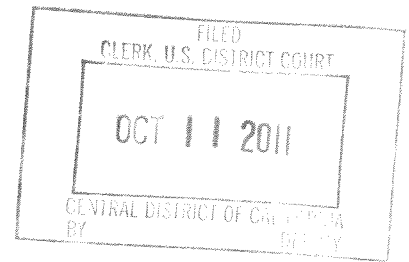


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13 NATIONAL FOOTBALL LEAGUE  
14 and NFL PROPERTIES LLC

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA

16 LARRY BARNES; WOODROW  
17 "WOODY" BENNETT; SCOT  
18 BRANTLEY; CEDRIC BROWN; JOSEPH  
19 "BARRY" BROWN and JEAN BROWN,  
20 his wife; RUDOLPH BUKICH and  
21 PATRICIA BUKICH, his wife; MICHAEL  
22 CLOUD; BRIAN HOLLOWAY; JIMMIE  
23 GILES; CAROLYN LENS; DANNY  
24 NOONAN; JOE PHILLIPS; GREGORY  
25 ROBERTS; JESSE SOLOMON; RALPH  
26 WENZEL and ELEANOR PERFETTO, his  
27 wife; JAMES WILDER; and ROES 1  
28 through 200, Inclusive,

Plaintiffs,

v.

25 NATIONAL FOOTBALL LEAGUE; NFL  
26 PROPERTIES LLC; RIDDELL, INC. d/b/a  
27 RIDDELL SPORTS GROUP, INC.; ALL  
28 AMERICAN SPORTS CORPORATION,  
d/b/a RIDDELL/ALL AMERICAN;  
RIDDELL SPORTS GROUP, INC.;

CV11-08396 ODW JCGx

CASE NO. 08396 ODW JCGx  
**NOTICE OF REMOVAL OF  
CIVIL ACTION UNDER  
28 U.S.C. § 1441**

**COMPLAINT FILED:**  
Los Angeles Superior Court  
Case No. BC468483  
August 26, 2011

**FIRST AMENDED COMPLAINT  
FILED:**  
August 31, 2011

1 EASTON-BELL SPORTS, INC.;  
2 EASTON-BELL SPORTS, LLC; EB  
3 SPORTS CORP.; and RBG HOLDINGS  
4 CORP., and DOES 1 through 100,  
5 inclusive,  
6 Defendants.

7 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
8 CENTRAL DISTRICT OF CALIFORNIA:

9 PLEASE TAKE NOTICE that, for the reasons set forth below,  
10 Defendants National Football League (“NFL”) and NFL Properties LLC (“NFL  
11 Properties”), collectively the “NFL Defendants,” by their undersigned attorneys,  
12 file this Notice of Removal to remove the claims against them in this action from  
13 the Superior Court of the State of California, Los Angeles County, to the United  
14 States District Court for the Central District of California pursuant to 28 U.S.C. §§  
15 1367, 1441 and 1446. Removal is made pursuant to 28 U.S.C. § 1331 on the basis  
16 of federal question jurisdiction. The grounds for removal are as follows:

17 **I. INTRODUCTION AND BACKGROUND**

18 1. On October 4, 2011, the NFL Defendants were served by  
19 plaintiffs, former NFL players and certain of their wives, with a Summons and  
20 First Amended Complaint (the “Amended Complaint”) filed in the Superior Court  
21 of the State of California, Los Angeles County, No. BC468483. Copies of these  
22 papers and other documents filed in this action are annexed as **Exhibit A**. On  
23 September 9 and 12, 2011, NFL Properties and the NFL, respectively, were served  
24 by former NFL players and certain of their wives with a Summons and Complaint  
25 filed in the Superior Court of the State of California, Los Angeles County, in  
26 *Maxwell, et al. v. National Football League, et al.*, No. BC465842. On  
27 September 9 and 12, 2011, NFL Properties and the NFL, respectively, were also  
28

1 served with a Summons and Complaint filed in the Superior Court of the State of  
2 California, Los Angeles County, in *Pear, et al. v. National Football League, et al.*,  
3 No. LC094453. This action has been designated as related to the *Maxwell* and  
4 *Pear* actions pursuant to Cal. Rules of Court, rule 3.300, and the NFL Defendants  
5 are filing notices of removal in each of the three actions.

6           2. The Amended Complaint alleges, among other things, that the  
7 NFL failed to “warn and protect NFL players . . . against the long-term brain injury  
8 risks associated with football-related concussions,” failed to “enact league-wide  
9 guidelines and mandatory rules regulating post-concussion medical treatment and  
10 return-to-play standards for players who suffer a concussion,” and fraudulently  
11 misrepresented “that there was no link between concussions and later life  
12 cognitive/brain injury.” (Am. Compl. ¶¶ 55-56, 202.) The Amended Complaint  
13 further alleges that NFL Properties “breached its duty to ensure that the equipment  
14 it licensed and approved were of the highest possible quality and sufficient to  
15 protect NFL players.” (Am. Compl. ¶ 209.) The Amended Complaint alleges  
16 causes of action for negligence, “negligence-monopolist,” fraud, loss of  
17 consortium, and wrongful death against the NFL, and negligence, loss of  
18 consortium, and wrongful death against NFL Properties. (Am. Compl. ¶¶ 170-212,  
19 232-34.) The Amended Complaint also alleges causes of action for strict liability  
20 for manufacturing and design defects, failure to warn, negligence, loss of  
21 consortium, and wrongful death against Riddell, Inc. d/b/a Riddell Sports Group,  
22 Inc.; All American Sports Corp. d/b/a Riddell/All American; Riddell Sports Group,  
23 Inc.; Easton-Bell Sports, Inc.; Easton-Bell Sports, LLC; EB Sports Corp.; and  
24 RBG Holdings Corp. (collectively, the “Riddell Defendants”). (Am. Compl. ¶¶  
25 213-34.) Plaintiffs seek recovery of compensatory and general damages, special  
26 and incidental damages, punitive damages, and costs. (Am. Compl. p. 35.)

27           3. The relationship between the NFL Defendants and NFL players  
28 who played in the NFL from 1968 through 2010 is governed by various collective

1 bargaining agreements (“CBAs”) that were executed and operative during those  
2 periods.<sup>1</sup> The CBAs are the product of exhaustive arm’s-length negotiations  
3 between the NFL Management Council (the exclusive bargaining representative of  
4 the NFL) and the NFL Players Association (the exclusive bargaining representative  
5 of NFL players), and “represent[] the complete understanding of the parties on all  
6 subjects covered [t]herein.” (CBA Art. II § 1 (1977-87; 1993-2010).) The CBAs  
7 include, among other terms, provisions relating to player medical care and safety,  
8 equipment and dispute resolution.

9 **II. GROUNDS FOR REMOVAL**

10 4. This Court has original jurisdiction of this action under 28  
11 U.S.C. § 1331 because the action is one that is founded on a claim or right “arising  
12 under the Constitution, laws, or treaties of the United States.” A defendant may  
13 remove an action to federal court under 28 U.S.C. § 1441 if the complaint presents  
14 a federal question, such as a federal claim. *See Avco Corp. v. Aero Lodge No. 735*,  
15 390 U.S. 557, 560, 88 S. Ct. 1235, 1237, 20 L. Ed. 2d 126 (1968).

16 5. Federal question jurisdiction exists in this case based on  
17 complete preemption under section 301 of the Labor Management Relations Act  
18 (“LMRA”) of all claims by plaintiffs who played in the NFL from 1968 to 2010  
19 under operative CBAs.<sup>2</sup> *See Young v. Anthony’s Fish Grottos, Inc.*, 830 F.2d 993,

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

<sup>2</sup> The CBAs were signed by the NFL Management Council, an entity created by  
the NFL for the purpose of collective bargaining. The NFL is bound by the  
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);

1 998 (9th Cir. 1987) (“[I]f federal law completely preempts a state law claim and  
2 supplants it with a federal claim, the state law claim may be removed to federal  
3 court.”).

4 6. The claims in the Amended Complaint brought by plaintiffs  
5 who played prior to 1968 and during any interim periods between CBAs “form part  
6 of the same case or controversy.” 28 U.S.C. § 1367. This Court thus has  
7 supplemental jurisdiction over all claims and parties. *See Bobadilla-German v.*  
8 *Bear Creek Orchards, Inc.*, 641 F.3d 391, 394 (9th Cir. 2011) (holding that district  
9 court “had jurisdiction over [plaintiffs’] state-law claims under 28 U.S.C. § 1367”);  
10 *Garcia v. Am. Red Cross*, No. CV-92 2513, 1992 WL 470325, at \*1 (C.D. Cal.  
11 Aug. 12, 1992) (denying plaintiffs’ motion for remand based on lack of jurisdiction  
12 over a pendent party co-defendant).

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

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

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

25 10. Counsel for the Riddell Defendants has consented to the  
26 removal of the action. All defendants thus have consented to removal of the  
27

28 *Stringer v. Nat’l Football League*, 474 F. Supp. 2d 894, 901-92 (S.D. Ohio 2007).

1 action. *See Parrino v. FHP, Inc.*, 146 F.3d 699, 703 (9th Cir. 1998) (“All  
2 defendants must join a notice of removal.”).

3 **III. PLAINTIFFS’ CLAIMS ARE PREEMPTED UNDER SECTION 301**  
4 **OF THE LMRA**

5 11. Section 301 of the LMRA provides that the federal courts have  
6 original jurisdiction over all “[s]uits for violation of contracts between an employer  
7 and a labor organization.” 29 U.S.C. § 185(a). The Supreme Court has held that  
8 “questions relating to what the parties to a labor agreement agreed, and what legal  
9 consequences were intended to flow from breaches of that agreement, must be  
10 resolved by reference to uniform federal law, whether such questions arise in the  
11 context of a suit for breach of contract or in a suit alleging liability in tort.” *Allis-*  
12 *Chalmers Corp. v. Lueck*, 471 U.S. 202, 211, 105 S. Ct. 1904, 1911, 85 L. Ed. 2d  
13 206 (1985); *see also Hubbard v. United Airlines, Inc.*, 927 F.2d 1094, 1098-99 (9th  
14 Cir. 1991) (holding that plaintiff’s fraud and RICO claims were preempted because  
15 allegations “involve[d] violation of a right created by the CBA”). Thus, section  
16 301 preempts tort claims seeking to vindicate “state-law rights and obligations that  
17 do not exist independently of [collective bargaining] agreements” and also claims  
18 “substantially dependent upon analysis of the terms of [a collective-bargaining]  
19 agreement.” *Allis-Chalmers*, 471 U.S. at 213, 220; *Young*, 830 F.2d at 1001  
20 (holding that plaintiff’s fraud and misrepresentation claims were preempted by  
21 section 301).

22 12. Here, the claims of plaintiffs who played in the NFL from 1968  
23 to 2010 when CBAs were effective are preempted by section 301 because the  
24 rights those plaintiffs seek to vindicate were created by the CBAs, and are not  
25 based on an independent duty “owed to every person in society.” *See United*  
26 *Steelworkers of Am. v. Rawson*, 495 U.S. 362, 370-71, 110 S. Ct. 1904, 1910, 109  
27 L. Ed. 2d 362 (1990) (holding in the context of a labor dispute involving unionized  
28 employees that, absent an independent duty running from defendants “to every

1 person in society,” any such duty to plaintiffs must arise out of the CBA); *see also*  
2 *Adkins v. Mireles*, 526 F.3d 531, 540-41 (9th Cir. 2008) (holding that plaintiffs’  
3 negligent misrepresentation claim was preempted because plaintiffs “failed to  
4 show a separate, independent duty upon which to base this claim”).

