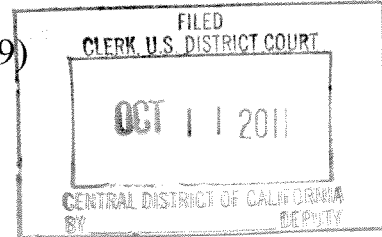


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19 and NFL PROPERTIES LLC

20 UNITED STATES DISTRICT COURT
21 CENTRAL DISTRICT OF CALIFORNIA

22 DAVE PEAR and HEIDI PEAR, his wife;
23 LEONARD MARSHALL and
24 MARYANN MARSHALL, his wife;
25 BARRY FOSTER and TERAY FOSTER,
26 his wife; ERIC W. MARTIN and STACY
27 MARTIN, his wife; LANCE SMITH;
28 HENRY LAWRENCE; ROBERT SUCI
and MERITA SUCI, his wife; DEEMS
MAY and SUSAN MAY, his wife;
ZEFROSS MOSS; ANTONIO McGEE and
SUE McGEE, his wife; JOHN L.
OUTLAW and LINDA OUTLAW, his
wife; BERNARD FORD; JAMES
VANWAGNER and KELLEY
VANWAGNER; BOBBY E. ABRAMS,
JR., and STEPHANIE ABRAMS, his wife;
JOHNNY REMBERT; FRANCISCO
CRAIG and DENISE CRAIG, his wife;
JAMES ELROD and MARLENE ELROD,
his wife; FRED BARNETT and LINDSAY
BARNETT, his wife; KEITH
HENDERSON; JAMES PRUITT;
WENDELL TYLER and CARMEN
TYLER, his wife; HORACE COPELAND

CASE NO. **CV 11-08395** GAF/PJWx

**NOTICE OF REMOVAL OF
CIVIL ACTION UNDER
28 U.S.C. § 1441**

COMPLAINT FILED:
Los Angeles Superior Court
Case No. LC094453
August 3, 2011

1 and TANGELA COPELAND, his wife;
2 MICHAEL LUSH and DEBRA LUSH, his
3 wife; MICHAEL GANN and KAREN
4 GANN, his wife; TIMOTHY BARNETT
5 and CHELONDA BARNETT, his wife;
6 CALVIN WILLIAMS and CHARESE
7 WILLIAMS, his wife; DAVID SIMS;
8 FRED McCRAY and NERMA McCRAY,
9 his wife; ANTHONY MARSHALL; LEE
10 ROUSON and LISA ROUSON, his wife;
11 DANNY MILLER and LISA MILLER, his
12 wife; WADE KEY and CATHERINE
13 KEY, his wife; TONY DORSETT and
14 JANET DORSETT, his wife; EMANUEL
15 MARTIN; DWIGHT HARRISON;
16 HARRY CRUMP and ANDREA CRUMP,
17 his wife; SANTANA DOTSON and
18 MONIQUE DOTSON, his wife; STEFON
19 ADAMS and PATRICE ADAMS, his wife;
20 LORENZO HAMPTON and MARCIA
21 HAMPTON, his wife; LORENZO DAVIS;
22 EMANUEL KING and KENDRA KING,
23 his wife; WILLIE RICHARDSON and
24 EARLINE RICHARDSON, his wife;
25 MARC BOUTTE and TANANJALYN, his
26 wife; REGGIE MOORE; LIONAL
27 DALTON; BRODERICK THOMAS and
28 YVONNE THOMAS, his wife; MARTY
CARTER

Plaintiffs,

v.

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

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
2 CENTRAL DISTRICT OF CALIFORNIA:

3 PLEASE TAKE NOTICE that, for the reasons set forth below,
4 Defendants National Football League (“NFL”) and NFL Properties LLC (“NFL
5 Properties”), collectively the “NFL Defendants,” by their undersigned attorneys,
6 file this Notice of Removal to remove the claims against them in this action from
7 the Superior Court of the State of California, Los Angeles County, to the United
8 States District Court for the Central District of California pursuant to 28 U.S.C. §§
9 1367, 1441 and 1446. Removal is made pursuant to 28 U.S.C. § 1331 on the basis
10 of federal question jurisdiction. The grounds for removal are as follows:

11 **I. INTRODUCTION AND BACKGROUND**

12 1. On September 9 and 12, 2011, NFL Properties and the NFL,
13 respectively, were served by plaintiffs, former NFL players and certain of their
14 wives, with a Summons and Complaint (the “Complaint”) filed in the Superior
15 Court of the State of California, Los Angeles County, No. LC094453. Copies of
16 these papers and other documents filed in the action are annexed as **Exhibit A**. On
17 September 9 and 12, 2011, NFL Properties and the NFL, respectively, were also
18 served with a Summons and Complaint filed in the Superior Court of the State of
19 California, Los Angeles County, in *Maxwell, et al. v. National Football League, et*
20 *al.*, No. BC465842. On October 4, 2011, the NFL Defendants were served with a
21 Summons and First Amended Complaint filed in the Superior Court of the State of
22 California, Los Angeles County, in *Barnes, et al. v. National Football League, et*
23 *al.*, No. BC468483. This action has been designated as related to the *Maxwell* and
24 *Barnes* actions pursuant to Cal. Rules of Court, rule 3.300, and the NFL
25 Defendants are filing notices of removal in each of the three actions.

26 2. The Complaint alleges, among other things, that the NFL failed
27 to “warn and protect NFL players . . . against the long-term brain injury risks
28 associated with football-related concussions,” failed to “enact league-wide

1 guidelines and mandatory rules regulating post-concussion medical treatment and
2 return-to-play standards for players who suffer a concussion,” and fraudulently
3 misrepresented “that there was no link between concussions and later life
4 cognitive/brain injury.” (Compl. ¶¶ 86-87, 387.) The Complaint further alleges
5 that NFL Properties “breached its duty to ensure that the equipment it licensed and
6 approved were of the highest possible quality and sufficient to protect NFL
7 players.” (Compl. ¶ 394.) The Complaint alleges causes of action for negligence,
8 “negligence-monopolist,” fraud, and loss of consortium against the NFL, and
9 negligence and loss of consortium against NFL Properties. (Compl. ¶¶ 355-97,
10 418-20.) The Complaint also alleges causes of action for strict liability for
11 manufacturing and design defects, failure to warn, negligence, and loss of
12 consortium against Riddell, Inc. d/b/a Riddell Sports Group, Inc.; All American
13 Sports Corp. d/b/a Riddell/All American; Riddell Sports Group, Inc.; Easton-Bell
14 Sports, Inc.; Easton-Bell Sports, LLC; EB Sports Corp.; and RBG Holdings Corp.
15 (collectively, the “Riddell Defendants”). (Compl. ¶¶ 398-420.) Plaintiffs seek
16 recovery of compensatory and general damages, special and incidental damages,
17 punitive damages, and costs. (Compl. p. 60.)

18 3. The relationship between the NFL Defendants and NFL players
19 who played in the NFL from 1968 through 2010 is governed by various collective
20 bargaining agreements (“CBAs”) that were executed and operative during those
21 periods.¹ The CBAs are the product of exhaustive arm’s-length negotiations
22

23 ¹ During certain periods of time, following the expiration of a CBA, but before the
24 effective date of the following CBA (e.g., 1987-1993), no CBA was operative.
25 During these periods, however, certain provisions of the expired CBAs, including
26 the arbitration provisions, remained in effect. *See Hayes v. Nat’l Football*
27 *League*, 469 F. Supp. 252, 254 (C.D. Cal. 1979) (“[E]xpiration of the [CBA]
28 between the [NFL and NFLPA] . . . does not excuse an otherwise existing
requirement to exhaust the [CBA’s] grievance procedures.”); *Sherwin v.*
Indianapolis Colts, Inc., 752 F. Supp. 1172, 1174-75 & n.2 (N.D.N.Y. 1990)
 (“[T]he [expired] 1982 CBA continues to govern the relationship of the parties at
least with respect to arbitration since the parties have continued to honor and
utilize the arbitration provisions of the 1982 CBA.”).

1 between the NFL Management Council (the exclusive bargaining representative of
2 the NFL) and the NFL Players Association (the exclusive bargaining representative
3 of NFL players), and “represent[] the complete understanding of the parties on all
4 subjects covered [t]herein.” (CBA Art. II § 1 (1977-87; 1993-2010).) The CBAs
5 include, among other terms, provisions relating to player medical care and safety,
6 equipment and dispute resolution.

7 **II. GROUND FOR REMOVAL**

8 4. This Court has original jurisdiction of this action under 28
9 U.S.C. § 1331 because the action is one that is founded on a claim or right “arising
10 under the Constitution, laws, or treaties of the United States.” A defendant may
11 remove an action to federal court under 28 U.S.C. § 1441 if the complaint presents
12 a federal question, such as a federal claim. *See Avco Corp. v. Aero Lodge No. 735*,
13 390 U.S. 557, 560, 88 S. Ct. 1235, 1237, 20 L. Ed. 2d 126 (1968).

14 5. Federal question jurisdiction exists in this case based on
15 complete preemption under section 301 of the Labor Management Relations Act
16 (“LMRA”) of all claims by plaintiffs who played in the NFL from 1968 to 2010
17 under operative CBAs.² *See Young v. Anthony’s Fish Grottos, Inc.*, 830 F.2d 993,
18 998 (9th Cir. 1987) (“[I]f federal law completely preempts a state law claim and
19 supplants it with a federal claim, the state law claim may be removed to federal
20 court.”).

21 6. The claims in the Complaint brought by plaintiffs who played
22 prior to 1968 and during any interim periods between CBAs “form part of the same
23 case or controversy.” 28 U.S.C. § 1367. This Court thus has supplemental
24 jurisdiction over all claims and parties. *See Bobadilla-German v. Bear Creek*

25
26 ² The CBAs were signed by the NFL Management Council, an entity created by
27 the NFL for the purpose of collective bargaining. The NFL is bound by the
28 CBAs’ terms and may invoke section 301 preemption because plaintiffs’ claims
arise under the CBA and require the Court to interpret numerous CBA provisions.
See Atwater v. Nat’l Football League, 626 F.3d 1170, 1178-79 (11th Cir. 2010);
Stringer v. Nat’l Football League, 474 F. Supp. 2d 894, 901-92 (S.D. Ohio 2007).

1 *Orchards, Inc.*, 641 F.3d 391, 394 (9th Cir. 2011) (holding that district court “had
2 jurisdiction over [plaintiffs’] state-law claims under 28 U.S.C. § 1367”); *Garcia v.*
3 *Am. Red Cross*, No. CV-92 2513, 1992 WL 470325, at *1 (C.D. Cal. Aug. 12,
4 1992) (denying plaintiffs’ motion for remand based on lack of jurisdiction over a
5 pendent party co-defendant).

6 7. The Central District of California is the federal district in which
7 the Superior Court of the State of California, County of Los Angeles—where
8 plaintiffs filed their Complaint—is located.

9 8. This Notice of Removal is timely under 28 U.S.C. § 1446(b),
10 which states that “notice of removal of a civil action or proceeding shall be filed
11 within thirty days after the receipt by the defendant, through service or otherwise,
12 of a copy of the initial pleading setting forth the claim for relief upon which such
13 action or proceeding is based.”

14 9. Written notice of the filing of this Notice of Removal will be
15 provided to plaintiffs, and a copy of this Notice will be filed in the appropriate
16 state court, as required by 28 U.S.C. § 1446(d). This Notice of Removal is signed
17 pursuant to Fed. R. Civ. Proc. 11. *See* 28 U.S.C. § 1446(a).

18 10. Counsel for the Riddell Defendants has consented to the
19 removal of the action. All defendants thus have consented to removal of the
20 action. *See Parrino v. FHP, Inc.*, 146 F.3d 699, 703 (9th Cir. 1998) (“All
21 defendants must join a notice of removal.”).

22 **III. PLAINTIFFS’ CLAIMS ARE PREEMPTED UNDER SECTION 301**
23 **OF THE LMRA**

24 11. Section 301 of the LMRA provides that the federal courts have
25 original jurisdiction over all “[s]uits for violation of contracts between an employer
26 and a labor organization.” 29 U.S.C. § 185(a). The Supreme Court has held that
27 “questions relating to what the parties to a labor agreement agreed, and what legal
28 consequences were intended to flow from breaches of that agreement, must be

1 resolved by reference to uniform federal law, whether such questions arise in the
2 context of a suit for breach of contract or in a suit alleging liability in tort.” *Allis-*
3 *Chalmers Corp. v. Lueck*, 471 U.S. 202, 211, 105 S. Ct. 1904, 1911, 85 L. Ed. 2d
4 206 (1985); *see also Hubbard v. United Airlines, Inc.*, 927 F.2d 1094, 1098-99 (9th
5 Cir. 1991) (holding that plaintiff’s fraud and RICO claims were preempted because
6 allegations “involve[d] violation of a right created by the CBA”). Thus, section
7 301 preempts tort claims seeking to vindicate “state-law rights and obligations that
8 do not exist independently of [collective bargaining] agreements” and also claims
9 “substantially dependent upon analysis of the terms of [a collective-bargaining]
10 agreement.” *Allis-Chalmers*, 471 U.S. at 213, 220; *Young*, 830 F.2d at 1001
11 (holding that plaintiff’s fraud and misrepresentation claims were preempted by
12 section 301).

