and his wife, Stacy, are residents of and domiciled in the
12 State of Texas.

13 5. Mr. Lance Smith is a resident of and domiciled in the State of North Carolina.

14 6. Mr. Henry Lawrence is a resident of and domiciled in the State of Florida.

15 7. Mr. Robert Suci and his wife, Merita, are residents of and domiciled in the
16 State of Michigan.

17 8. Mr. Deems May and his wife, Susan, are residents of and domiciled in the
18 State of North Carolina.

19 9. Mr. Zefross Moss is a resident of and domiciled in the State of Alabama.

20 10. Mr. Antonio McGee and his wife, Sue, are residents of and domiciled in the
21 State of Georgia.

22 11. Mr. John L. Outlaw and his wife, Linda, are residents of and domiciled in the
23 State of Maryland.

24 12. Mr. Bernard Ford is a resident of and domiciled in the State of Florida.

25 13. Mr. James VanWagner and his wife, Kelley, are residents of and domiciled in
26 the State of Oregon.

27 14. Mr. Bobby E. Abrams, Jr. and his wife, Stephanie, are residents of and
28 domiciled in the State of Alabama.

1 15. Mr. Johnny Rembert is a resident of and domiciled in the State of Florida.

2 16. Mr. Francisco Craig and his wife, Denise, are residents of and domiciled in
3 the State of California.

4 17. Mr. James Elrod and his wife, Marlene, are residents of and domiciled in the
5 State of Oklahoma.

6 18. Mr. Fred Barnett and his wife, Lindsay, are residents of and domiciled in the
7 State of Pennsylvania.

8 19. Mr. Keith Henderson is a resident of and domiciled in the State of Georgia.

9 20. Mr. James Pruitt is a resident of and domiciled in the State of Florida.

10 21. Mr. Wendell Tyler and his wife, Carmen, are residents of and domiciled in the
11 State of California.

12 22. Mr. Horace Copeland and his wife, Tanglea, are residents of and domiciled in
13 the State of Florida.

14 23. Mr. Michael Lush and his wife, Debra, are residents of and domiciled in the
15 State of Pennsylvania.

16 24. Mr. Michael Gann and his wife, Karen, are residents of and domiciled in the
17 State of Georgia.

18 25. Mr. Timothy Barnett and his wife, Chelonda, are residents of and domiciled in
19 the State of Missouri.

20 26. Mr. Calvin Williams and his wife, Charese, are residents of and domiciled in
21 the State of Maryland.

22 27. Mr. David Sims is a resident of and domiciled in the State of Georgia.

23 28. Mr. Fred McCrary and his wife, Nerma, are residents of and domiciled in the
24 State of Georgia.

25 29. Mr. Anthony Marshall is a resident of and domiciled in the State of Alabama.

26 30. Mr. Lee Rouson and his wife, Lisa, are residents of and domiciled in the State
27 of New Jersey.

28

1 31. Mr. Danny Miller and his wife, Lisa, are residents of and domiciled in the
2 State of Pennsylvania.

3 32. Mr. Wade Key and his wife, Catherine, are residents of and domiciled in the
4 State of Texas.

5 33. Mr. Tony Dorsett and his wife, Janet, are residents of and domiciled in the
6 State of Texas.

7 34. Mr. Emanuel Martin is a resident of and domiciled in the State of Florida.

8 35. Mr. Dwight Harrison is a resident of and domiciled in the State of Texas.

9 36. Mr. Harry Crump and his wife, Andrea, are residents of and domiciled in the
10 State of Rhode Island.

11 37. Mr. Santana Dotson and his wife, Monique, are residents of and domiciled in
12 the State of Texas.

13 38. Mr. Stefon Adams and his wife, Patrice, are residents of and domiciled in the
14 State of Georgia.

15 39. Mr. Lorenzo Hampton and his wife, Marcia, are residents of and domiciled in
16 the State of Florida.

17 40. Mr. Lorenzo Davis is a resident of and domiciled in the State of Florida.

18 41. Mr. Emanuel King and his wife, Kendra, are residents of and domiciled in the
19 State of Alabama.

20 42. Mr. Willie Richardson and his wife, Earline, are residents of and domiciled in
21 the State of Mississippi.

22 43. Mr. Marc Boutte and his wife, Tananjaly, are residents of and domiciled in
23 the State of Texas.

24 44. Mr. Reggie Moore is a resident of and domiciled in the State of Texas.

25 45. Mr. Lionel Dalton is a resident of and domiciled in the State of Florida.

26 46. Mr. Broderick Thomas and his wife, Yvonne, are residents of and domiciled
27 in the State of Texas.

28 47. Mr. Marty Carter is a resident of and domiciled in the State of Georgia.

1 **Defendants:**

2 48. Defendant National Football League (“the NFL”) is an unincorporated
3 association with its headquarters located in the State of New York. The NFL regularly
4 conducts business in California.

5 49. Defendant NFL Properties, LLC as the successor-in-interest to National
6 Football League Properties Inc. (“NFL Properties”) is a limited liability company
7 organized and existing under the laws of the State of Delaware with its headquarters in the
8 State of New York. NFL Properties is engaged, among other activities, approving
9 licensing and promoting equipment used by all the NFL teams. NFL Properties regularly
10 conducts business in California.

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

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

21 52. Defendant Riddell Sports Group, Inc. is a Delaware corporation with its
22 principal place of business at 6255 N. State Highway, #300, Irving, Texas 76038. Riddell
23 Sports Group, Inc. regularly conducts business in California.

24 53. Defendant Easton-Bell Sports, Inc. is a California corporation, incorporated in
25 Delaware with a principal place of business at 7855 Haskell Avenue, Suite 200, Van Nuys,
26 California 91406 and is a parent corporation of Riddell Sports Group Inc. Easton-Bell
27 Sports, Inc. designs, develops, and markets branded athletic equipment and accessories,
28 including marketing and licensing products under the Riddell brand.

1 54. Defendant Easton-Bell Sports, LLC is the parent corporation of Easton-Bell
2 Sports, Inc. and is incorporated in Delaware, with a principal place of business at 152 West
3 57th Street, New York, New York 10019. Easton-Bell Sports, LLC regularly conducts
4 business in California.

5 55. Defendant EB Sports Corp. is a Delaware corporation with its principal place
6 of business at 7855 Haskell Avenue, Van Nuys, California 91406.

7 56. Defendant RBG Holdings Corp. is a Delaware corporation with its principal
8 place of business at 7855 Haskell Avenue, Suite 350, Van Nuys, California 91406.

9 57. Defendants Riddell, Inc., Riddell Sports Group Inc., All American Sports
10 Corporation, Easton-Bell Sports, Inc., EB Sports Corp., Easton-Bell Sports, LLC, and RBG
11 Holdings Corp., shall hereinafter be referred to collectively as “Riddell” or the “Riddell
12 Defendants.”

13
14 **JURISDICTION AND VENUE**

15 58. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), as
16 there is diversity of citizenship among the parties and the amount in controversy exceeds
17 the sum or value of \$75,000, exclusive of interests and costs.

18 59. This Court has personal jurisdiction over Defendants because they engage in
19 business in this District and derive substantial revenue from their contacts with this
20 District.

21 60. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(a)(2) and
22 1391(b)(2) because a substantial part of the events and/or omissions giving rise to the
23 Plaintiffs’ claims emanated from activities within this jurisdiction and the Defendants
24 conduct substantial business in this jurisdiction.

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28 ///

INTRODUCTION

The NFL:

61. The National Football League was founded as the American Professional Football Association in 1920.

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

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

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

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

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

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

68. The NFL is a 9 billion dollar-a-year business.

Riddell:

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

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

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

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

- 4 (a) In the 1950's, Riddell manufactured a face mask component for its helmets,
5 which was eventually patented.
- 6 (b) In 1962, Riddell used a "U" shaped nose protector with a shell (known as the
7 TK2) molded out of polycarbonate. Riddell also designed an open/closed cell
8 foam and composite liner system for this model to increase the efficiency of
9 the webbed suspension.
- 10 (c) In 1963, Riddell developed the TAK-29 helmet, which was the first to use air
11 inflation for fitting the helmet snug to the head. The TAK-29 shell, like the
12 TK2, displayed the protective polycarbonate plastic, in addition to including
13 tough shock and cut-resistant face mask attachment straps.
- 14 (d) In 1969, recognizing that head protection was a key factor in helmet design
15 requiring durable head protection, Riddell constructed a micro-fit helmet
16 model with injection molding technology to create a one-piece shell to
17 improve the structural integrity of the entire helmet.
- 18 (e) In 1973, Riddell developed, designed, manufactured, sold, and/or distributed
19 an air cushion helmet whose interior system consisted of individual vinyl air
20 cushions with layers of fitting and energy absorbing foam. When a blow was
21 struck, the air in the cushion was expelled through a single vent, greatly
22 reducing the initial impact. With the exhausting of the air cushion, the
23 compressed fitting foam was further compressed, reducing impact.
- 24 (f) In 1977, Riddell developed, designed, manufactured, sold, and/or distributed a
25 stainless steel face mask which offered greater bend resistance that prevented
26 helmet breakage at the drill holes.
- 27 (g) In 1981, Riddell developed, designed, manufactured, sold, and/or distributed
28 an Air Cushion Engineered helmet.