5 13. Plaintiffs’ claims also are preempted because those claims, and  
6 the scope of any duty owed by the NFL Defendants, are “inextricably intertwined  
7 with consideration of the terms of [the CBAs]” or “substantially dependent” on an  
8 analysis of the relevant provisions of the CBAs. *Allis-Chalmers*, 471 U.S. at 213,  
9 215, 220; *see also Bale v. Gen. Tel. Co. of Ca.*, 795 F.2d 775, 780 (9th Cir. 1986)  
10 (holding that plaintiffs’ fraud and negligent misrepresentation claims were  
11 preempted because their “adjudication . . . would require reference to, and  
12 interpretation of, the terms of the collective bargaining agreement”); *Stringer v.*  
13 *Nat’l Football League*, 474 F. Supp. 2d 894, 909-10 (S.D. Ohio 2007) (wrongful  
14 death claim against the NFL based on, among other things, the NFL’s alleged  
15 failure to regulate adequately practices, games, equipment, and medical care to  
16 minimize the risk of heat-related illness, was preempted because the claim was  
17 “inextricably intertwined and substantially dependent upon an analysis of certain  
18 CBA provisions imposing duties on the clubs with respect to medical care and  
19 treatment of NFL players”).

20 14. For example, adjudicating plaintiffs’ claims will hinge on  
21 provisions of the CBAs relating to player medical care, rule-making, and  
22 equipment safety. *See, e.g.*, NFL CBA Art. XXXI § 1 (1982), Art. XLIV § 1  
23 (1993) (requiring physician on staff of Member Clubs to inform a player in writing  
24 if he has a physical condition that “could be significantly aggravated by continued  
25 performance”); NFL CBA Art. XXXI § 2 (1982-87), Art. XLIV § 2 (1993-2010)  
26 (“[F]ull-time head trainers and assistant trainers . . . [must] be certified by the  
27 National Athletic Trainers association.”); Constitution and By-Laws for Major  
28 Professional Football Operations as Conducted by the National Football League

1 and the American Football League, Art. XIX, § 19.5 (1969), and NFL Constitution  
2 and Bylaws Art. XIX § 19.5 (1970-2010) (requiring that the home team provide a  
3 doctor and ambulance for each game since the AFL-NFL merger);<sup>3</sup> NFL  
4 Constitution and Bylaws Art. XVII supplement 12 (1980), Art. XVII (1984-85),  
5 Art. XVII § 17.16(E) (1988-2010) (“All determinations of recovery time for major  
6 and minor injuries must be by the club’s medical staff and in accordance with the  
7 club’s medical standards” for players categorized as “Reserve/Injured” on the  
8 Reserve List); NFL CBA Art. V §§ 1-4 (1970-77), Art. XI § 8 (1977-87), Art. XIII  
9 § 1(a) (1993-2010) (creating a Joint Committee to study, among other things,  
10 player safety issues); NFL CBA Art. XI § 8 (1977-82), Art. XIII § 1(d) (2002-10),  
11 Art. XI § 8 (1982-87), Art. XIII § 1(b)-(c) (1993-2010) (mandating procedures for  
12 review, investigation and resolution of disputes involving proposed rule changes  
13 that “could adversely affect player safety”); Art. XI § 9 (1977-87), Art. XIII § 2  
14 (1993-2010) (inviting player representatives to the Competition Committee  
15 meetings “to represent the players’ viewpoint on rules”). Indeed, a court  
16 considering allegations similar to those alleged here determined that plaintiff’s  
17 claim was substantially dependent on, and inextricably intertwined with, an  
18 analysis of CBA provisions concerning medical care and treatment of NFL players.  
19 *See Stringer*, 474 F. Supp. 2d at 911.

20           15. Although plaintiffs allege that they are not covered by CBAs  
21 because “NFL retired players have never been the subject of or a party to  
22 Collective Bargaining” (Am. Compl. ¶ 38), plaintiffs’ claims are premised solely  
23 on alleged conduct occurring at the time that they played NFL football. (*See, e.g.*,  
24 Am. Compl. ¶ 51(a) (“[The NFL] owed a duty to protect Plaintiffs on the playing  
25 field”); Am. Compl. ¶ 51(d) (“[The NFL] owed a duty to Plaintiffs to have in place  
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27 <sup>3</sup> 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 strict return-to-play guidelines to prevent CTE and/or concussion injury”).)  
2 Therefore, to resolve plaintiffs’ claims, the Court will need to interpret provisions  
3 of the CBAs that were operative during plaintiffs’ NFL careers. *See Mendes v.*  
4 *W.M. Lyles Co.*, No. CIV F 07-1265, 2008 WL 171003, at \*10 (E.D. Cal. Jan. 18,  
5 2008) (dismissing plaintiff’s underpayment claims for failure to exhaust grievance  
6 remedies contained in an expired collective bargaining agreement that was  
7 operative during the time the alleged underpayment took place); *Cameron v.*  
8 *Idearc Media Corp.*, No. 08-12010, 2009 WL 2496439, at \*6 (D. Mass. Aug. 13,  
9 2009) (finding section 301 preemption of tortious interference claim brought after  
10 expiration of CBA when claim related to termination of employment prior to  
11 expiration).

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

18           WHEREFORE, the NFL Defendants remove the above-captioned  
19 action brought against them in the Superior Court of the State of California, Los  
20 Angeles County.

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DATED: October 11, 2011

MUNGER, TOLLES & OLSON LLP

By: *Ron Olson*  
RONALD L. OLSON

-and-

PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP

Attorneys for Defendants  
NATIONAL FOOTBALL LEAGUE  
and NFL PROPERTIES LLC

# EXHIBIT A

## Case Summary

Please make a note of the Case Number.

[Click here to access document images for this case.](#)

If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page.

**Case Number:** BC468483

LARRY BARNES ET AL VS NATIONAL FOOTBALL LEAGUE ET AL

**Filing Date:** 08/26/2011

**Case Type:** Fraud (no contract) (General Jurisdiction)

**Status:** Pending

---

### Future Hearings

None

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

### Parties

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

[A-P](#) [R-W](#)

ALL AMERICAN SPORTS CORPORATION - Defendant/Respondent

BARNES LARRY - Plaintiff/Petitioner

BENNETT WOODROW (WOODY) - Plaintiff/Petitioner

BROWN CEDRIC - Plaintiff/Petitioner

BROWN JEAN - Plaintiff/Petitioner

BROWN JOSEPH (BARRY) - Plaintiff/Petitioner

BUKICH PATRICIA - Plaintiff/Petitioner

BUKICH RUDOLPH - Plaintiff/Petitioner

CLOUD MICHAEL - Plaintiff/Petitioner

DOES 1 THROUGH 100 - Defendant/Respondent

EASTON-BELL SPORTS INC. - Defendant/Respondent

EASTON-BELL SPORTS LLC - Defendant/Respondent

Ex A\_000011

EB SPORTS CORP. - Defendant/Respondent

GILES JIMMIE - Plaintiff/Petitioner

HOLLOWAY BRIAN - Plaintiff/Petitioner

LENS CAROLYN - Plaintiff/Petitioner

NATIONAL FOOTBALL LEAGUE - Defendant/Respondent

NFL PROPERTIES LLC - Defendant/Respondent

NOONAN DANNY - Plaintiff/Petitioner

PERFETTO ELEANOR - Plaintiff/Petitioner

PHILLIPS JOE - Plaintiff/Petitioner

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

[TOP](#) [A-P](#) [R-W](#)

RADLOFF WAYNE - Plaintiff/Petitioner

RBG HOLDINGS CORP. - Defendant/Respondent

RIDDELL INC. - Defendant/Respondent

RIDDELL SPORTS GROUP INC. - Defendant/Respondent's DBA

RIDDELL SPORTS GROUP INC. - Defendant/Respondent

RIDDELL/ALL AMERICAN - Defendant/Respondent's DBA

ROBERTS GREGORY - Plaintiff/Petitioner

ROSEN DAVID A. ESQ. - Attorney for Plaintiff/Petitioner

SELMON DEWEY - Plaintiff/Petitioner

SELMON LEE ROY - Plaintiff/Petitioner

SOLOMON JESSE - Plaintiff/Petitioner

WENZEL RALPH - Plaintiff/Petitioner

WILDER JAMES - Plaintiff/Petitioner

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

[TOP](#) [A-P](#) [R-W](#)

---

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

Ex A\_000012

Please make a note of the Case Number.

[Click here to access document images for this case.](#)

If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page.

**Documents Filed** (Filing dates listed in descending order)

**09/13/2011** Request and Entry of Dismissal (WITHOUT PREJUDICE; COMPLAINT; AS TO PLAINTIFFS LEE ROY SELMON AND DEWEY SELMON ONLY.THIS IS NOT A RETRAXIT )

Filed by Attorney for Pltf/Petr

**08/31/2011** Summons Filed

Filed by Attorney for Pltf/Petr

**08/31/2011** Notice-Related Cases

Filed by Attorney for Pltf/Petr

**08/31/2011** First Amended Complaint

Filed by Attorney for Pltf/Petr

**08/26/2011** Complaint

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

**Proceedings Held** (Proceeding dates listed in descending order)

None

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

Ex A\_000013

*D15 Richard & v. v. v.*

1 ROSE, KLEIN & MARIAS LLP  
2 DAVID A. ROSEN (State Bar No. 101287)  
3 801 S. Grand Avenue  
4 11<sup>th</sup> Floor  
5 Los Angeles, California 90017-4645  
6 (213) 626-0571  
7 (213) 623-7755 Fax  
8 Attorneys for Plaintiffs

*6013  
91404*

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

AUG 26 2011

John A. ~~Chase~~, Executive Officer/Clerk  
BY *[Signature]* Deputy  
Shamya Wesley

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

BC 468483

11 LARRY BARNES; WOODROW "WOODY"  
12 BENNETT; CEDRIC BROWN; JOSEPH  
13 "BARRY" BROWN and JEAN BROWN, his  
14 wife; RUDOLPH BUKICH and PATRICIA  
15 BUKICH, his wife; MICHAEL CLOUD;  
16 BRIAN HOLLOWAY; JIMMIE GILES;  
17 CAROLYN LENS; DANNY NOONAN; JOE  
18 PHILLIPS; WAYNE RADLOFF; GREGORY  
19 ROBERTS; DEWEY SELMON; LEE ROY  
20 SELMON; JESSE SOLOMON; RALPH  
21 WENZEL and ELEANOR PERFETTO, his  
22 wife; JAMES WILDER; and ROES 1 through  
23 200, Inclusive,

Plaintiffs,

v.

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

Defendants.