13 12. Here, the claims of plaintiffs who played in the NFL from 1968
14 to 2010 when CBAs were effective are preempted by section 301 because the
15 rights those plaintiffs seek to vindicate were created by the CBAs, and are not
16 based on an independent duty “owed to every person in society.” *See United*
17 *Steelworkers of Am. v. Rawson*, 495 U.S. 362, 370-71, 110 S. Ct. 1904, 1910, 109
18 L. Ed. 2d 362 (1990) (holding in the context of a labor dispute involving unionized
19 employees that, absent an independent duty running from defendants “to every
20 person in society,” any such duty to plaintiffs must arise out of the CBA); *see also*
21 *Adkins v. Mireles*, 526 F.3d 531, 540-41 (9th Cir. 2008) (holding that plaintiffs’
22 negligent misrepresentation claim was preempted because plaintiffs “failed to
23 show a separate, independent duty upon which to base this claim”).

24 13. Plaintiffs’ claims also are preempted because those claims, and
25 the scope of any duty owed by the NFL Defendants, are “inextricably intertwined
26 with consideration of the terms of [the CBAs]” or “substantially dependent” on an
27 analysis of the relevant provisions of the CBAs. *Allis-Chalmers*, 471 U.S. at 213,
28 215, 220; *see also Bale v. Gen. Tel. Co. of Ca.*, 795 F.2d 775, 780 (9th Cir. 1986)

1 (holding that plaintiffs' fraud and negligent misrepresentation claims were
2 preempted because their "adjudication . . . would require reference to, and
3 interpretation of, the terms of the collective bargaining agreement"); *Stringer v.*
4 *Nat'l Football League*, 474 F. Supp. 2d 894, 909-10 (S.D. Ohio 2007) (wrongful
5 death claim against the NFL based on, among other things, the NFL's alleged
6 failure to regulate adequately practices, games, equipment, and medical care to
7 minimize the risk of heat-related illness, was preempted because the claim was
8 "inextricably intertwined and substantially dependent upon an analysis of certain
9 CBA provisions imposing duties on the clubs with respect to medical care and
10 treatment of NFL players").

11 14. For example, adjudicating plaintiffs' claims will hinge on
12 provisions of the CBAs relating to player medical care, rule-making, and
13 equipment safety. *See, e.g.*, NFL CBA Art. XXXI § 1 (1982), Art. XLIV § 1
14 (1993) (requiring physician on staff of Member Clubs to inform a player in writing
15 if he has a physical condition that "could be significantly aggravated by continued
16 performance"); NFL CBA Art. XXXI § 2 (1982-87), Art. XLIV § 2 (1993-2010)
17 ("[F]ull-time head trainers and assistant trainers . . . [must] be certified by the
18 National Athletic Trainers association."); Constitution and By-Laws for Major
19 Professional Football Operations as Conducted by the National Football League
20 and the American Football League, Art. XIX, § 19.5 (1969), and NFL Constitution
21 and Bylaws Art. XIX § 19.5 (1970-2010) (requiring that the home team provide a
22 doctor and ambulance for each game since the AFL-NFL merger);³ NFL
23 Constitution and Bylaws Art. XVII supplement 12 (1980), Art. XVII (1984-85),
24 Art. XVII § 17.16(E) (1988-2010) ("All determinations of recovery time for major
25 and minor injuries must be by the club's medical staff and in accordance with the
26

27 ³ The Constitution and Bylaws are incorporated by reference in the CBA. *See Hill*
28 *v. Potter*, No. 06-7051, 2010 WL 4450405, at *4 (C.D. Cal. Oct. 29, 2010)
(documents referenced in CBA are incorporated into the CBA).

1 club's medical standards" for players categorized as "Reserve/Injured" on the
2 Reserve List); NFL CBA Art. V §§ 1-4 (1970-77), Art. XI § 8 (1977-87), Art. XIII
3 § 1(a) (1993-2010) (creating a Joint Committee to study, among other things,
4 player safety issues); NFL CBA Art. XI § 8 (1977-82), Art. XIII § 1(d) (2002-10),
5 Art. XI § 8 (1982-87), Art. XIII § 1(b)-(c) (1993-2010) (mandating procedures for
6 review, investigation and resolution of disputes involving proposed rule changes
7 that "could adversely affect player safety"); Art. XI § 9 (1977-87), Art. XIII § 2
8 (1993-2010) (inviting player representatives to the Competition Committee
9 meetings "to represent the players' viewpoint on rules"). Indeed, a court
10 considering allegations similar to those alleged here determined that plaintiff's
11 claim was substantially dependent on, and inextricably intertwined with, an
12 analysis of CBA provisions concerning medical care and treatment of NFL players.
13 *See Stringer*, 474 F. Supp. 2d at 911.

14 15. Although plaintiffs allege that they are not covered by CBAs
15 because "NFL retired players have never been the subject of or a party to
16 Collective Bargaining" (Compl. ¶ 70), plaintiffs' claims are premised solely on
17 alleged conduct occurring at the time that they played NFL football. (*See, e.g.*,
18 Compl. ¶ 82(a) ("[The NFL] owed a duty to protect Plaintiffs on the playing
19 field"); Compl. ¶ 82(d) ("[The NFL] owed a duty to Plaintiffs to have in place
20 strict return-to-play guidelines to prevent CTE and/or concussion injury").)
21 Therefore, to resolve plaintiffs' claims, the Court will need to interpret provisions
22 of the CBAs that were operative during plaintiffs' NFL careers. *See Mendes v.*
23 *W.M. Lyles Co.*, No. CIV F 07-1265, 2008 WL 171003, at *10 (E.D. Cal. Jan. 18,
24 2008) (dismissing plaintiff's underpayment claims for failure to exhaust grievance
25 remedies contained in an expired collective bargaining agreement that was
26 operative during the time the alleged underpayment took place); *Cameron v.*
27 *Idearc Media Corp.*, No. 08-12010, 2009 WL 2496439, at *6 (D. Mass. Aug. 13,
28 2009) (finding section 301 preemption of tortious interference claim brought after

1 expiration of CBA when claim related to termination of employment prior to
2 expiration).

3 16. In filing this Notice of Removal, the NFL Defendants do not
4 waive any defenses that may be available to them, including without limitation
5 jurisdiction, venue, standing, or procedures for the disposition of this action in
6 accordance with the terms of the CBA. Nor do the NFL Defendants admit any of
7 the factual allegations in the Complaint; they expressly reserve the right to contest
8 those allegations at the appropriate time.

9 WHEREFORE, the NFL Defendants remove the above-captioned
10 action brought against them in the Superior Court of the State of California, Los
11 Angeles County.

12 DATED: October 11, 2011 MUNGER, TOLLES & OLSON LLP

13
14 By: Ron Olson Jr
15 RONALD L. OLSON

16 -and-

17 PAUL, WEISS, RIFKIND, WHARTON &
18 GARRISON LLP

19 Attorneys for Defendants
20 NATIONAL FOOTBALL LEAGUE
21 and NFL PROPERTIES LLC

22
23
24
25
26
27
28

EXHIBIT A

Case Summary

Case Number: LC094453

DAVE PEAR, ET AL VS NATIONAL FOOTBALL LEAGUE, ET AL

Filing Date: 08/03/2011

Case Type: Prdct Liabty (not asbes,tox,envir (General Jurisdiction)

Status: Pending

Future Hearings

11/15/2011 at 08:30 am in department NWT at 6230 Sylmar Ave., Van Nuys, CA 91401

Conference-Initial Status

12/21/2011 at 08:30 am in department NWT at 6230 Sylmar Ave., Van Nuys, CA 91401

Conference-Case Management

[Documents Filed](#) | [Proceeding Information](#)

Parties

Click on any of the below link(s) to see names that begin with the letter indicated:

[A-D](#) [E-L](#) [M-O](#) [P-T](#) [V-W](#)

ABRAMS JR. BOBBY E - Plaintiff

ABRAMS STEPHANIE - Plaintiff

ADAMS PATRICE - Plaintiff

ADAMS STEFON - Plaintiff

ALL AMERICAN SPORTS CORPORATION - Defendant

BARNETT CHELONDA - Plaintiff

BARNETT FRED - Plaintiff

BARNETT LINDSAY - Plaintiff

BARNETT TIMOTHY - Plaintiff

BOUTTE MARC - Plaintiff

CARTER MARTY - Plaintiff

COPELAND HORACE - Plaintiff

Ex A_000011

COPELAND TANGELA - Plaintiff

CRAIG DENISE - Plaintiff

CRAIG FRANCISCO - Plaintiff

CRUMP ANDREA - Plaintiff

CRUMP HARRY - Plaintiff

DALTON LIONAL - Plaintiff

DAVIS LORENZO - Plaintiff

DOES 1 THROUGH 100 INCLUSIVE - Defendant

DORSETT JANET - Plaintiff

DORSETT TONY - Plaintiff

DOTSON MONIQUE - Plaintiff

DOTSON SANTANA - Plaintiff

Click on any of the below link(s) to see names that begin with the letter indicated:
[TOP](#) [A-D](#) [E-L](#) [M-O](#) [P-T](#) [V-W](#)

EASTON-BELL SPORTS INC. - Defendant

EASTON-BELL SPORTS LLC - Defendant

EB SPORTS CORP. - Defendant

ELROD JAMES - Plaintiff

ELROD MARLENE - Plaintiff

FORD BERNARD - Plaintiff

FOSTER BARRY - Plaintiff

FOSTER TERAY - Plaintiff

GANN KAREN - Plaintiff

GANN MICHAEL - Plaintiff

GIRARDI THOMAS VINCENT - Attorney-Plaintiff

HAMPTON LORENZO - Plaintiff

Ex A_000012

HAMPTON MARCIA - Plaintiff

HARRISON DWIGHT - Plaintiff

HENDERSON KEITH - Plaintiff

KEY CATHERINE - Plaintiff

KEY WADE - Plaintiff

KING EMANUEL - Plaintiff

KING KENDRA - Plaintiff

LAWRENCE HENRY - Plaintiff

LUSH DEBRA - Plaintiff

LUSH MICHAEL - Plaintiff

Click on any of the below link(s) to see names that begin with the letter indicated:
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MARSHALL ANTHONY - Plaintiff

MARSHALL LEONARD - Plaintiff

MARSHALL MARYANN - Plaintiff

MARTIN EMANUEL - Plaintiff

MARTIN ERIC W - Plaintiff

MARTIN STACY - Plaintiff

MAY DEEMS - Plaintiff

MAY SUSAN - Plaintiff

MCCRARY FRED - Plaintiff

MCCRAY NERMA - Plaintiff

MCGEE ANTONIO - Plaintiff

MCGEE SUE - Plaintiff

MILLER DANNY - Plaintiff

MILLER LISA - Plaintiff

MOORE REGGIE - Plaintiff

MOSS ZEFROSS - Plaintiff

NATIONAL FOOTBALL LEAGUE - Defendant

NFL PROPERTIES LLC - Defendant

OUTLAW JOHN L - Plaintiff

OUTLAW LINDA - Plaintiff

Click on any of the below link(s) to see names that begin with the letter indicated:
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PEAR DAVE - Plaintiff

PEAR HEIDI - Plaintiff

PRUITT JAMES - Plaintiff

RBG HOLDINGS CORP - Defendant

REMBERT JOHNNY - Plaintiff

RICHARDSON EARLINE - Plaintiff

RICHARDSON WILLIE - Plaintiff

RIDDELL INC. - Defendant

RIDDELL SPORTS GROUP INC. - Defendant's DBA

RIDDELL SPORTS GROUP INC. - Defendant

RIDDELL/ALL AMERICAN - Defendant's DBA

ROUSON LEE - Plaintiff

ROUSON LISA - Plaintiff

SIMS DAVID - Plaintiff

SMITH LANCE - Plaintiff

SUCI MERITA - Plaintiff

SUCI ROBERT - Plaintiff

TANANJALYN - Plaintiff

Ex A_000014

THOMAS BRODERICK - Plaintiff

THOMAS YVONNE - Plaintiff

TYLER CARMEN - Plaintiff

TYLER WENDELL - Plaintiff

Click on any of the below link(s) to see names that begin with the letter indicated:
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VANWAGNER JAMES - Plaintiff

VANWAGNER KELLEY - Plaintiff

WILLIAMS CALVIN - Plaintiff

WILLIAMS CHARESE - Plaintiff

Click on any of the below link(s) to see names that begin with the letter indicated:
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[Case Information](#) | [Party Information](#) | [Proceeding Information](#)

Documents Filed (Filing dates listed in descending order)

09/27/2011 Proof of Service-Summons & Com (RIDDEL SPORTS GROUP, INC)
Filed by Attorney-Plaintiff