- 1 (h) In 1982, Riddell developed, designed, manufactured, sold, and/or distributed a
2 M155 helmet model with a combination of foam and liquid-filled cells used
3 for padding. On impact, the liquid would be throttled from one cell to the
4 next, resulting in energy attenuation. The M155 helmet model included one-
5 piece injection-molded face masks which were mar and rust-resistant, in
6 addition to polyurethane face mask straps and universal jaw pads.
- 7 (i) In 2002, Riddell developed, designed, manufactured, sold, and/or distributed
8 the Riddell Revolution helmet designed with the intent of reducing the risk of
9 concussion.
- 10 (j) In 2003, Riddell developed, designed, manufactured, sold, and/or distributed a
11 real-time, Head Impact Telemetry System (HITS) to monitor and record
12 significant incidences of head impact sustained during a football game or
13 practice. The system measured the location, magnitude, duration, and
14 direction of head acceleration and transmitted that information wirelessly to
15 the sideline.
- 16 (k) In 2006, Riddell provided a research grant to the University of Pittsburgh
17 Medical Center for head injury research. The study compared rates of high
18 school athletes who wore the Riddell Revolution helmet with those who wore
19 traditional helmets.
- 20 (l) In 2007, Riddell developed, designed, manufactured, sold, and/or distributed
21 an individual helmet system, Revolution IQ Hits™, allowing players to
22 monitor the number and severity of impacts received during games and
23 practices. On-board electronics record every impact, allowing players to
24 upload and evaluate each occurrence on their home computers.
- 25 (m) In 2001, Riddell developed, designed, manufactured, sold, and/or distributed
26 the 360 helmet which uses energy-managing materials and a face mask
27 attachment system to disperse the energy of frontal impacts. According to
28

1 Riddell, it developed this helmet using over 1.4 million impacts collected
2 through Riddell's HITS technology.

3 73. Riddell is currently the official helmet of the NFL. Upon information and
4 belief, Plaintiffs wore Riddell helmets at times while playing and/or practicing during their
5 NFL careers.

6 74. The Riddell Defendants are and were at all times herein mentioned engaged in
7 the business of selling, manufacturing, designing, testing, engineering, marketing,
8 modifying, assembling, inspecting, distributing, and controlling the helmets and other
9 similar equipment for use by Plaintiffs and within the NFL.

10
11 **NFL AND THE CBA**

12 75. Until March of 2011, NFL players were all members of a union called the
13 National Football League Players Association ("NFLPA"). The NFLPA negotiates the
14 general minimum contract for all players in the league with the National Football League
15 Management Council ("NFLMC"). This contract is called the Collective Bargaining
16 Agreement ("CBA") and it is the central document that governs the negotiation of
17 individual player contracts for all of the league's players. However, historically, the NFL
18 retired players have never been the subject of or a party to Collective Bargaining.

19 76. The CBA had been in place since 1993 and was amended in 1998 and again in
20 2006. The CBA was originally scheduled to expire at the end of the 2012 season but in
21 2008 the owners exercised their right to opt-out of the agreement two years earlier. In
22 2011, the parties in trying to negotiate a new CBA reached an impasse and the NFL owners
23 locked the players out. Subsequently, the NFLPA decertified itself as the players'
24 representative for bargaining.

25 77. The plaintiffs herein are all retirees and not covered by the CBA nor are they a
26 subject of or parties to bargaining between the NFL and the NFLPA. Thus, the plaintiffs'
27 claims are not preempted by federal labor law since the CBA does not apply to their
28 present claims and, additionally, it does not currently exist.

CTE AND CONCUSSION INJURY

1
2 78. In 2002, Dr. Bennet Omalu, a forensic pathologist and neuropathologist found
3 Chronic Traumatic Encephalopathy (CTE) in the brain of Hall of Famer, Mike Webster.

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

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

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

11 82. Dr. Omalu questioned “Where was the NFL when we found this disease?”

12 83. In 2005-2007, the University of North Carolina’s Center for the Study of
13 Retired Athletes published survey-based papers that found a clear correlation between NFL
14 football and depression, dementia and other cognitive impairment.

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

18 85. The NFL undertook the responsibility of studying concussion research in 1994
19 through funding a Committee known as the “NFL Committee on Mild Traumatic Brain
20 Injury”.

21 86. The NFL affirmatively assumed a duty to use reasonable care in the study of
22 post concussion syndrome, and to use reasonable care in the publication of data from the
23 MTBI Committee’s work.

24 87. Rather than exercising reasonable care in these duties, the NFL immediately
25 engaged in a long-running course of negligent and fraudulent conduct.

26 88. The NFL Committee on Mild Traumatic Brain Injury published their findings
27 in 2004 showing “no evidence of worsening injury or chronic cumulative effects” from
28 multiple concussions. In a related study, this Committee found “many NFL players can be

1 safely allowed to return to play” on the day of a concussion if they are without symptoms
2 and cleared by a physician.

3 89. Players who suffered concussions were told by the NFL and its agents not to
4 be overly concerned, and were regularly returned to game action mere minutes after
5 sustaining them.

6 90. As further evidence, Commissioner Roger Goodell in June of 2007 admitted
7 publicly that the NFL has been studying the effects of traumatic brain injury for “close to
8 14 years . . .”

9 91. It was not until June of 2010 that the NFL acknowledged that concussions can
10 lead to dementia, memory loss, CTE and related symptoms by publishing warning to every
11 player and team.

12 13 **NFL’S DUTY TO PLAYERS AND THE PUBLIC**

14 92. The NFL overtly undertook a duty to study concussions on behalf of all
15 American Rules Football leagues and players.

16 93. As the industry icon, all American Rules Football leagues modeled their
17 programs after the NFL.

18 94. In turn, the NFL possesses monopoly power over American Football. As
19 such, it also possesses monopoly power over the research and education of football injuries
20 to physicians, trainers, coaches and individuals with brain damage such as Plaintiffs who
21 played in the NFL, as well as the public at large. As a result, it owed a duty to everyone
22 including individuals such as Plaintiffs in the following respects:

- 23 (a) It owed a duty to protect Plaintiffs on the playing field;
24 (b) It owed a duty to Plaintiffs to educate them and other players in the NFL
25 about CTE and/or concussion injury;
26 (c) It owed a duty to Plaintiffs to educate trainers, physicians, and coaches about
27 CTE and/or concussion injury;
28

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

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

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

20
21 **NFL’S KNOWLEDGE OF THE RISK OF CONCUSSIONS**

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

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

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

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

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

- 11 (a) In the 1890's, Admiral Joseph Mason "Bull" Reeves, who is more known as
12 the father of carrier aviation, played American football in the 1890's for the
13 Naval Academy. He had suffered so many blows to his head that a navy
14 doctor advised him that he could risk death or insanity if he received another
15 kick to his head.
- 16 (b) In 1913, Glenn "Pop" Warner, commented that he had "many times seen cases
17 when hard bumps on the head so dazed the player receiving them that he lost
18 his memory for a time and had to be removed from the game.";
- 19 (c) In 1928, the first case of "Punch Drunk" in boxers was published in the
20 *American Association Journal* by HS Martland;
- 21 (d) A 1937 article on "Dementia pugilistica" was published in the *US Navy*
22 *Medical Bulletin*;
- 23 (e) A 1952 article on "Electroencephalographic changes in professional boxers
24 was published in the *American Medical Association Journal*;
- 25 (f) A 1952 New England Journal of Medicine Article Vol. 246, pp. 554-556
26 talked about a three strike rule for concussions in 1945 – three concussions
27 and you should retire from football;
28

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

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

- 1 (ee) JA Corsellis, *Boxing and the Brain*, 298 BMJ 105-109 (1989);
- 2 (ff) James P. Kelly et al., *Concussion in Sports, Guidelines for the Prevention of*
- 3 *Catastrophic Outcome*, 266 JAMA 2868 (1991);
- 4 (gg) B.E. Leininger & J.S. Kreutzer, *Neuropsychological Outcome of Adults with*
- 5 *Mild Traumatic Brain Injury: Implications for Clinical Practice and*
- 6 *Research*, in REHABILITATION OF POST-CONCUSSIVE DISORDERS
- 7 (L.J. Horn & N.D. Zasler eds., State of the Art Reviews, Physical Medicine
- 8 and Rehabilitation, Hanley & Belfus, Inc. 1992);
- 9 (hh) RC Cantu, *Cerebral Concussion in Sports*, 14(1) Sports Med. 64-74 (1992);
- 10 (ii) RC Cantu, FO Mueller, *Catastrophic Football Injuries in the USA*, 2(3) Clin.
- 11 J. Sports Med. 180-85 (1992); and
- 12 (jj) Mild Traumatic Brain Injury Committee of the Head Injury Interdisciplinary
- 13 Special Interest Group of the American Congress of Rehabilitation Medicine,
- 14 *Definition of Mild Traumatic Injury*, 8 J. HEAD TRAUMA REHABIL. 86-87
- 15 (1993).