- CASE NO.
- 1. Negligence - Monopolist
  - 2. Negligence
  - 3. Fraud
  - 4. Negligence
  - 5. Strict Liability - Design Defect
  - 6. Strict Liability - Manufacturing Defect
  - 7. Failure to Warn
  - 8. Negligence
  - 9. Loss of Consortium
  - 10. Wrongful Death

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

CIT/CASE: BC468483 LEA/DEF#:   
RECEIPT #: CCH445980052  
DATE PAID: 08/26/11 02:05:24 PM  
PAYMENT: \$395.00  
RECEIVED: 0310  
CHECK: 395.00  
CASH:   
CHANGE:   
CARD:   
08/26/11

PARTIES

Plaintiffs:

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1. Mr. Ralph Wenzel and his wife, Eleanor Perfetto, are residents of and are domiciled in the State of Maryland.
2. Mr. Woodrow Bennett is a resident of and is domiciled in the State of Florida.
3. Mrs. Carolyn Lens, widow of decedent Greg Lens, is a resident of and is domiciled in the State of Texas.
4. Mr. Joseph "Barry" Brown and his wife, Jean, are residents of and are domiciled in the State of Maryland.
5. Mr. Jimmie Giles is a resident of and is domiciled in the State of Florida.
6. Mr. Rudolph Bukich and his wife, Patricia, are residents of and are domiciled in the State of California.
7. Mr. Brian Holloway is a resident of and is domiciled in the State of Florida.
8. Mr. Wayne Radloff is a resident of and is domiciled in the State of South Carolina.
9. Mr. Lee Roy Selmon is a resident of and is domiciled in the State of Florida.
10. Mr. Joe Phillips is a resident of and is domiciled in the State of Oregon.
11. Michael Cloud is a resident of and is domiciled in the State of Texas.
12. Larry Barnes is a resident of and is domiciled in the State of Florida.
13. Jesse Solomon is a resident of and is domiciled in the State of Florida.
14. Gregory Roberts is a resident of and is domiciled in the State of Florida.
15. James Wilder is a resident of and is domiciled in the State of Florida.
16. Scot Brantley is a resident of and is domiciled in the State of Florida.
17. Cedric Brown is a resident of and is domiciled in the State of Oklahoma.
18. Danny Noonan is a resident of and is domiciled in the State of Nebraska.
19. The true names and capacities of plaintiffs ROES 1 through 200, inclusive, are

unknown individuals at the present time. When the true names and capacities of said plaintiffs are ascertained, plaintiffs will ask leave of court to amend this complaint by setting forth same.

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1 **Defendants:**

2 20. The true names and capacities of defendants DOES 1 through 100, inclusive,  
3 whether individual, corporate, associate or otherwise, are unknown to plaintiffs at the present time.  
4 When plaintiffs ascertain such true names and capacities of said defendants, they will ask leave of  
5 court to amend this complaint by setting forth same.

6 21. All defendants, and each of them, were in some fashion legally responsible for the  
7 injuries and damages complained of herein.

8 22. At all times herein mentioned, defendants, and each of them, were the agents,  
9 servants, and employees each of the other, acting within the course and scope of said agency and  
10 employment.

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

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

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

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

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

4 28. Defendant Easton-Bell Sports, Inc., is a California corporation, incorporated in  
5 Delaware with a principal place of business at 7855 Haskell Avenue, Suite 200, Van Nuys, CA,  
6 91406 and is a parent corporation of Riddell Sports Group Inc.

7 29. Defendant Easton-Bell Sports, LLC is the parent corporation of Easton-Bell Sports,  
8 Inc., and is incorporated in Delaware, with a principal place of business at 152 West 57<sup>th</sup> Street,  
9 New York, NY 10019. Easton-Bell Sports, LLC regularly conducts business in California.

10 30. Defendant EB Sports Corp., is a Delaware Corporation with its principal place of  
11 business at 7855 Haskell Avenue, Van Nuys, CA 91406.

12 31. Defendant RBG Holdings Corp. is a Delaware corporation with its principal place  
13 of business at 7855 Haskell Avenue, Suite 350, Van Nuys, CA 91406.

14 32. Defendants Riddell, Inc., Riddell Sports Group, Inc., All American Sports  
15 Corporation, Easton-Bell Sports, Inc., EB Sports Corp., Easton Bell Sports, LLC, and RBG  
16 Holdings Corp., shall hereinafter be referred to collectively as the "Riddell Defendants."

17 **JURISDICTION AND VENUE**

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

19 34. Venue is proper in this Court pursuant to Section 395(a) of the California Code of  
20 Civil Procedure.

21 **GENERAL ALLEGATIONS AS TO ALL DEFENDANTS**

22 35. The National Football League consists of two structured conferences, the AFC and  
23 the NFC, with 32 team members.

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

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

28 ///

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

3 39. The NFL is a 9 billion dollar-a-year business.

4 NFL AND THE CBA

5 40. Until March of 2011, all NFL players were members of a union called the National  
6 Football League Players Association ("NFLPA"). The NFLPA negotiates the general minimum  
7 contract for all players in the league with the National Football League Management Council  
8 ("NFLMC"). This contract is called the Collective Bargaining Agreement ("CBA") and it is the  
9 central document that governs the negotiation of individual player contracts for all of the league's  
10 players. However, historically, the NFL retired players have never been the subject of nor a party  
11 to Collective Bargaining.

12 41. The plaintiffs herein are all retirees and thus not covered by the CBA nor are they a  
13 subject of or parties to bargaining between the NFL and the NFLPA. Thus, the plaintiffs' claims  
14 are not preempted by federal labor law since any CBA in force does not apply to their claims.

15 CTE AND CONCUSSION INJURY

16 42. 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, a former  
18 NFL player.

19 43. By 2007, Dr. Omalu found a fourth case linking the death of a former NFL player  
20 to CTE brain damage from his football career. CTE manifests similarly as in "punch drunk"  
21 boxers.

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

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

27 46. The NFL Committee on Mild Traumatic Brain Injury published their findings in  
28 2004 showing "no evidence of worsening injury or chronic cumulative effects" from multiple

1 concussions. In a related study, the Committee found “many NFL players can be safely allowed to  
2 return to play” on the day of a concussion if they are without symptoms and cleared by a physician.

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

6 48. On or about October 28, 2009, Dr. Robert Cantu and Dr. Ann McKee testified  
7 before the House of Representatives, Committee on the Judiciary, to discuss the long term impact  
8 of football related head injuries. This was the first instance in which the connection between  
9 football head injuries and dementia, memory loss, CTE and related symptoms was disseminated to  
10 the public at large.

11 49. At no time prior to October 28, 2009 did any Plaintiff to this action have knowledge  
12 of the connection between football head injuries and dementia, memory loss, CTE and related  
13 symptoms.

14 50. It was not until June of 2010 that the NFL publicly acknowledged that concussions  
15 can lead to dementia, memory loss, CTE and related symptoms by publishing warning to every  
16 player and team.

17 **NFL’S DUTY TO PLAYERS AND THE PUBLIC**

18 51. The NFL overtly undertook a duty to study concussions on behalf of all American  
19 Rules Football leagues and players.

20 52. All American Rules Football leagues modeled their programs after the NFL.

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

- 26 (a) It owed a duty of reasonable care to protect Plaintiffs on the playing field;
- 27 (b) It owed a duty of reasonable care to Plaintiffs to educate them and other players in  
28 the NFL about CTE and/or concussion injury;

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

4           58.    This action arises because while the NFL Defendants undertook to investigate,  
5 research, and promulgate multiple safety rules, the NFL Defendants committed negligence by  
6 failing to act reasonably and exercise their duty to enact league-wide guidelines and mandatory  
7 rules regulating post-concussion medical treatment and return-to-play standards for players who  
8 suffer a concussion and/or multiple concussions.

9           59.    By failing to exercise its duty to enact reasonable and prudent rules to protect  
10 players against the risks associated with repeated brain trauma, the NFL's failure to exercise its  
11 independent duty has led to the deaths of some, and brain injuries of many other former players.

12          60.    Throughout the past century and through the present, the published frank medical  
13 literature in the United States and other industrialized countries has included case reports, studies,  
14 reviews, and peer-reviewed articles relating to and discussing the harmful effect on humans, and  
15 particularly players of American football, of repeated concessive blows to the head. These  
16 publications were all available and easily accessible to all Defendants.

17          61.    The NFL's ongoing undertaking to protect the health and safety of the players is  
18 evidenced by the NFL's enactment of at least the following non-exhaustive list of rules pertaining  
19 to players' health and safety, particularly relating to blows to the head:

20           (a)    In 1956, the NFL enacted a rule that prohibited the grabbing of any player's  
21 facemask, other than the ball carrier;

22           (b)    In 1962, the NFL enacted a rule that prohibited players from grabbing any player's  
23 facemask;

24           (c)    In 1976, the NFL enacted a rule that prohibited players from grabbing the facemask  
25 of an opponent. The penalty for an incidental grasp of the facemask was 5 yards.  
26 The penalty for twisting, turning, or pulling the facemask was 15 yards. A player  
27 could be ejected from the game if the foul is judged to be vicious and/or flagrant;

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

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

3 62. 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 63. 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 64. After 14 years of purported studies, and after numerous medical journal articles  
9 were 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):EI2; 2006, RI. Pellman and  
16 D.C. Viano.

17 65. 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 66. The NFL-funded study is completely devoid of logic and science. More  
21 importantly, it is contrary to their Health and Safety Rules as well as 75 years of published medical  
22 literature on concussions.

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

27 68. 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 69. 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 70. 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 71. 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 72. 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 73. Because of Congressional scrutiny and media pressure, the NFL scheduled a  
19 league-wide Concussion Summit for June 2007. Unfortunately, the NFL in keeping with its  
20 scheme of fraud and deceit issued a pamphlet to players in August 2007, which stated: "there is no  
21 magic number for how many concussions is too many."

22 74. When Boston University's Dr. Ann McKee found CTE in the brains 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 75. 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           76.     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           77.     As of June 2010, the NFL had yet to amend these inaccurate and misrepresentative  
7 statements to any Plaintiff or retiree.

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

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

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

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

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

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

28     ///

1           83.     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           84.     The NFL's 2007 concussion guidelines provide when a player with a concussion  
5 can return to a game or practice.

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

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

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

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

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

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

25           90.     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.

28     ///



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

4 100. Plaintiff Woodrow Bennett 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.

8 101. Plaintiff Woodrow Bennett suffers from multiple past traumatic brain injuries with  
9 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

10 **CAROLYN LENS**

11 102. Plaintiff Carolyn Lens is the widow of Greg Lens who was born on March 11, 1945  
12 in Marshall, Minnesota. Greg Lens passed away on November 18, 2009. Carolyn Lens lives in  
13 George West, Texas.

14 103. Greg Lens played for the Atlanta Falcons and the Arizona Cardinals during the  
15 1970-1972 seasons.

16 104. Greg Lens suffered multiple concussions that were improperly diagnosed and  
17 improperly treated throughout his career as a professional football player in the NFL.

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

22 106. Greg Lens suffered from multiple past traumatic brain injuries with various  
23 symptoms including but not limited to, memory loss, headaches, and sleeplessness, and suffered a  
24 premature death as a result of these injuries.

25 **JOSEPH "BARRY" AND JEAN BROWN**

26 107. Plaintiff Joseph Brown was born on April 17, 1943 in Boston, Massachusetts. His  
27 is married to Jean Brown. They live in Rockville, Maryland.

28 ///

1 108. Plaintiff Joseph Brown played for the Indianapolis Colts, formerly Baltimore Colts,  
2 during the 1966-1967 seasons, the New York Giants during the 1968 season, and the New England  
3 Patriots during the 1969-1970 seasons.

4 109. Plaintiff Joseph Brown suffered multiple concussions that were improperly  
5 diagnosed and improperly treated throughout his career as a professional football player in the  
6 NFL.

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

11 111. Plaintiff Joseph Brown suffers from multiple past traumatic brain injuries with  
12 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

13 JIMMIE GILES

14 112. Plaintiff Jimmie Giles was born on November 8, 1954 in Natchez, Mississippi. He  
15 lives in Tampa, Florida.

16 113. Plaintiff Jimmie Giles played for the Tennessee Titans, Formerly the Houston  
17 Oilers, during the 1977 season, the Tampa Bay Buccaneers during the 1978-1986 seasons, the  
18 Detroit Lions during the 1986-1987 seasons, and the Philadelphia Eagles during the 1987-1989  
19 seasons.