09/27/2011 Proof of Service-Summons & Com (EASTON-BELL SPORTS, LLC)
Filed by Attorney-Plaintiff

09/27/2011 Proof of Service-Summons & Com (NATIONAL FOOTBALL LEAGUE)
Filed by Attorney-Plaintiff

09/27/2011 Proof of Service-Summons & Com (EB SPORTS CORP.)
Filed by Attorney-Plaintiff

09/27/2011 Proof of Service-Summons & Com (RBG HOLDINGS CORP)
Filed by Attorney-Plaintiff

09/27/2011 Proof of Service-Summons & Com (ALL AMERICAN SPORTS CORPORATION DBA RIDDELL/ALL AMERICAN)
Filed by Attorney-Plaintiff

09/27/2011 Proof of Service-Summons & Com (NFL PROPERTIES, LLC)
Filed by Attorney-Plaintiff

09/27/2011 Proof of Service-Summons & Com (RIDDELL, INC DBA RIDDELL SPORTS GROUP, INC.)
Filed by Attorney-Plaintiff

Ex A_000015

09/27/2011 Proof of Service-Summons & Com (EASTON-BELL SPORTS, INC.)
Filed by Attorney-Plaintiff

08/03/2011 Notice-Related Cases (R/T BC465842 Dept. D-51)
Filed by Attorney-Plaintiff

08/03/2011 Summons-Issued
Filed by Attorney-Plaintiff

08/03/2011 Notice-Case Management Conference

08/03/2011 Complaint

[Case Information](#) | [Party Information](#) | [Documents Filed](#)

Proceedings Held (Proceeding dates listed in descending order)
None

[Case Information](#) | [Party Information](#) | [Documents Filed](#) | [Proceeding Information](#)

ORIGINAL

91406
A7260

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FILED
 Superior Court of California
 County of Los Angeles
 AUG 03 2011
 John A. Clarke, Executive Officer/ Clerk
 By T. Menendez, Deputy
 TAMISHA MENENDEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES

BY FAX

20 DAVE PEAR and HEIDI PEAR, his) CASE NO. LC094453
 21 wife; LEONARD MARSHALL and)
 22 MARYANN MARSHALL, his wife;) **PLAINTIFFS' COMPLAINT FOR**
 23 BARRY FOSTER and TERAY) **DAMAGES AND DEMAND FOR**
 24 FOSTER, his wife; ERIC W. MARTIN) **JURY TRIAL**
 and STACY MARTIN, his wife;)
 24 LANCE SMITH; HENRY)
 25 LAWRENCE; ROBERT SUCI and)
 26 MERITA SUCI, his wife; DEEMS) 1. Negligence- Monopolist
 26 MAY and SUSAN MAY, his wife;) 2. Negligence
 27 ZEFROSS MOSS; ANTONIO MCGEE) 3. Fraud
 and SUE MCGEE, his wife; JOHN L.) 4. Negligence
 28 OUTLAW and LINDA OUTLAW, his) 5. Strict Liability- Design Defect

1	wife; BERNARD FORD; JAMES)	6. Strict Liability- Manufacturing Defect
	VANWAGNER and KELLEY)	7. Failure to Warn
2	VANWAGNER; BOBBY E. ABRAMS,))	8. Negligence
3	Jr. and STEPHANIE ABRAMS, his)	9. Loss of Consortium
	wife; JOHNNY REMBERT;)	
4	FRANCISCO CRAIG and DENISE)	
	CRAIG, his wife; JAMES ELROD and)	
5	MARLENE ELROD, his wife; FRED)	
6	BARNETT and LINDSAY BARNETT,)	
	his wife; KEITH HENDERSON;)	
7	JAMES PRUITT; WENDELL TYLER)	
8	and CARMEN TYLER, his wife;)	
	HORACE COPELAND and TANGELA)	
9	COPELAND, his wife; MICHAEL)	
10	LUSH and DEBRA LUSH, his wife;)	
	MICHAEL GANN and KAREN)	
11	GANN, his wife; TIMOTHY)	
12	BARNETT and CHELONDA)	
	BARNETT, his wife; CALVIN)	
13	WILLIAMS and CHARESE)	
	WILLIAMS, his wife; DAVID SIMS;)	
14	FRED MCCRARY and NERMA)	
15	MCCRAY his wife; ANTHONY)	
16	MARSHALL; LEE ROUSON and LISA)	
	ROUSON, his wife; DANNY MILLER)	
17	and LISA MILLER, his wife; WADE)	
	KEY and CATHERINE KEY, his wife;)	
18	TONY DORSETT and JANET)	
19	DORSETT, his wife; EMANUEL)	
	MARTIN; DWIGHT HARRISON;)	
20	HARRY CRUMP and ANDREA)	
21	CRUMP, his wife; SANTANA)	
	DOTSON and MONIQUE DOTSON,)	
22	his wife; STEFON ADAMS and)	
23	PATRICE ADAMS, his wife;)	
	LORENZO HAMPTON and MARCIA)	
24	HAMPTON, his wife; LORENZO)	
	DAVIS; EMANUEL KING and)	
25	KENDRA KING, his wife; WILLIE)	
26	RICHARDSON and EARLINE)	
	RICHARDSON, his wife; MARC)	
27	BOUTTE and TANANJALYN, his)	
28	wife; REGGIE MOORE; LIONAL)	

1 DALTON; BRODERICK THOMAS)
 and YVONNE THOMAS, his wife;)
 2 MARTY CARTER,)
)
 3 Plaintiffs,)
 4)
 5 vs.)
 6 NATIONAL FOOTBALL LEAGUE;)
 NFL PROPERTIES LLC; RIDDELL,)
 7 INC. d/b/a RIDDELL SPORTS)
 GROUP, INC., ALL AMERICAN)
 8 SPORTS CORPORATION, d/b/a)
 9 RIDDELL/ALL AMERICAN;)
 RIDDELL SPORTS GROUP, INC,)
 10 EASTON-BELL SPORTS, INC.;)
 11 EASTON-BELL SPORTS, LLC; EB)
 12 SPORTS CORP.; and RBG HOLDINGS)
 CORP.; and JOHN DOES 1 through)
 13 100, Inclusive,)
 14)
 Defendants.)
 15)
 16)

17 The Plaintiffs, all individuals, hereby complains of Defendants listed above and hereby alleges
 18 as follows:

19 PARTIES

20 Plaintiffs:

- 21 1. Mr. Dave Pear and his wife, Heidi, are residents of and domiciled in the State of
 22 Washington .
 23 2. Mr. Leonard Marshall and his wife, Maryann are residents of and domiciled in the
 24 State of Florida.
 25 3. Mr. Barry Foster and his wife, Teray, are residents of and domiciled in the State of
 26 Texas.
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- 1 4. Mr. Eric W. Martin and his wife, Stacy, are residents of and domiciled in the State of
2 Texas.
- 3 5. Mr. Lance Smith is a resident of and domiciled in the State of North Carolina.
- 4 6. Mr. Henry Lawrence is a resident of and domiciled in the State of Florida.
- 5 7. Mr. Robert Suci and his wife, Merita, are residents of and domiciled in the State of
6 Michigan.
- 7 8. Mr. Deems May and his wife, Susan, are residents of and domiciled in the State of
North Carolina.
9. Mr. Zefross Moss is a resident of and domiciled in the State of Alabama.
10. Mr. Antonio McGee and his wife, Sue, are residents of and domiciled in the State of
Georgia.
11. Mr. John L. Outlaw and his wife, Linda, are residents of and domiciled in the State of
Maryland.
- 14 12. Mr. Bernard Ford is a resident of and domiciled in the State of Florida.
- 15 13. Mr. James VanWagner and his wife, Kelley, are residents of and domiciled in the
16 State of Oregon.
- 17 14. Mr. Bobby E. Abrams, Jr. and his wife, Stephanie, are residents of and domiciled in
18 the State of Alabama.
- 19 15. Mr. Johnny Rembert is a resident of and domiciled in the State of Florida.
- 20 16. Mr. Francisco Craig and his wife, Denise, are residents of and domiciled in the State
21 of California.
- 22 17. Mr. James Elrod and his wife, Marlene, are residents of and domiciled in the State of
23 Oklahoma.
- 24 18. Mr. Fred Barnett and his wife, Lindsay, are residents of and domiciled in the State of
25 Pennsylvania.
- 26 19. Mr. Keith Henderson is a resident of and domiciled in the State of Georgia.
- 27 20. Mr. James Pruitt is a resident of and domiciled in the State of Florida.
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- 1 21. Mr. Wendell Tyler and his wife, Carmen, are residents of and domiciled in the State
2 of California.
- 3 22. Mr. Horace Copeland and his wife, Tanglea, are residents of and domiciled in the
4 State of Florida.
- 5 23. Mr. Michael Lush and his wife, Debra, are residents of and domiciled in the State of
6 Pennsylvania.
- 7 24. Mr. Michael Gann and his wife, Karen, are residents of and domiciled in the State of
8 Georgia.
- 9 25. Mr. Timothy Barnett and his wife, Chelonda, are residents of and domiciled in the
10 State of Missouri.
- 11 26. Mr. Calvin Williams and his wife, Charese, are residents of and domiciled in the
12 State of Maryland.
- 13 27. Mr. David Sims is a resident of and domiciled in the State of Georgia.
- 14 28. Mr. Fred McCrary and his wife, Nerma, are residents of and domiciled in the State of
15 Georgia.
- 16 29. Mr. Anthony Marshall is a resident of and domiciled in the State of Alabama.
- 17 30. Mr. Lee Rouson and his wife, Lisa, are residents of and domiciled in the State of
18 New Jersey.
- 19 31. Mr. Danny Miller and his wife, Lisa, are residents of and domiciled in the State of
20 Pennsylvania.
- 21 32. Mr. Wade Key and his wife, Catherine, are residents of and domiciled in the State of
22 Texas.
- 23 33. Mr. Tony Dorsett and his wife, Janet, are residents of and domiciled in the State of
24 Texas.
- 25 34. Mr. Emanuel Martin is a resident of and domiciled in the State of Florida.
- 26 35. Mr. Dwight Harrison is a resident of and domiciled in the State of Texas.
- 27 36. Mr. Harry Crump and his wife, Andrea, are residents of and domiciled in the State of
28 Rhode Island.

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

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

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

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

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

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

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

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

15 45. Mr. Lional Dalton is a resident of and domiciled in the State of Florida.

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

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

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21 **Defendants:**

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

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

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

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

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

16 53. Defendant Easton-Bell Sports, Inc. is a California corporation, incorporated in
17 Delaware with a principal place of business at 7855 Haskell Avenue, Suite 200, Van Nuys,
18 California 91406 and is a parent corporation of Riddell Sports Group Inc.

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

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

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

26 57. Defendants Riddell, Inc., Riddell Sports Group Inc., All American Sports
27 Corporation, Easton-Bell Sports, Inc., EB Sports Corp., Easton-Bell Sports, LLC, and RBG
28 Holdings Corp., shall hereinafter be referred to collectively as the "Riddell Defendants."

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JURISDICTION AND VENUE

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

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

INTRODUCTION

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

61. 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.

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

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

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

65. 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.

66. 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).

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

NFL AND THE CBA

68. Until March of 2011, NFL players were all members of a union called the National Football League Players Association (“NFLPA”). The NFLPA negotiates the general minimum contract for all players in the league with the National Football League Management Council (“NFLMC”). This contract is called the Collective Bargaining Agreement (“CBA”) and it is the

1 central document that governs the negotiation of individual player contracts for all of the league's
2 players. However, historically, the NFL retired players have never been the subject of or a party to
3 Collective Bargaining.

4 69. The CBA had been in place since 1993 and was amended in 1998 and again in 2006.
5 The CBA was originally scheduled to expire at the end of the 2012 season but in 2008 the owners
6 exercised their right to opt-out of the agreement two years earlier. In 2011, the parties in trying to
7 negotiate a new CBA reached an impasse and the NFL owners locked the players out. Even
8 though the 4 ½ month 2011 lockout has ended, a CBA does not exist between the NFLMC and
9 NFLPA.

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

14 15 CTE AND CONCUSSION INJURY

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

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

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

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

25 75. Dr. Omalu questioned "Where was the NFL when we found this disease?"

26 76. The NFL undertook the responsibility of studying concussion research in 1994
27 through funding a Committee known as the "NFL Committee on Mild Traumatic Brain Injury".
28

1 77. The NFL Committee on Mild Traumatic Brain Injury published their findings in
2 2004 showing “no evidence of worsening injury or chronic cumulative effects” from multiple
3 concussions. In a related study, this Committee found “many NFL players can be safely allowed to
4 return to play” on the day of a concussion if they are without symptoms and cleared by a physician.

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

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

10 NFL’S DUTY TO PLAYERS AND THE PUBLIC

11 80. The NFL overtly undertook a duty to study concussions on behalf of all American
12 Rules Football leagues and players.

13 81. As the industry icon, all American Rules Football leagues modeled their programs
14 after the NFL.

