

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**REGINALD AUSTIN and CYNTHIA)
AUSTIN, his wife; ROBERT BAILEY)
and TINA BAILEY, his wife; VAUGHN)
BOOKER; MELVIN T. BRATTON)
and EUGENIA BRATTON, his wife;)
REGGIE BROWN and KERRIE)
PATTERSON-BROWN, his wife;)
LAMAR CAMPBELL and SHARON)
CAMPBELL, his wife; KENNETH)
CLARKE; ARTHUR COX; MIGUEL)
“MIKE” BRYCE DINGLE and)
AMANDA RENEE DINGLE, his wife;)
ERNEST DIXON and PAMELA)
DIXON, his wife; MAJOR EVERETT)
and VALARIE EVERETT, his wife;)
TERRY FAIR and SHERLONE FAIR,)
his wife; EDGAR E. FIELDS;)
ERNEST G. GIBSON and BARBARA)
GIBSON, his wife; RANDALL)
GODFREY; GEORGE “TIGER”)
GREENE and BERNADETTE)
GREENE, his wife; SEDRICK HODGE)
and FARRAH HODGE, his wife;)
DARYLL JONES and BETTY JONES,)
his wife; HORACE KING and MITZI)
KING, his wife; KARON RILEY and)
TERRI RILEY, his wife; PAUL A.)
RYCZEK and CAROL RYCZEK,)
his wife; RODERICK SADDLER and)
SIMONE SADDLER, his wife; SAM)
SIMMONS and JANICE ROYE,)
his wife; LARRY J. THARPE; JON)
VAUGHN; KERWIN WALDROUP;)
JOEL WILLIAMS and CAROLYN)**

Civil Action No.:

WILLIAMS, his wife; and KEN)
WOODARD,)
)
 Plaintiffs,)
)
 v.)
)
NATIONAL FOOTBALL LEAGUE;)
And NFL PROPERTIES, LLC,)
)
Defendants.)

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

The Plaintiffs, all individuals, hereby file this Complaint for Damages and Jury Trial Demand against the above named Defendants, respectfully showing the Court the following:

INTRODUCTION

1. The National Football League (“NFL” or “the League”) is America’s most successful and popular sports league. With 32 member teams, the League is a multi-billion dollar business. The NFL is and has always been eager to avoid negative publicity and protect the product on the field. As a result, the NFL regulates just about everything as it pertains to their teams, including League policies, player appearances, marketing, and safety, among other activities.

2. As recognized by the League, professional football is a tough, aggressive, and physically demanding sport. Injuries are common. As such, it is

vital to the safety of the players that the NFL act reasonably, to identify the risks of serious injury associated with playing professional football, to keep the teams and players informed of the risks that they identify, and to take reasonable steps to protect players. Aware of this responsibility, the NFL, through its own initiative, created the Mild Traumatic Brain Injury Committee (“MTBI” or “Committee”) in 1994 to research, and presumably look to ameliorate, what was already a tremendous problem in the League – concussions.

3. Head injuries have been the topic in a wide variety of relatively recent news articles and television segments, and was addressed by the League in an announcement that it would penalize illegal blows to the head. But, as noted, head injuries are not a new problem. For decades, the League’s players have been plagued by the devastating effects of concussions.

4. Despite overwhelming medical evidence that on-field concussions lead directly to brain injuries and frequent tragic repercussions for retired players, the NFL not only failed to take reasonable actions in an attempt to protect players from suffering, but failed to inform players of the true risks associated with concussions. Instead, the NFL chose to misrepresent and/or conceal medical evidence recognized by its “hand-picked” committee of physicians who were researching same. While athletes in other professional sports who had suffered

concussions were being effectively withheld from play (“shut down”) for long periods of time or full seasons, NFL protocol was to return players who had suffered concussions to *the very game in which the injury occurred*.

5. The NFL has purposefully attempted to obfuscate the issue and has repeatedly refuted the connection between concussions and brain injury. Congress has vehemently objected to the NFL’s handling of the issue on several occasions. In the 17 years since its formation, the MTBI has served as nothing short of a roadblock to any genuine attempt to appropriately inform and protect teams and NFL players regarding concussions and resultant brain injury. The Committee’s misrepresentation and concealment of relevant medical information over the years has caused an increased risk of debilitating and/or life-threatening injury to players who were purposefully not being apprised of the findings.

6. The NFL has failed to satisfy its duty to take reasonable steps necessary to protect players from devastating head injuries. Moreover, the NFL has downplayed and misrepresented the issues and mislead players concerning the risks associated with concussions.

THE PARTIES

7. Mr. Reginald Austin and his wife, Cynthia Austin, are citizens of the State of Georgia, residing in College Park, Fulton County, Georgia.

8. Mr. Robert Bailey and his wife, Tina Bailey, are citizens of the State of Florida, residing in Miami, Dade County, Florida.

9. Mr. Vaughn Booker is a citizen of the State of Georgia, residing in Ellenwood, DeKalb County, Georgia.

10. Mr. Melvin T. Bratton and his wife, Eugenia Bratton, are citizens of the State of Georgia, residing in Morrow, Clayton County, Georgia.

11. Mr. Reggie Brown and his wife, Kerrie Patterson-Brown, are citizens of the State of Texas, residing in Houston, Harris County, Texas.

12. Mr. Lamar Campbell and his wife, Sharon Campbell, are citizens of the State of Pennsylvania residing in Chester, Delaware County, Pennsylvania.

13. Mr. Kenneth Clarke is a citizen of the State of Georgia, residing in Alpharetta, Fulton County, Georgia.

14. Mr. Arthur Cox is a citizen of the State of Florida, residing in Valrico, Hillsborough County, Florida.

15. Mr. Miguel "Mike" Bryce Dingle and his wife, Amanda Renee Dingle, are citizens of the State of South Carolina, residing in Greer, Greenville County, South Carolina.

16. Mr. Ernest Dixon and his wife, Pamela Dixon, are citizens of the State of Georgia, residing in Stockbridge, Henry County, Georgia.

17. Mr. Major Everett and his wife, Valarie Everett, are citizens of the State of Georgia, residing in Pine Lake, DeKalb County, Georgia.

18. Mr. Terry Fair and his wife, Sherlone Fair, are citizens of the State of Tennessee, residing in Knoxville, Knox County, Tennessee.