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

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

27 116. Plaintiff Jimmie Giles suffers from multiple past traumatic brain injuries with  
28 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

1 **RUDOLPH BUKICH AND PATRICIA BUKICH**

2 117. Plaintiff Rudolph Bukich was born on March 15, 1932 in St. Louis, Missouri. His  
3 is married to Patricia Bukich. They live in Corona, California.

4 118. Plaintiff Rudolph Bukich played for the Los Angeles Rams during the 1953 and  
5 1956 seasons, the Washington Redskins during the 1957-1958 seasons, the Chicago Bears during  
6 the 1958-1959 and 1962-1968 seasons, and the Pittsburgh Steelers during the 1960-1961 seasons.

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

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

14 121. Plaintiff Rudolph Bukich suffers from multiple past traumatic brain injuries with  
15 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

16 **BRIAN HOLLOWAY**

17 122. Plaintiff Brian Holloway was born on July 25, 1959 in Omaha, Nebraska. He lives  
18 in the State of Florida.

19 123. Plaintiff Brian Holloway played for the New England Patriots during the 1981-1986  
20 seasons and the Los Angeles Raiders during the 1987-1988 seasons.

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

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

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1 126. Plaintiff Brian Holloway suffers from multiple past traumatic brain injuries with  
2 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

3 **WAYNE RADLOFF**

4 127. Plaintiff Wayne Radloff was born on May 17, 1961 in London, England. He lives  
5 in Hilton Head Island, South Carolina.

6 128. Plaintiff Wayne Radloff played for the and the Atlanta Falcons during the 1985-  
7 1989 seasons and the San Francisco 49ers during the 1989-1991 seasons.

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

11 130. Plaintiff Wayne Radloff 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.

15 131. Plaintiff Wayne Radloff suffers from multiple past traumatic brain injuries with  
16 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

17 **LEE ROY SELMON**

18 132. Plaintiff Lee Roy Selmon was born on October 20, 1954 in Eufaula, Oklahoma. He  
19 lives in Tampa, Florida.

20 133. Plaintiff Lee Roy Selmon played for the Tampa Bay Buccaneers during the 1976-  
21 1984 seasons.

22 134. Plaintiff Lee Roy Selmon suffered multiple concussions that were improperly  
23 diagnosed and improperly treated throughout his career as a professional football player in the  
24 NFL.

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





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

3 146. Plaintiff Michael Cloud suffers from multiple past traumatic brain injuries with  
4 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

5 **LARRY BARNES**

6 147. Plaintiff Larry Barnes was born on July 17, 1954 in Bessemer, Alabama. He lives  
7 in Odessa, Florida.

8 148. Plaintiff Larry Barnes played for the San Diego Chargers during the 1977-1978  
9 seasons, the St. Louis Cardinals during the 1978 season, and the Philadelphia Eagles during the  
10 1978-1979 seasons.

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

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

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

20 **JESSE SOLOMON**

21 152. Plaintiff Jesse Solomon was born on November 4, 1963 in Madison, Florida. He  
22 lives in Madison, Florida.

23 153. Plaintiff Jesse Solomon played for the Minnesota Vikings during the 1986-1989  
24 seasons, the Dallas Cowboys during the 1989-1990 seasons, the Tampa Bay Buccaneers during the  
25 1991 season, the Atlanta Falcons during the 1992-1993 seasons, and the Miami Dolphins during  
26 the 1994 season.

27 ///

28 ///





1 172. Plaintiff Cedric Brown played for the Tampa Bay Buccaneers during the 1976-1984  
2 seasons.

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

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

10 **DANNY NOONAN**

11 175. Plaintiff Danny Noonan was born on July 14, 1965 in Lincoln, Nebraska. He lives  
12 in Omaha, Nebraska.

13 176. Plaintiff Danny Noonan played for the Dallas Cowboys during the 1987-1992  
14 seasons and the Green Bay Packers during the 1992 season.

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

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

22 **FIRST CAUSE OF ACTION**

23 **NEGLIGENCE- Monopolist**

24 **(As Against the NFL)**

25 179. Plaintiffs incorporate by reference paragraphs 1 through 178 of this Complaint as if  
26 fully set forth herein at length.

27 180. The NFL, by and through its monopoly power, has historically had a duty to invoke  
28 rules that protect the health and safety of its players and the public. Nevertheless, by its actions, it

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1 has violated California Business and Professional Code Section 17001 by engaging in practices  
2 that restrain the development of good science on the problem and epidemic of concussion injuries.

3 181. As a monopoly, the NFL has a duty to protect the health and safety of its players, as  
4 well as the public at large.

5 182. Throughout its history, the NFL has consistently breached its duty to protect the  
6 health and safety of its players by failing to enact rules, policies and regulations to best protect its  
7 players.

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

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

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

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

26 187. Nonetheless, it took the NFL until June of 2010 to finally acknowledge the long-  
27 term risks associated with concussions, including dementia, memory loss, CTE and its related  
28 symptoms. At that time, the NFL warned active players of those risks. To date, the NFL has never

1 warned any past players, including Plaintiffs, or the public of the long- term brain injury caused  
2 from concussions.

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

- 5 (a) Failure to institute acclimation requirements or procedures to ensure proper  
6 acclimation of the NFL players before they participate in practices or games;
- 7 (b) Failure to regulate and monitor practices, games, equipment, and medical care so as  
8 to minimize the long-term risks associated with concussive brain injuries suffered  
9 by the NFL players, including Plaintiffs;
- 10 (c) Failure to require that an adequate concussive brain injury history be taken of NFL  
11 players;
- 12 (d) Failure to ensure accurate diagnosis and recording of concussive brain injury so the  
13 condition can be treated in an adequate and timely manner;
- 14 (e) Failure to invoke league-wide guidelines, policies, and procedures regarding the  
15 identification and treatment of concussive brain injury;
- 16 (f) Failure to properly inform the public and other American Rules Football leagues  
17 and players of the health risks associated with concussive injury;
- 18 (g) Failure to license and approve the best equipment available that will reduce the risk  
19 of concussive brain injury; and
- 20 (h) Failure to warn of the harm of repetitive concussion injuries.

21 189. The NFL breached its duty to protect the health and safety of its players by  
22 subjecting NFL players to an increased risk of concussive brain injury.

23 190. The NFL failed to provide complete, current, and competent information and  
24 directions to NFL athletic trainers, physicians, and coaches regarding concussive brain injuries and  
25 its prevention, symptoms, and treatment.

26 191. If the NFL would have taken the necessary steps to oversee and protect the NFL  
27 players, including Plaintiffs, by developing and implementing necessary guidelines, policies, and  
28 procedures; providing reasonably safe helmets; and educating and training all persons involved

1 with the NFL Teams in the recognition, prevention, and treatment of concussive brain injuries, the  
2 NFL players, such as Plaintiffs, would not have suffered from the subject condition or the effects  
3 of that condition, would have recovered more rapidly, or would not have suffered long-term brain  
4 injuries.

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

7 193. The NFL committed acts of omission and commission, which collectively and  
8 severally, constituted negligence. The NFL's negligence was a proximate and producing cause of  
9 the personal injuries and other damages suffered by Plaintiffs.

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

13 **SECOND CAUSE OF ACTION:**

14 **NEGLIGENCE**

15 **(As Against the NFL)**

16 195. Plaintiffs incorporate by reference paragraphs 1 through 194 of this Complaint as if  
17 fully set forth herein at length.

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

21 197. Throughout the history of the NFL, the NFL organization has consistently exercised  
22 its duty to protect the health and safety of its players by implementing rules, policies and  
23 regulations in an attempt to best protect its players.

24 198. By enacting rules to protect the health and safety of its players, the NFL has  
25 repeatedly confirmed its duty to take reasonable and prudent actions to protect the health and safe  
26 of its players when known and foreseeable risks exist.

27 199. The NFL breached its duty to its players, including Plaintiffs, to use ordinary care  
28 to protect the physical and mental health of players by implementing standardized post-concussion

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1 guidelines and by failing to implement mandatory rules that would prevent a player who suffered a  
2 mild traumatic brain injury from re-entering a football game or practice.

3 200. Throughout the many years that the NFL has repeatedly established its duty to  
4 protect the health and safety of its players when known and foreseeable risks exist, until August  
5 14, 2007, the NFL failed to create and implement league-wide guidelines concerning the treatment  
6 and monitoring of players who suffer a concussive brain injury during a game.

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

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

14 203. The NFL's failure to fulfill its assumed duty to protect its players includes but is not  
15 limited to the following failures:

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

1 (f) Failure to license and approve the best equipment available that will reduce the risk  
2 of concussive brain injury.

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

5 205. 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.

8 206. 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, the  
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 damage, dementia, and depression related to dementia and CTE.

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

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

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

24 **THIRD CAUSE OF ACTION:**

25 **FRAUD**

26 **(As Against the NFL)**

27 210. Plaintiffs incorporate by reference paragraphs 1 through 209 of this Complaint as if  
28 fully set forth herein at length.



1 220. As a result of these breaches by NFL Properties, Plaintiffs suffered personal injuries  
2 as a result the long-term health effects of concussive brain injuries.

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

6 **FIFTH CAUSE OF ACTION**  
7 **STRICT LIABILITY FOR DESIGN DEFECT**  
8 **(As Against Riddell Defendants)**

9 222. Plaintiffs incorporate by reference paragraphs 1 through 221 of this Complaint as if  
10 fully set forth herein at length.

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

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

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

28 ///

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1 (e) Failure to warn Plaintiffs that its helmets wouldn't protect against concussive brain  
2 injury.

3 229. The manufacturing defect was a proximate and producing cause of the personal  
4 injuries suffered by Plaintiffs and other damages, including but not limited to, economic damages  
5 and non-economic damages.

6 230. The Riddell Defendants are strictly liable for manufacturing and placing in the  
7 stream of commerce a defective and unreasonably dangerous product which was a proximate and  
8 producing cause of the personal injuries and other damages, including but not limited to, economic  
9 damages and non-economic damages. A safe alternative design was economically and  
10 technologically feasible at the time the product left the control of the Riddell Defendants.  
11 As a result of the personal injuries of Plaintiffs, Plaintiffs are entitled to damages from Riddell  
12 Defendants in an amount reasonably anticipated to exceed the jurisdictional minimum of  
13 \$25,000.00.

14 **SEVENTH CAUSE OF ACTION**

15 **FAILURE TO WARN**

16 **(As Against Riddell Defendants)**

17 231. Plaintiffs incorporate by reference paragraphs 1 through 230 of this Complaint as if  
18 fully set forth herein at length.

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

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

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

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

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1 **EIGHTH CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **(As Against Riddell Defendants)**

4 236. Plaintiffs incorporate by reference paragraphs 1 through 235 of this Complaint as if  
5 fully set forth herein at length.

6 237. The Riddell Defendants should have been well aware that since 1928 repeated  
7 blows to the head can lead to CTE, commonly known as "punch-drunk syndrome."

8 238. The Riddell Defendants breached their duty of reasonable care by failing to provide  
9 necessary and adequate safety and instructional materials and warnings of the risk and means  
10 available to reduce and/or minimize the risk of concussive brain injuries while playing football  
11 using their helmets.

12 239. As a result of the Riddell Defendants' breach of duty, Plaintiffs have sustained  
13 permanent injury.

14 240. For the personal injuries of Plaintiffs, Plaintiffs are entitled to damages from the  
15 Riddell Defendants in an amount reasonably anticipated to exceed the jurisdictional minimum of  
16 \$25,000.00.