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

- 20 (a) It owed a duty to protect Plaintiffs on the playing field;
21 (b) It owed a duty to Plaintiffs to educate them and other
22 players in the NFL about CTE and/or concussion injury;
23 (c) It owed a duty to Plaintiffs to educate trainers, physicians,
24 and coaches about CTE and/or concussion injury;
25 (d) It owed a duty to Plaintiffs to have in place strict return-to-play
26 guidelines to prevent CTE and/or concussion injury;
27 (e) It owed a duty to Plaintiffs to promote a “whistleblower”
28 system where teammates would bring to the attention of a

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trainer, physician or coach that another player had sustained concussion injury;

- (f) It owed a duty to Plaintiffs to design rules and penalties for players who use their head or upper body to hit or tackle;
- (g) It owed a duty to Plaintiffs to design rules to eliminate the risk of concussion during games and/or practices;
- (h) It owed a duty to Plaintiffs to promote research into and cure for CTE and the effects of concussion injury over a period of time; and
- (i) It owed a duty to State governments, local sports organizations, all American Rules Football leagues and players, and the public at large to protect against the long-term effects of CTE and/or concussion injury.

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

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

NFL'S KNOWLEDGE OF THE RISK OF CONCUSSIONS

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

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

87. This action arises because the NFL Defendants committed negligence by failing to exercise its duty to enact league-wide guidelines and mandatory rules regulating post-concussion

1 medical treatment and return-to-play standards for players who suffer a concussion and/or multiple
2 concussions.

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

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

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

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

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

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

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

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

28 (g) A 1954 article on "Observations on the clinical and brain wave

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

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Medicine;

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

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the flow of blood and render the fighter unconscious. Any punches to the temporal region may lead to a loss of balance or dizziness;

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

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

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

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

1
2 **NFL FRAUDULENTLY CONCEALED THE LONG-TERM EFFECTS OF CONCUSSIONS**

3 91. Instead of taking measures to actually protect its players from suffering long-term
4 brain injuries, the NFL created the "Mild Traumatic Brain Injury Committee" in 1994 to
5 purportedly study the effects of concussions on NFL players..

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

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

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

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

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

27 97. In response to these studies, the NFL, to further a scheme of fraud and deceit, had
28 members of the NFL's Brain Injury Committee deny knowledge of a link between concussion and

1 cognitive decline and claim that more time was needed to reach a definitive conclusion on the
2 issue.

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

7 99. Between 2002 and 2007, Dr. Bennet Omalu examined the brain tissue of deceased
8 NFL players including Mike Webster, Terry Long, Andrew Waters and Justin Strzelczyk. Dr.
9 Omalu in an article in *Neurosurgery* concluded that chronic traumatic encephalopathy ("CTE")
10 triggered by multiple NFL concussions represented a partial cause of their deaths.

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

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

18 102. Because of Congressional scrutiny and media pressure, the NFL scheduled a league-
19 wide Concussion Summit for June 2007. Unfortunately, the NFL in keeping with its scheme of
20 fraud and deceit issued a pamphlet to players in August 2007, which stated: "there is no magic
21 number for how many concussions is too many."

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

25 104. At the October 2009 Congressional hearings of the House Judiciary Committee,
26 committee member Linda Sanchez (D-CA) analogized the NFL's denial of a causal link between
27 NFL concussion and cognitive decline to the Tobacco industry's denial of the link between
28 cigarette consumption and ill health effects.

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

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

8
9 **THE NFL ACKNOWLEDGES THEIR DUTY TO PROTECT AGAINST**
10 **THE LONG-TERM RISK OF CONCUSSIONS**

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

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

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

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

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

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

4 113. The NFL's 2007 concussion guidelines provide when a player with a concussion can
5 return to a game or practice.

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

8 115. For the past many decades until August 14, 2007, the NFL's duty to protect its
9 players has never changed and has ever waned. The only change that occurred is that on August
10 14, 2007, the NFL finally and unequivocally acted upon its longstanding duty to protect its member
11 players by implementing league-wide concussion guidelines.

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

17 117. Nevertheless, it was not until June of 2010 that the NFL warned any player of the
18 long-term risks associated with multiple concussions, including dementia, memory loss, CTE and
19 its related symptoms. The Riddell Defendants also failed to so warn active players until
20 approximately the same time frame.

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

23
24 **THE DEFENDANTS' CONDUCT RISES BEYOND MERE NEGLIGENCE**

25 119. The aforementioned acts and omissions of the Defendants demonstrate that the
26 Defendants acted with callous indifference to the rights and duties owed to Plaintiffs, all American
27 Rules Football leagues and players and the public at large.

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

3 138. Plaintiff Eric W. Martin suffered multiple concussions that were improperly
4 diagnosed and improperly treated throughout his career as a professional football player in the
5 NFL.

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

10 140. Plaintiff Eric W. Martin suffers from multiple past traumatic brain injuries affecting
11 multiple areas of his brain and causing the following symptoms including but not limited to
12 memory loss and headaches.

13
14 **LANCE SMITH**

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

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

19 143. Plaintiff Lance Smith suffered multiple concussions that were improperly diagnosed
20 and improperly treated throughout his career as a professional football player in the NFL.

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

25 145. Plaintiff Lance Smith suffers from multiple past traumatic brain injuries affecting
26 multiple areas of the brain and causing the following symptoms including but not limited to
27 headaches and memory loss.

28

1 **HENRY LAWRENCE**

2 146. Plaintiff Henry Lawrence was born on September 26, 1951 in Danville,
3 Pennsylvania. He currently lives in Palmetto, Florida.

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

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

9 149. Plaintiff Henry Lawrence 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 that the
11 league-mandated equipment did not protect him from such injury. This was a substantial factor in
12 causing his current injury.

13 150. Plaintiff Henry Lawrence suffers from multiple past traumatic brain injuries affecting
14 multiple areas of his brain and causing various symptoms including but not limited to headaches,
15 sleep problems, memory loss and pain.

16
17 **ROBERT and MERITA SUCI**

18 151. Plaintiff Robert Suci was born on April 7, 1939. He is married to Merita and they
19 currently reside in Flint, Michigan.

20 152. Plaintiff Robert Suci played from 1963 to 1965 for the Houston Oilers and the
21 Boston Patriots as a Defensive Back.

22 153. Plaintiff Robert Suci suffered multiple concussions that were improperly diagnosed
23 and improperly treated during his career as a professional football player in the NFL.

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

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

4
5 **DEEMS and SUSAN MAY**

6 156. Plaintiff Deems May was born on March 6, 1969. He is married to Susan. They
7 currently reside in Charlotte, North Carolina.

8 157. Plaintiff Deems May played Tight End from 1992 to 1996 for the San Diego
9 Chargers and from 1997 to 1999 for the Seattle Seahawks.

10 158. Plaintiff Deems May suffered multiple concussions that were improperly diagnosed
11 and improperly treated throughout his career as a professional football player in the NFL.

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

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

19
20 **ZEFROSS MOSS**

21 161. Plaintiff Zefross Moss was born on August 17, 1966. He currently resides in
22 Madison, Alabama.

23 162. Plaintiff Zefross Moss was an Offensive Lineman who played from 1989 to 1994 for
24 the Indianapolis Colts, from 1995 to 1996 for the Detroit Lions, and from 1997 to 1999 for the
25 New England Patriots.

26 163. Plaintiff Zefross Moss suffered multiple concussions that were improperly diagnosed
27 and improperly treated throughout his career as a professional player in the NFL.

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

4 174. 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 that the
6 league-mandated equipment did not protect him from such injury. This was a substantial factor in
7 causing his current injury.

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

11
12 **BERNARD FORD**

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

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

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

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

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

28

1 JAMES and KELLEY VANWAGNER

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

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

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

9 184. Plaintiff James VanWagner 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 that the
11 league-mandated equipment did not protect him from such injury. This was a substantial factor in
12 causing his current injury.

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

16
17 BOBBY E. JR. and STEPHANIE ABRAMS

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

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

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

1 189. Plaintiff Bobby E. Abrams, Jr. 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 that the
3 league-mandated equipment did not protect him from such injury. This was a substantial factor in
4 causing his current injury.

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

8
9 JOHNNY REMBERT

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

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

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

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

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

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

4 214. Plaintiff Keith Henderson 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 that the
6 league-mandated equipment did not protect him from such injury. This was a substantial factor in
7 causing his current injury.

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

11

12 **JAMES PRUITT**

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

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

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

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

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

26

27

28

1 WENDELL and CARMEN TYLER

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

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

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

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

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

17
18 HORACE and TANGELA COPELAND

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

22 227. Plaintiff Horace Copeland played from 1993 to 1998 for Tampa Bay Buccaneers, in
23 1998 for the Miami Dolphins and from 1999 to 2000 for the Oakland Raiders as a Wide Receiver.

24 227. Plaintiff Horace Copeland suffered multiple concussions that were improperly
25 diagnosed and improperly treated throughout his career as a professional football player in the
26 NFL.

27 228. Plaintiff Horace Copeland 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 that the

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

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

6
7 **MICHAEL and DEBRA LUSH**

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

10 231. 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 camps
12 from 1981 to 1987 including the Philadelphia Eagles, New York Giants, Baltimore Colts and
13 Chicago Bears.

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

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

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

23
24 **MICHAEL and KAREN GANN**

25 235. Plaintiff Michael Gann was born on October 19, 1963. He is married to Karen and
26 they currently reside in Roswell, Georgia.

27 236. Plaintiff Michael Gann played as a Defensive End from 1985 to 1993 for the Atlanta
28 Falcons.

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

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

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

11
12 **TIMOTHY and CHELONDA BARNETT**

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

15 241. Plaintiff Timothy Barnett played as a Wide Receiver for the Kansas City Chiefs from
16 1991 to 1993.

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

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

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

1 **CALVIN and CHARESE WILLIAMS**

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

5 246. Plaintiff Calvin Williams played Wide Receiver for the Philadelphia Eagles from
6 1990 to 1996 and for the Baltimore Ravens in 1996. He was selected to the Football News All-
7 Rookie Team in 1990.

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

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

15 249. Plaintiff Calvin Williams suffers from multiple past traumatic brain injuries affecting
16 multiple areas of his brain and causing various symptoms including but not limited to short term
17 memory loss and sleeplessness.

18
19 **DAVID SIMS**

20 250. Plaintiff David Sims was born on October 26, 1955. He currently resides in Decatur,
21 Georgia.

22 251. Plaintiff David Sims played Running Back for the Seattle Seahawks from 1977 to
23 1980.

24 252. Plaintiff David Sims suffered multiple concussions that were improperly diagnosed
25 and improperly treated throughout his career as a professional football player in the NFL.

26 253. Plaintiff David Sims was not warned by the NFL, NFL Properties, Inc., or Riddell
27 Defendants of the risk of long-term injury due to football-related concussions or that the league-
28

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

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

6
7 **FRED and NERMA MCCRARY**

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

10 256. Plaintiff Fred McCrary played Fullback for the Philadelphia Eagles from 1995 to
11 1996, New Orleans Saints from 1997 to 1998, San Diego Chargers from 1999 to 2002, New
12 England Patriots in 2003, Atlanta Falcons from 2004 to 2006 and Seattle Seahawks in 2007. He
13 was a part of the winning team of Super Bowl XXXVIII.

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

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

21 259. Plaintiff Fred McCrary suffers from multiple past traumatic brain injuries affecting
22 multiple areas of his brain and causing various symptoms including by not limited to short term
23 memory loss, headaches, vertigo, hearing loss, anxiety and depression.

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

4
5 **DANNY and LISA MILLER**

6 270. Plaintiff Danny Miller was born on March 24, 1966. He is married to Lisa and they
7 currently reside in Pittsburgh, Pennsylvania.

8 271. Plaintiff Danny Miller played Defensive Back for the Atlanta Falcons from 1995 to
9 2002.

10 272. Plaintiff Danny Miller suffered multiple concussions that were improperly diagnosed
11 and improperly treated throughout his career as a professional football player in the NFL.

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

16 274. Plaintiff Danny Miller suffers from multiple past traumatic brain injuries affecting
17 multiple areas of his brain and causing various symptoms including by not limited to short term
18 memory loss and depression.

19
20 **WADE and CATHERINE KEY**

21 275. Plaintiff Wade Key was born on October 14, 1946. He is married to Catherine and
22 they currently reside in Hondo, Texas.

23 276. Plaintiff Wade Key played Offensive Lineman for the Philadelphia Eagles from 1969
24 to 1980. He was named to the Philadelphia Eagles 75th Anniversary Team.

25 277. Plaintiff Wade Key suffered multiple concussions that were improperly diagnosed
26 and improperly treated throughout his career as a professional football player in the NFL.

27 278. Plaintiff Wade Key was not warned by the NFL, NFL Properties, Inc., or Riddell
28 Defendants of the risk of long-term injury due to football-related concussions or that the league-

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

3 279. Plaintiff Wade Key suffers from multiple past traumatic brain injuries affecting
4 multiple areas of his brain and causing various symptoms including by not limited to memory loss
5 and headaches.