19. Mr. Edgar E. Fields is a citizen of the State of Georgia, residing in Roswell, Fulton County, Georgia.

20. Mr. Ernest G. Gibson and his wife, Barbara Gibson, are citizens of the State of Georgia, residing in Marietta, Cobb County, Georgia.

21. Mr. Randall Godfrey is a citizen of the State of Georgia, residing in Duluth, Fulton County, Georgia.

22. Mr. George "Tiger" Greene and his wife, Bernadette Greene, are citizens of the State of Georgia, residing in Roswell, Fulton County, Georgia.

23. Mr. Sedrick Hodge and his wife, Farrah Hodge, are citizens of the State of Georgia, residing in Euharlee, Bartow County, Georgia.

24. Mr. Daryll Jones and his wife, Betty Jones, are citizens of the State of Georgia, residing in Columbus, Muscogee County, Georgia.

25. Mr. Horace King and his wife, Mitzi King, are citizens of the State of Georgia, residing in Alpharetta, Fulton County, Georgia.

26. Mr. Karon Riley and his wife, Terri Riley, are citizens of the State of Georgia, residing in Duluth, Gwinnett County, Georgia.

27. Mr. Paul A. Ryczek and his wife, Carol Ryczek, are citizens of the State of Georgia, residing in Roswell, Fulton County, Georgia.

28. Mr. Roderick Saddler and his wife, Simone Saddler, are citizens of the State of Georgia, residing in Tucker, DeKalb County, Georgia.

29. Mr. Sam Simmons and his wife, Janice Roye, are citizens of the State of Georgia, residing in Decatur, DeKalb County, Georgia.

30. Mr. Larry J. Tharpe is a citizen of the State of Georgia, residing in Macon, Bibb County, Georgia.

31. Mr. Jon Vaughn is a citizen of the State of Georgia, residing in Atlanta, Fulton County, Georgia.

32. Mr. Kerwin Waldroup is a citizen of the State of Texas, residing in Kingwood, Harris County, Texas.

33. Mr. Joel Williams and his wife, Carolyn Williams, are citizens of the State of Georgia, residing in Atlanta, Fulton County, Georgia.

34. Mr. Ken Woodard is a citizen of the State of Georgia, residing in Douglasville, Douglas County, Georgia.

35. All Defendants, and each of them, are legally responsible for the injuries and damages complained of herein.

36. At all times herein mentioned, Defendants, and each of them, were the agents, servants, and employees of each of the other, acting within the course and scope of said agency and employment.

37. Defendant NFL is a nonprofit, non-incorporated entity organized and existing under the laws of the State of New York, with its principal place of business at 280 Park Ave., 15th Fl., New York, NY 10017. The NFL is not, and has not been, the employer of Plaintiffs, who were employed by independent team clubs during their career in professional football. The NFL regularly conducts business in Georgia.

38. Defendant NFL Properties, LLC, as the successor-in-interest to National Football League Properties, Inc. (“NFL Properties”) is a limited liability company organized under the laws of the State of Delaware with its principal place of business in the State of New York. NFL Properties is engaged in, among other activities, approving, licensing and promoting equipment by all the NFL teams. NFL Properties regularly conducts business in Georgia.

JURISDICTION AND VENUE

39. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), as there is diversity of citizenship and the amount in controversy exceeds \$75,000, exclusive of interests and costs.

40. This Court has personal jurisdiction over Defendants as it does business in Georgia, has a franchise which plays in Georgia, and derives substantial revenue from its contacts with Georgia.

41. Venue properly lies in this district pursuant to 28 U.S.C. § 1391(a)(2) and 1391(b)(2) as a substantial part of the events and/or omissions giving rise to the claims emanated from activities within this jurisdiction and the Defendants conduct substantial business in this jurisdiction.

ALLEGATIONS APPLICABLE TO ALL COUNTS **THE NATIONAL FOOTBALL LEAGUE**

42. The NFL acts as a trade association for thirty-two (32) franchise owners, and consists of two (2) structured conferences, the AFC and the NFC comprised of thirty-two (32) teams.

43. The NFL is a separate entity from each of its teams. *American Needle, Inc. v. NFL, et al.*, 130 S. Ct. 2201 (U.S. 2010).

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

45. The NFL governs and promotes the game of American football, sets and enforces rules and league policies, and regulates team ownership. It generates revenue mostly through marketing sponsorships, licensing merchandise and by selling national broadcasting rights to the games. The teams share a percentage of the League's overall revenue.

46. Owing in part to its immense financial power and status in American football, the NFL has assumed enormous influence over the research and education of football injuries to physicians, trainers, coaches, and amateur football players at all levels of the game.

47. The League's website www.nflhealthandsafety.com states that USA Football, the sport's national governing body, "is the Official Youth Football Development Partner of the NFL and the NFL Players Association. The independent non-profit organization leads the development of youth, high school and international amateur football. In addition, USA Football operates programs and builds resources to address key health and safety issues in partnership with leading medical organizations. The organization was endowed by the NFL and NFLPA through the NFL Youth Football Fund in 2002. USA Football stands among the leaders in youth sports concussion education, particularly for football."

THE NFL AND THE CBA

48. Until March of 2011, all NFL players were members of a union called the National Football League Players Association (“NFLPA”). The NFLPA negotiates the general minimum contract for all players in the League with the National Football League Management Council (“NFLMC”). This contract is called the Collective Bargaining Agreement (“CBA”) and it is the central document that governs the negotiation of individual player contracts for all of the League’s players. However, the NFL retired players have not been the subject of or a party to the CBA.

49. Plaintiffs are retirees and not signatories to the CBA, nor are they the subject of or a party to an agreement between the NFL and the NFLPA. Plaintiffs’ claims are not preempted by federal labor law since the CBA does not apply to their claims.

THE NATURE OF HEAD INJURIES SUFFERED BY NFL PLAYERS

50. The American Association of Neurological Surgeons defines a concussion as “a clinical syndrome characterized by an immediate and transient alteration in brain function, including an alteration of mental status and level of consciousness, resulting from mechanical force or trauma.” The injury generally occurs when the head either accelerates rapidly and then is stopped, or is spun

suddenly. The results frequently include confusion, blurred vision, memory loss, nausea and, sometimes, unconsciousness.

51. A hit to the head may result in smashing, jiggling and torquing of the brain while causing strains and tears, snapping blood vessels, killing brain cells (neurons) and shearing the delicate connections (axons) that link this incredibly complex organ.

