

**UNITED STATES DISTRICT COURT  
DISTRICT COURT OF CONNECTICUT**

JOHNATHAN NATHANS	)	CIVIL ACTION NUMBER:
Plaintiff,	)	
	)	
VS.	)	
	)	
JOSE OFFERMAN and	)	
THE LONG ISLAND DUCKS	)	
PROFESSIONAL BASEBALL	)	
CLUB, LLC	)	February 11, 2009
	)	

**COMPLAINT**

**I. INTRODUCTION**

1. This is a suit brought to recover damages for injuries caused to the Plaintiff, Johnathan Nathans, a catcher for the Bridgeport Bluefish baseball team during a professional baseball game in Bridgeport, Connecticut.

2. In the incident former major league baseball player, and former all-star Jose Offerman - playing for the Long Island Ducks of the Atlantic League - was hit in the calf by a pitch thrown by Bluefish pitcher Matt Beech. Instead of proceeding to first base as required by the rules of baseball, Offerman charged the pitcher's mound wielding his baseball bat.

3. John Nathans followed Offerman to the mound in an effort to protect his teammate. At or about the time Offerman reached the mound he swung the bat toward the pitcher and in doing so struck John Nathans in the head causing severe and permanent injuries.

## **II. JURISDICTION AND VENUE**

4. Plaintiff is a citizen and resident of the State of Maine.

5. Upon information and belief, defendant Jose Offerman (hereinafter “Offerman”), is a citizen of the Dominican Republic and resident of a state other than the State of Connecticut.

6. Upon information and belief defendant, The Long Island Ducks Professional Baseball Club, LLC (hereinafter “Ducks”), is a company existing pursuant to the laws of the State of New York and transacting business in the State of Connecticut.

7. This Court has jurisdiction over plaintiff’s claims pursuant to 28 U.S.C. § 1332(a) and 1367. Plaintiff and Defendants are residents of different states and the amount in controversy on each claim exceeds \$75,000, exclusive of interests and costs.

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391(a) in that a substantial part of the events or omissions giving rise to plaintiff’s claims occurred in this District; the incident in issue occurred in this district; and defendant Ducks transacts business in the State of Connecticut.

## **III. FACTUAL ALLEGATIONS**

9. At all times relevant hereto, Jose Offerman was a professional baseball player, former major league baseball player and former all-star, playing for the defendant, Long Island Ducks of Central Islip, New York.

10. At all times mentioned herein the defendant Offerman was an agent, servant and/or employee of the Ducks acting within the course and scope of his employment and/or for the benefit of the Ducks.

11. At all times relevant hereto, the plaintiff, Johnathan Nathans, was also a professional baseball player and was catcher for the Bridgeport Bluefish of Bridgeport, Connecticut.

12. On or about August 14, 2007, the Ducks played a baseball game against the Bluefish at The Ballpark at Harbor Yard in Bridgeport, Connecticut.

13. During the ballgame, Offerman faced Bluefish starting pitcher Matt Beech, with the plaintiff Nathans playing catcher for the Bluefish.

14. At this time, Beech threw a pitch to Offerman that struck Offerman in the left leg, whereupon Offerman suddenly and without any warning charged towards the pitcher's mound with his bat.

15. Plaintiff Johnathan Nathans, in an effort to protect his teammate and/or prevent a fight, followed Offerman toward the pitcher's mound.

16. As he approached the mound Offerman swung the bat toward Beech whose arms were raised in an effort to protect himself.

17. As Offerman wielded the bat John Nathans was struck forcefully in the head.

18. As a result of being struck in the head by Offerman's bat, the plaintiff, John Nathans, incurred serious, painful and permanent injuries as set forth below.

#### **IV. DAMAGES**

19. As a result of the defendant's conduct as alleged herein the plaintiff was struck in the head with a baseball bat and has and will continue to suffer serious, painful and permanent injuries including but not limited to the following:

- a. Brain concussion;
- b. Head trauma;
- c. Traumatic brain injury;
- d. Post concussion syndrome;
- e. Vertigo;
- e. Headaches;
- f. Vestibular dysfunction;
- g. Organic inner ear damage;
- h. Post traumatic stress;
- n. Public embarrassment, ridicule and humiliation.

20. As a further result of his injuries, the plaintiff has incurred and will continue to incur expenses for medical care and treatment and impairment of his earning capacity to his financial loss.

21. As a further result of his injuries the plaintiff has suffered and will continue to suffer impairment of his ability to carry on and enjoy life's activities.

**V. COUNT ONE: ASSAULT AND BATTERY**

22. Plaintiff hereby repeats and incorporates each of the foregoing paragraphs 1-21 as if set forth repeated herein verbatim.

23. The injuries to Johnathan Nathans were caused by Offerman's negligent and/or intentional assault and battery in that Offerman struck Nathans with his bat while intending to cause bodily harm and/or the apprehension of bodily harm to the pitcher, Matt Beech.

**VI. COUNT TWO: NEGLIGENCE**

24. Plaintiff hereby repeats and incorporates each of the foregoing paragraphs 1-21 as if set forth herein verbatim.

25. The injuries to Johnathan Nathans were the result of the carelessness and negligence of the defendant, Offerman, in that he:

- a. Charged another baseball player during a game while wielding a baseball bat;
- b. Swung a baseball bat in an area where he knew or should have known he could have hit another person;
- c. Placed other players in danger of being hit by a baseball bat;
- d. Struck plaintiff, Johnathan Nathans, in the head with a baseball bat;
- e. Failed to abide by the rules of the game of baseball and the customs and usages of that sport;
- f. Otherwise failed to act as a reasonable person would have acted in the same or similar circumstances.

**VII COUNT THREE: RECKLESS ASSAULT AND BATTERY**

26. Plaintiff hereby repeats and incorporates each of the foregoing paragraphs 1-21 as if set forth herein verbatim.

27. The injuries to Johnathan Nathans were caused by a reckless and wanton assault and battery by Offerman in that he:

- a. Charged another baseball player during a game while swinging a baseball bat;
- b. Swung a baseball bat in an area where he knew or should have known he would hit another person;
- c. Placed other players in danger of being hit by a baseball bat;
- d. Struck plaintiff, Johnathan Nathans, in the head with a baseball bat;
- e. Failed to abide by the rules of the game of baseball and the customs and usages of that sport;
- f. Otherwise failed to act as a reasonable person would have acted in the same or similar circumstances.

**WHEREFORE**, the plaintiff prays for the following relief:

- (a) Actual and punitive damages in the amount of \$4,800,000.00 plus costs;
- (b) Such other relief as the Court deems appropriate

THE PLAINTIFF,

By



**JOSHUA D. KOSKOFF** (ct15619)

**J. CRAIG SMITH** (ct26662)

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