6
7 **TONY and JANET DORSETT**

8 280. Plaintiff Tony Dorsett was born on April 7, 1954. He is married to Janet and they
9 currently reside in Texas.

10 281. Plaintiff Tony Dorsett played Running Back for the Dallas Cowboys from 1977 to
11 1987 and the Denver Broncos in 1988. He was a four time Pro Bowl Selection. He won Super
12 Bowl XII. He is a member of the Pro Football Hall of Fame.

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

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

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

22
23 **EMANUEL MARTIN**

24 285. Plaintiff Emanuel Martin was born on July 31, 1969. His has six children. He
25 currently resides in Fort Lauderdale, Florida.

26 286. Plaintiff Emanuel Martin played Defensive Back for the Houston Oiler in 1993, and
27 the Buffalo Bills from 1996 to 1999.

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

4 288. Plaintiff Emanuel Martin 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 that the
6 league-mandated equipment did not protect him from such injury. This was a substantial factor in
7 causing his current injury.

8 289. Plaintiff Emanuel Martin suffers from multiple past traumatic brain injuries affecting
9 multiple areas of his brain and causing various symptoms including by not limited to memory loss,
10 blurred vision and headaches.

11
12 **DWIGHT HARRISON**

13 290. Plaintiff Dwight Harrison was born on October 12, 1948. He currently resides in
14 Beaumont, Texas.

15 291. Plaintiff Dwight Harrison played Defensive Back for the Denver Broncos from 1971
16 to 1972, the Buffalo Bills from 1972 to 1977, Baltimore Colts from 1978 to 1979, and the Oakland
17 Raiders in 1980.

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

21 293. Plaintiff Dwight Harrison 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 that the
23 league-mandated equipment did not protect him from such injury. This was a substantial factor in
24 causing his current injury.

25 294. Plaintiff Dwight Harrison suffers from multiple past traumatic brain injuries affecting
26 multiple areas of his brain and causing various symptoms including by not limited to dementia and
27 post traumatic stress disorder.

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HARRY and ANDREA CRUMP

295. Plaintiff Harry Crump was born on June 18, 1940. He is married to Andrea Crump and they currently reside in Newport, Rhode Island.

296. Plaintiff Harry Crump played Running Back for the New England Patriots from 1961 to 1962.

297. Plaintiff Harry Crump suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

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

299. Plaintiff Harry Crump suffers from multiple past traumatic brain injuries affecting multiple areas of his brain and causing various symptoms including but not limited to Dementia and Depression.

SANTANA and MONIQUE DOTSON

300. Plaintiff Santana Dotson was born on December 19, 1969. He is married to Monique and has four children ages 15, 14, 10 and 4. They currently reside in Houston, Texas.

301. Plaintiff Santana Dotson played Defensive End for the Tampa Bay Buccaneers from 1992 to 1995, the Green Bay Packers from 1996 to 2001 and the Washington Redskins in 2002.

302. Plaintiff Santana Dotson suffered multiple concussions that were improperly diagnosed and improperly treated throughout his career as a professional football player in the NFL.

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

1 313. Plaintiff Lorenzo Hampton 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 that the
3 league-mandated equipment did not protect him from such injury. This was a substantial factor in
4 causing his current injury.

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

8
9 **LORENZO DAVIS**

10 315. Plaintiff Lorenzo Davis was born on February 12, 1968. He currently resides in
11 Davie, Florida.

12 316. Plaintiff Lorenzo Davis played in 1990 for the Pittsburgh Steelers as a Wide
13 Receiver.

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

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

21 319. Plaintiff Lorenzo Davis suffers from multiple past traumatic brain injuries affecting
22 multiple areas of his brain and causing various symptoms including by not limited to headaches.

23
24 **EMANUEL and KENDRA KING**

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

27 321. Plaintiff Emanuel King played from 1985 to 1988 for the Cincinnati Bengals and
28 from 1989 to 1991 for the Oakland Raiders as a Defensive End.

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

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

8 324. Plaintiff Emanuel King suffers from multiple past traumatic brain injuries affecting
9 multiple areas of his brain and causing various symptoms including by not limited to headaches,
10 memory loss, blurred vision and vertigo.

11
12 **WILLIE and EARLINE RICHARDSON**

13 325. Plaintiff Willie Richardson was born on November 17, 1939. He is married to
14 Earline. They currently reside in Jackson, Mississippi.

15 326. Plaintiff Willie Richardson played from 1963 to 1969, Miami Dolphins from 1970 to
16 1971 and the Baltimore Colts in 1971 as a Wide Receiver.

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

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

24 329. Plaintiff Willie Richardson suffers from multiple past traumatic brain injuries
25 affecting multiple areas of his brain and causing various symptoms including by not limited to
26 headaches, memory loss, sleeping problems, and hearing problems.

1 MARC and TANANJALYN BOUTTE

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

4 331. Plaintiff Marc Boutte played Defensive Tackle for the L.A. Rams from 1992 to 1993
5 and for the Washington Redskins from 1994 to 1999.

6 332. Plaintiff Marc Boutte suffered multiple concussions that were improperly diagnosed
7 and improperly treated throughout his career as a professional football player in the NFL.

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

12 334. Plaintiff Marc Boutte suffers from multiple past traumatic brain injuries affecting
13 multiple areas of his brain and causing various symptoms including by not limited to headaches,
14 memory loss and depression.

15
16 REGGIE MOORE

17 335. Plaintiff Reggie Moore was born on March 23, 1968. He currently resides in
18 Houston, Texas.

19 336. Plaintiff Reggie Moore played for the New York Jets from 1991 to 1992 and for the
20 Los Angeles Rams in 1993.

21 337. Plaintiff Reggie Moore suffered multiple concussions that were improperly
22 diagnosed and improperly treated throughout his career as a professional football player in the
23 NFL.

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

1 FIRST CAUSE OF ACTION

2 NEGLIGENCE- Monopolist

3 (As Against the NFL)

4 355. Plaintiffs incorporate by reference paragraphs 1 through 354 as if fully set forth
5 herein at length.

6 356. The NFL, by and through its monopoly power, has historically had a duty to invoke
7 rules that protect the health and safety of its players and the public. Nevertheless, by its actions, it
8 has violated California Business and Professional Code Section 17001 by engaging in practices
9 that restrain the development of good science on the problem and epidemic of concussion injuries.

10 357. As a monopoly, the NFL has a duty to protect the health and safety of its players, as
11 well as the public at large.

12 358. Throughout the history of the NFL, the NFL organization has consistently breached
13 its duty to protect the health and safety of its players by failing to enact rules, policies and
14 regulations to best protect its players.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23
24 **SECOND CAUSE OF ACTION:**

25 **NEGLIGENCE**

26 **(As Against the NFL)**

27 371. Plaintiffs incorporate by reference paragraphs 1 through 370 of this Complaint as if
28 fully set forth herein at length.

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

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

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

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

14 376. Throughout the many years that the NFL has repeatedly established its duty to
15 protect the health and safety of its players when known and foreseeable risks exist, until August 14,
16 2007, the NFL failed to create and implement league-wide guidelines concerning the treatment and
17 monitoring of players who suffer a concussive brain injury during a game.

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

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

25 379. The NFL's failure to fulfill its assumed duty to protect its players includes but is not
26 limited to the following failures:

- 27 (a) Failure to institute acclimation requirements or procedures to ensure proper
28 acclimation of the NFL players before they participate in practices or games;

- 1 (b) Failure to regulate and monitor practices, games, rules, equipment, and medical care
2 so as to minimize the long-term risks associated with concussive brain injuries
3 suffered by the NFL players, including Plaintiffs;
- 4 (c) Failure to require that an adequate concussive brain injury history be taken of NFL
5 players;
- 6 (d) Failure to ensure accurate diagnosis and recording of concussive brain injury so the
7 condition can be treated in an adequate and timely manner;
- 8 (e) Failure to invoke league-wide guidelines, policies, and procedures regarding the
9 identification and treatment of concussive brain injury, and the return to play insofar
10 as such matters pertain to concussive brain injury; and,
- 11 (f) Failure to license and approve the best equipment available that will reduce the risk
12 of concussive brain injury.

13 380. The NFL breached its assumed duty to protect the health and safety of its players by
14 subjecting NFL players to an increased risk of concussive brain injury.

15 381. The NFL failed to provide complete, current, and competent information and
16 directions to NFL athletic trainers, physicians, and coaches regarding concussive brain injuries and
17 its prevention, symptoms, and treatment.

18 382. If the NFL would have taken the necessary steps to oversee and protect the NFL
19 players, including Plaintiffs, by developing and implementing necessary guidelines, policies, and
20 procedures; providing reasonably safe helmets; and educating and training all persons involved
21 with the NFL Teams in the recognition, prevention, and treatment of concussive brain injuries, then
22 NFL players, such as Plaintiffs, would not have suffered from the subject condition or the effects
23 of that condition, would have recovered more rapidly, or would not have suffered long-term brain
24 damage, dementia, and depression related to dementia and CTE.

25 383. Under all of the above circumstances, it was foreseeable that the NFL's violations of
26 its duties would cause or substantially contribute to the personal injuries suffered by the Plaintiffs.
27
28

1 384. The NFL committed acts of omission and commission, which collectively and
2 severally, constituted negligence. The NFL's negligence was a proximate and producing cause of
3 the personal injuries and other damages suffered by Plaintiff.

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

7
8 **THIRD CAUSE OF ACTION:**

9 **FRAUD**

10 **(As Against the NFL)**

11 386. Plaintiffs incorporate by reference paragraphs 1 through 385 of this Complaint as if
12 fully set forth herein at length.

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

17 388. The persons who made the misrepresentations as agents of the NFL and the NFL
18 knew they were false.

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

21 390. The Plaintiffs, among others, justifiably relied on these misrepresentations to their
22 detriment in getting care for their injuries.

23 391. The Plaintiffs, among others, were damaged by these misrepresentations. Among
24 other things, they require increased home care, loss of consortium, loss of employment, medical
25 costs and pain and suffering.

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

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FOURTH CAUSE OF ACTION

NEGLIGENCE

(As Against NFL Properties)

393. Plaintiffs incorporate by reference paragraphs 1 through 392 as if fully set forth herein at length.

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

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

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

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

FIFTH CAUSE OF ACTION

STRICT LIABILITY FOR DESIGN DEFECT

(As Against Riddell Defendants)

398. Plaintiffs incorporate by reference paragraphs 1 through 397 as if set fully herein at length.

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

- (a) Negligently failing to design the subject helmet with a safe means

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of attenuating and absorbing the foreseeable forces of impact in order to minimize and/or reduce the forces and energy directed to the player's head;

- (b) Negligently designing the subject helmet with a shock attenuating system which was not safely configured;
- (c) Negligently failing to properly and adequately test the helmet model;
- (d) Other acts of negligence that may be discovered during the course of this matter; and
- (e) Failing to warn Plaintiffs that their helmets would not protect against the long-term health consequences of concussive brain injury.

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

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

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

SIXTH CAUSE OF ACTION
(STRICT LIABILITY FOR MANUFACTURING DEFECT)
(As Against Riddell Defendants)

403. Plaintiffs incorporate by reference paragraphs 1 through 402 as if set forth herein at length.

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

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

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

22 406. The Riddell Defendants are strictly liable for manufacturing and placing in the stream
23 of commerce a defective and unreasonably dangerous product which was a proximate and
24 producing cause of the personal injuries and other damages, including but not limited to, economic
25 damages and non-economic damages. A safe alternative design was economically and
26 technologically feasible at the time the product left the control of the Riddell Defendants.

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

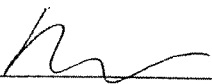
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5 **PRAYER FOR RELIEF**

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

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

13
14 DATED: August 3, 2011

GIRARDI|KEESE

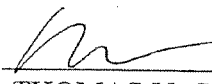
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16 BY: 
17 THOMAS V. GIRARDI
18 Attorney for Plaintiffs

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20
21 **JURY DEMAND**

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

23
24 DATED: August 3, 2011

GIRARDI|KEESE

25
26 BY: 
27 THOMAS V. GIRARDI
28 Attorney for Plaintiffs

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserve for Clerk's Stamp FILED Superior Court of California County of Los Angeles AUG 09 2011
COURTHOUSE ADDRESS:	6230 SYLMAR AVE, RM. 107, VAN NUYS, CALIF. 91401	
PLAINTIFF:	John A. Clarke, Executive Officer/ Clerk	
DEFENDANT:	By <u>T. Menejee</u> , Deputy TAMISHA MENEJEE	
NOTICE OF CASE MANAGEMENT CONFERENCE		CASE NUMBER: LC094453

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: 12-21-11	Time: 8:30	Dept.: NWT
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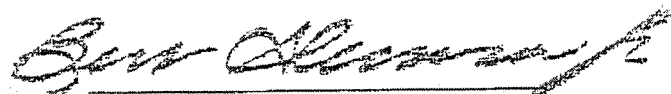
NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 7.13, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code section 68608, subdivision (b), and California Rules of Court, rule 2.2 et seq.