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

- 19 (a) In 1956, the NFL enacted a rule that prohibited the grabbing of any player's
- 20 facemask, other than the ball carrier;
- 21 (b) In 1962, the NFL enacted a rule that prohibited players from grabbing any
- 22 player's facemask;
- 23 (c) In 1976, the NFL enacted a rule that prohibited players from grabbing the
- 24 facemask of an opponent. The penalty for an incidental grasp of the facemask
- 25 was 5 yards. The penalty for twisting, turning, or pulling the facemask was 15
- 26 yards. A player could be ejected from the game if the foul is judged to be
- 27 vicious and/or flagrant;
- 28

- 1 (d) In 1977, the NFL enacted a rule that prohibited players from slapping the head
2 of another player during play. This rule was referred to as the “Deacon Jones
3 Rule”, named after the Rams’ defensive end who frequently used this
4 technique;
- 5 (e) In 1977, the NFL enacted a rule that prohibited Offensive Linemen from
6 thrusting their hands into a defender’s neck, face, or head;
- 7 (f) In 1979, the NFL enacted a rule that prohibited players from using their
8 helmets to butt, spear, or ram an opponent. Pursuant to this rule, any player
9 who used the crown or the top of his helmet unnecessarily will be called for
10 unnecessary roughness;
- 11 (g) In 1980, the NFL enacted rule changes that provided greater restrictions on
12 contact in the area of the head, neck, and face;
- 13 (h) In 1980, the NFL enacted rule changes that prohibited players from directly
14 striking, swinging, or clubbing the head, neck, or face (“personal foul”).
15 Beginning in 1980, a penalty could be called for such contact whether or not
16 the initial contact was made below the neck area;
- 17 (i) In 1982, the NFL enacted a rule change by which the penalty for incidental
18 grabbing of a facemask by a defensive team was changed from 5 yards to an
19 automatic first down plus a 5 yard penalty;
- 20 (j) In 1983, the NFL enacted a rule that prohibited players from using a helmet as
21 a weapon to strike or hit an opponent;
- 22 (k) In 1988, the NFL enacted a rule that prohibited defensive players from hitting
23 quarterbacks below the waist while they are still in the pocket. (The rule was
24 unofficially called the “Andre Waters Rule” based upon a hit that Waters
25 placed on Los Angeles Rams quarterback Jim Everett in 1988); and
- 26 (l) Following the 2004-2005 season, the NFL’s Competition Committee
27 reviewed video of the entire season and concluded that the horse-collar tackle
28 resulted in six serious injuries. On May 23, 2005, the NFL owners voted 27-5

1 to ban the tackle. The ban states that a horse-collar tackle is an open-field
2 tackle in which a defender uses the shoulder pads to immediately bring a ball
3 carrier down.

4
5 **NFL FRAUDUENTLY CONCEALED**
6 **THE LONG-TERM EFFECTS OF CONCUSSIONS**

7 103. Instead of taking measures to actually protect its players from suffering long-
8 term brain injuries, the NFL created the “Mild Traumatic Brain Injury Committee” in 1994
9 to purportedly study the effects of concussions on NFL players.

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

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

21 106. According to the NFL’s own committee, the speedy return to play after
22 suffering a concussion demonstrates that such players were not at a greater risk of suffering
23 long-term brain injury.

24 107. The MTBI Committee has published multiple research articles since its
25 inception. The findings of the MTBI Committee have regularly contradicted the research
26 and experiences of neurologists who treat sports concussions, and to players who endured
27 them.

1 108. For example, in the October 2004 edition of *Neurosurgery*, the MTBI
2 Committee published a paper in which it asserted that the Committee’s research found no
3 risk of repeated concussions in players with previous concussions and that there was no “7-
4 to 10-day window of increased susceptibility to sustaining another concussion.”

5 109. In a comment to the study published in *Neurosurgery*, one doctor wrote that
6 “[t]he article sends a message that it is acceptable to return players while still symptomatic,
7 which contradicts literature published over the past twenty years suggesting that athletes be
8 returned to play only after they are asymptomatic, and in some cases for seven days.”

9 110. As a further example, in January 2005, the Committee wrote that returning to
10 play after a concussion “does not involve significant risk of a second injury either in the
11 same game or during the season.” However, a 2003 NCAA study of 2,905 college football
12 players found just the opposite: “Those who have suffered concussions are more
13 susceptible to further head trauma for seven to 10 days after the injury.”

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

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

21 113. In response to these studies, the NFL, to further a scheme of fraud and deceit,
22 had members of the NFL’s Brain Injury Committee deny knowledge of a link between
23 concussion and cognitive decline and claim that more time was needed to reach a definitive
24 conclusion on the issue.

25 114. When the NFL’s Brain Injury Committee anticipated studies that would
26 implicate causal links between concussion and cognitive degeneration it promptly
27 published articles producing contrary findings, although false, distorted and deceiving as
28 part of the NFL’s scheme to deceive Congress, the players and the public at large.

1 115. Between 2002 and 2007, Dr. Bennet Omalu examined the brain tissue of
2 deceased NFL players including Mike Webster, Terry Long, Andrew Waters, and Justin
3 Strzelczyk. Dr. Omalu in an article in *Neurosurgery* concluded that chronic traumatic
4 encephalopathy (“CTE”) triggered by multiple NFL concussions represented a partial
5 cause of their deaths.

6 116. In response to Dr. Omalu’s article, the NFL acting thru the NFL’s Brain
7 Injury Committee, Drs. Ira Casson, Elliott Pellman and David Viano wrote a letter to the
8 editor of *Neurosurgery* asking that Dr. Omalu’s article be retracted.

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

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

21 119. A November 2006 *ESPN The Magazine* article described how the MTBI
22 Committee failed to include hundreds of neuropsychological tests done on NFL players
23 when studying the effects of concussions on the results of such tests. The article further
24 revealed that Dr. Pellman had fired a neuropsychologist for the New York Jets, Dr.
25 William Barr, after Dr. Barr voiced concern that Dr. Pellman might be picking and
26 choosing what data to include in the Committee’s research to get results that would
27 downplay the effects of concussions.

28

1 120. Dr. Pellman stepped down as the head of the MTBI Committee in February
2 2007. Dr. Kevin Guskiewicz, research director of UNC's Center for the Study of Retired
3 Athletes, said at the time that Dr. Pellman was "the wrong person to chair the committee
4 from a scientific perspective and the right person from the league's perspective."

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

9 122. Dr. Pellman was replaced by Doctors Ira Casson and David Vaino. Dr. Casson
10 continued to dismiss outside studies and overwhelming evidence linking dementia and
11 other cognitive decline to brain injuries. When asked in 2007 whether concussions could
12 lead to brain damage, dementia or depression, Dr. Casson denied the linkage six separate
13 times.

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

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

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

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

8 127. At the October 2009 Congressional hearings of the House Judiciary
9 Committee, committee member Linda Sanchez analogized the NFL's denial of a causal
10 link between NFL concussion and cognitive decline to the Tobacco industry's denial of the
11 link between cigarette consumption and ill health effects.

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

17 129. NFL Commissioner Roger Goodell testified at the hearing that "[i]n the past
18 15 years, the N.F.L. has made significant investments in medical and biomechanical
19 research. All of that information has been made public, subjected to thorough and on-
20 going peer review, published in leading journals, and distributed to the N.F.L.P.A. and
21 their medical consultants. We have been open and transparent, and have invited dialogue
22 throughout the medical community."

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

27 131. Dr. Casson provided oral and written testimony at the January 2010 hearings.
28 He continued to deny the validity of other studies, stating that "[t]here is not enough valid,

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

3 132. Defendants had concealed for decades the serious risks of long-term effects of
4 traumatic brain injury. It was not until Defendants had to testify before Congress that these
5 eventual admissions were ultimately conceded. Further, Plaintiffs could not have known
6 or discovered with reasonable certainty that the cause of their injuries were due to
7 Defendants’ fraudulent concealment of this information.

8 133. Since at least 2002, the NFL Committee has been on direct notice of multiple
9 NFL head injuries contributing to cognitive decline in later life, yet it has never amended
10 the 2007 NFL’s Brain Injury Committee statement: “Current research with professional
11 athletes has not shown that having more than one or two concussions leads to permanent
12 problems. . . It is important to understand that there is no magic number for how many
13 concussions is too many.”

14 134. As of June 2010, the NFL had yet to amend these inaccurate and
15 misrepresentative statements to any Plaintiff or retiree.