17 **NINTH CAUSE OF ACTION**

18 **LOSS OF CONSORTIUM**

19 **(As Against All Defendants)**

20 241. Plaintiffs incorporate by reference paragraphs 1 through 240 of this Complaint as if  
21 fully set forth herein at length.

22 242. As a direct and proximate result of the carelessness, negligence and recklessness of  
23 all Defendants and of the aforesaid injuries to their husbands, the wives of Plaintiffs have been  
24 damaged as follows:

25 a. They have been and will continue to be deprived of the services, society and  
26 companionship of their husbands;

27 b. They have been and will continue to be required to spend money for medical care  
28 and household care for the treatment of their husbands; and

1 c. They have been and will continue to be deprived of the earnings of their husbands.  
2 243. As a result of the injuries to Plaintiffs, Plaintiffs' wives are entitled to damages  
3 from the Defendants, in an amount reasonably anticipated to exceed the jurisdictional minimum of  
4 \$25,000.00.

5 **TENTH CAUSE OF ACTION**  
6 **WRONGFUL DEATH**  
7 **(As Against All Defendants)**

8 244. Plaintiffs incorporate by reference paragraphs 1 through 243 of this Complaint as if  
9 fully set forth herein at length.

10 245. Greg Lens' (DECEDENT), sole surviving heirs-at-law and their  
11 relationships to him are:

<u>NAME:</u>	<u>RELATIONSHIP:</u>
12 Plaintiff, Carolyn Lens	13 Widow

14 246. As DECEDENT's heirs, plaintiff, Carolyn Lens, is entitled to bring this  
15 action pursuant to Code of Civil Procedure §377.60, subdivision (a).

16 247. On or about November 18, 2009, having suffered from multiple past  
17 traumatic brain injuries while playing professional football for the Atlanta Falcons and the  
18 Arizona Cardinals during the 1970-1972 seasons, proximately resulted in his death on  
19 November 18, 2009.

20 248. Plaintiffs allege that defendants knew as early as the 1920's of the potential  
21 harmful effects on a player's brain of concussions; however, until June of 2010 they  
22 concealed these facts from coaches, trainers, players and the public with negligent  
23 disregard for DECEDENT's safety and life. Plaintiffs further allege that defendants'  
24 negligence was a direct and proximate cause of DECEDENT's death.

25 249. As a further direct and proximate result of the hereinabove-described death,  
26 DECEDENT's heirs-at-law have been and in the future will be deprived of his society,  
27 care, comfort and companionship, all to their general damage in a sum within the  
28 jurisdictional limits of this Court.

11/7/09





AUG 31 2011

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

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2 DAVID A. ROSEN (State Bar No. 101287)  
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5 Los Angeles, California 90017-4645  
6 (213) 626-0571  
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8 Attorneys for Plaintiffs

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**

11 LARRY BARNES; WOODROW "WOODY" ) CASE NO. BC468483  
12 BENNETT; SCOT BRANTLEY; CEDRIC )  
13 BROWN; JOSEPH "BARRY" BROWN and )  
14 JEAN BROWN, his wife; RUDOLPH BUKICH )

15 and PATRICIA BUKICH, his wife; MICHAEL ) **FIRST AMENDED COMPLAINT**  
16 CLOUD; BRIAN HOLLOWAY; JIMMIE )  
17 GILES; CAROLYN LENS; DANNY )

- 18 NOONAN; JOE PHILLIPS; GREGORY ) 1. Negligence - Monopolist  
19 ROBERTS; JESSE SOLOMON; RALPH ) 2. Negligence  
20 WENZEL and ELEANOR PERFETTO, his ) 3. Fraud  
21 wife; JAMES WILDER; and ROES 1 through ) 4. Negligence  
22 200, Inclusive, ) 5. Strict Liability - Design Defect  
23 ) 6. Strict Liability - Manufacturing Defect  
24 ) 7. Failure to Warn  
25 ) 8. Negligence  
26 ) 9. Loss of Consortium  
27 ) 10. Wrongful Death

28 v. )  
29 NATIONAL FOOTBALL LEAGUE; NFL ) Filed: August 26, 2011  
30 PROPERTIES LLC; RIDDELL, INC. )  
31 d.b.a.RIDDELL SPORTS GROUP, INC., ALL )  
32 AMERICAN SPORTS CORPORATION, d.b.a. )  
33 RIDDELL/ALL AMERICAN; RIDDELL )  
34 SPORTS GROUP, INC. EASTON-BELL )  
35 SPORTS, INC.; EASTON-BELL SPORTS, )  
36 LLC; EB SPORTS CORP.; and RBG )  
37 HOLDINGS CORP.; and DOES 1 through 100, )  
38 Inclusive, )  
39 Defendants. )

40 The Plaintiffs, all individuals, hereby complain of Defendants, and each of them, listed  
41 above and hereby allege as follows:  
42

**PARTIES**

**Plaintiffs:**

1. Mr. Ralph Wenzel and his wife, Eleanor Perfetto, are residents of and are domiciled in the State of Maryland.
2. Mr. Woodrow Bennett is a resident of and is domiciled in the State of Florida.
3. Mrs. Carolyn Lens, widow of decedent Greg Lens, is a resident of and is domiciled in the State of Texas.
4. Mr. Joseph "Barry" Brown and his wife, Jean, are residents of and are domiciled in the State of Maryland.
5. Mr. Jimmie Giles is a resident of and is domiciled in the State of Florida.
6. Mr. Rudolph Bukich and his wife, Patricia, are residents of and are domiciled in the State of California.
7. Mr. Brian Holloway is a resident of and is domiciled in the State of Florida.
8. Mr. Joe Phillips is a resident of and is domiciled in the State of Oregon.
9. Michael Cloud is a resident of and is domiciled in the State of Texas.
10. Larry Barnes is a resident of and is domiciled in the State of Florida.
11. Jesse Solomon is a resident of and is domiciled in the State of Florida.
12. Gregory Roberts is a resident of and is domiciled in the State of Florida.
13. James Wilder is a resident of and is domiciled in the State of Florida.
14. Scot Brantley is a resident of and is domiciled in the State of Florida.
15. Cedric Brown is a resident of and is domiciled in the State of Oklahoma.
16. Danny Noonan is a resident of and is domiciled in the State of Nebraska.
17. The true names and capacities of plaintiffs ROES 1 through 200, inclusive, are unknown individuals at the present time. When the true names and capacities of said plaintiffs are ascertained, plaintiffs will ask leave of court to amend this complaint by setting forth same.

**Defendants:**

18. The true names and capacities of defendants DOES 1 through 100, inclusive, whether individual, corporate, associate or otherwise, are unknown to plaintiffs at the present time.

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1 When plaintiffs ascertain such true names and capacities of said defendants, they will ask leave of  
2 court to amend this complaint by setting forth same.

3 19. All defendants, and each of them, were in some fashion legally responsible for the  
4 injuries and damages complained of herein.

5 20. At all times herein mentioned, defendants, and each of them, were the agents,  
6 servants, and employees each of the other, acting within the course and scope of said agency and  
7 employment.

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

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

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

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

26 25. Defendant Riddell Sports Group, Inc. is a Delaware corporation with its principal  
27 place of business at 6255 N. State Highway, #300, Irving, TX 76038. Riddell Sports Group, Inc.  
28 regularly conducts business in California.



1 NFL AND THE CBA

2 38. Until March of 2011, all NFL players were members of a union called the National  
3 Football League Players Association (“NFLPA”). The NFLPA negotiates the general minimum  
4 contract for all players in the league with the National Football League Management Council  
5 (“NFLMC”). This contract is called the Collective Bargaining Agreement (“CBA”) and it is the  
6 central document that governs the negotiation of individual player contracts for all of the league’s  
7 players. However, historically, the NFL retired players have never been the subject of nor a party  
8 to Collective Bargaining.

9 39. The plaintiffs herein are all retirees and thus not covered by the CBA nor are they a  
10 subject of or parties to bargaining between the NFL and the NFLPA. Thus, the plaintiffs’ claims  
11 are not preempted by federal labor law since any CBA in force does not apply to their claims.

12 CTE AND CONCUSSION INJURY

13 40. In 2002, Dr. Bennet Omalu, a forensic pathologist and neuropathologist, found  
14 Chronic Traumatic Encephalopathy (CTE) in the brain of Hall of Famer, Mike Webster, a former  
15 NFL player.

16 41. By 2007, Dr. Omalu found a fourth case linking the death of a former NFL player  
17 to CTE brain damage from his football career. CTE manifests similarly as in “punch drunk”  
18 boxers.

19 42. Around the same time, other researchers without NFL ties surveyed retired football  
20 players and their findings showed that players who had multiple concussions were more likely to  
21 report being diagnosed with depression.

22 43. The NFL undertook the responsibility of studying concussion research in 1994  
23 through funding a Committee known as the “NFL Committee on Mild Traumatic Brain Injury.”

24 44. The NFL Committee on Mild Traumatic Brain Injury published their findings in  
25 2004 showing “no evidence of worsening injury or chronic cumulative effects” from multiple  
26 concussions. In a related study, the Committee found “many NFL players can be safely allowed to  
27 return to play” on the day of a concussion if they are without symptoms and cleared by a physician.  
28



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

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

18 53. Prior to June 2010, Plaintiffs did not know, nor did they have reason to know, the  
19 long-term effects of concussions and relied on the NFL and the Riddell Defendants to protect  
20 them.

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

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

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

28 ///



1           56. This action arises because while the NFL Defendants undertook to investigate,  
2 research, and promulgate multiple safety rules, the NFL Defendants committed negligence by  
3 failing to act reasonably and exercise their duty to enact league-wide guidelines and mandatory  
4 rules regulating post-concussion medical treatment and return-to-play standards for players who  
5 suffer a concussion and/or multiple concussions.

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

9           58. Throughout the past century and through the present, the published frank medical  
10 literature in the United States and other industrialized countries has included case reports, studies,  
11 reviews, and peer-reviewed articles relating to and discussing the harmful effect on humans, and  
12 particularly players of American football, of repeated concessive blows to the head. These  
13 publications were all available and easily accessible to all Defendants.

14           59. The NFL's ongoing undertaking to protect the health and safety of the players is  
15 evidenced by the NFL's enactment of at least the following non-exhaustive list of rules pertaining  
16 to players' health and safety, particularly relating to blows to the head:

- 17           (a) In 1956, the NFL enacted a rule that prohibited the grabbing of any player's  
18 facemask, other than the ball carrier;
- 19           (b) In 1962, the NFL enacted a rule that prohibited players from grabbing any player's  
20 facemask;
- 21           (c) In 1976, the NFL enacted a rule that prohibited players from grabbing the facemask  
22 of an opponent. The penalty for an incidental grasp of the facemask was 5 yards.  
23 The penalty for twisting, turning, or pulling the facemask was 15 yards. A player  
24 could be ejected from the game if the foul is judged to be vicious and/or flagrant;
- 25           (d) In 1977, the NFL enacted a rule that prohibited players from slapping the head of  
26 another playing during play. This rule was referred to as the "Deacon Jones Rule,"  
27 named after the Rams' defensive end who frequently used this technique;
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- (e) In 1977, the NFL enacted a rule that prohibited Offensive Lineman from thrusting their hands into a defender's neck, face, or head;
- (f) In 1979, the NFL enacted a rule that prohibited players from using their helmets to butt, spear, or ram an opponent. Pursuant to this rule, any player who used the crown or top of his helmet unnecessarily will be called for unnecessary roughness;
- (g) In 1980, the NFL enacted rule changes that provided greater restrictions on contact in the area of the head, neck, and face;
- (h) In 1980, the NFL enacted rule changes that prohibited players from directly striking, swinging, or clubbing the head, neck, or face ("personal foul"). Beginning in 1980, a penalty could be called for such contact whether or not the initial contact was made below the neck area;
- (i) In 1982, the NFL enacted a rule change by which the penalty for incidental grabbing of a facemask by a defensive team was changed from 5 yards to an automatic first down plus a 5 yard penalty;
- (j) In 1983, the NFL enacted a rule that prohibited players from using a helmet as a weapon to strike or hit an opponent;
- (k) In 1988, the NFL enacted a rule that prohibited defensive players from hitting quarterbacks below the waist while they are still in the pocket. (The rule was unofficially called the "Andre Waters Rule" based upon a hit that Waters placed on Los Angeles Rams quarterback Jim Everett in 1988); and
- (l) Following the 2004-2005 season, the NFL's Competition Committee reviewed video of the entire season and concluded that the horse-collar tackle resulted in six serious injuries. On May 23, 2005, the NFL owners voted 27-5 to ban such tackles. The ban states that a horse-collar tackle is an open-field tackle in which a defender uses the shoulder pads to immediately bring a ball carrier down.