Dated: JOHN A. CLARKE AUG 03 2011


Judicial Officer

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

- by depositing in the United States mail at the courthouse in Van Nuys, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.
- by personally giving the party notice upon filing of the complaint.

JOHN A. CLARKE AUG 03 2011

Dated: _____

JOHN A. CLARKE, Executive/Officer Clerk
By T. Menejee
Deputy Clerk

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

ORIGINAL

**NOTICE TO DEFENDANT: NATIONAL FOOTBALL LEAGUE; NFL
(AVISO AL DEMANDADO): PROPERTIES LLC; RIDDELL, INC. d/b/a
RIDDELL SPORTS GROUP, INC., ALL AMERICAN SPORTS
CORPORATION, d/b/a RIDDELL/ALL AMERICAN; RIDDELL SPORTS
GROUP, INC, EASTON-BELL SPORTS, INC.; EASTON-BELL SPORTS,
LLC; EB SPORTS CORP.; and RBG HOLDINGS CORP.; and JOHN DOES 1
through 100, inclusive,**

**YOU ARE BEING SUED BY PLAINTIFF: DAVE PEAR and HEIDI PEAR,
(LO ESTÁ DEMANDANDO EL DEMANDANTE); his wife; LEONARD
MARSHALL and MARYANN MARSHALL, his wife; BARRY FOSTER and
TERAY FOSTER, his wife; (continued)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
Superior Court of California
County of Los Angeles

AUG 03 2011

John A. Clarke, EXECUTIVE OFFICER, Clerk
By T. Meneíee, Deputy
TAMISHA MENEFEE

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **(AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación)**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
**LOS ANGELES SUPERIOR COURT
6230 Sylmar Avenue
Van Nuys, CA 91401
Northwest District**

CASE NUMBER **LC094453**
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
**THOMAS V. GIRARDI, SBN 36603 213/977-0211 213/481-1554
GIRARDI KEESE
1126 Wilshire Boulevard
Los Angeles, CA 90017-1904**

DATE: _____ Clerk, by T. Meneíee JM, Deputy
(Fecha) JOHN A. CLARKE AUG 03 2011 (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)



- NOTICE TO THE PERSON SERVED: You are served**
- as an individual defendant.
 - as the person sued under the fictitious name of (specify):
 - on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
 - by personal delivery on (date):

SHORT TITLE: DAVE PEAR, et al. v. NFL, et al.	CASE NUMBER:
---	--------------

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff Defendant Cross-Complainant Cross-Defendant

ERIC W. MARTIN and STACY MARTIN, his wife; LANCE SMITH; HENRY LAWRENCE; ROBERT SUCI and MERITA SUCI, his wife; DEEMS MAY and SUSAN MAY, his wife; ZEFROSS MOSS; ANTONIO MCGEE and SUE MCGEE, his wife; JOHN L. OUTLAW and LINDA OUTLAW, his wife; BERNARD FORD; JAMES VANWAGNER and KELLEY VANWAGNER; BOBBY E. ABRAMS, Jr. and STEPHANIE ABRAMS, his wife; JOHNNY REMBERT; FRANCISCO CRAIG and DENISE CRAIG, his wife; JAMES ELROD and MARLENE ELROD, his wife; FRED BARNETT and LINDSAY BARNETT, his wife; KEITH HENDERSON; JAMES PRUITT; WENDELL TYLER and CARMEN TYLER, his wife; HORACE COPELAND and TANGELA COPELAND, his wife; MICHAEL LUSH and DEBRA LUSH, his wife; MICHAEL GANN and KAREN GANN, his wife; TIMOTHY BARNETT and CHELONDA BARNETT, his wife; CALVIN WILLIAMS and CHARESE WILLIAMS, his wife; DAVID SIMS; FRED MCCRARY and NERMA MCCRAY his wife; ANTHONY MARSHALL; LEE ROUSON and LISA ROUSON, his wife; DANNY MILLER and LISA MILLER, his wife; WADE KEY and CATHERINE KEY, his wife; TONY DORSETT and JANET DORSETT, his wife; EMANUEL MARTIN; DWIGHT HARRISON; HARRY CRUMP and ANDREA CRUMP, his wife; SANTANA DOTSON and MONIQUE DOTSON, his wife; STEFON ADAMS and PATRICE ADAMS, his wife; LORENZO HAMPTON and MARCIA HAMPTON, his wife; LORENZO DAVIS; EMANUEL KING and KENDRA KING, his wife; WILLIE RICHARDSON and EARLINE RICHARDSON, his wife; MARC BOUTTE and TANANJALYN, his wife; REGGIE MOORE; LIONAL DALTON; BRODERICK THOMAS and YVONNE THOMAS, his wife; MARTY CARTER,

Plaintiffs,

ORIGINAL

T

CM-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): THOMAS V. GIRARDI, SBN 36603 GIRARDI KEESE 1126 Wilshire Boulevard Los Angeles, California 90017-1904		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles AUG 09 2011 John A. Clark, Executive Officer/ Clerk By <u>T. Mena</u> , Deputy TAMISHA MURPHY
TELEPHONE NO.: 213/977-0211 FAX NO. (Optional): 213/481-1554 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs	SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: Same as above CITY AND ZIP CODE: Van Nuys; CA 91401 BRANCH NAME: Northwest District	
PLAINTIFF/PETITIONER: DAVE PEAR, et al., DEFENDANT/RESPONDENT: NATIONAL FOOTBALL LEAGUE, et al.,	CASE NUMBER: LC 094453 JUDICIAL OFFICER:	
NOTICE OF RELATED CASE	DEPT.:	

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title: **Vernon Maxwell, et al. v. National Football League, et al.**
- b. Case number: **BC465842**
- c. Court: same as above
 other state or federal court (name and address): **Los Angeles Superior Court, Central District, 111 North Hill Street, Los Angeles, CA 90012**
- d. Department: **D-51**
- e. Case type: limited civil unlimited civil probate family law other (specify):
- f. Filing date: **July 19, 2011**
- g. Has this case been designated or determined as "complex?" Yes No
- h. Relationship of this case to the case referenced above (check all that apply):
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment 1h
- i. Status of case:
 - pending
 - dismissed with without prejudice
 - disposed of by judgment
2. a. Title:
- b. Case number:
- c. Court: same as above
 other state or federal court (name and address):
- d. Department:

PLAINTIFF/PETITIONER: DAVE PEAR, et al.,	CASE NUMBER:
DEFENDANT/RESPONDENT: NATIONAL FOOTBALL LEAGUE, et al.,	

2. (continued)

e. Case type: limited civil unlimited civil probate family law other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" Yes No

h. Relationship of this case to the case referenced above (check all that apply):

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment 2h

i. Status of case:

- pending
- dismissed with without prejudice
- disposed of by judgment

3. a. Title:

b. Case number:

c. Court: same as above
 other state or federal court (name and address):

d. Department:

e. Case type: limited civil unlimited civil probate family law other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" Yes No

h. Relationship of this case to the case referenced above (check all that apply):

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment 3h


i. Status of case:

- pending
- dismissed with without prejudice
- disposed of by judgment

4. Additional related cases are described in Attachment 4. Number of pages attached: _____

Date: August 3, 2011

THOMAS V. GIRARDI
 (TYPE OR PRINT NAME OF PARTY OR ATTORNEY)


 (SIGNATURE OF PARTY OR ATTORNEY)

BY FAX

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address) THOMAS V. GIRARDI SBN: 36603 GIRARDI AND KEESE 1126 WILSHIRE BLVD. LOS ANGELES, CA 900170000 TELEPHONE NO.: (213) 977-0211 FAX NO. (Optional): (213) 481-1554 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff:		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT SEP 27 2011 JOHN A. CLARKE, CLERK BY _____
Los Angeles County Superior Court - Van Nuys Courthouse East STREET ADDRESS: 6230 Sylmar Ave. MAILING ADDRESS: CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Northwest		CASE NUMBER: LC094453
PLAINTIFF/PETITIONER: PECK, ET AL. DEFENDANT/RESPONDENT: NFL, ET AL.		Ref. No. or File No.: 2011211
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:

- summons
- complaint
- Alternative Dispute Resolution (ADR) package
- Civil Case Cover Sheet (served in complex cases only)
- cross-complaint
- other (specify documents):

Civil Case Cover Sheet; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Taking Status Conference; Status Conference; Order to Show Cause Re Dismissal; Notice of Related Case

- a. Party served (specify name of party as shown on documents served):

NATIONAL FOOTBALL LEAGUE

- Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
DOUG PAOLETTI - PERSON AUTHORIZED TO ACCEPT SERVICE

- Address where the party was served: **NFL HEADQUARTERS
280 PARK AVE.
NEW YORK, NY 10017**

- I served the party (check proper box)

- by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **9/12/2011** (2) at (time): **4:33 PM**

- by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):

- (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or a declaration of mailing is attached.
- I attach a declaration of diligence stating actions taken first to attempt personal service.

PETITIONER: PECK, ET AL.

RESPONDENT: NFL, ET AL.

CASE NUMBER:

LC094453

- c. by mail and acknowledgment of receipt of service. I mailed the documents listed in Item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify): _____
- c. as occupant.
- d. On behalf of (specify): **NATIONAL FOOTBALL LEAGUE**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **GERALD MURRAY - JANNEY AND JANNEY ATTORNEY SERVICE, INC.**
- b. Address: **1545 WILSHIRE BLVD., #311 LOS ANGELES, CA 90017**
- c. Telephone number: **(213) 628-6338**
- d. The fee for service was: \$ 118.75
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server; independent contractor.
- (i) owner employee
- (ii) Registration No.: **LIC# 0872285**
- (iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or
9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 9/14/2011



JANNEY AND JANNEY ATTORNEY SERVICE, INC.
1545 WILSHIRE BLVD., #311
LOS ANGELES, CA 90017
(213) 628-6338

GERALD MURRAY

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, Number, and address) THOMAS V. GIRARDI GIRARDI AND KEESE 1126 WILSHIRE BLVD. LOS ANGELES, CA 900170000 TELEPHONE NO.: (213) 977-0211 FAX NO. (Optional): (213) 481-1554 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff:		FOR COURT USE ONLY SEP 27 2011 CASE NUMBER: LC094453 Ref. No. or File No. 2011211
Los Angeles County Superior Court - Van Nuys Courthouse East STREET ADDRESS: 6230 Sylmar Ave. MAILING ADDRESS: CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Northwest		
PLAINTIFF/PETITIONER: PECK, ET AL. DEFENDANT/RESPONDENT: NFL, ET AL.		
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:

- summons
- complaint
- Alternative Dispute Resolution (ADR) package
- Civil Case Cover Sheet (served in complex cases only)
- cross-complaint
- other (specify documents):

Civil Case Cover Sheet; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Taking Status Conference; Status Conference; Order to Show Cause Re Dismissal; Notice of Related Case

- Party served (specify name of party as shown on documents served):

NFL PROPERTIES, LLC

- Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

SCOTT LaSCALA - MANAGING AGENT/AUTHORIZED TO ACCEPT SERVICE

- Address where the party was served: **CORPORATION TRUST CENTER
1209 ORANGE ST.
WILMINGTON, DE 19801**

- I served the party (check proper box)

- by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **9/9/2011** (2) at (time): **2:50 PM**
- by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):

- (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or a declaration of mailing is attached.
- I attach a declaration of diligence stating actions taken first to attempt personal service.

PETITIONER: PECK, ET AL.

RESPONDENT: NFL, ET AL.

CASE NUMBER:

LC094463

c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.

(1) on (date): (2) from (city):

(3) with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)

(4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a. as an individual defendant.

b. as the person sued under the fictitious name of (specify):

c. as occupant.

d. On behalf of (specify): **NFL PROPERTIES, LLC**

under the following Code of Civil Procedure section:

416.10 (corporation)

416.20 (defunct corporation)

416.30 (joint stock company/association)

416.40 (association or partnership)

416.50 (public entity)

415.95 (business organization, form unknown)

416.60 (minor)

416.70 (ward or conservatee)

416.90 (authorized person)

415.46 (occupant)

other: **Limited Liability Company**

7. Person who served papers

a. Name: **Daniel Newcomb - Janney and Janney Attorney Service, Inc.**

b. Address: **1545 Wilshire Blvd., #311 Los Angeles, CA 90017**

c. Telephone number: **(213) 628-6338**

d. The fee for service was: **\$ 118.75**

e. I am:

(1) not a registered California process server.

(2) exempt from registration under Business and Professions Code section 22350(b).

(3) registered California process server:

(i) owner employee independent contractor.