16
17 **NFL ACKNOWLEDGES ITS DUTY TO**
18 **PROTECT AGAINST THE LONG-TERM RISK OF CONCUSSIONS**

19 135. On August 14, 2007, the NFL acknowledged its duty to players by enacting
20 rules to protect them against the risks associated with repeated brain trauma.

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

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

27 138. The NFL’s 2007 concussion guidelines also include an informational
28 pamphlet provided to all current NFL players to aid in identifying symptoms of a

1 concussion. This information was later withdrawn by one of the outside counsel of the
2 NFL in a separate letter to its disability plan, as well as the NFL's August 14, 2007 press
3 release denying that "more than one or two concussions leads to permanent problems".

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

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

13 141. The NFL's 2007 concussion guidelines provide when a player with a
14 concussion can return to a game or practice.

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

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

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

27 145. Nevertheless, it was not until June of 2010 that the NFL warned any player of
28 the long-term risks associated with multiple concussions, including dementia, memory

1 loss, CTE and its related symptoms. The Riddell Defendants also failed to so warn active
2 players until approximately the same time frame.

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

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

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

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

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

16
17 **DAVE and HEIDI PEAR**

18 150. Plaintiff Dave Pear was born on June 1, 1953 in Vancouver, Washington. He
19 currently lives in Sammamish, Washington. He is married to Heidi Pear.

20 151. Plaintiff Dave Pear played Defensive Tackle for the Baltimore Colts in 1975,
21 Tampa Bay Buccaneers from 1976 to 1978 and Oakland Raiders from 1979 to 1980. He
22 played in one Pro-Bowl and was a part of Super Bowl XV winning team.

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

26 153. Plaintiff Dave Pear was not warned by the NFL, NFL Properties, Inc., or
27 Riddell Defendants of the risk of long-term injury due to football-related concussions or
28

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

3 154. Plaintiff Dave Pear suffers from multiple past traumatic brain injuries with
4 various symptoms including, but not limited to, memory loss, vertigo, sleeplessness and
5 early on-set dementia.

6
7 **LEONARD and MARYANN MARSHALL**

8 155. Plaintiff Leonard Marshall was born on October 22, 1961 in Louisiana. He is
9 married to Maryann and they currently reside in Boca Raton, Florida.

10 156. Plaintiff Leonard Marshall played Defensive End from 1983 to 1992 for the
11 New York Giants, for the New York Jets in 1993 and Washington Redskins in 1994. He
12 was selected to the Pro-Bowl on three occasions. He won Super Bowl XXI and XXV.

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

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

20 159. Plaintiff Leonard Marshall suffers from multiple past traumatic brain injuries
21 affecting multiple areas of his brain and causing various symptoms including, but not
22 limited to, memory loss, headaches, dizziness, and anxiety.

23
24 **BARRY and TERAY FOSTER**

25 160. Plaintiff Barry Foster was born on December 8, 1968. He is married to Teray
26 and they have 3 children, ages 19, 16 and 14 years old. They currently reside in
27 Colleyville, Texas.

1 161. Plaintiff Barry Foster played from 1990 to 1994 as a Running Back for the
2 Pittsburgh Steelers. He was selected to two Pro Bowls and was selected the AFC
3 Offensive Player of the year in 1992 when he rushed for a Pittsburgh Steeler season record
4 of 1,690 rushing yards.

5 162. Plaintiff Barry Foster suffered multiple concussions that were improperly
6 diagnosed and improperly treated throughout his career as a professional football player in
7 the NFL.

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

12 164. Plaintiff Barry Foster suffers from multiple past traumatic brain injuries
13 affecting multiple areas of his brain and causing the following symptoms including but not
14 limited to lack of concentration, memory loss, sleeplessness, chronic headaches and
15 depression.

16
17 **ERIC W. and STACY MARTIN**

18 165. Plaintiff Eric W. Martin was born on November 8, 1961. He is married to
19 Stacy and they have 4 children ages 25, 20, 15 and 14 years old. They currently reside in
20 Richmond, Texas.

21 166. Plaintiff Eric W. Martin played Wide Receiver for the New Orleans Saints
22 from 1985 to 1993 and the Kansas City Chiefs in 1994. He was selected to the Pro Bowl
23 in 1988.

24 167. Plaintiff Eric W. Martin suffered multiple concussions that were improperly
25 diagnosed and improperly treated throughout his career as a professional football player in
26 the NFL.

27 168. Plaintiff Eric W. Martin was not warned by the NFL, NFL Properties, Inc., or
28 Riddell Defendants of the risk of long-term injury due to football-related concussions or

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

3 169. Plaintiff Eric W. Martin suffers from multiple past traumatic brain injuries
4 affecting multiple areas of his brain and causing the following symptoms including but not
5 limited to memory loss and headaches.

6
7 **LANCE SMITH**

8 170. Plaintiff Lance Smith was born on January 1, 1963. He has 3 children ages
9 25, 21 and 10 years old. He currently lives in Charlotte, North Carolina.

10 171. Plaintiff Lance Smith played Offensive Guard from 1984 to 1993 for the St.
11 Louis/Phoenix Cardinals and from 1994 to 1996 for the New York Giants.

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

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

19 174. Plaintiff Lance Smith suffers from multiple past traumatic brain injuries
20 affecting multiple areas of the brain and causing the following symptoms including but not
21 limited to headaches and memory loss.

22
23 **HENRY LAWRENCE**

24 175. Plaintiff Henry Lawrence was born on September 26, 1951 in Danville,
25 Pennsylvania. He currently lives in Palmetto, Florida.

26 176. Plaintiff Henry Lawrence played from 1974 to 1986 for the Los
27 Angeles/Oakland Raiders as an Offensive Lineman. He was selected to two Pro Bowls and
28 won three Super Bowls.

1 177. Plaintiff Henry Lawrence suffered multiple concussions that were improperly
2 diagnosed and improperly treated throughout his career as a professional football player in
3 the NFL.

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

8 179. Plaintiff Henry Lawrence suffers from multiple past traumatic brain injuries
9 affecting multiple areas of his brain and causing various symptoms including but not
10 limited to headaches, sleep problems, memory loss and pain.

11
12 **ROBERT and MERITA SUCI**

13 180. Plaintiff Robert Suci was born on April 7, 1939. He is married to Merita and
14 they currently reside in Flint, Michigan.

15 181. Plaintiff Robert Suci played from 1963 to 1965 for the Houston Oilers and the
16 Boston Patriots as a Defensive Back.

17 182. Plaintiff Robert Suci suffered multiple concussions that were improperly
18 diagnosed and improperly treated during his career as a professional football player in the
19 NFL.

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

24 184. Plaintiff Suci suffers from multiple past traumatic brain injuries affecting
25 multiple areas of his brain and causing various symptoms including by not limited to mood
26 swings, light-headedness, headaches, and memory loss.

27 \\\

28 \\\

DEEMS and SUSAN MAY

1
2 185. Plaintiff Deems May was born on March 6, 1969. He is married to Susan.
3 They currently reside in Charlotte, North Carolina.

4 186. Plaintiff Deems May played Tight End from 1992 to 1996 for the San Diego
5 Chargers and from 1997 to 1999 for the Seattle Seahawks.

6 187. Plaintiff Deems May suffered multiple concussions that were improperly
7 diagnosed and improperly treated throughout his career as a professional football player in
8 the NFL.

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

13 189. Plaintiff Deems May suffers from multiple past traumatic brain injuries
14 affecting multiple areas of his brain and causing various symptoms including by not
15 limited to short term memory loss and headaches.

16
17 **ZEFROSS MOSS**

18 190. Plaintiff Zefross Moss was born on August 17, 1966. He currently resides in
19 Madison, Alabama.

20 191. Plaintiff Zefross Moss was an Offensive Lineman who played from 1989 to
21 1994 for the Indianapolis Colts, from 1995 to 1996 for the Detroit Lions, and from 1997 to
22 1999 for the New England Patriots.

23 192. Plaintiff Zefross Moss suffered multiple concussions that were improperly
24 diagnosed and improperly treated throughout his career as a professional player in the
25 NFL.

26 193. Plaintiff Zefross Moss was not warned by the NFL, NFL Properties, Inc., or
27 Riddell Defendants of the risk of long-term injury due to football-related concussions or
28

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

3 194. Plaintiff Zefross Moss suffers from multiple past traumatic brain injuries
4 affecting multiple areas of his brain and causing various symptoms including by not
5 limited to memory loss dizziness, headaches and depression.

6
7 **ANTONIO “DELL” and SUE MCGEE**

8 195. Plaintiff Dell McGee was born on September 7, 1972. He is currently married
9 to Sue and they have one child who is 6 years old. They currently reside in Midland,
10 Georgia.

11 196. Plaintiff Dell McGee played Defensive Back from 1996 to 1998 for the
12 Arizona Cardinals, and he played in 1999 for the Detroit Lions.

