

Exhibit B

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23 SUPERIOR COURT OF THE STATE OF CALIFORNIA
24 COUNTY OF LOS ANGELES

BY FAX

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

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

1 DALTON; BRODERICK THOMAS)
and YVONNE THOMAS, his wife;)
2 MARTY CARTER,)

3 Plaintiffs,)
4)

5 vs.)
6)

6 NATIONAL FOOTBALL LEAGUE;)
NFL PROPERTIES LLC; RIDDELL,)
7 INC. d/b/a RIDDELL SPORTS)
8 GROUP, INC., ALL AMERICAN)
SPORTS CORPORATION, d/b/a)
9 RIDDELL/ALL AMERICAN;)
10 RIDDELL SPORTS GROUP, INC,)
EASTON-BELL SPORTS, INC.;)
11 EASTON-BELL SPORTS, LLC; EB)
12 SPORTS CORP.; and RBG HOLDINGS)
CORP.; and JOHN DOES 1 through)
13 100, Inclusive,)

14 Defendants.)
15)
16)

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

19 **PARTIES**

20 **Plaintiffs:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19
20
21 **Defendants:**

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

25 49. Defendant NFL Properties, LLC as the successor-in-interest to National Football
26 League Properties Inc. ("NFL Properties") is a limited liability company organized and existing
27 under the laws of the State of Delaware with its headquarters in the State of New York. NFL
28

1 Properties is engaged in, among other activities, approving, licensing and promoting equipment
2 used by all the NFL teams. NFL Properties regularly conducts business in California.

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

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

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

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

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

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

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

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

1
2 **JURISDICTION AND VENUE**

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

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

6
7 **INTRODUCTION**

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

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

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

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

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

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

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

22 67. The NFL is a 9 billion dollar-a-year business.
23

24 **NFL AND THE CBA**

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

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

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

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

14 15 CTE AND CONCUSSION INJURY

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

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

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

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

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

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

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

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

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

10 NFL'S DUTY TO PLAYERS AND THE PUBLIC

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

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

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

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

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

3 (f) It owed a duty to Plaintiffs to design rules and penalties
4 for players who use their head or upper body to hit or tackle;

5 (g) It owed a duty to Plaintiffs to design rules to eliminate the risk
6 of concussion during games and/or practices;

7 (h) It owed a duty to Plaintiffs to promote research into and
8 cure for CTE and the effects of concussion injury over a
9 period of time; and

10 (i) It owed a duty to State governments, local sports organizations, all American Rules
11 Football leagues and players, and the public at large to protect against the long-term
12 effects of CTE and/or concussion injury.

13
14 83. The NFL knew as early as the 1920's of the harmful effects on a player's brain of
15 concussions; however, until June of 2010 they concealed these facts from coaches, trainers,
16 players, and the public.

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

19
20 **NFL'S KNOWLEDGE OF THE RISK OF CONCUSSIONS**

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

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

26 87. This action arises because the NFL Defendants committed negligence by failing to
27 exercise its duty to enact league-wide guidelines and mandatory rules regulating post-concussion
28