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

11/15/08

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

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

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

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

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

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

25           66.     In response to these studies, the NFL, to further a scheme of fraud and deceit, had  
26 members of the NFL's Brain Injury Committee deny knowledge of a link between concussion and  
27 cognitive decline and claim that more time was needed to reach a definitive conclusion on the  
28 issue.

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

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

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

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

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

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

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

27           74.     Since at least 2002, the NFL Committee has been on direct notice of multiple NFL  
28 head injuries contributing to cognitive decline in later life, yet it has never amended the 2007

1 NFL's Brain Injury Committee statement: "Current research with professional athletes has not  
2 shown that having more than one or two concussions leads to permanent problems ... It is  
3 important to understand that there is no magic number for how many concussions is too many."

4 75. As of June 2010, the NFL had yet to amend these inaccurate and misrepresentative  
5 statements to any Plaintiff or retiree.

6 **THE NFL ACKNOWLEDGES THEIR DUTY TO PROTECT AGAINST**  
7 **THE LONG-TERM RISK OF CONCUSSIONS**

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

10 77. The NFL's 2007 concussion guidelines, many of which stemmed from an NFL  
11 conference in June of 2007 involving team trainers and doctors, were sent to all current players  
12 and other team personnel.

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

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

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

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

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1           82.    The NFL's 2007 concussion guidelines provide when a player with a concussion  
2 can return to a game or practice.

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

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

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

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

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

21                   **THE DEFENDANTS' CONDUCT RISES BEYOND MERE NEGLIGENCE**

22          88.    The aforementioned acts and omissions of the Defendants demonstrate that the  
23 Defendants acted with callous indifference to the rights and duties owed to Plaintiffs, all American  
24 Rules Football leagues and players and the public at large.

25          89.    The Defendants acted wilfully, wantonly, egregiously, with reckless abandon, and  
26 with a high degree of moral culpability. Defendants, and each of them, knew that a substantial risk  
27 of physical and mental harm to NFL players existed in connection with repeated concussive blows  
28 to the head, to wit: the danger of irreversible brain-damage and/or dementia. Defendants, and

1 each of them, consciously, willfully, and deliberately disregarded the safety of others in  
2 continually undertaking to establish and promulgate safety rules for the NFL, but failing to address  
3 or disclose this substantial risk, as immediately aforesaid, in connection with such rules, and/or  
4 continuing to manufacture, sell, and distribute football helmets which they knew would not protect  
5 players against this risk.

6 **RALPH WENZEL AND ELEANOR PERFETTO**

7 90. Plaintiff Ralph Wenzel was born on March 13, 1943 in San Mateo, California. He  
8 is married to Eleanor Perfetto. They live in Annapolis, Maryland.

9 91. Plaintiff Ralph Wenzel played for the Pittsburgh Steelers during the 1966 to 1970  
10 seasons, and the San Diego Chargers during the 1971-1973 seasons.

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

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

18 94. Plaintiff Ralph Wenzel suffers from multiple past traumatic brain injuries with  
19 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

20 **WOODROW "WOODY" BENNETT**

21 95. Plaintiff Woodrow Bennett was born on March 24, 1956 in York, Pennsylvania.  
22 He lives in Delray Beach, Florida.

23 96. Plaintiff Woodrow Bennett played for the New York Jets during the 1978-1980  
24 seasons, and the Miami Dolphins during the 1980-1988 seasons.

25 97. Plaintiff Woodrow Bennett suffered multiple concussions that were improperly  
26 diagnosed and improperly treated throughout his career as a professional football player in the  
27 NFL.

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1 98. Plaintiff Woodrow Bennett 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 99. Plaintiff Woodrow Bennett suffers from multiple past traumatic brain injuries with  
6 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

7 **CAROLYN LENS**

8 100. Plaintiff Carolyn Lens is the widow of Greg Lens who was born on March 11, 1945  
9 in Marshall, Minnesota. Greg Lens passed away on November 18, 2009. Carolyn Lens lives in  
10 George West, Texas.

11 101. Greg Lens played for the Atlanta Falcons and the Arizona Cardinals during the  
12 1970-1972 seasons.

13 102. Greg Lens suffered multiple concussions that were improperly diagnosed and  
14 improperly treated throughout his career as a professional football player in the NFL.

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

19 104. Greg Lens suffered from multiple past traumatic brain injuries with various  
20 symptoms including but not limited to, memory loss, headaches, and sleeplessness, and suffered a  
21 premature death as a result of these injuries.

22 **JOSEPH "BARRY" AND JEAN BROWN**

23 105. Plaintiff Joseph Brown was born on April 17, 1943 in Boston, Massachusetts. His  
24 is married to Jean Brown. They live in Rockville, Maryland.

25 106. Plaintiff Joseph Brown played for the Indianapolis Colts, formerly Baltimore Colts,  
26 during the 1966-1967 seasons, the New York Giants during the 1968 season, and the New England  
27 Patriots during the 1969-1970 seasons.

28



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

4 108. Plaintiff Joseph Brown 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.

8 109. Plaintiff Joseph Brown suffers from multiple past traumatic brain injuries with  
9 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

10 **JIMMIE GILES**

11 110. Plaintiff Jimmie Giles was born on November 8, 1954 in Natchez, Mississippi. He  
12 lives in Tampa, Florida.

13 111. Plaintiff Jimmie Giles played for the Tennessee Titans, Formerly the Houston  
14 Oilers, during the 1977 season, the Tampa Bay Buccaneers during the 1978-1986 seasons, the  
15 Detroit Lions during the 1986-1987 seasons, and the Philadelphia Eagles during the 1987-1989  
16 seasons.

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

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

24 114. Plaintiff Jimmie Giles suffers from multiple past traumatic brain injuries with  
25 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

26 **RUDOLPH BUKICH AND PATRICIA BUKICH**

27 115. Plaintiff Rudolph Bukich was born on March 15, 1932 in St. Louis, Missouri. His  
28 is married to Patricia Bukich. They live in Corona, California.

1 116. Plaintiff Rudolph Bukich played for the Los Angeles Rams during the 1953 and  
2 1956 seasons, the Washington Redskins during the 1957-1958 seasons, the Chicago Bears during  
3 the 1958-1959 and 1962-1968 seasons, and the Pittsburgh Steelers during the 1960-1961 seasons.

4 117. Plaintiff Rudolph Bukich suffered multiple concussions that were improperly  
5 diagnosed and improperly treated throughout his career as a professional football player in the  
6 NFL.

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

11 119. Plaintiff Rudolph Bukich suffers from multiple past traumatic brain injuries with  
12 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

13 **BRIAN HOLLOWAY**

14 120. Plaintiff Brian Holloway was born on July 25, 1959 in Omaha, Nebraska. He lives  
15 in the State of Florida.

16 121. Plaintiff Brian Holloway played for the New England Patriots during the 1981-1986  
17 seasons and the Los Angeles Raiders during the 1987-1988 seasons.

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

21 123. Plaintiff Brian Holloway 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.

25 124. Plaintiff Brian Holloway suffers from multiple past traumatic brain injuries with  
26 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

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1 JOE PHILLIPS

2 125. Plaintiff Joe Phillips was born on July 15, 1963 in Portland Oregon. He lives in  
3 Oregon City, Oregon.

4 126. Plaintiff Joe Phillips played for the Minnesota Vikings during the 1986 and 1999  
5 seasons, the San Diego Charges during the 1987-1991 seasons, the Kansas City Chiefs during the  
6 1992-1997 seasons, and the St. Louis Rams during the 1998 season.

7 127. Plaintiff Joe Phillips suffered multiple concussions that were improperly diagnosed  
8 and improperly treated throughout his career as a professional football player in the NFL.

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

13 129. Plaintiff Joe Phillips suffers from multiple past traumatic brain injuries with various  
14 symptoms including but not limited to, memory loss, headaches, and sleeplessness.

15 MICHAEL CLOUD

16 130. Plaintiff Michael Cloud was born on July 1, 1975 in Charleston, South Carolina.  
17 He lives in Dallas, Texas.

18 131. Plaintiff Michael Cloud played for the Kansas City Chiefs during the 1999-2002  
19 seasons, the New England Patriots during the 2003 and 2005 seasons, and the New York Giants  
20 during the 2004 and 2005 seasons.

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

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

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1 134. Plaintiff Michael Cloud suffers from multiple past traumatic brain injuries with  
2 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

3 **LARRY BARNES**

4 135. Plaintiff Larry Barnes was born on July 17, 1954 in Bessemer, Alabama. He lives  
5 in Odessa, Florida.

6 136. Plaintiff Larry Barnes played for the San Diego Chargers during the 1977-1978  
7 seasons, the St. Louis Cardinals during the 1978 season, and the Philadelphia Eagles during the  
8 1978-1979 seasons.

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

12 138. Plaintiff Larry Barnes 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.

16 139. Plaintiff Larry Barnes suffers from multiple past traumatic brain injuries with  
17 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

18 **JESSE SOLOMON**

19 140. Plaintiff Jesse Solomon was born on November 4, 1963 in Madison, Florida. He  
20 lives in Madison, Florida.

21 141. Plaintiff Jesse Solomon played for the Minnesota Vikings during the 1986-1989  
22 seasons, the Dallas Cowboys during the 1989-1990 seasons, the Tampa Bay Buccaneers during the  
23 1991 season, the Atlanta Falcons during the 1992-1993 seasons, and the Miami Dolphins during  
24 the 1994 season.

25 142. Plaintiff Jesse Solomon suffered multiple concussions that were improperly  
26 diagnosed and improperly treated throughout his career as a professional football player in the  
27 NFL.

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1 143. Plaintiff Jesse Solomon 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.

5 144. Plaintiff Jesse Solomon suffers from multiple past traumatic brain injuries with  
6 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

7 **GREGORY ROBERTS**

8 145. Plaintiff Gregory Roberts was born on November 19, 1956 in Nacogdoches, Texas.  
9 He lives in Tampa, Florida.

10 146. Plaintiff Gregory Roberts played for the Tampa Bay Buccaneers during the 1979-  
11 1982 seasons.

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

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

19 149. Plaintiff Gregory Roberts suffers from multiple past traumatic brain injuries with  
20 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

21 **JAMES WILDER**

22 150. Plaintiff James Wilder was born on May 12, 1958 in Sikeston, Missouri. He lives  
23 in Tampa, Florida.