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

53. According to neurologists, once a person suffers a concussion, he is as much as four times more likely to sustain a second concussion. Additionally, after several concussions, a lesser impact may cause the injury, and the injured player requires more time to recover.

54. Clinical and neuropathological studies by some of the nation's foremost experts demonstrate that multiple concussions sustained during an NFL player's career may cause severe cognitive problems such as depression and early-onset dementia.

55. Chronic Traumatic Encephalopathy ("CTE") is a progressive degenerative disease of the brain found in athletes (and others) with a history of

repetitive concussions. Conclusive studies have shown this condition to be prevalent in retired professional football players who have a history of head injury.

56. Head trauma, which includes multiple concussions, triggers progressive degeneration of the brain tissue. These changes in the brain can begin months, years, or even decades after the last concussion or end of active athletic involvement. The brain degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse control problems, aggression, depression, and eventually, progressive dementia.

57. In 2002, Dr. Bennet Omalu, a forensic pathologist and neuropathologist, found CTE in the brain of NFL Hall of Famer Mike Webster.

58. By 2007, Dr. Omalu found a fourth case linking the death of a former NFL player to CTE from his football career.

59. Around the same time period, the University of North Carolina's Center for the Study of Retired Athletes published survey-based papers in 2005 through 2007 that found a clear correlation between NFL football and depression, dementia, and other cognitive impairment.

60. In 1994, the NFL undertook the responsibility of studying concussion research through funding the MTBI Committee.”

61. The NFL MTBI Committee published its findings in 2004 showing “no evidence of worsening injury or chronic cumulative effects” from multiple concussions. In a related study, the Committee found “many NFL players can be safely allowed to return to play” on the day of a concussion if they are without symptoms and cleared by a physician.

62. Commissioner Roger Goodell in June of 2007 admitted publicly that the NFL has been studying the effects of traumatic brain injury for “close to 14 years...”.

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

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

65. Until very recently, CTE could only be diagnosed by autopsy.

NFL’S DUTY TO PLAYERS AND THE PUBLIC

66. The NFL overtly undertook a duty to study concussions on behalf of NFL players.

67. The NFL owed a duty to players including Plaintiffs, in the following respects:

- (a) It owed a duty of reasonable care to protect Plaintiffs on the playing field;
- (b) It owed a duty of reasonable care to Plaintiffs to educate them and other players in the NFL about CTE and/or concussion injury;
- (c) It owed a duty of reasonable care to Plaintiffs to educate trainers, physicians, and coaches about CTE and/or concussion injury;
- (d) It owed a duty of reasonable care to Plaintiffs to have in place strict return-to-play guidelines to prevent CTE and/or concussion injury;
- (e) It owed a duty of reasonable care to Plaintiffs to promote a “whistleblower” system where teammates would bring to the attention of a trainer, physician, or coach that another player had sustained concussion injury;
- (f) It owed a duty of reasonable care to Plaintiffs to design rules and penalties for players who use their head or upper body to hit or tackle;
- (g) It owed a duty of reasonable care to Plaintiffs to design rules to eliminate the risk of concussion during games and/or practices;
- (h) It owed a duty of reasonable care to Plaintiffs to promote research into and cure for CTE and the effects of concussion injury over a period of time; and
- (i) It owed a duty of reasonable care to State governments, local sports organizations, all American Rules Football leagues and players, and the public at large to protect against the long-term effects of CTE and/or concussion injury.

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

69. Plaintiffs did not know, nor did they have reason to know, the long-term effects of concussions and relied on the Defendants to provide reasonable warnings, rules, regulations and studies.

DEFENDANTS' KNOWLEDGE OF THE RISK OF CONCUSSIONS

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

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

72. While Defendants undertook to investigate, research, and promulgate multiple safety rules, Defendants were negligent in failing to act reasonably and exercise their duty to enact reasonable league-wide guidelines and mandatory rules regulating post-concussion medical treatment and return-to-play standards for players who had suffered a concussion and/or multiple concussions.

73. Defendants affirmatively assumed a duty to use reasonable care in the study of post-concussion syndrome, and to use reasonable care in the publication of data from the MTBI Committee's work.

74. Rather than exercising reasonable care in these duties, Defendants immediately engaged in a long-running course of negligent conduct.

75. By failing to exercise their duty to enact reasonable and prudent rules to better protect players against the risks associated with repeated brain trauma, Defendants' failure to exercise their independent duty has led to the deaths of some, and brain injuries of many other former players, including Plaintiffs.

76. Defendants' ongoing undertaking to protect the health and safety of the players is evidenced by the NFL's enactment of at least the following non-exhaustive list of rules pertaining to players' health and safety:

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

- (d) In 1977, the NFL enacted a rule that prohibited players from slapping the head of another player 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

- (1) 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.

77. However, the Defendants failed to enact reasonable rules and regulations for the prevention of traumatic brain injuries.

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

78. Instead of taking measures to actually protect its players from suffering brain injuries, the NFL created the MTBI Committee in 1994 to ostensibly study the effects of concussions on NFL players.

79. The MTBI Committee was chaired by Dr. Elliot Pellman, the New York Jets team trainer, a rheumatologist who is not certified as a brain injury and/or concussion specialist.

80. After 14 years of studies, and after numerous medical journal articles written by the NFL's MTBI Committee, Defendants concluded that "[b]ecause a significant percentage of players returned to play in the same game [after suffering a mild traumatic brain injury] and the overwhelming majority of players with

concussions were kept out of football-related activities for less than 1 week, it can be concluded that mild TBI's in professional football are not serious injuries." See "Concussion in professional football: Summary of the research conducted by the National Football League's Committee on Mild Traumatic Brain Injury." *Neurosurg Focus* 21 (4):E12; 2006, RI. Pellman and D.C. Viano.

81. According to Defendants' own "studies," the speedy return to play after suffering a concussion demonstrates that such players were at no greater risk of suffering long-term brain injury.

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

83. A series of clinical and neuropathological studies performed by independent scientists and physicians demonstrated that multiple NFL induced-concussions cause cognitive problems such as depression, early on-set dementia and CTE.

84. In response to these studies, Defendants, to further a scheme of fraud and deceit, had members of the NFL's MTBI Committee deny knowledge of a link between concussion and cognitive decline.