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

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

20 199. Plaintiff Dell McGee suffers from multiple past traumatic brain injuries
21 affecting multiple areas of his brain and causing various symptoms including by not
22 limited to headaches, tingling in his head and short term memory loss.

23
24 **JOHN L. and LINDA OUTLAW**

25 200. Plaintiff John L. Outlaw was born on January 8, 1945. He is married to
26 Linda. They currently reside in Columbia, Maryland.

27 201. Plaintiff John L. Outlaw played from 1969 to 1972 for the New England
28 Patriots and from 1973 to 1978 for the Philadelphia Eagles as a Defensive Back.

1 202. Plaintiff John L. Outlaw suffered repeated concussions that were improperly
2 diagnosed and improperly treated throughout his career as a professional football player in
3 the NFL.

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

8 204. Plaintiff John L. Outlaw suffers from multiple past traumatic brain injuries
9 affecting multiple areas of his brain and causing various symptoms including by not
10 limited to short term memory loss, headaches, dizziness and blurry vision.

11
12 **BERNARD FORD**

13 205. Plaintiff Bernard Ford was born on February 27, 1966. He has four children
14 ages 27, 26, 25 and 11 years old. He currently resides in Weston, Florida.

15 206. Plaintiff Bernard Ford played from 1988 to 1989 for the Buffalo Bills, from
16 1989 to 1990 for the Dallas Cowboys, from 1990 to 1991 for the Houston Oilers, Green
17 Bay Packers in 1992, Miami Dolphins in 1993, and in 1995 for the Philadelphia Eagles.
18 He was a Wide Receiver and Kick Return Specialist.

19 207. Plaintiff Bernard Ford suffered multiple concussions that were improperly
20 diagnosed and improperly treated throughout his career as a professional football player in
21 the NFL.

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

26 209. Plaintiff Bernard Ford suffers from multiple past traumatic brain injuries
27 affecting multiple areas of his brain and causing various symptoms including by not
28 limited to headaches and memory loss.

JAMES and KELLEY VANWAGNER

1
2 210. Plaintiff James VanWagner was born on May 3 1955. He is married to
3 Kelley. He currently resides in Rogue River, Oregon.

4 211. Plaintiff James VanWagner played from 1977 to 1979 as a Running Back for
5 the New Orleans Saints.

6 212. Plaintiff James VanWagner suffered multiple concussions that were
7 improperly diagnosed and improperly treated throughout his career as a professional
8 football player in the NFL.

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

13 214. Plaintiff James VanWagner suffers from multiple past traumatic brain injuries
14 affecting multiple areas of his brain and causing various symptoms including by not
15 limited to severe short term memory loss and dementia.

16
17 **BOBBY E, JR. and STEPHANIE ABRAMS**

18 215. Plaintiff Bobby E. Abrams, Jr. was born on April 12, 1967 in Detroit,
19 Michigan. He is married to Stephanie and they have 3 children ages 23, 20, and 17 years
20 old. They currently reside in Montgomery, Alabama.

21 216. Plaintiff Bobby E. Abrams, Jr. played from 1990 to 1991 for the New York
22 Giants, 1992 for the Cleveland Browns and New York Giants, from 1992 to 1993 for the
23 Dallas Cowboys, from 1993 to 1994 for the Minnesota Vikings and from 1995 to 1997 for
24 the New England Patriots. He was a Line Backer.

25 217. Plaintiff Bobby E. Abrams, Jr. suffered multiple concussions that were
26 improperly diagnosed and improperly treated throughout his career as a professional
27 football player in the NFL.

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

5 219. Plaintiff Bobby E. Abrams, Jr. suffers from multiple past traumatic brain
6 injuries affecting multiple areas of his brain and causing various symptoms including by
7 not limited to headaches, short term memory loss, and pain.

8
9 **JOHNNY REMBERT**

10 220. Plaintiff Johnny Rembert was born on January 19, 1961. He currently resides
11 in Fleming Island, Florida.

12 221. Plaintiff Johnny Rembert played from 1983 to 1992 for the New England
13 Patriots as a Line Backer. He was selected to the Pro Bowl two times.

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

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

21 224. Plaintiff Johnny Rembert suffers from multiple past traumatic brain injuries
22 affecting multiple areas of his brain and causing various symptoms including by not
23 limited to headaches and pain.

24
25 **FRANCISCO “PACO” and DENISE CRAIG**

26 225. Plaintiff Francisco “Paco” Craig was born on February 2, 1965. He is married
27 to Denise and they currently reside in Moreno Valley, California.

1 226. Plaintiff Francisco “Paco” Craig played in 1988 for the Detroit Lions, in 1989
2 for the Atlanta Falcons and 1990 for the LA Rams as a Wide Receiver.

3 227. Plaintiff Francisco “Paco” Craig suffered multiple concussions that were
4 improperly diagnosed and improperly treated throughout his career as a professional
5 football player in the NFL.

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

10 229. Plaintiff Francisco “Paco” Craig suffers from multiple past traumatic brain
11 injuries affecting multiple areas of his brain and causing various symptoms including by
12 not limited to headaches, short term memory loss, blurry vision, sleep problems, pain,
13 depression, hearing difficulty and mood swings.

14
15 **JAMES and MARLENE ELROD**

16 230. Plaintiff James Elrod was born on May 25, 1954. He is married to Marlene.
17 They currently reside in Tulsa, Oklahoma.

18 231. Plaintiff James Elrod played for the Kansas City Chiefs from 1976 to 1978,
19 the St. Louis Cardinals in 1979 and the Houston Oilers in 1979 as a Line Backer.

20 232. Plaintiff James Elrod suffered multiple concussions that were improperly
21 diagnosed and improperly treated throughout his career as a professional football player in
22 the NFL.

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

27 \\\

28 \\\

1 234. Plaintiff James Elrod suffers from multiple past traumatic brain injuries
2 affecting multiple areas of his brain and causing various symptoms including by not
3 limited to short term memory loss and headaches.

4
5 **FRED and LINDSAY BARNETT**

6 235. Plaintiff Fred Barnett was born on June 17, 1966. He is married to Lindsay
7 and they have 3 children ages 4 months and 10 year old twins. They currently reside in
8 Philadelphia, Pennsylvania.

9 236. Plaintiff Fred Barnett played from 1990 to 1995 for the Philadelphia Eagles,
10 and from 1996 to 1997 for the Miami Dolphins as a Wide Receiver. He was selected to
11 the Pro Bowl on one occasion.

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

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

19 239. Plaintiff Fred Barnett suffers from multiple past traumatic brain injuries
20 affecting multiple areas of his brain and causing various symptoms including by not
21 limited to memory loss, vertigo and sleeping difficulties.

22
23 **KEITH HENDERSON**

24 240. Plaintiff Keith Henderson was born on August 4, 1966. He currently resides
25 in Cartersville, Georgia.

26 241. Plaintiff Keith Henderson played from 1989 to 1992 for the San Francisco
27 49ers and from 1992 to 1994 for the Minnesota Vikings as a Running Back.

1 242. Plaintiff Keith Henderson suffered multiple concussions that were improperly
2 diagnosed and improperly treated throughout his career as a professional football player in
3 the NFL.

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

8 244. Plaintiff Keith Henderson suffers from multiple past traumatic brain injuries
9 affecting multiple areas of his brain and causing various symptoms including by not
10 limited to memory loss, vision difficulties and headaches.

11
12 **JAMES PRUITT**

13 245. Plaintiff James Pruitt was born on January 29, 1964. He currently resides in
14 Boynton Beach, Florida.

15 246. Plaintiff James Pruitt played from 1986 to 1988 for the Miami Dolphins, from
16 1988 to 1989 for Indianapolis Colts, and from 1990 to 1991 for the Miami Dolphins as a
17 Wide Receiver.

18 247. Plaintiff James Pruitt suffered multiple concussions that were improperly
19 diagnosed and improperly treated throughout his career as a professional football player in
20 the NFL.

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

25 249. Plaintiff James Pruitt suffers from multiple past traumatic brain injuries
26 affecting multiple areas of his brain and causing various symptoms including by not
27 limited to short term memory loss, vertigo and headaches.

WENDELL and CARMEN TYLER

1
2 250. Plaintiff Wendell Tyler was born on May 20, 1955 in Louisiana. He is
3 married to Carmen and they currently reside in Lancaster, California.

4 251. Plaintiff Wendell Tyler played from 1977 to 1982 for the Los Angeles Rams
5 and from 1983 to 1986 for the San Francisco 49ers as a Running Back. He was selected to
6 the Pro Bowl on one occasion. He won Super Bowl XIX.

7 252. Plaintiff Wendell Tyler suffered multiple concussions that were improperly
8 diagnosed and improperly treated throughout his career as a professional football player in
9 the NFL.

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

14 254. Plaintiff Wendell Tyler suffers from multiple past traumatic brain injuries
15 affecting multiple areas of his brain and causing various symptoms including by not
16 limited to memory loss and mood swings.