24 151. Plaintiff James Wilder played for the Tampa Bay Buccaneers during the 1981-1989  
25 seasons, the Washington Redskins during the 1990 season, and the Detroit Lions during the 1990  
26 season.

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

4 153. Plaintiff James Wilder 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.

8 154. Plaintiff James Wilder suffers from multiple past traumatic brain injuries with  
9 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

10 **SCOT BRANTLEY**

11 155. Plaintiff Scot Brantley was born on February 24, 1958 in Chester, South Carolina.  
12 He lives in Tampa, Florida.

13 156. Plaintiff Scot Brantley played for the Tampa Bay Buccaneers during the 1980-1987  
14 seasons.

15 157. Plaintiff Scot Brantley suffered multiple concussions that were improperly  
16 diagnosed and improperly treated throughout his career as a professional football player in the  
17 NFL.

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

22 159. Plaintiff Scot Brantley suffers from multiple past traumatic brain injuries with  
23 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

24 **CEDRIC BROWN**

25 160. Plaintiff Cedric Brown was born on May 6, 1954, in Columbus, Ohio. He lives in  
26 Oklahoma City, Oklahoma.

27 161. Plaintiff Cedric Brown played for the Tampa Bay Buccaneers during the 1976-1984  
28 seasons.

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

4 163. Plaintiff Cedric Brown 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.

8 164. Plaintiff Cedric Brown suffers from multiple past traumatic brain injuries with  
9 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

10 **DANNY NOONAN**

11 165. Plaintiff Danny Noonan was born on July 14, 1965 in Lincoln, Nebraska. He lives  
12 in Omaha, Nebraska.

13 166. Plaintiff Danny Noonan played for the Dallas Cowboys during the 1987-1992  
14 seasons and the Green Bay Packers during the 1992 season.

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

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

22 169. Plaintiff Cedric Brown suffers from multiple past traumatic brain injuries with  
23 various symptoms including but not limited to, memory loss, headaches, and sleeplessness.

24 **FIRST CAUSE OF ACTION**

25 **NEGLIGENCE- Monopolist**

26 **(As Against the NFL)**

27 170. Plaintiffs incorporate by reference paragraphs 1 through 174 of this Complaint as if  
28 fully set forth herein at length.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 184. The NFL committed acts of omission and commission, which collectively and  
11 severally, constituted negligence. The NFL's negligence was a proximate and producing cause of  
12 the personal injuries and other damages suffered by Plaintiffs.

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

16 **SECOND CAUSE OF ACTION:**

17 **NEGLIGENCE**

18 **(As Against the NFL)**

19 186. Plaintiffs incorporate by reference paragraphs 1 through 190 of this Complaint as if  
20 fully set forth herein at length.

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

24 188. Throughout the history of the NFL, the NFL organization has consistently exercised  
25 its duty to protect the health and safety of its players by implementing rules, policies and  
26 regulations in an attempt to best protect its players.

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09/09/11

1 189. By enacting rules to protect the health and safety of its players, the NFL has  
2 repeatedly confirmed its duty to take reasonable and prudent actions to protect the health and safe  
3 of its players when known and foreseeable risks exist.

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

8 191. Throughout the many years that the NFL has repeatedly established its duty to  
9 protect the health and safety of its players when known and foreseeable risks exist, until August  
10 14, 2007, the NFL failed to create and implement league-wide guidelines concerning the treatment  
11 and monitoring of players who suffer a concussive brain injury during a game.

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

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

19 194. The NFL's failure to fulfill its assumed duty to protect its players includes but is not  
20 limited to the following failures:

- 21 (a) Failure to institute acclimation requirements or procedures to ensure proper  
22 acclimation of the NFL players before they participate in practices or games;
- 23 (b) Failure to regulate and monitor practices, games, rules, equipment, and medical  
24 care so as to minimize the long-term risks associated with concussive brain injuries  
25 suffered by the NFL players, including Plaintiffs;
- 26 (c) Failure to require that an adequate concussive brain injury history be taken of NFL  
27 players;

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- 1 (d) Failure to ensure accurate diagnosis and recording of concussive brain injury so the  
2 condition can be treated in an adequate and timely manner;
- 3 (e) Failure to invoke league-wide guidelines, policies, and procedures regarding the  
4 identification and treatment of concussive brain injury, and the return to play  
5 insofar as such matters pertain to concussive brain injury; and,
- 6 (f) Failure to license and approve the best equipment available that will reduce the risk  
7 of concussive brain injury.

8 195. The NFL breached its assumed duty to protect the health and safety of its players by  
9 subjecting NFL players to an increased risk of concussive brain injury.

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

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

20 198. Under all of the above circumstances, it was foreseeable that the NFL's violations  
21 of its duties would cause or substantially contribute to the personal injuries suffered by the  
22 Plaintiffs.

23 199. The NFL committed acts of omission and commission, which collectively and  
24 severally, constituted negligence. The NFL's negligence was a proximate and producing cause of  
25 the personal injuries and other damages suffered by Plaintiff.

26 200. 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.

1 **THIRD CAUSE OF ACTION:**

2 **FRAUD**

3 **(As Against the NFL)**

4 201. Plaintiffs incorporate by reference paragraphs 1 through 205 of this Complaint as if  
5 fully set forth herein at length.

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

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

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

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

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

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

22 **FOURTH CAUSE OF ACTION**

23 **NEGLIGENCE**

24 **(As Against NFL Properties)**

25 208. Plaintiffs incorporate by reference paragraphs 1 through 212 as if fully set forth  
26 herein at length.

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

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

7 211. As a result of these breaches by NFL Properties, Plaintiffs suffered personal injuries  
8 as a result the long-term health effects of concussive brain injuries.

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

12 **FIFTH CAUSE OF ACTION**

13 **STRICT LIABILITY FOR DESIGN DEFECT**

14 **(As Against Riddell Defendants)**

15 213. Plaintiffs incorporate by reference paragraphs 1 through 217 of this Complaint as if  
16 fully set forth herein at length.

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

- 21 (a) Negligently failing to design the subject helmet with a safe means of attenuating  
22 and absorbing the foreseeable forces of impact in order to minimize mid/or reduce  
23 the forces and energy directed to the player's head;
- 24 (b) Negligently designing the subject helmet with a shock attenuating system which  
25 was not safely configured;
- 26 (c) Negligently failing to properly and adequately test the helmet model;
- 27 (d) Other acts of negligence that may be discovered during the course of this matter;
- 28 and

1 (e) Failing to warn Plaintiffs that their helmets would not protect against the long-term  
2 health consequences of concussive brain injury.

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

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

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

14 **SIXTH CAUSE OF ACTION**

15 **(STRICT LIABILITY FOR MANUFACTURING DEFECT)**

16 **(As Against Riddell Defendants)**

17 218. Plaintiffs incorporate by reference paragraphs 1 through 222 of this Complaint as if  
18 fully set forth herein at length.

19 219. At the time the helmets were designed, manufactured, sold and distributed by the  
20 Riddell Defendants, the helmets were defective in their manufacturing and unreasonably  
21 dangerous and unsafe for their intended purpose because they did not provide adequate protection  
22 against the foreseeable risk of concussive brain injury. The Riddell Defendants' failure to design  
23 the helmets to design and manufacturing specifications resulted in, among other things, the  
24 following:

25 (a) Negligently failing to manufacture the subject helmet with a safe means of  
26 attenuating and absorbing the foreseeable forces of impact in order to minimize  
27 and/or reduce the forces and energy directed to the player's head;

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- 1 (b) Negligently manufacturing the subject helmet with a shock attenuating system
- 2 which was not safely configured;
- 3 (c) Negligently failing to properly and adequately inspect and/or test the helmet model;
- 4 (d) Other acts of negligence that may be discovered during the course of this matter;
- 5 and
- 6 (e) Failure to warn Plaintiffs that its helmets wouldn't protect against concussive brain
- 7 injury.

8 220. The manufacturing defect was a proximate and producing cause of the personal  
9 injuries suffered by Plaintiffs and other damages, including but not limited to, economic damages  
10 and non-economic damages.

11 221. The Riddell Defendants are strictly liable for manufacturing and placing in the  
12 stream of commerce a defective and unreasonably dangerous product which was a proximate and  
13 producing cause of the personal injuries and other damages, including but not limited to, economic  
14 damages and non-economic damages. A safe alternative design was economically and  
15 technologically feasible at the time the product left the control of the Riddell Defendants.  
16 As a result of the personal injuries of Plaintiffs, Plaintiffs are entitled to damages from Riddell  
17 Defendants in an amount reasonably anticipated to exceed the jurisdictional minimum of  
18 \$25,000.00.

19 **SEVENTH CAUSE OF ACTION**  
20 **FAILURE TO WARN**  
21 **(As Against Riddell Defendants)**

22 222. Plaintiffs incorporate by reference paragraphs 1 through 226 of this Complaint as if  
23 fully set forth herein at length.

24 223. The Riddell Defendants failed to provide necessary and adequate safety and  
25 instructional materials and warnings of the risk and means available to reduce and/or minimize the  
26 risk of concussive brain injuries while playing football.

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

4 225. The Riddell Defendants' failure to warn caused the Plaintiffs' personal injuries.

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

8 **EIGHTH CAUSE OF ACTION**

9 **NEGLIGENCE**

10 **(As Against Riddell Defendants)**

11 227. Plaintiffs incorporate by reference paragraphs 1 through 231 of this Complaint as if  
12 fully set forth herein at length.

13 228. The Riddell Defendants should have been well aware that since 1928 repeated  
14 blows to the head can lead to CTE, commonly known as "punch-drunken syndrome."

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

19 230. As a result of the Riddell Defendants' breach of duty, Plaintiffs have sustained  
20 permanent injury.

21 231. For the personal injuries of Plaintiffs, Plaintiffs are entitled to damages from the  
22 Riddell defendants in an amount reasonably anticipated to exceed the jurisdictional minimum of  
23 \$25,000.00.

24 **NINTH CAUSE OF ACTION**

25 **LOSS OF CONSORTIUM**

26 **(As Against All Defendants)**

27 232. Plaintiffs incorporate by reference paragraphs 1 through 236 of this Complaint as if  
28 fully set forth herein at length.

1 233. As a direct and proximate result of the carelessness, negligence and recklessness of  
2 all Defendants and of the aforesaid injuries to their husbands, the wives of Plaintiffs have been  
3 damaged as follows:

- 4 a. They have been and will continue to be deprived of the services, society and  
5 companionship of their husbands;  
6 b. They have been and will continue to be required to spend money for medical care  
7 and household care for the treatment of their husbands; and  
8 c. They have been and will continue to be deprived of the earnings of their husbands.

9 234. As a result of the injuries to Plaintiffs, Plaintiffs' wives are entitled to damages  
10 from the Defendants, in an amount reasonably anticipated to exceed the jurisdictional minimum of  
11 \$25,000.00.

12 **TENTH CAUSE OF ACTION**

13 **WRONGFUL DEATH**

14 **(As Against All Defendants)**

15 235. Plaintiffs incorporate by reference paragraphs 1 through 239 of this Complaint as if  
16 fully set forth herein at length.

17 236. Greg Lens' (DECEDENT), sole surviving heirs-at-law and their  
18 relationships to him are:

19 <u>NAME:</u>	<u>RELATIONSHIP:</u>
20 Plaintiff, Carolyn Lens	Widow

21 237. As DECEDENT's heirs, plaintiff, Carolyn Lens, is entitled to bring this  
22 action pursuant to Code of Civil Procedure §377.60, subdivision (a).

23 243. On or about November 18, 2009, having suffered from multiple past  
24 traumatic brain injuries while playing professional football for the Atlanta Falcons and the  
25 Arizona Cardinals during the 1970-1972 seasons, proximately resulted in his death on  
26 November 18, 2009.