85. When the NFL's MTBI Committee anticipated studies that would show causal links between concussion and cognitive degeneration, the Committee promptly published articles producing contrary findings, as part of Defendants' scheme to deceive Congress, the players and the public at large.

86. Dr. Bennet Omalu examined the brain tissue of deceased NFL players including Mike Webster, Terry Long, Andrew Waters and Justin Strzelczyk. Dr. Omalu in an article in *Neurosurgery* concluded that CTE triggered by multiple NFL concussions, was a partial cause of their death.

87. In response to Dr. Omalu's article, Defendants' MTBI Committee, (Drs. Ira Casson, Eliot Pellman and David Viano) wrote a letter to the editor of *Neurosurgery* asking that Dr. Omalu's article be retracted.

88. A clinical study performed by Dr. Kevin Guskiewicz found that retired players who sustained three or more concussions in the NFL had a five-fold prevalence of mild cognitive impairment. The NFL's MTBI Committee, (Dr. Mark Lowell), promptly attacked the article by refusing to accept a survey of 2,400 former NFL players.

89. Because of Congressional scrutiny and media pressure, the NFL scheduled a league-wide Concussion Summit for June 2007. Defendants, in

furtherance of their scheme of deceit issued a pamphlet to players in August 2007, which stated: “there is no magic number for how many concussions is too many.”

90. When Boston University’s Dr. Ann McKee found CTE present in the brains of two more deceased NFL players, a member of the Committee characterized each study as an “isolated incident” from which no conclusion could be drawn.

91. The NFL MTBI Committee has been on direct notice of multiple NFL head injuries contributing to cognitive decline in later life, yet it has never amended the 2007 NFL’s MTBI Committee statement: “Current research with professional athletes has not shown that having more than one or two concussions leads to permanent problems... It is important to understand that there is no magic number for how many concussions is too many.”

92. Defendants have yet to amend these inaccurate and misleading statements.

**DEFENDANTS ACKNOWLEDGE THEIR DUTY TO
PROTECT AGAINST THE LONG-TERM RISK OF CONCUSSIONS**

93. On August 14, 2007, Defendants acknowledged their duty to players by enacting rules to protect them against the risk associated with repeated brain trauma.

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

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

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

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

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

99. The NFL's 2007 concussion guidelines indicate when a player with a concussion can return to a game or practice.

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

101. Defendants acknowledged that said guidelines were inadequate and insufficient. As a result, the NFL enacted more strict regulations to handle concussions starting in the 2009 season. Specifically, the NFL announced new rules requiring players who exhibit any significant signs of concussion to be removed from a game or practice and be barred from returning the same day.

102. Nevertheless, it was not until June of 2010 that the NFL warned any player of the long-term risks associated with multiple concussions, including dementia, memory loss, CTE and its related symptoms.

103. As of today, Defendants have not warned retired players of the long-term health effects of concussions.

DEFENDANTS' CONDUCT
WAS DELIBERATE, WILFULL AND WANTON

104. The aforementioned acts and omissions of Defendants demonstrate that they acted deliberately, willfully, and wantonly with indifference to the rights and duties owed and consequences to Plaintiffs.

105. Defendants knew that a substantial risk of physical and mental harm to the NFL players existed in connection with repeated concussive blows to the head, to wit: the danger of irreversible brain-damage and/or dementia. Defendants willfully and deliberately disregarded the safety of others in continually undertaking to establish and promulgate safety rules for the NFL that failed to reasonably address or disclose substantial risk of head injury.

PLAINTIFF REGINALD AUSTIN AND CYNTHIA AUSTIN

106. Plaintiff Reginald Austin was born on January 21, 1977 in Atlanta, Georgia. He is married to Cynthia Austin. They live in College Park, Georgia.

107. Plaintiff Reginald Austin played three (3) NFL seasons, from 2000-2002 for the Chicago Bears.

108. Throughout his career as a professional football player, Plaintiff Reginald Austin suffered multiple concussive hits and blows to the head.

109. Plaintiff Reginald Austin was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed

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

110. Plaintiff Reginald Austin suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF ROBERT BAILEY AND TINA BAILEY

111. Plaintiff Robert Bailey was born on September 3, 1968 in Barbados. He is married to Tina Bailey. They live in Miami, Florida.

112. Plaintiff Robert Bailey played eleven (11) NFL seasons, from 1991-1994 for the Los Angeles Rams; for the Washington Redskins and the Dallas Cowboys during the 1995 season; for the Miami Dolphins during the 1996 season; from 1997-1999 and 2001 for the Detroit Lions; and for the Baltimore Ravens during the 2000 season.

113. Throughout his career as a professional football player, Plaintiff Robert Bailey suffered multiple concussive hits and blows to the head.

114. Plaintiff Robert Bailey was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

115. Plaintiff Robert Bailey suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF VAUGHN BOOKER

116. Plaintiff Vaughn Booker was born on February 24, 1968 in Cincinnati, Ohio. He lives in Ellenwood, Georgia.

117. Plaintiff Vaughn Booker played nine (9) NFL seasons, from 1994-1997 for the Kansas City Chiefs; from 1998-1999 for the Green Bay Packers; and from 2000-2002 for the Cincinnati Bengals.

118. Throughout his career as a professional football player, Plaintiff Vaughn Booker suffered multiple concussive hits and blows to the head.

119. Plaintiff Vaughn Booker was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

120. Plaintiff Vaughn Booker suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF MELVIN T. BRATTON AND EUGENIA BRATTON

121. Plaintiff Melvin T. Bratton was born on February 2, 1965 in Miami, Florida. He is married to Eugenia Bratton. They live in Morrow, Georgia.

122. Plaintiff Melvin T. Bratton played two (2) NFL seasons, from 1989-1990 for the Denver Broncos.

123. Throughout his career as a professional football player, Plaintiff Melvin T. Bratton suffered multiple concussive hits and blows to the head.

124. Plaintiff Melvin T. Bratton was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

125. Plaintiff Melvin T. Bratton suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF REGGIE BROWN AND KERRIE PATTERSON-BROWN

126. Plaintiff Reggie Brown was born on September 28, 1974 in Miami, Florida. He is married to Kerrie Patterson-Brown. They live in Houston, Texas.

127. Plaintiff Reggie Brown played two (2) NFL seasons, from 1996-1997 for the Detroit Lions.

128. Throughout his career as a professional football player, Plaintiff Reggie Brown suffered multiple concussive hits and blows to the head.