(ii) Registration No.:

(iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 9/14/2011



Janney and Janney Attorney Service, Inc.
1545 Wilshire Blvd., #311
Los Angeles, CA 90017
(213) 628-6338

Daniel Newcomb

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

[Signature]
(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State number, and address) THOMAS V. GIRARDI SBN: 36603 GIRARDI AND KEESE 1126 WILSHIRE BLVD. LOS ANGELES, CA 900170000 TELEPHONE NO.: (213) 977-0211 FAX NO. (Optional): (213) 481-1554 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff:	FOR COURT USE ONLY SEP 27 2011 CASE NUMBER: LC094463 Ref. No. or File No.: 2011211
Los Angeles County Superior Court - Van Nuys Courthouse East STREET ADDRESS: 6230 Sylmar Ave. MAILING ADDRESS: CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Northwest	
PLAINTIFF/PETITIONER: PECK, ET AL. DEFENDANT/RESPONDENT: NFL, ET AL.	
PROOF OF SERVICE OF SUMMONS	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. cross-complaint
 - f. other (specify documents):
Civil Case Cover Sheet; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Taking Status Conference; Status Conference; Order to Show Cause Re Dismissal; Notice of Related Case
3. a. Party served (specify name of party as shown on documents served):
ALL AMERICAN SPORTS CORPORATION, D/B/A RIDDELL/ ALL AMERICAN
- b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in Item 3a):
PAUL MATHEWS - MANAGING AGENT/AUTHORIZED TO ACCEPT SERVICE
4. Address where the party was served: **CORPORATION SERVICE COMPANY**
2711 CENTERVILLE RD., # 400
WILMINGTON, DE 19808
5. I served the party (check proper box)
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **9/9/2011** (2) at (time): **3:30 PM**
 - b. by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
 - (1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or a declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PETITIONER: PECK, ET AL.

RESPONDENT: NFL, ET AL.

CASE NUMBER:

LC094453

- c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. by other means (specify means of service and authorizing code section): _____

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify): _____
- c. as occupant.
- d. On behalf of (specify): **ALL AMERICAN SPORTS CORPORATION, D/B/A RIDDELL/ ALL AMERICAN**
under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: _____ |

7. Person who served papers

- a. Name: **Daniel Newcomb - Janney and Janney Attorney Service, Inc.**
- b. Address: **1545 Wilshire Blvd., #311 Los Angeles, CA 90017**
- c. Telephone number: **(213) 628-6338**
- d. The fee for service was: \$ 68.75
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: _____
- (iii) County: _____

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 9/14/2011

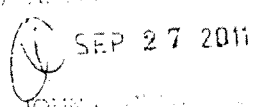


Janney and Janney Attorney Service, Inc.
1545 Wilshire Blvd., #311
Los Angeles, CA 90017
(213) 628-6338

Daniel Newcomb

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State number, and address) THOMAS V. GIRARDI GIRARDI AND KEESE 1126 WILSHIRE BLVD. LOS ANGELES, CA 900170000 TELEPHONE NO.: (213) 977-0211 FAX NO. (Optional): (213) 481-1564 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff; SBN: 38603		FOR COURT USE ONLY 
Los Angeles County Superior Court - Van Nuys Courthouse East STREET ADDRESS: 6230 Sylmar Ave. MAILING ADDRESS: CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Northwest		
PLAINTIFF/PETITIONER: PECK, ET AL. DEFENDANT/RESPONDENT: NFL, ET AL.	CASE NUMBER: LC094453	
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 2011211

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - summons
 - complaint
 - Alternative Dispute Resolution (ADR) package
 - Civil Case Cover Sheet (served in complex cases only)
 - cross-complaint
 - other (specify documents):
Civil Case Cover Sheet; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Taking Status Conference; Status Conference; Order to Show Cause Re Dismissal; Notice of Related Case
- Party served (specify name of party as shown on documents served):
EASTON- BELL SPORTS, LLC.
 - Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
PAUL MATHEWS - MANAGING AGENT/AUTHORIZED TO ACCEPT SERVICE
- Address where the party was served: **CORPORATION SERVICE COMPANY**
2711 CENTERVILLE RD., # 400
WILMINGTON, DE 19808
- I served the party (check proper box)
 - by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **9/9/2011** (2) at (time): **3:30 PM**
 - by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
 - (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or a declaration of mailing is attached.
 - I attach a declaration of diligence stating actions taken first to attempt personal service.

PETITIONER: PECK, ET AL.	CASE NUMBER:
RESPONDENT: NFL, ET AL.	LC094453

c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.

(1) on (date): (2) from (city):

(3) with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)

(4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a. as an individual defendant.

b. as the person sued under the fictitious name of (specify):

c. as occupant.

d. On behalf of (specify): **EASTON-BELL SPORTS, LLC.**

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input checked="" type="checkbox"/> other: LIMITED LIABILITY COMPANY |

7. Person who served papers

a. Name: **Daniel Newcomb - Janney and Janney Attorney Service, Inc.**

b. Address: **1545 Wilshire Blvd., #311 Los Angeles, CA 90017**

c. Telephone number: **(213) 628-6338**

d. The fee for service was: \$ 68.75

e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.:
- (iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 9/14/2011



Janney and Janney Attorney Service, Inc.
1545 Wilshire Blvd., #311
Los Angeles, CA 90017
(213) 628-6338

Daniel Newcomb

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address) THOMAS V. GIRARDI SBN: 36603 GIRARDI AND KEESE 1126 WILSHIRE BLVD. LOS ANGELES, CA 900170000 TELEPHONE NO.: (213) 977-0211 FAX NO. (Optional): (213) 481-1554 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff:		FOR COURT USE ONLY FILED SEP 27 2011 CLERK OF COURT BY E. H. ...
Los Angeles County Superior Court - Van Nuys Courthouse East STREET ADDRESS: 6230 Sylmar Ave. MAILING ADDRESS: CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Northwest		CASE NUMBER: LC094453
PLAINTIFF/PETITIONER: PECK, ET AL. DEFENDANT/RESPONDENT: NFL, ET AL.		Ref. No. or File No.: 2011211
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. cross-complaint
 - f. other (specify documents):
Civil Case Cover Sheet; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Taking Status Conference; Status Conference; Order to Show Cause Re Dismissal; Notice of Related Case
3. a. Party served (specify name of party as shown on documents served):
EB SPORTS CORP.
- b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
PAUL MATHEWS - MANAGING AGENT/AUTHORIZED TO ACCEPT SERVICE
4. Address where the party was served: **CORPORATION SERVICE COMPANY**
2711 CENTERVILLE RD., # 400
WILMINGTON, DE 19808
5. I served the party (check proper box)
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **9/9/2011** (2) at (time): **3:30 PM**
 - b. by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
 - (1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or a declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PETITIONER: PECK, ET AL.

RESPONDENT: NFL, ET AL.

CASE NUMBER:

LC094453

c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date): (2) from (city):

(3) with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)

(4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a. as an individual defendant.

b. as the person sued under the fictitious name of (specify):

c. as occupant.

d. On behalf of (specify): **EB SPORTS CORP.**

under the following Code of Civil Procedure section:

- 416.10 (corporation)
- 416.20 (defunct corporation)
- 416.30 (joint stock company/association)
- 416.40 (association or partnership)
- 416.50 (public entity)
- 415.95 (business organization, form unknown)
- 416.60 (minor)
- 416.70 (ward or conservatee)
- 416.90 (authorized person)
- 415.46 (occupant)
- other.

7. Person who served papers

a. Name: **Daniel Newcomb - Janney and Janney Attorney Service, Inc.**

b. Address: **1545 Wilshire Blvd., #311 Los Angeles, CA 90017**

c. Telephone number: **(213) 628-6338**

d. The fee for service was: **\$ 68.75**

e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
 - (i) owner employee independent contractor.
 - (ii) Registration No.:
 - (iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 9/14/2011



Janney and Janney Attorney Service, Inc.
1545 Wilshire Blvd., #311
Los Angeles, CA 90017
(213) 628-6338

Daniel Newcomb

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

[Signature]

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State number, and address) THOMAS V. GIRARDI SBN: 36 GIRARDI AND KEESE 1126 WILSHIRE BLVD. LOS ANGELES, CA 900170000 TELEPHONE NO. (213) 977-0211 FAX NO. (Optional) (213) 481-1554 E-MAIL ADDRESS (Optional) ATTORNEY FOR (Name) Plaintiff:		FOR COURT USE ONLY SEP 27 2011 BY L. WAPLETON, CLERK
Los Angeles County Superior Court - Van Nuys Courthouse East STREET ADDRESS: 6230 Sylmar Ave. MAILING ADDRESS: CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Northwest		CASE NUMBER LC094453
PLAINTIFF/PETITIONER: PECK, ET AL. DEFENDANT/RESPONDENT: NFL, ET AL.		Ref No or File No 2011211
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. cross-complaint
 - f. other (specify documents):
Civil Case Cover Sheet; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Taking Status Conference; Status Conference; Order to Show Cause Re Dismissal; Notice of Related Case
3. a. Party served (specify name of party as shown on documents served):
EASTON- BELL SPORTS, INC.
- b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
BECKY DeGEORGE - PERSON AUTHORIZED TO ACCEPT SERVICE
4. Address where the party was served: **CSC LAWYERS**
2730 GATWAY OAKS DR., # 100
SACRAMENTO, CA 95833
5. I served the party (check proper box)
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **9/9/2011** (2) at (time): **3:19 PM**
 - b. by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
 - (1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or a declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PETITIONER: PECK, ET AL.	CASE NUMBER:
RESPONDENT: NFL, ET AL.	LC094453

c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify):
- c. as occupant.
- d. On behalf of (specify): **EASTON- BELL SPORTS, INC.**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **GARRY DICK - JANNEY & JANNEY ATTORNEY SERVICE**
- b. Address: **1545 WILSHIRE BLVD., STE 311 LOS ANGELES, CA 90017**
- c. Telephone number: **(213) 628-6338**
- d. The fee for service was: \$ 102.50
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: **08-013**
- (iii) County: **PLACER**

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

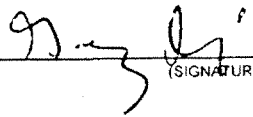
or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **9/14/2011**

 **JANNEY & JANNEY ATTORNEY SERVICE**
1545 WILSHIRE BLVD., STE 311
LOS ANGELES, CA 90017
(213) 628-6338

GARRY DICK
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) THOMAS V. GIRARDI GIRARDI AND KEESE 1126 WILSHIRE BLVD. LOS ANGELES, CA 900170000</p> <p>TELEPHONE NO.: (213) 977-0211 FAX NO. (Optional): (213) 481-1554 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff:</p>	<p>FOR COURT USE ONLY</p> <p>FILED</p> <p>LOS ANGELES SUPERIOR COURT</p> <p>SEP 27 2011</p> <p>JOHN A. CLARK, CLERK</p> <p>BY L. NARAYAN DEBITA</p>
<p>Los Angeles County Superior Court - Van Nuys Courthouse East</p> <p>STREET ADDRESS: 6230 Sylmar Ave. MAILING ADDRESS: CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Northwest</p>	<p>CASE NUMBER: LC094453</p>
<p>PLAINTIFF/PETITIONER: PECK, ET AL. DEFENDANT/RESPONDENT: NFL, ET AL.</p>	<p>Ref. No. or File No.: 2011211</p>
<p align="center">PROOF OF SERVICE OF SUMMONS</p>	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet *(served in complex cases only)*
 - e. cross-complaint
 - f. other *(specify documents):*
Civil Case Cover Sheet; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Taking Status Conference; Status Conference; Order to Show Cause Re Dismissal; Notice of Related Case
3. a. Party served *(specify name of party as shown on documents served):*
RIDDELL, INC., D/B/A RIDDELL SPORTS GROUP, INC.
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3a):*
DEANNA DILLON - PERSON AUTHORIZED TO ACCEPT SERVICE
4. Address where the party was served: **ILLINOIS CORPORATION SERVICE
 801 ADLAI STEVENSON DR.
 SPRINGFIELD, IL 62703**
5. I served the party *(check proper box)*
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date):* **9/12/2011** (2) at *(time):* **2:20 PM**
 - b. by substituted service. On *(date):* at *(time):* I left the documents listed in item 2 with or in the presence of *(name and title or relationship to person indicated in item 3b):*
 - (1) *(business)* a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) *(home)* a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) *(physical address unknown)* a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on *(date):* from *(city):* or a declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PETITIONER: PECK, ET AL.	CASE NUMBER:
RESPONDENT: NFL, ET AL.	LC094453

c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date): _____ (2) from (city): _____
 (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)

(4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
 d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify):
- c. as occupant.
- d. On behalf of (specify): **RIDDELL, INC., D/B/A RIDDELL SPORTS GROUP, INC.**

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **GREG WILLING - JANNEY AND JANNEY ATTORNEY SERVICE, INC.**
- b. Address: **1545 WILSHIRE BLVD., #311 LOS ANGELES, CA 90017**
- c. Telephone number: **(213) 628-6338**
- d. The fee for service was: \$ **118.75**
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
 - (i) owner employee independent contractor.
 - (ii) Registration No.: **129-261847**
 - (iii) County:

- 8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or
- 9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

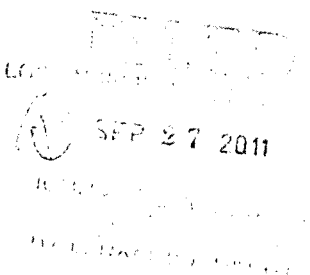
Date: 9/14/2011



JANNEY AND JANNEY ATTORNEY SERVICE, INC.
1545 WILSHIRE BLVD., #311
LOS ANGELES, CA 90017
(213) 628-6338

GREG WILLING
 (NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

[Handwritten Signature]
 (SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address) THOMAS V. GIRARDI GIRARDI AND KEESE 1126 WILSHIRE BLVD. LOS ANGELES, CA 900170000 TELEPHONE NO.: (213) 977-0211 FAX NO. (Optional): (213) 481-1554 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff:		FOR COURT USE ONLY 
Los Angeles County Superior Court - Van Nuys Courthouse East STREET ADDRESS: 6230 Sylmar Ave. MAILING ADDRESS: CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Northwest		CASE NUMBER: LC094453
PLAINTIFF/PETITIONER: PECK, ET AL. DEFENDANT/RESPONDENT: NFL, ET AL.		Ref. No. or File No.: 2011211
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. cross-complaint
 - f. other (specify documents):
Civil Case Cover Sheet; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Taking Status Conference; Status Conference; Order to Show Cause Re Dismissal; Notice of Related Case
3. a. Party served (specify name of party as shown on documents served):
RIDDELL SPORTS GROUP, INC.
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
PAUL MATHEWS - MANAGING AGENT/AUTHORIZED TO ACCEPT SERVICE
4. Address where the party was served: **CORPORATION SERVICE COMPANY**
2711 CENTERVILLE RD., # 400
WILMINGTON, DE 19808
5. I served the party (check proper box)
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **9/9/2011** (2) at (time): **3:30 PM**
 - b. by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
 - (1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or a declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PETITIONER: PECK, ET AL.