17
18 **HORACE and TANGELA COPELAND**

19 255. Plaintiff Horace Copeland was born on January 2, 1971. He is married to
20 Tangela and they have four children ages 20, 14, 11 and 9 years old. They currently reside
21 in Spring Hill, Florida.

22 256. Plaintiff Horace Copeland played from 1993 to 1998 for Tampa Bay
23 Buccaneers, in 1998 for the Miami Dolphins and from 1999 to 2000 for the Oakland
24 Raiders as a Wide Receiver. 256. Plaintiff Horace Copeland suffered multiple
25 concussions that were improperly diagnosed and improperly treated throughout his career
26 as a professional football player in the NFL.

27 257. Plaintiff Horace Copeland was not warned by the NFL, NFL Properties, Inc.,
28 or Riddell Defendants of the risk of long-term injury due to football-related concussions or

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

3 258. Plaintiff Horace Copeland suffers from multiple past traumatic brain injuries
4 affecting multiple areas of his brain and causing various symptoms including by not
5 limited to memory loss, headaches, and blurry vision.

6
7 **MICHAEL and DEBRA LUSH**

8 259. Plaintiff Michael Lush was born on April 18, 1958. He is married to Debra
9 and they currently reside in Orefield, Pennsylvania.

10 260. Plaintiff Michael Lush played as a Defensive Back in 1986 for the Minnesota
11 Vikings and in 1987 for Atlanta Falcons. He was also a member of various teams training
12 camps from 1981 to 1987 including the Philadelphia Eagles, New York Giants, Baltimore
13 Colts and Chicago Bears.

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

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

21 263. Plaintiff Michael Lush suffers from multiple past traumatic brain injuries
22 affecting multiple areas of his brain and causing various symptoms including by not
23 limited to memory loss, loss of organization skills, depression, vertigo, headaches and
24 mood swings.

25
26 **MICHAEL and KAREN GANN**

27 264. Plaintiff Michael Gann was born on October 19, 1963. He is married to
28 Karen and they currently reside in Roswell, Georgia.

1 265. Plaintiff Michael Gann played as a Defensive End from 1985 to 1993 for the
2 Atlanta Falcons.

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

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

10 268. Plaintiff Michael Gann suffers from multiple past traumatic brain injuries
11 affecting multiple areas of his brain and causing various symptoms including by not
12 limited to short term memory loss, headaches, sleeplessness, anxiety attacks, and
13 depression.

14
15 **TIMOTHY and CHELONDA BARNETT**

16 269. Plaintiff Timothy Barnett was born on April 19, 1967. He is married to
17 Chelonda and they currently reside in Kansas City, Missouri.

18 270. Plaintiff Timothy Barnett played as a Wide Receiver for the Kansas City
19 Chiefs from 1991 to 1993.

20 271. Plaintiff Timothy Barnett suffered multiple concussions that were improperly
21 diagnosed and improperly treated throughout his career as a professional football player in
22 the NFL.

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

1 273. Plaintiff Timothy Barnett suffers from multiple past traumatic brain injuries
2 affecting multiple areas of his brain and causing various symptoms including by not
3 limited to short term memory loss, headaches, mood swings and depression.

4
5 **CALVIN and CHARESE WILLIAMS**

6 274. Plaintiff Calvin Williams was born on March 3, 1967. He is married to
7 Charese and they have three children ages 12, 11 and 6 years old. They currently reside in
8 Baltimore, Maryland.

9 275. Plaintiff Calvin Williams played Wide Receiver for the Philadelphia Eagles
10 from 1990 to 1996 and for the Baltimore Ravens in 1996. He was selected to the Football
11 News All-Rookie Team in 1990.

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

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

19 278. Plaintiff Calvin Williams suffers from multiple past traumatic brain injuries
20 affecting multiple areas of his brain and causing various symptoms including by not
21 limited to short term memory loss and sleeplessness.

22
23 **DAVID SIMS**

24 279. Plaintiff David Sims was born on October 26, 1955. He currently resides in
25 Decatur, Georgia.

26 280. Plaintiff David Sims played Running Back for the Seattle Seahawks from
27 1977 to 1980.

1 281. Plaintiff David Sims suffered multiple concussions that were improperly
2 diagnosed and improperly treated throughout his career as a professional football player in
3 the NFL.

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

8 283. Plaintiff David Sims suffers from multiple past traumatic brain injuries
9 affecting multiple areas of his brain and causing various symptoms including by not
10 limited to short term memory loss, headaches and mood swings.

11
12 **FRED and NERMA MCCRARY**

13 284. Plaintiff Fred McCrary was born on September 19, 1972. He is married to
14 Nerma and they have two children ages 9 and 5. They currently reside in Canton, Georgia.

15 285. Plaintiff Fred McCrary played Fullback for the Philadelphia Eagles from 1995
16 to 1996, New Orleans Saints from 1997 to 1998, San Diego Chargers from 1999 to 2002,
17 New England Patriots in 2003, Atlanta Falcons from 2004 to 2006 and Seattle Seahawks in
18 2007. He was a part of the winning team of Super Bowl XXXVIII.

19 286. Plaintiff Fred McCrary suffered multiple concussions that were improperly
20 diagnosed and improperly treated throughout his career as a professional football player in
21 the NFL.

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

26 288. Plaintiff Fred McCrary suffers from multiple past traumatic brain injuries
27 affecting multiple areas of his brain and causing various symptoms including by not
28

1 limited to short term memory loss, headaches, vertigo, hearing loss, anxiety and
2 depression.

3
4 **ANTHONY MARSHALL**

5 289. Plaintiff Anthony Marshall was born on April 16, 1970. He currently resides
6 in Mobile, Alabama.

7 290. Plaintiff Anthony Marshall played Defensive Back for the Chicago Bears
8 from 1994 to 1997, New York Jets in 1998 and Philadelphia Eagles in 1999.

9 291. Plaintiff Anthony Marshall suffered multiple concussions that were
10 improperly diagnosed and improperly treated throughout his career as a professional
11 football player in the NFL.

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

16 293. Plaintiff Anthony Marshall suffers from multiple past traumatic brain injuries
17 affecting multiple areas of his brain and causing various symptoms including by not
18 limited to short term memory loss and headaches.

19
20 **LEE and LISA ROUSON**

21 294. Plaintiff Lee Rouson was born on October 18, 1962. He is married to Lisa
22 and they have four children. They currently reside in Flanders, New Jersey.

23 295. Plaintiff Lee Rouson played Running Back for the New York Giants from
24 1985 to 1990 and the Cleveland Browns in 1991. He was on the winning teams for Super
25 Bowl XXI an XXV.

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

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

5 298. Plaintiff Lee Rouson suffers from multiple past traumatic brain injuries
6 affecting multiple areas of his brain and causing various symptoms including by not
7 limited to short term memory loss and headaches.

8
9 **DANNY and LISA MILLER**

10 299. Plaintiff Danny Miller was born on March 24, 1966. He is married to Lisa
11 and they currently reside in Pittsburgh, Pennsylvania.

12 300. Plaintiff Danny Miller played Defensive Back for the Atlanta Falcons from
13 1995 to 2002.

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

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

21 303. Plaintiff Danny Miller suffers from multiple past traumatic brain injuries
22 affecting multiple areas of his brain and causing various symptoms including by not
23 limited to short term memory loss and depression.

24
25 **WADE and CATHERINE KEY**

26 304. Plaintiff Wade Key was born on October 14, 1946. He is married to
27 Catherine and they currently reside in Hondo, Texas.

1 305. Plaintiff Wade Key played Offensive Lineman for the Philadelphia Eagles
2 from 1969 to 1980. He was named to the Philadelphia Eagles 75th Anniversary Team.

3 306. Plaintiff Wade Key suffered multiple concussions that were improperly
4 diagnosed and improperly treated throughout his career as a professional football player in
5 the NFL.

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

10 308. Plaintiff Wade Key suffers from multiple past traumatic brain injuries
11 affecting multiple areas of his brain and causing various symptoms including by not
12 limited to memory loss and headaches.

13
14 **TONY and JANET DORSETT**

15 309. Plaintiff Tony Dorsett was born on April 7, 1954. He is married to Janet and
16 they currently reside in Texas.

17 310. Plaintiff Tony Dorsett played Running Back for the Dallas Cowboys from
18 1977 to 1987 and the Denver Broncos in 1988. He was a four time Pro Bowl Selection.
19 He won Super Bowl XII. He is a member of the Pro Football Hall of Fame.

20 311. Plaintiff Tony Dorsett suffered multiple concussions that were improperly
21 diagnosed and improperly treated throughout his career as a professional football player in
22 the NFL.

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

1 313. Plaintiff Tony Dorsett suffers from multiple past traumatic brain injuries
2 affecting multiple areas of his brain and causing various symptoms including by not
3 limited to short term memory loss, mood swings and depression.

4
5 **EMANUEL MARTIN**

6 314. Plaintiff Emanuel Martin was born on July 31, 1969. His has six children. He
7 currently resides in Fort Lauderdale, Florida.