129. Plaintiff Reggie Brown was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

130. Plaintiff Reggie Brown suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF LAMAR CAMPBELL AND SHARON CAMPBELL

131. Plaintiff Lamar Campbell was born on August 29, 1976 in Chester, Pennsylvania. He is married to Sharon Campbell. They live in Chester, Pennsylvania.

132. Plaintiff Lamar Campbell played five (5) NFL seasons, from 1998-2002 for the Detroit Lions.

133. Throughout his career as a professional football player, Plaintiff Lamar Campbell suffered multiple concussive hits and blows to the head.

134. Plaintiff Lamar Campbell was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed

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

135. Plaintiff Lamar Campbell suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF KENNETH CLARKE

136. Plaintiff Kenneth Clarke was born on August 28, 1956 in Savannah, Georgia. He lives in Alpharetta, Georgia.

137. Plaintiff Kenneth Clarke played fourteen (14) NFL seasons, from 1978-1987 for the Philadelphia Eagles; for the Seattle Seahawks during the 1988 season; and from 1989-1991 for the Minnesota Vikings.

138. Throughout his career as a professional football player, Plaintiff Kenneth Clarke suffered multiple concussive hits and blows to the head.

139. Plaintiff Kenneth Clarke was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

140. Plaintiff Kenneth Clarke suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF ARTHUR COX

141. Plaintiff Arthur Cox was born on February 6, 1961 in Plant City, Florida. He lives in Valrico, Florida.

142. Plaintiff Arthur Cox played nine (9) NFL seasons, from 1983-1987 for the Atlanta Falcons; from 1988-1990 for the San Diego Chargers; and for the San Diego Chargers, Miami Dolphins and Cleveland Browns during the 1991 season.

143. Throughout his career as a professional football player, Plaintiff Arthur Cox suffered multiple concussive hits and blows to the head.

144. Plaintiff Arthur Cox was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

145. Plaintiff Arthur Cox suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

MIGUEL “MIKE” BRYCE DINGLE AND AMANDA RENEE DINGLE

146. Plaintiff Miguel “Mike” Bryce Dingle was born on January 30, 1969 in Moncks Corner, South Carolina. He is married to Amanda Renee Dingle. They live in Greer, South Carolina.

147. Plaintiff Miguel “Mike” Bryce Dingle played two (2) NFL seasons, from 1991-1992 for the Cincinnati Bengals.

148. Throughout his career as a professional football player, Plaintiff Miguel “Mike” Bryce Dingle suffered multiple concussive hits and blows to the head.

149. Plaintiff Miguel “Mike” Bryce Dingle was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

150. Plaintiff Miguel “Mike” Bryce Dingle suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF ERNEST DIXON AND PAMELA DIXON

151. Plaintiff Ernest Dixon was born on October 17, 1971 in York, South Carolina. He is married to Pamela Dixon. They live in Stockbridge, Georgia.

152. Plaintiff Ernest Dixon played five (5) NFL seasons, from 1994-1997 for the New Orleans Saints; and for the Oakland Raiders and Kansas City Chiefs during the 1998 season.

153. Throughout his career as a professional football player, Plaintiff Ernest Dixon suffered multiple concussive hits and blows to the head.

154. Plaintiff Ernest Dixon was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

155. Plaintiff Ernest Dixon suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF MAJOR EVERETT AND VALARIE EVERETT

156. Plaintiff Major Everett was born on January 4, 1960 in New Hebron, Mississippi. He is married to Valarie Everett. They live in Pine Lake, Georgia.

157. Plaintiff Major Everett played five (5) NFL seasons, from 1983-1985 for the Philadelphia Eagles; for the Cleveland Browns during the 1986 season; and for the Cleveland Browns and Atlanta Falcons during the 1987 season.

158. Throughout his career as a professional football player, Plaintiff Major Everett suffered multiple concussive hits and blows to the head.

159. Plaintiff Major Everett was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

160. Plaintiff Major Everett suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF TERRY FAIR AND SHERLONE FAIR

161. Plaintiff Terry Fair was born on July 20, 1976 in Phoenix, Arizona. He is married to Sherlone Fair. They live in Knoxville, Tennessee.

162. Plaintiff Terry Fair played six (6) NFL seasons, from 1998-2001 for the Detroit Lions; for the Carolina Panthers during the 2002 season; and for the St. Louis Rams during the 2005 season.

163. Throughout his career as a professional football player, Plaintiff Terry Fair suffered multiple concussive hits and blows to the head.

164. Plaintiff Terry Fair was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed

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

165. Plaintiff Terry Fair suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF EDGAR E. FIELDS

166. Plaintiff Edgar E. Fields was born on March 10, 1954 in Austin, Texas. He lives in Roswell, Georgia.

167. Plaintiff Edgar E. Fields played five (5) NFL seasons, from 1977-1980 for the Atlanta Falcons; and for the Detroit Lions during the 1981 season.

168. Throughout his career as a professional football player, Plaintiff Edgar E. Fields suffered multiple concussive hits and blows to the head.

169. Plaintiff Edgar E. Fields was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

170. Plaintiff Edgar E. Fields suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF ERNEST G. GIBSON AND BARBARA GIBSON

171. Plaintiff Ernest G. Gibson was born on October 3, 1961 in Jacksonville, Florida. He is married to Barbara Gibson. They live in Marietta, Georgia.

172. Plaintiff Ernest Dixon played six (6) NFL seasons, from 1984-1988 for the New England Patriots; and for the Miami Dolphins during the 1989 season.

173. Throughout his career as a professional football player, Plaintiff Ernest G. Gibson suffered multiple concussive hits and blows to the head.

174. Plaintiff Ernest G. Gibson was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

175. Plaintiff Ernest G. Gibson suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF RANDALL GODFREY

176. Plaintiff Randall Godfrey was born on April 6, 1973 in Valdosta, Georgia. He lives in Duluth, Georgia.

177. Plaintiff Randall Godfrey played twelve (12) NFL seasons, from 1996-1999 for the Dallas Cowboys; from 2000-2002 for the Tennessee Titans; for the Seattle Seahawks during the 2003 season; from 2004-2006 for the San Diego Chargers; and for the Washington Redskins during the 2007 season.

178. Throughout his career as a professional football player, Plaintiff Randall Godfrey suffered multiple concussive hits and blows to the head.