RESPONDENT: NFL, ET AL.

CASE NUMBER:

LC094463

c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date): (2) from (city):

(3) with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)

(4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a. as an individual defendant.

b. as the person sued under the fictitious name of (specify):

c. as occupant.

d. On behalf of (specify): RIDDELL SPORTS GROUP, INC.

under the following Code of Civil Procedure section:

416.10 (corporation)

416.20 (defunct corporation)

416.30 (joint stock company/association)

416.40 (association or partnership)

416.50 (public entity)

415.95 (business organization, form unknown)

416.60 (minor)

416.70 (ward or conservatee)

416.90 (authorized person)

415.46 (occupant)

other:

7. Person who served papers

a. Name: Daniel Newcomb - Janney and Janney Attorney Service, Inc.

b. Address: 1545 Wilshire Blvd., #311 Los Angeles, CA 90017

c. Telephone number: (213) 628-6338

d. The fee for service was: \$ 118.75

e. I am:

(1) not a registered California process server.

(2) exempt from registration under Business and Professions Code section 22350(b).

(3) registered California process server:

(i) owner employee independent contractor.

(ii) Registration No.:

(iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 9/14/2011



Janney and Janney Attorney Service, Inc.

1545 Wilshire Blvd., #311

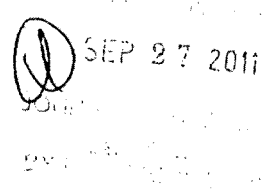
Los Angeles, CA 90017

(213) 628-6338

Daniel Newcomb

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) THOMAS V. GIRARDI SBN: 36603 GIRARDI AND KEESE 1126 WILSHIRE BLVD. LOS ANGELES, CA 900170000 TELEPHONE NO.: (213) 977-0211 FAX NO. (Optional): (213) 481-1654 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff:		FOR COURT USE ONLY 
Los Angeles County Superior Court - Van Nuys Courthouse East STREET ADDRESS: 6230 Sylmar Ave. MAILING ADDRESS: CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Northwest		
PLAINTIFF/PETITIONER: PECK, ET AL. DEFENDANT/RESPONDENT: NFL, ET AL.		CASE NUMBER: LC094453
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 2011211

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:

- summons
- complaint
- Alternative Dispute Resolution (ADR) package
- Civil Case Cover Sheet (served in complex cases only)
- cross-complaint
- other (specify documents):

Civil Case Cover Sheet; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Taking Status Conference; Status Conference; Order to Show Cause Re Dismissal; Notice of Related Case

- Party served (specify name of party as shown on documents served):
RBG HOLDINGS CORP.

- Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
PAUL MATHEWS - MANAGING AGENT/AUTHORIZED TO ACCEPT SERVICE

- Address where the party was served: **CORPORATION SERVICE CO.**
2711 CENTERVILLE RD., #400
WILMINGTON, DE 19808

- I served the party (check proper box)

- by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **9/13/2011** (2) at (time): **3:45 PM**
- by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):

- (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or a declaration of mailing is attached.
- I attach a declaration of diligence stating actions taken first to attempt personal service.

PETITIONER: PECK, ET AL.	CASE NUMBER:
RESPONDENT: NFL, ET AL.	LC094463

- c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify): _____
- c. as occupant.
- d. On behalf of (specify): **RBG HOLDING CORP.**
under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other. |

7. Person who served papers

- a. Name: **Daniel Newcomb - Janney and Janney Attorney Service, Inc.**
- b. Address: **1545 Wilshire Blvd., #311 Los Angeles, CA 90017**
- c. Telephone number: **(213) 628-6338**
- d. The fee for service was: **\$ 168.75**
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: _____
- (iii) County: _____

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or
9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 9/14/2011



Janney and Janney Attorney Service, Inc.
1545 Wilshire Blvd., #311
Los Angeles, CA 90017
(213) 628-6338

Daniel Newcomb
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

Daniel Newcomb
(SIGNATURE)

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

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Gary A. Feess and the assigned discovery Magistrate Judge is Patrick J. Walsh.

The case number on all documents filed with the Court should read as follows:

CV11- 8395 GAF (PJWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) DAVE PEAR, et al. (See attachment)	DEFENDANTS NATIONAL FOOTBALL LEAGUE, et al. (See attachment)
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) (See attachment)	Attorneys (If Known) (See attachment)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:35%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify):
 6 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No

MONEY DEMANDED IN COMPLAINT: \$ \$25,000+ (according to proof)

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
(See attachment)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input checked="" type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) (405(g)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV11-08395

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): (Please see separately filed Notice of Related Cases regarding cases being removed concurrently with this case.) _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
(See attachment)	(See attachment)

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
(See attachment)	(See attachment)

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	(See attachment)

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): John M. [Signature] Date October 11, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-I is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

Attachment to Civil Cover Sheet for Pear, et al. v. National Football League, et al.

Section I:

PLAINTIFFS	DEFENDANTS
<p>DAVE PEAR and HEIDI PEAR, his wife; LEONARD MARSHALL and MARYANN MARSHALL, his wife; BARRY FOSTER and TERA FOSTER, his wife; ERIC W. MARTIN and STACY MARTIN, his wife; LANCE SMITH; HENRY LAWRENCE; ROBERT SUCI and MERITA SUCI, his wife; DEEMS MAY and SUSAN MAY, his wife; ZEFROSS MOSS; ANTONIO McGEE and SUE McGEE, his wife; JOHN L. OUTLAW and LINDA OUTLAW, his wife; BERNARD FORD; JAMES VANWAGNER and KELLEY VANWAGNER; BOBBY E. ABRAMS, JR., and STEPHANIE ABRAMS, his wife; JOHNNY REMBERT; FRANCISCO CRAIG and DENISE CRAIG, his wife; JAMES ELROD and MARLENE ELROD, his wife; FRED BARNETT and LINDSAY BARNETT, his wife; KEITH HENDERSON; JAMES PRUITT; WENDELL TYLER and CARMEN TYLER, his wife; HORACE COPELAND and TANGELA COPELAND, his wife; MICHAEL LUSH and DEBRA LUSH, his wife; MICHAEL GANN and KAREN GANN, his wife; TIMOTHY BARNETT and CHELONDA BARNETT, his wife; CALVIN WILLIAMS and CHARESE WILLIAMS, his wife; DAVID SIMS; FRED McCRAY and NERMA McCRAY, his wife; ANTHONY MARSHALL; LEE ROUSON and LISA ROUSON, his wife; DANNY MILLER and LISA MILLER, his wife; WADE KEY and CATHERINE KEY, his wife; TONY DORSETT and JANET DORSETT, his wife; EMANUEL MARTIN; DWIGHT HARRISON; HARRY CRUMP and ANDREA CRUMP, his wife; SANTANA DOTSON and MONIQUE DOTSON, his wife; STEFON ADAMS and PATRICE ADAMS, his wife; LORENZO HAMPTON and MARCIA HAMPTON, his wife; LORENZO DAVIS; EMANUEL KING</p>	<p>NATIONAL FOOTBALL LEAGUE; NFL PROPERTIES LLC; RIDDELL, INC. d/b/a RIDDELL SPORTS GROUP, INC.; ALL AMERICAN SPORTS CORPORATION, d/b/a RIDDELL/ALL AMERICAN; RIDDELL SPORTS GROUP, INC.; EASTON-BELL SPORTS, INC.; EASTON-BELL SPORTS, LLC; EB SPORTS CORP.; and RBG HOLDINGS CORP.</p>

and KENDRA KING, his wife; WILLIE RICHARDSON and EARLINE RICHARDSON, his wife; MARC BOUTTE and TANANJALYN, his wife; REGGIE MOORE; LIONAL DALTON; BRODERICK THOMAS and YVONNE THOMAS, his wife; MARTY CARTER	
Attorneys for Plaintiffs:	Attorneys for Defendants National Football League and NFL Properties LLC:
<p>GIRARDI I KEESE THOMAS V. GIRARDI 1126 Wilshire Boulevard Los Angeles, CA 90017 Telephone: (213) 977-0211 Facsimile: (213) 481-1554</p> <p>RUSSOMANNO & BORRELLO, P.A. HERMAN RUSSOMANNO ROBERT BORRELLO 150 West Flagler Street - PH 2800 Miami, FL 33130 Telephone: (305) 373-2101 Facsimile: (305) 373-2103</p> <p>GOLDBERG, PERSKY & WHITE, P.C. JASON E. LUCKASEVIC 1030 Fifth Avenue Pittsburgh, PA 15219 Telephone: (412) 471-3980 Facsimile: (412) 471-8308</p>	<p>MUNGER, TOLLES & OLSON LLP RONALD L. OLSON JOHN M. RAPPAPORT 355 South Grand Avenue, Thirty-Fifth Floor Los Angeles, CA 90071-1560 Telephone: (213) 683-9100 Facsimile: (213) 687-3702</p> <p><i>(Pro Hac Vice applications to be filed)</i> PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP BRAD S. KARP THEODORE V. WELLS, JR. LYNN B. BAYARD 1285 Avenue of the Americas New York, NY 10019-6064 Telephone: (212) 373-3000 Facsimile: (212) 757-3990</p>

Section VI:

United States Civil Statute: Labor Management Relations Act, 29 U.S.C. § 141, *et seq.*; suit for negligence, "negligence-monopolist," fraud and loss of consortium against the National Football League and NFL Properties LLC, arising from and/or substantially dependent on collective bargaining agreements.

Section IX:

a. <u>Plaintiffs:</u>	
California Counties:	States other than California
Los Angeles Riverside	Alabama Florida North Carolina Oklahoma

	Georgia Maryland Michigan Mississippi Missouri New Jersey	Oregon Pennsylvania Rhode Island Texas Washington
--	--	---

b. Defendants:

Plaintiffs allege that Defendants reside as follows:

National Football League is an unincorporated association with its headquarters located in the State of New York. The National Football League regularly conducts business in California.

NFL Properties, LLC is a limited liability company organized and existing under the laws of the State of Delaware with its headquarters in the State of New York. NFL Properties, LLC regularly conducts business in California.

Riddell, Inc. (*d/b/a* Riddell Sports Group, Inc.) is a corporation organized and existing under the laws of the State of Illinois. Riddell, Inc. regularly conducts business in California.

All American Sports Corporation, *d/b/a* Riddell/All American, is a corporation organized and existing under the laws of the State of Delaware. All American Sports Corporation regularly conducts business in California.

Riddell Sports Group, Inc. is a Delaware corporation with its principal place of business in Texas. Riddell Sports Group, Inc. regularly conducts business in California.

Easton-Bell Sports, Inc. is a California corporation, incorporated in Delaware with a principal place of business in California.

Easton-Bell Sports, LLC is incorporated in Delaware, with a principal place of business in New York. Easton-Bell Sports, LLC regularly conducts business in California.

EB Sports Corp. is a Delaware corporation with its principal place of business in California.

RBG Holdings Corp. is a Delaware corporation with its principal place of business in California.

c. Claims

On information and belief, as of this time, and based on the allegations set forth in the Complaint, all of the claims against the National Football League and NFL Properties LLC arose in New York, and possibly other states.