8 315. Plaintiff Emanuel Martin played Defensive Back for the Houston Oiler in
9 1993, and the Buffalo Bills from 1996 to 1999.

10 316. Plaintiff Emanuel Martin suffered multiple concussions that were improperly
11 diagnosed and improperly treated throughout his career as a professional football player in
12 the NFL.

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

17 318. Plaintiff Emanuel Martin suffers from multiple past traumatic brain injuries
18 affecting multiple areas of his brain and causing various symptoms including by not
19 limited to memory loss, blurred vision and headaches.

20
21 **DWIGHT HARRISON**

22 319. Plaintiff Dwight Harrison was born on October 12, 1948. He currently resides
23 in Beaumont, Texas.

24 320. Plaintiff Dwight Harrison played Defensive Back for the Denver Broncos
25 from 1971 to 1972, the Buffalo Bills from 1972 to 1977, Baltimore Colts from 1978 to
26 1979, and the Oakland Raiders in 1980.

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

5 338. Plaintiff Stefon Adams suffers from multiple past traumatic brain injuries
6 affecting multiple areas of his brain and causing various symptoms including by not
7 limited to headaches, pain and short term memory loss.

8
9 **LORENZO and MARCIA HAMPTON**

10 339. Plaintiff Lorenzo Hampton was born on March 12, 1962. He is married to
11 Marcia and has two children ages 16 and 13. They currently reside in Boca Raton, Florida.

12 340. Plaintiff Lorenzo Hampton played from 1985 to 1990 for the Miami Dolphins
13 as a Running Back.

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

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

21 343. Plaintiff Lorenzo Hampton suffers from multiple past traumatic brain injuries
22 affecting multiple areas of his brain and causing various symptoms including by not
23 limited to headaches and short term memory loss.

24
25 **LORENZO DAVIS**

26 344. Plaintiff Lorenzo Davis was born on February 12, 1968. He currently resides
27 in Davie, Florida.

1 345. Plaintiff Lorenzo Davis played in 1990 for the Pittsburgh Steelers as a Wide
2 Receiver.

3 346. Plaintiff Lorenzo Davis suffered multiple concussions that were improperly
4 diagnosed and improperly treated throughout his career as a professional football player in
5 the NFL.

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

10 348. Plaintiff Lorenzo Davis suffers from multiple past traumatic brain injuries
11 affecting multiple areas of his brain and causing various symptoms including by not
12 limited to headaches.

13
14 **EMANUEL and KENDRA KING**

15 349. Plaintiff Emanuel King was born on August 15, 1963. He is married to
16 Kendra and they currently reside in Mobile, Alabama.

17 350. Plaintiff Emanuel King played from 1985 to 1988 for the Cincinnati Bengals
18 and from 1989 to 1991 for the Oakland Raiders as a Defensive End.

19 351. Plaintiff Emanuel King suffered multiple concussions that were improperly
20 diagnosed and improperly treated throughout his career as a professional football player in
21 the NFL.

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

26 353. Plaintiff Emanuel King suffers from multiple past traumatic brain injuries
27 affecting multiple areas of his brain and causing various symptoms including by not
28 limited to headaches, memory loss, blurred vision and vertigo.

WILLIE and EARLINE RICHARDSON

1
2 354. Plaintiff Willie Richardson was born on November 17, 1939. He is married to
3 Earline. They currently reside in Jackson, Mississippi.

4 355. Plaintiff Willie Richardson played from 1963 to 1969, Miami Dolphins from
5 1970 to 1971 and the Baltimore Colts in 1971 as a Wide Receiver.

6 356. Plaintiff Willie Richardson suffered multiple concussions that were
7 improperly diagnosed and improperly treated throughout his career as a professional
8 football player in the NFL.

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

13 358. Plaintiff Willie Richardson suffers from multiple past traumatic brain injuries
14 affecting multiple areas of his brain and causing various symptoms including by not
15 limited to headaches, memory loss, sleeping problems, and hearing problems.

16
17 **MARC and TANANJALYN BOUTTE**

18 359. Plaintiff Marc Boutte was born on July 25, 1969. He is married to Tananjaly
19 and they have one child age 11. They currently reside in Missouri City, Texas.

20 360. Plaintiff Marc Boutte played Defensive Tackle for the L.A. Rams from 1992
21 to 1993 and for the Washington Redskins from 1994 to 1999.

22 361. Plaintiff Marc Boutte suffered multiple concussions that were improperly
23 diagnosed and improperly treated throughout his career as a professional football player in
24 the NFL.

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

1 363. Plaintiff Marc Boutte suffers from multiple past traumatic brain injuries
2 affecting multiple areas of his brain and causing various symptoms including by not
3 limited to headaches, memory loss and depression.

4
5 **REGGIE MOORE**

6 364. Plaintiff Reggie Moore was born on March 23, 1968. He currently resides in
7 Houston, Texas.

8 365. Plaintiff Reggie Moore played for the New York Jets from 1991 to 1992 and
9 for the Los Angeles Rams in 1993.

10 366. Plaintiff Reggie Moore suffered multiple concussions that were improperly
11 diagnosed and improperly treated throughout his career as a professional football player in
12 the NFL.

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

17 368. Plaintiff Reggie Moore suffers from multiple past traumatic brain injuries
18 affecting multiple areas of his brain and causing various symptoms including by not
19 limited to short term memory loss.

20
21 **LIONAL DALTON**

22 369. Plaintiff Lional Dalton was born on February 21, 1975. He has two children
23 ages 12 and 9 years old. He currently resides in Fort Lauderdale, Florida.

24 370. Plaintiff Lional Dalton played Defensive Tackle for the Baltimore Ravens from
25 1998 to 2001, Denver Broncos in 2002, Washington Redskins in 2003, Kansas City Chiefs
26 from 2004-2006, and Houston Texans in 2006. He was part of Super Bowl XXXV.

1 371. Plaintiff Lionel Dalton suffered multiple concussions that were improperly
2 diagnosed and improperly treated throughout his career as a professional football player in
3 the NFL.

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

8 373. Plaintiff Lionel Dalton suffers from multiple past traumatic brain injuries
9 affecting multiple areas of his brain and causing various symptoms including by not
10 limited to memory loss, headaches, blurry vision, and ringing in his ears.

11
12 **BRODERICK and YVONNE THOMAS**

13 374. Plaintiff Broderick Thomas was born on February 20, 1967. He is married to
14 Yvonne and has two children. They currently reside in Pearland, Texas.

15 375. Plaintiff Broderick Thomas played from 1989 to 1992 for Tampa Bay
16 Buccaneers, in 1994 for the Detroit Lions, in 1995 for the Minnesota Vikings, and from
17 1996 to 1999 for the Dallas Cowboys.

18 376. Plaintiff Broderick Thomas suffered multiple concussions that were
19 improperly diagnosed and improperly treated throughout his career as a professional
20 football player in the NFL.

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

25 378. Plaintiff Broderick Thomas suffers from multiple past traumatic brain injuries
26 affecting multiple areas of his brain and causing various symptoms including by not
27 limited to memory loss, depression and anxiety.

1 **MARTY CARTER**

2 379. Plaintiff Marty Carter was born on December 17, 1968. He currently lives in
3 Hogansville, Georgia.

4 380. Plaintiff Marty Carter played Defensive Back from 1991 to 1994 for the
5 Tampa Bay Buccaneers, from 1995 to 1998 for the Chicago Bears, from 1999 to 2001 for
6 the Atlanta Falcons, and for 2001 for the Detroit Lions.

7 381. Plaintiff Marty Carter suffered multiple concussions that were improperly
8 diagnosed and improperly treated throughout his career as a professional football player in
9 the NFL.

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

14 383. Plaintiff Marty Carter suffers from multiple past traumatic brain injuries
15 affecting multiple areas of the brain and causing the following symptoms including but not
16 limited to headaches and memory loss.

17
18 **FIRST CAUSE OF ACTION**

19 **NEGLIGENCE - Monopolist**

20 **(As Against the NFL)**

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

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

1 386. The NFL affirmatively and voluntarily established the MTBI Committee to
2 examine the dangers and consequences of head injuries to NFL players, to report on its
3 findings, to provide information and guidance from its research and studies concerning
4 concussions to teams and players, and to make recommendations to lessen the risks of
5 concussions. The NFL is responsible for the staffing and conduct of the MTBI Committee

6 387. As a monopoly, the NFL has a duty to protect the health and safety of its
7 players, as well as the public at large.

8 388. Throughout the history of the NFL, the NFL organization has consistently
9 breached its duty to protect the health and safety of its players by failing to enact rules,
10 policies and regulations to best protect its players.

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

17 390. Throughout its many years, the NFL has repeatedly established its duty to
18 protect the health and safety of its players when known and foreseeable risk exists. Until
19 August 14, 2007, the NFL failed to create and implement league-wide guidelines
20 concerning the treatment and monitoring of players who suffer concussive brain injuries.