179. Plaintiff Randall Godfrey was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

180. Plaintiff Randall Godfrey suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF GEORGE “TIGER” GREENE AND BERNADETTE GREENE

181. Plaintiff George “Tiger” Greene was born on February 15, 1962 in Hendersonville, North Carolina. He is married to Bernadette Greene. They live in Roswell, Georgia.

182. Plaintiff George “Tiger” Greene played six (6) NFL seasons, for the Atlanta Falcons during the 1985 season; and from 1986-1990 for the Green Bay Packers.

183. Throughout his career as a professional football player, Plaintiff George “Tiger” Greene suffered multiple concussive hits and blows to the head.

184. Plaintiff George “Tiger” Greene was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

185. Plaintiff George “Tiger” Greene suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF SEDRICK HODGE AND FARRAH HODGE

186. Plaintiff Sedrick Hodge was born on September 13, 1978 in Fayetteville, Georgia. He is married to Farrah Hodge. They live in Euharlee, Georgia.

187. Plaintiff Sedrick Hodge played five (5) NFL seasons, from 2001-2005 for the New Orleans Saints.

188. Throughout his career as a professional football player, Plaintiff Sedrick Hodge suffered multiple concussive hits and blows to the head.

189. Plaintiff Sedrick Hodge was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

190. Plaintiff Sedrick Hodge suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF DARYLL JONES AND BETTY JONES

191. Plaintiff Daryll Jones was born on March 23, 1962 in Columbia, Georgia. He is married to Betty Jones. They live in Columbus, Georgia.

192. Plaintiff Daryll Jones played three (3) NFL seasons, from 1984-1985 for the Green Bay Packers; and for the Denver Broncos during the 1987 season.

193. Throughout his career as a professional football player, Plaintiff Daryll Jones suffered multiple concussive hits and blows to the head.

194. Plaintiff Daryll Jones was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed

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

195. Plaintiff Daryll Jones suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF HORACE KING AND MITZI KING

196. Plaintiff Horace King was born on March 5, 1953 in Athens, Georgia. He is married to Mitzi King. They live in Alpharetta, Georgia.

197. Plaintiff Horace King played nine (9) NFL seasons, from 1975-1983 for the Detroit Lions.

198. Throughout his career as a professional football player, Plaintiff Horace King suffered multiple concussive hits and blows to the head.

199. Plaintiff Horace King was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

200. Plaintiff Horace King suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF KARON RILEY AND TERRI RILEY

201. Plaintiff Karon Riley was born on August 23, 1978 in Detroit, Michigan. He is married to Terri Riley. They live in Duluth, Georgia.

202. Plaintiff Karon Riley played four (4) NFL seasons, for the Chicago Bears during the 2001 season; and for the Atlanta Falcons during the 2002-2004 seasons.

203. Throughout his career as a professional football player, Plaintiff Karon Riley suffered multiple concussive hits and blows to the head.

204. Plaintiff Karon Riley was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

205. Plaintiff Karon Riley suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF PAUL A. RYCZEK AND CAROL RYCZEK

206. Plaintiff Paul A. Ryczek was born on June 25, 1962 in Painesville, Ohio. He is married to Carol Ryczek. They live in Roswell, Georgia.

207. Plaintiff Paul A. Ryczek played eight (8) NFL seasons, from 1974-1979 for the Atlanta Falcons; for the New Orleans Saints during the 1981 season; and for the Philadelphia Eagles during the 1987 season.

208. Throughout his career as a professional football player, Plaintiff Paul A. Ryczek suffered multiple concussive hits and blows to the head.

209. Plaintiff Paul A. Ryczek was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

210. Plaintiff Paul A. Ryczek suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF RODERICK SADDLER AND SIMONE SADDLER

211. Plaintiff Roderick Saddler was born on September 26, 1965 in Atlanta, Georgia. He is married to Simone Saddler. They live in Tucker, Georgia.

212. Plaintiff Roderick Saddler played five (5) NFL seasons, for the St. Louis Cardinal during the 1987 season; from 1988-1990 for the Phoenix Cardinals; and for the Phoenix Cardinals and the Cincinnati Bengals during the 1991 season.

213. Throughout his career as a professional football player, Plaintiff Roderick Saddler suffered multiple concussive hits and blows to the head.

214. Plaintiff Roderick Saddler was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

215. Plaintiff Roderick Saddler suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF SAM SIMMONS AND JANICE ROYE

216. Plaintiff Sam Simmons was born on January 2, 1975 in Atlanta, Georgia. He is married to Janice Roy. They live in Decatur, Georgia.

217. Plaintiff Sam Simmons played two (2) NFL seasons, for the Dallas Cowboys during the 1999 season; and for the Atlanta Falcons during the 2000 season.

218. Throughout his career as a professional football player, Plaintiff Sam Simmons suffered multiple concussive hits and blows to the head.

219. Plaintiff Sam Simmons was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed

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

220. Plaintiff Sam Simmons suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF LARRY THARPE

221. Plaintiff Larry J. Tharpe was born on November 19, 1970 in Macon, Georgia. He lives in Macon, Georgia.

222. Plaintiff Larry J. Tharpe played eight (8) NFL seasons, from 1992-1994 and 1997-1998 for the Detroit Lions; for the Arizona Cardinals during the 1995 season; for the New England Patriots during the 1996 season; and for the Pittsburgh Steelers during the 2000 season.

223. Throughout his career as a professional football player, Plaintiff Larry J. Tharpe suffered multiple concussive hits and blows to the head.

224. Plaintiff Larry J. Tharpe was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

225. Plaintiff Larry J. Tharpe suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF JON VAUGHN

226. Plaintiff Jon Vaughn was born on March 12, 1970 in St. Louis, Missouri. He lives in Atlanta, Georgia.

227. Plaintiff Jon Vaughn played seven (7) NFL seasons, from 1991-1992 for the New England Patriots; for the Seattle Seahawks during the 1993 season; for the Seattle Seahawks and Kansas City Chiefs during the 1994 season; the Kansas City Chiefs during the 1995 season; and the Pittsburgh Steelers during the 1996 season.

228. Throughout his career as a professional football player, Plaintiff Jon Vaughn suffered multiple concussive hits and blows to the head.