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

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

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

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

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

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

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

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

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

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

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

1 *Medicine;*

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

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

- 3 (ee) JA Corsellis, *Boxing and the Brain*, 298 BMJ 105-109 (1989);
- 4 (ff) James P. Kelly et al., *Concussion in Sports, Guidelines for the Prevention*
5 *of Catastrophic Outcome*, 266 JAMA 2868 (1991);
- 6 (gg) B.E. Leininger & J.S. Kreutzer, *Neuropsychological Outcome of Adults*
7 *with Mild Traumatic Brain Injury: Implications for Clinical Practice and*
8 *Research*, in REHABILITATION OF POST-CONCUSSIVE DISORDERS
9 (L.J. Horn & N.D. Zasler eds., State of the Art Reviews, Physical Medicine
10 and Rehabilitation, Hanley & Belfus, Inc. 1992);
- 11 (hh) RC Cantu, *Cerebral Concussion in Sports*, 14(1) Sports Med. 64-74 (1992);
- 12 (ii) RC Cantu, FO Mueller, *Catastrophic Football Injuries in the USA*, 2(3)
13 Clin. J. Sports Med. 180-85 (1992); and
- 14 (jj) Mild Traumatic Brain Injury Committee of the Head Injury Interdisciplinary
15 Special Interest Group of the American Congress of Rehabilitation Medicine,
16 *Definition of Mild Traumatic Injury*, 8 J. HEAD TRAUMA REHABIL. 86-87
17 (1993).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 120. The Defendants acted willfully, wantonly, egregiously, with reckless abandon, and
2 with a high degree of moral culpability.

3
4 **DAVE and HEIDI PEAR**

5 121. Plaintiff Dave Pear was born on June 1, 1953 in Vancouver, Washington. He
6 currently lives in Sammamish, Washington. He is married to Heidi Pear.

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

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

12 124. Plaintiff Dave Pear 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.

16 125. Plaintiff Dave Pear suffers from multiple past traumatic brain injuries with various
17 symptoms including, but not limited to, memory loss, vertigo, sleeplessness and early on-set
18 dementia.

19
20 **LEONARD and MARYANN MARSHALL**

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

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

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

1 129. Plaintiff Leonard Marshall 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.

5 130. Plaintiff Leonard Marshall suffers from multiple past traumatic brain injuries
6 affecting multiple areas of his brain and causing various symptoms including, but not limited to,
7 memory loss, headaches, dizziness, and anxiety.

8
9 **BARRY and TERAY FOSTER**

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

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

15 133. Plaintiff Barry Foster suffered multiple concussions that were improperly diagnosed
16 and improperly treated throughout his career as a professional football player in the NFL.

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

21 135. Plaintiff Barry Foster suffers from multiple past traumatic brain injuries affecting
22 multiple areas of his brain and causing the following symptoms including but not limited to lack of
23 concentration, memory loss, sleeplessness, chronic headaches and depression.

24
25 **ERIC W. and STACY MARTIN**

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

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

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

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

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

13
14 LANCE SMITH

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

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

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

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

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

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

4
5 DEEMS and SUSAN MAY

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

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

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

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

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

19
20 ZEFROSS MOSS

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

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

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

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

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

8
9 **ANTONIO "DELL" and SUE MCGEE**

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

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

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

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

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

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

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

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

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

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

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

11
12 **BERNARD FORD**

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

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

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

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

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

1 **JAMES and KELLEY VANWAGNER**

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

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

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

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

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

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

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

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

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

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

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

8
9 JOHNNY REMBERT

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

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

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

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

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

2 196. Plaintiff Francisco "Paco" Craig was born on February 2, 1965. He is married to
3 Denise and they currently reside in Moreno Valley, California.

4 197. Plaintiff Francisco "Paco" Craig played in 1988 for the Detroit Lions, in 1989 for the
5 Atlanta Falcons and 1990 for the LA Rams as a Wide Receiver.

6 198. Plaintiff Francisco "Paco" Craig suffered multiple concussions that were improperly
7 diagnosed and improperly treated throughout his career as a professional football player in the
8 NFL.

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

13 200. Plaintiff Francisco "Paco" Craig suffers from multiple past traumatic brain injuries
14 affecting multiple areas of his brain and causing various symptoms including by not limited to
15 headaches, short term memory loss, blurry vision, sleep problems, pain, depression, hearing
16 difficulty and mood swings.

17
18 **JAMES and MARLENE ELROD**

19 201. Plaintiff James Elrod was born on May 25, 1954. He is married to Marlene. They
20 currently reside in Tulsa, Oklahoma.

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

23 203. Plaintiff James Elrod suffered multiple concussions that were improperly diagnosed
24 and improperly treated throughout his career as a professional football player in the NFL.