27 238. Plaintiffs allege that defendants knew as early as the 1920's of the potential  
28 harmful effects on a player's brain of concussions; however, until June of 2010 they

1 concealed these facts from coaches, trainers, players and the public with negligent  
2 disregard for DECEDENT's safety and life. Plaintiffs further allege that defendants'  
3 negligence was a direct and proximate cause of DECEDENT's death.

4 239. As a further direct and proximate result of the hereinabove-described death,  
5 DECEDENT's heirs-at-law have been and in the future will be deprived of his society,  
6 care, comfort and companionship, all to their general damage in a sum within the  
7 jurisdictional limits of this Court.

8 240. Plaintiffs seek prejudgment interest as prescribed by basic California law on  
9 any and all damages alleged to have been suffered herein.

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**PRAYER FOR RELIEF**

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

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

DATED: 8/30/11

ROSE, KLEIN & MARIAS LLP

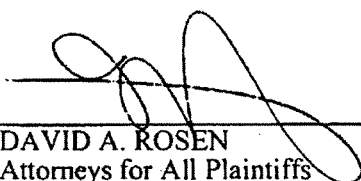
By:   
DAVID A. ROSEN  
Attorneys for All Plaintiffs

**JURY DEMAND**

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

DATED: 8/30/11

ROSE, KLEIN & MARIAS LLP

By:   
DAVID A. ROSEN  
Attorneys for All Plaintiffs

89/01/11

1 ROSE, KLEIN & MARIAS LLP  
2 DAVID A. ROSEN (State Bar No. 101287)  
3 801 S. Grand Avenue  
4 11<sup>th</sup> Floor  
5 Los Angeles, California 90017-4645  
6 (213) 626-0571  
7 (213) 623-7755 Fax  
8 Attorneys for Plaintiffs

**FILED**  
LOS ANGELES SUPERIOR COURT

AUG 31 2011

JOHN A. CLARKE, CLERK  
BY PAUL SANCHEZ, DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

11 LARRY BARNES; WOODROW "WOODY" ) CASE NO. BC 468483 *D-15*  
12 BENNETT; SCOT BRANTLEY; CEDRIC )  
13 BROWN; JOSEPH "BARRY" BROWN and ) NOTICE OF RELATED CASE  
14 JEAN BROWN, his wife; RUDOLPH BUKICH )  
15 and PATRICIA BUKICH, his wife; MICHAEL ) Complaint Filed: August 26, 2011  
16 CLOUD; BRIAN HOLLOWAY; JIMMIE )  
17 GILES; CAROLYN LENS; DANNY )  
18 NOONAN; JOE PHILLIPS; GREGORY )  
19 ROBERTS; JESSE SOLOMON; RALPH )  
20 WENZEL and ELEANOR PERFETTO, his )  
21 wife; JAMES WILDER; and ROES 1 through )  
22 200, Inclusive, )  
23 Plaintiffs, )  
24 v. )  
25 NATIONAL FOOTBALL LEAGUE; NFL )  
26 PROPERTIES LLC; RIDDELL, INC. )  
27 d.b.a. RIDDELL SPORTS GROUP, INC., ALL )  
28 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 DOES 1 through 100, )  
Inclusive, )  
Defendants.

NOTICE OF RELATED CASE

Ex A\_000084

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD IN THE CASES  
2 LISTED BELOW:

3 NOTICE IS HEREBY GIVEN, pursuant to California Rules of Court 3.300, that the  
4 following related actions or proceedings are currently pending:

- 5 1. Vernon Maxwell, et al. v. National Football League, et al., in Los Angeles  
6 County Superior Court, Case No. BC465842, filed on July 19, 2011.
- 7 2. Abrams, et al. v. All American Sports Corp., etc., et al., in Los Angeles  
8 Superior Court, Case No. LC094453, filed on August 3, 2011.
- 9 3. Larry Barnes, et al. v. National Football League, et al., in Los Angeles  
10 County Superior Court, Case No. BC468483, filed on August 26, 2011.

11 These cases are related in that each is against an identical set of defendants on behalf of  
12 former professional football players. In each action, the Plaintiffs claim that the Defendants are  
13 legally responsible for Plaintiffs' long-term injuries due to football-related concussions.

14  
15  
16 DATED: 8/30/11

ROSE, KLEIN & MARIAS LLP

17  
18  
19 By: 

20 DAVID A. ROSEN  
21 Attorneys for All Plaintiffs  
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**SUMMONS ON FIRST AMENDED  
(CITACION JUDICIAL) COMPLAINT**

SUM-100

**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 DOES 1 through 100, Inclusive**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)  
**FILED**  
Los Angeles Superior Court

**AUG 31 2011**

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

**YOU ARE BEING SUED BY PLAINTIFF: LARRY BARNES; WOODROW (LO ESTÁ DEMANDANDO EL DEMANDANTE): "WOODY" BENNETT; SCOT BRANTLEY; CEDRIC BROWN; JOSEPH "BARRY" BROWN and JEAN BROWN, his wife; RUDOLPH BUKICH and PATRICIA BUKICH, his wife; MICHAEL CLOUD; BRIAN HOLLOWAY; (continued)**

**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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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](http://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 presente 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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://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  
111. N. Hill Street

CASE NUMBER:  
(Número del Caso):  
BC468483

Los Angeles, CA 90012  
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):  
David A. Rosen, Esq. (S.B. 187) (213) 626-0571 (213) 623-7755  
ROSE, KLEIN & MARIAS LLP  
801 S. Grand Avenue  
Los Angeles, CA 90017-4645

DATE: AUG 31 2011 by JOHN A. CLARKE, Deputy  
(Fecha) (Secretary) (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)).

**Shaunya Wesley**



- 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: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
  - by personal delivery on (date):

SHORT TITLE: NATIONAL FOOTBALL LEAGUE, et al. v. LARRY  
BARNES, et al.

CASE NUMBER:  
BC468483

## 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

JIMMIE GILES; CAROLYN LENS; DANNY NOONAN; JOE PHILLIPS; GREGORY ROBERTS; JESSE SOLOMON; RALPH WENZEL and ELEANOR PERFETTO, his wife; JAMES WILDER; and ROES 1 through 200, Inclusive.



15

CIV-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 David Rosen (SBN 101287)  
 ROSE KLEIN & MARIAS LLP  
 801 S. Grand Avenue, 11th Floor  
 Los Angeles, CA 90017  
 TELEPHONE NO.: 213-626-0571 FAX NO. (Optional):  
 E-MAIL ADDRESS (Optional):  
 ATTORNEY FOR (Name): Plaintiffs, Larry Barnes et al.  
 SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles  
 STREET ADDRESS: 111 N. Hill St.  
 MAILING ADDRESS:  
 CITY AND ZIP CODE: Los Angeles, CA 90012  
 BRANCH NAME: Central District

**FILED**  
 Los Angeles Superior Court  
 SEP 13 2011  
 REC'D  
 SEP 13 2011  
 FILING WINDOW  
 JOHN A. CLARKE, CLERK  
 BY R. BARRIOS, DEPUTY

PLAINTIFF/PETITIONER: Larry Barnes, et al.  
 DEFENDANT/RESPONDENT: National Football League, et al.

REQUEST FOR DISMISSAL  
 Personal Injury, Property Damage, or Wrongful Death  
 Motor Vehicle  Other  
 Family Law  Eminent Domain  
 Other (specify): Fraud

CASE NUMBER  
 BC468483  
 P [Signature]

- A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -

1. TO THE CLERK: Please dismiss this action as follows:  
 a. (1)  With prejudice (2)  Without prejudice  
 b. (1)  Complaint (2)  Petition  
 (3)  Cross-complaint filed by (name): on (date):  
 (4)  Cross-complaint filed by (name): on (date):  
 (5)  Entire action of all parties and all causes of action  
 (6)  Other (specify):\* As to Plaintiffs Lee Roy Selmon and Dewey Selmon ONLY. This is not a retraxit.

2. (Complete in all cases except family law cases.)  
 Court fees and costs were waived for a party in this case. (This information may be obtained from the clerk. If this box is checked, the declaration on the back of this form must be completed).  
 Date: September 12, 2011

David Rosen (SBN 101287)  
 (TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)  
 \*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

[Signature]  
 (SIGNATURE)  
 Attorney or party without attorney for:  
 Plaintiff/Petitioner  Defendant/Respondent  
 Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal hereby given.\*\*  
 Date:

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)  
 \*\* If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complaint (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

[Signature]  
 (SIGNATURE)  
 Attorney or party without attorney for:  
 Plaintiff/Petitioner  Defendant/Respondent  
 Cross-Complainant

- (To be completed by clerk)  
 4.  Dismissal entered as requested on (date): 9-13-11  
 5.  Dismissal entered on (date): as to only (name):  
 6.  Dismissal not entered as requested for the following reasons (specify):

7. a.  Attorney or party without attorney notified on (date):  
 b.  Attorney or party without attorney not notified. Filing party failed to provide  
 a copy to be conformed  means to return conformed copy

Date: 9-13-11 Clerk, by R. Barrios, Deputy

**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 Otis D. Wright II and the assigned discovery Magistrate Judge is Jay C. Gandhi.

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

**CV11- 8396 ODW (JCGx)**

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**

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

<b>II. BASIS OF JURISDICTION</b> (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)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%;"><b>PTF</b></td> <td style="width:10%;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%;"><b>PTF</b></td> <td style="width:10%;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	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
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
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.)

<b>OTHER STATUTES</b> <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	<b>CONTRACT</b> <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 <b>REAL PROPERTY</b> <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	<b>TORTS</b> <b>PERSONAL INJURY</b> <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 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <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 <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <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	<b>PRISONER PETITIONS</b> <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 <b>FORFEITURE / PENALTY</b> <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	<b>LABOR</b> <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 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <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 08396

**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).

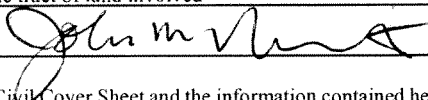
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
(See attachment)	(See attachment)

- (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):  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 3-1 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 Barnes, et al. v. National Football League, et al.

Section I:

PLAINTIFFS	DEFENDANTS
LARRY BARNES; WOODROW "WOODY" BENNETT; SCOT BRANTLEY; CEDRIC BROWN; JOSEPH "BARRY" BROWN and JEAN BROWN, his wife; RUDOLPH BUKICH and PATRICIA BUKICH, his wife; MICHAEL CLOUD; BRIAN HOLLOWAY; JIMMIE GILES; CAROLYN LENS; DANNY NOONAN; JOE PHILLIPS; GREGORY ROBERTS; JESSE SOLOMON; RALPH WENZEL and ELEANOR PERFETTO, his wife; JAMES WILDER; and ROES 1 through 200, Inclusive,	NATIONAL FOOTBALL LEAGUE; NFL PROPERTIES LLC; RIDDEL, 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.
<i>Attorneys for Plaintiffs:</i>	<i>Attorneys for Defendants National Football League and NFL Properties LLC:</i>
ROSE, KLEIN & MARIAS LLP DAVID A. ROSEN 801 South Grand Avenue, Eleventh Floor Los Angeles, CA 90017-4645 Telephone: (213) 626-0571 Facsimile: (213) 623-7755	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  <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

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:

<b>a. <u>Plaintiffs:</u></b>	
<b><i>California Counties:</i></b>	<b><i>States other than California</i></b>
Riverside	Florida Maryland Nebraska Oklahoma Oregon Texas

**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.