229. Plaintiff Jon Vaughn was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

230. Plaintiff Jon Vaughn suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF KERWIN WALDROUP

231. Plaintiff Kerwin Waldroup was born on August 1, 1974 in Chicago, Illinois. He lives in Kingwood, Texas.

232. Plaintiff Kerwin Waldroup played three (3) NFL seasons, from 1996-1998 for the Detroit Lions.

233. Throughout his career as a professional football player, Plaintiff Kerwin Waldroup suffered multiple concussive hits and blows to the head.

234. Plaintiff Kerwin Waldroup was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

235. Plaintiff Kerwin Waldroup suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

230. Plaintiff Jon Vaughn suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF KERWIN WALDROUP

231. Plaintiff Kerwin Waldroup was born on August 1, 1974 in Chicago, Illinois. He lives in Kingwood, Texas.

232. Plaintiff Kerwin Waldroup played three (3) NFL seasons, from 1996-1998 for the Detroit Lions.

233. Throughout his career as a professional football player, Plaintiff Kerwin Waldroup suffered multiple concussive hits and blows to the head.

234. Plaintiff Kerwin Waldroup was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

235. Plaintiff Kerwin Waldroup suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF JOEL WILLIAMS AND CAROLYN WILLIAMS

236. Plaintiff Joel Williams was born on December 13, 1996 in Miami, Florida. He is married to Carolyn Williams. They live in Atlanta, Georgia.

237. Plaintiff Joel Williams played eleven (11) NFL seasons, from 1979-1982 and 1986-1989 for the Atlanta Falcons; and from 1983-1985 for the Philadelphia Eagles.

238. Throughout his career as a professional football player, Plaintiff Joel Williams suffered multiple concussive hits and blows to the head.

239. Plaintiff Joel Williams was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

240. Plaintiff Joel Williams suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

PLAINTIFF KEN WOODARD

241. Plaintiff Ken Woodard was born on January 22, 1960 in Detroit, Michigan. He lives in Douglasville, Georgia.

242. Plaintiff Ken Woodard played eight (8) NFL seasons, from 1982-1986 for the Denver Broncos; for the Pittsburgh Steelers during the 1987 season; and from 1988-1989 for the San Diego Chargers.

243. Throughout his career as a professional football player, Plaintiff Ken Woodard suffered multiple concussive hits and blows to the head.

244. Plaintiff Ken Woodard was not warned by Defendants of the risk of long-term injury due to football-related concussions or that the League-managed equipment did not protect him from such injury. This was a substantial factor in causing his current injuries.

245. Plaintiff Ken Woodard suffers from multiple past traumatic brain injuries with symptoms including but not limited to, memory loss, headaches, and sleeplessness.

COUNT I
NEGLIGENCE

246. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs and further alleges on information and belief as follows.

247. Defendants, as purveyors of safety rules for the League, owed Plaintiffs a duty to use reasonable care in researching, studying and/or examining the dangers and risks of head injuries and/or concussions to NFL players; to inform

and warn him of such risks and to effectuate reasonable league policies; and/or take other reasonable action to minimize the risks of head injuries.

248. At all times relevant hereto, Defendants negligently performed such duties by failing to adequately study, warn and/or implement reasonable rules and regulations to minimize traumatic brain injuries to its players, including Plaintiffs herein.

249. Defendants knew or should have known that its policies, rules and regulations in place were not reasonably sufficient to minimize traumatic brain injuries and that Plaintiffs' injuries were foreseeable.

250. Defendants affirmatively and voluntarily established the MTBI Committee, ostensibly to examine the dangers and consequences of head injuries to NFL players, to report on its findings, to provide information and guidance from its research and studies concerning concussions to teams and players, and to make recommendations to lessen the risks of concussions. Defendants are responsible for the staffing and conduct of the MTBI Committee.

251. Defendants failed to use reasonable care in the manner in which it created the MTBI Committee and failed to reasonably appoint qualified physicians to head the Committee.

252. Defendants, failed to use reasonable care in researching, studying and/or examining the risks of head injuries and/or concussions in professional football. Defendants downplayed and in many cases denied both the severity of head injuries and the clear link between concussions and brain damage, thereby breaching its duty to its players, including Plaintiffs herein.

253. Defendants failed to inform, warn and/or advise its players, and/or misinformed them of the risks and complications inherent in sustaining concussions, thereby breaching its duty to its players, including Plaintiffs herein.

254. Defendants, were further negligent in the following respects:

- In failing to use reasonable care in overseeing, controlling and/or regulating policies and procedures of the League so as to minimize the risk of head injuries and/or concussions;
- In failing to use reasonable care in the research and/or investigation of the concussion issue;
- In failing to appoint a qualified physician or panel of physicians to head Defendants' MTBI committee;
- In placing a physician in charge of the committee whose primary motive was to appease the NFL rather than to report accurately;
- In disregarding independent scientific studies which showed the risks of head injuries and/or concussions to NFL players' health;
- In failing to acknowledge, either publicly or to their players, the clear link between concussions and brain injuries being suffered by their players;

- In failing to acknowledge, either publically or to their players, the linkage between playing football and long-term brain injuries;
- In failing to make and/or timely make necessary league policy changes as it pertains to intentional hits to the head, hits to the head of a defenseless player, helmet to helmet hits, and concussions in general;
- In publishing misleading and erroneous findings regarding hits to the head and NFL head injuries;
- In failing to issue a timely warning, through a concussion pamphlet or other means, to the players concerning the causal link between concussions and later life cognitive decline;
- In issuing misinformation and purposefully attempting to mislead their players through the concussion pamphlet which they issued in August 2007;
- In collecting and reporting upon data that was “infected” and/or not reliable;
- In causing, by and through their negligent conduct and omissions, an increased risk of harm to their players;
- In breaching their duty to ensure that the equipment it licensed and approved was of the highest possible quality and sufficient to protect the NFL players, including Plaintiffs, from the risk of concussive brain injuries;
- In failing to provide competent information to its teams, players, coaches, trainers and medical personnel with respect to the significance of head injuries and/or concussions, their symptoms and necessary and/or proper treatment of same; and
- In creating a “culture” within the NFL in which concussions and their devastating effects would run rampant.

255. As a direct and proximate result of the Defendants negligent acts and omissions as aforesaid, Plaintiffs suffered serious injury, including but not limited to brain damage, with a resultant loss therefrom.