21 391. It has been well established since 1928 that repeated blows to the head can
22 lead to CTE, commonly known as “punch drunk syndrome.” Punch Drunk Syndrome has
23 been prevalent in boxers who have repeatedly suffered concussions.

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

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

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

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

- 1 (h) Failure to properly inform the public and other American Rules Football
- 2 leagues and players of the health risks associated with concussive injury;
- 3 (i) Failure to license and approve the best equipment available that will reduce
- 4 the risk of concussive brain injury; and
- 5 (j) Failure to warn of the harm of repetitive concussion injuries.

6 395. The NFL breached its duty to protect the health and safety of its players by
7 subjecting NFL players to an increased risk of concussive brain injury.

8 396. The NFL failed to provide complete, current, and competent information and
9 directions to NFL athletic trainers, physicians, and coaches regarding concussive brain
10 injuries and its prevention, symptoms, and treatment.

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

18 398. Under all of the above circumstances, it was foreseeable that the NFL's
19 violating its duties would cause or substantially contribute to the personal injuries suffered
20 by Plaintiffs.

21 399. The NFL committed acts of omission and commission, which collectively and
22 severally, constituted negligence. The NFL's negligence was a proximate and producing
23 cause of the personal injuries and other damages suffered by Plaintiffs.

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

1 **SECOND CAUSE OF ACTION**¹

2 **NEGLIGENCE**

3 **(As Against the NFL)**

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

6 402. The NFL has historically assumed an independent tort duty to invoke rules
7 that protect the health and safety of its players, but it has violated Section 323 of the
8 Restatement (Second) of Torts as adopted by the Courts in California.

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

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

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

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

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26
27 1 Plaintiffs are mindful of the Court's ruling on Plaintiffs' Motions to Remand and include the Second
28 Cause of Action for Negligence against the NFL: (1) to the extent there has no been formal dismissal of
this cause of action and (2) to preserve the issue for the time upon which the Court formally dismisses the
cause of action.

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

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

8 409. The NFL’s failure to fulfill its assumed duty to protect its players includes but
9 is not limited to the following failures:

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

24 410. The NFL breached its assumed duty to protect the health and safety of its
25 players by subjecting NFL players to an increased risk of concussive brain injury.

26 411. The NFL failed to provide complete, current, and competent information and
27 directions to NFL athletic trainers, physicians, and coaches regarding concussive brain
28 injuries and its prevention, symptoms, and treatment.

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

9 413. Under all of the above circumstances, it was foreseeable that the NFL's
10 violations of its duties would cause or substantially contribute to the personal injuries
11 suffered by the Plaintiffs.

12 414. The NFL committed acts of omission and commission, which collectively and
13 severally, constituted negligence. The NFL's negligence was a proximate and producing
14 cause of the personal injuries and other damages suffered by Plaintiff.

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

18
19 **THIRD CAUSE OF ACTION**

20 **FRAUD**

21 **(As Against the NFL)**

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

24 417. From 2005 through June of 2010, the NFL made through its "Mild Traumatic
25 Brain Injury Committee" and others, its agents, material misrepresentations to its players,
26 former players, the Congress and the public at large that there was no link between
27 concussions and later life cognitive/brain injury, including CTE and its related symptoms.
28

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

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

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

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

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

14 423. The Plaintiffs, among others, justifiably relied on these misrepresentations to
15 their detriment in getting care for their injuries.

16 424. The NFL knew, or should have known, that the Plaintiffs would rely on the
17 NFL's misrepresentations.

18 425. The Plaintiffs, among others, were damaged by these misrepresentations.
19 Among other things, they require increased home care, loss of consortium, loss of
20 employment, medical costs and pain and suffering.

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

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

4
5 **FIFTH CAUSE OF ACTION**
6 **NEGLIGENT MISREPRESENTATION**
7 **(As Against the NFL)**

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

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

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

18 441. The misrepresentations included The NFL's remarks that Plaintiffs were not at
19 an increased risk of head injury if they returned too soon to an NFL game or training
20 session after suffering a head injury.

21 442. The NFL's material misrepresentations also included The NFL's criticism of
22 legitimate scientific studies that illustrated the dangers and risks of head injuries.

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

27 444. The NFL knew or should have known the misleading nature of these
28 statements when they were made.

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

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

7
8 **SIXTH CAUSE OF ACTION**

9 **CONSPIRACY**

10 **(As Against the NFL)**

11 447. Plaintiffs incorporate by reference the foregoing paragraphs as if set fully
12 herein at length.

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

16 449. This conduct between the NFL and others was a proximate cause of the
17 chronic injuries and damages suffered by the Plaintiffs.

18
19 **SEVENTH CAUSE OF ACTION**

20 **STRICT LIABILITY FOR DESIGN DEFECT**

21 **(As Against Riddell Defendants)**

22 450. Plaintiffs incorporate by reference the foregoing paragraphs as if set fully
23 herein at length.

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

- 1 (a) Negligently failing to design the subject helmet with a safe means of
- 2 attenuating and absorbing the foreseeable forces of impact in order to
- 3 minimize and/or reduce the forces and energy directed to the player's head;
- 4 (a) Negligently designing the subject helmet with a shock attenuating system
- 5 which was not safely configured;
- 6 (b) Negligently failing to properly and adequately test the helmet model;
- 7 (c) Other acts of negligence that may be discovered during the course of this
- 8 matter; and
- 9 (d) Failing to warn Plaintiffs that their helmets would not protect against the long-
- 10 term health consequences of concussive brain injury.

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

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

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

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

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EIGHTH CAUSE OF ACTION

STRICT LIABILITY FOR MANUFACTURING DEFECT

(As Against Riddell Defendants)

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4 456. Plaintiffs incorporate by reference the foregoing paragraphs as if set forth
5 herein at length.

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

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

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

26 459. The Riddell Defendants are strictly liable for manufacturing and placing in the
27 stream of commerce a defective and unreasonably dangerous product which was a
28 proximate and producing cause of the personal injuries and other damages, including but

1 not limited to, economic damages and non-economic damages. A safe alternative design
2 was economically and technologically feasible at the time the product left the control of the
3 Riddell Defendants.

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

7
8 **NINTH CAUSE OF ACTION**

9 **NEGLIGENCE**

10 **(As Against NFL Properties)**

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

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

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

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

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

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1 **TENTH CAUSE OF ACTION**

2 **FAILURE TO WARN**

3 **(As Against Riddell Defendants)**

4 466. Plaintiffs incorporate by reference the foregoing paragraphs as if set forth
5 herein at length.

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

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

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

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

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

19 472. Plaintiffs were using the helmets in a reasonably foreseeable manner at all
20 times.

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

24 474. The Riddell Defendants' failure to warn caused the Plaintiffs' personal
25 injuries.

26 475. As a result of the personal injuries of Plaintiffs, Plaintiffs are entitled to
27 damages from the Riddell Defendants, in an amount reasonably anticipated to exceed the
28 jurisdictional minimum of \$25,000.00.

ELEVENTH CAUSE OF ACTION

NEGLIGENCE

(As Against Riddell Defendants)

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4 476. Plaintiffs incorporate by reference the foregoing paragraphs as if set forth
5 herein at length.

6 477. The Riddell Defendants were negligent in their design, testing, assembly,
7 manufacture, marketing, and engineering of the helmets as described herein.

8 478. The Riddell Defendants owed a duty of care to the Plaintiffs in their design,
9 testing, manufacture, assembly, marketing and sale of the helmets and all components and
10 sub-assemblies of the helmets.

11 479. The Riddell Defendants should have been well aware that since 1928 repeated
12 blows to the head can lead to CTE, commonly known as “punch-drunk syndrome”.

13 480. The Riddell Defendants breached their duty of reasonable care by failing to
14 provide necessary and adequate safety and instructional materials and warnings of the risk
15 and means available to reduce and/or minimize the risk of concussive brain injuries while
16 playing football using their helmets.

17 481. As a result of the Riddell Defendants’ breach of duty, Plaintiffs have sustained
18 permanent injury.

19 482. For the personal injuries of Plaintiffs, Plaintiffs are entitled to damages from
20 the Riddell Defendants in an amount reasonably anticipated to exceed the jurisdictional
21 minimum of \$25,000.00.

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1 **TWELFTH CAUSE OF ACTION**

2 **LOSS OF CONSORTIUM**

3 **(As Against All Defendants)**

4 483. Plaintiffs incorporate by reference the foregoing paragraphs as if set forth
5 herein at length.

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

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

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

18
19 **PRAYER FOR RELIEF**

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

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

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and the Seventh Amendment of the United States Constitution, Plaintiffs hereby demand a trial by jury on all claims so triable.

Dated: December 8, 2011

GIRARDI | KEESE

By: /s/ Graham B. LippSmith
THOMAS V. GIRARDI
GRAHAM B. LIPPSMITH
CELENE S. CHAN
Attorneys for Plaintiffs

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