256. That by reason of the foregoing negligence on the part of Defendants, Plaintiffs believe that their aforesaid injuries are permanent and that he will continue to suffer from the effects of their aforesaid injuries, including but not limited to continuous pain and suffering and severe emotional distress.

257. That by reason of the foregoing, Plaintiffs have and will be required in the future to obtain medical aid and attention, with a resultant cost therefrom.

258. That by reason of the foregoing, Plaintiffs may suffer a loss of employment opportunity in the future with a resultant loss therefrom.

259. As a direct and proximate result of Defendants' negligent acts and omissions, Plaintiffs suffered and will continue to suffer substantial injuries, and economic and non-economic damages.

COUNT II
FRAUD

260. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs and further allege on information and belief as follows.

261. The NFL materially misrepresented the risks faced by Plaintiffs related to head injuries. Defendants' MTBI Committee, through misleading public

statements, published articles and the concussion pamphlet issued to the players, downplayed known long-term risks of concussions to NFL players.

262. Material misrepresentations were made by members of Defendants' Committee on multiple occasions, including but not limited to testimony given at congressional hearings and the "informational" pamphlet which they issued to players.

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

264. Defendants' material misrepresentations also included the NFL's criticism of legitimate scientific studies which illustrated the dangers and risks of head injuries and the long term effects of concussions.

265. Defendants' material misrepresentations, through its MTBI Committee, denied a link between concussions and CTE.

266. Defendants had actual knowledge of the misleading nature of these statements when they were made.

267. Defendants had actual knowledge that Plaintiffs and others would rely on these misrepresentations.

268. Plaintiffs relied on these misrepresentations when playing in the NFL. Had Plaintiffs known the risks to their health, they would not have agreed to jeopardize their health.

269. As a direct and proximate result of Defendants' fraudulent conduct, Plaintiffs have suffered physical injury, including, but not limited to, memory and cognitive problems, and economic losses.

270. As a direct and proximate result of the Defendants' fraudulent conduct, Plaintiffs have suffered and will continue to suffer substantial injuries, and economic and non-economic damages.

COUNT III
FRAUDULENT CONCEALMENT

271. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs and further allege on information and belief as follows.

272. Defendants' MTBI Committee knowingly and fraudulently concealed the risks of head injuries to Plaintiffs, and the risk to them if they returned to the playing field before making a proper recovery from their head injuries.

273. Defendants' MTBI Committee published articles and the concussion pamphlet issued to players, therein affirmatively concealed and downplaying known long-term risks of concussions to NFL players.

274. The concussion pamphlet created player reliance. The NFL stated that “[w]e want to make sure all N.F.L. players ... are fully informed and take advantage of the most up to date information and resources as we continue to study the long-term impact on concussions.”

275. Further concealment of material information occurred in January 2010. Dr. Casson provided oral and written testimony at the January 2010 congressional hearings. He continued to deny the validity of other studies.

276. Defendants failed to acknowledge, either publicly or to its players, the clear link between concussions and brain injuries being suffered by NFL players.

277. Defendants failed to acknowledge, either publicly or to its players, the linkage between playing football and long-term brain injuries.

278. Defendants willfully concealed this information from Plaintiffs in order to prevent negative publicity and increased scrutiny of their medical practices.

279. Defendants knew that Plaintiffs and other NFL players would rely on the inaccurate information provided by the NFL.

280. Plaintiffs relied on this inaccurate information during their NFL career.

281. As a direct and proximate result of Defendants' fraudulent conduct, Plaintiffs have suffered physical injury, including, but not limited to, memory and cognitive problems, and economic losses.

282. As a direct and proximate result of the Defendants' willful concealment, Plaintiffs have suffered and will continue to suffer substantial injuries, and economic and non-economic damages.

COUNT IV
NEGLIGENT MISREPRESENTATION

283. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs and further alleges on information and belief as follows.

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

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

286. The misrepresentations included the NFL's remarks that Plaintiffs and other NFL players were not at an increased risk of head injury if they returned too soon to play or training session after suffering a head injury.

287. Defendants' material misrepresentations also include the NFL's criticism of legitimate scientific studies that illustrated the dangers and risks of head injuries.

288. Defendants made these misrepresentations and actively concealed adverse information at a time when they knew, or should have known, because of their superior position of knowledge, that Plaintiffs faced health problems if he were to return to a game too soon after suffering brain trauma.

289. Defendants knew or should have known the misleading nature of these statements when they were made.

290. Defendants made misrepresentations and actively concealed information with the intention that Plaintiffs and other NFL players would rely on the misrepresentations or omissions in selecting their course of action.

291. As a direct and proximate result of the Defendants' fraudulent conduct, Plaintiffs have suffered physical injury, including, but not limited to, memory and cognitive problems, and economic losses.

292. As a direct and proximate result of the Defendants' willful concealment, Plaintiffs have suffered and will continue to suffer substantial injuries, and economic and non-economic damages.

COUNT V
LOSS OF CONSORTIUM

293. Plaintiffs incorporate by reference all facts set forth in the preceding paragraphs and further alleges on information and belief as follows.

294. As a direct and proximate result of the aforementioned conduct of Defendants, and as a result of the injuries and damages to Plaintiffs herein, the wives of the Plaintiffs herein have been deprived of the love, companionship, comfort, affection, society, solace or moral support, protection, loss of consortium, and loss of physical assistance in the operation and maintenance of the home, of their husbands, and has thereby sustained, and will continue to sustain damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief and judgment as follows:

- a. For past and future medical and incidental expenses, according to proof;
- b. Awarding to Plaintiffs past and future loss of earnings and/or earning capacity, according to proof;

- c. Awarding to Plaintiffs past and future general damages, including pain and suffering according to proof;
- d. Awarding to Plaintiffs' wives for loss of consortium, according to proof;
- e. Punitive damages as allowable by law;
- f. Awarding to Plaintiffs the costs of this action, including reasonable attorneys' fees; and
- g. Granting any and all such other and further relief as the Court deems necessary, just, and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby request a trial by jury of all issues triable by jury.

DATED: January 9, 2012

Respectfully submitted,

/s/ Michael L. McGlamry _____

Michael L. McGlamry

Georgia Bar No. 492515

N. Kirkland Pope

Georgia Bar No. 584255

Jay F. Hirsch

Georgia Bar No. 357185

M. Gino Brogdon

Georgia Bar No. 084252

George W. Walker

Georgia Bar No. 548316

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