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

1 205. Plaintiff James Elrod suffers from multiple past traumatic brain injuries affecting
2 multiple areas of his brain and causing various symptoms including by not limited to short term
3 memory loss and headaches.
4

5 **FRED and LINDSAY BARNETT**

6 206. Plaintiff Fred Barnett was born on June 17, 1966. He is married to Lindsay and they
7 have 3 children ages 4 months and 10 year old twins. They currently reside in Philadelphia,
8 Pennsylvania.
9

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

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

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

19 210. Plaintiff Fred Barnett suffers from multiple past traumatic brain injuries affecting
20 multiple areas of his brain and causing various symptoms including by not limited to memory loss,
21 vertigo and sleeping difficulties.
22

23 **KEITH HENDERSON**

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

26 212. Plaintiff Keith Henderson played from 1989 to 1992 for the San Francisco 49ers and
27 from 1992 to 1994 for the Minnesota Vikings as a Running Back.
28

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

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

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

JAMES PRUITT

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

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

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

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

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

WENDELL and CARMEN TYLER

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

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

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

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

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

HORACE and TANGELA COPELAND

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

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

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

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

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

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

6
7 **MICHAEL and DEBRA LUSH**

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

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

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

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

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

23
24 **MICHAEL and KAREN GANN**

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

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

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

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

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

11
12 **TIMOTHY and CHELONDA BARNETT**

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

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

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

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

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

1 CALVIN and CHARESE WILLIAMS

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

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

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

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

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

18
19 DAVID SIMS

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

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

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

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

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

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

6
7 FRED and NERMA MCCRARY

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

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

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

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

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

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

4
5 **DANNY and LISA MILLER**

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

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

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

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

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

19
20 **WADE and CATHERINE KEY**

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

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

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

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

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

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

6
7 **TONY and JANET DORSETT**

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

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

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

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

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

22
23 **EMANUEL MARTIN**

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

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

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

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

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

11
12 **DWIGHT HARRISON**

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

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

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

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

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

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

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

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

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

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

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

1 304. Plaintiff Santana Dotson suffers from multiple past traumatic brain injuries affecting
2 multiple areas of his brain and causing various symptoms including by not limited to early on-set
3 dementia.

4
5 **STEFON and PATRICE ADAMS**

6 305. Plaintiff Stefon Adams was born on August 11, 1963. He is married to Patrice. They
7 have two children ages 19 and 17. They currently reside in Stone Mountain, Georgia.

8 306. Plaintiff Stefon Adams played from 1985 to 1989 for the Los Angeles Raiders and in
9 1990 for the Cleveland Browns and Miami Dolphins as a Defensive Back.

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

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

17 309. Plaintiff Stefon Adams suffers from multiple past traumatic brain injuries affecting
18 multiple areas of his brain and causing various symptoms including by not limited to headaches,
19 pain and short term memory loss.

20
21 **LORENZO and MARCIA HAMPTON**

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

24 311. Plaintiff Lorenzo Hampton played from 1985 to 1990 for the Miami Dolphins as a
25 Running Back.

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

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

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

LORENZO DAVIS

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

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

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

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

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

EMANUEL and KENDRA KING

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

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

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

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

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

11
12 **WILLIE and EARLINE RICHARDSON**

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

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

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

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

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

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

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

REGGIE MOORE

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

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

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

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

4
5 **LIONAL DALTON**

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

8 341. Plaintiff Lional Dalton played Defensive Tackle for the Baltimore Ravens from 1998
9 to 2001, Denver Broncos in 2002, Washington Redskins in 2003, Kansas City Chiefs from 2004-
10 2006, and Houston Texans in 2006. He was part of Super Bowl XXXV.

11 342. Plaintiff Lional Dalton suffered multiple concussions that were improperly diagnosed
12 and improperly treated throughout his career as a professional football player in the NFL.

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

17 344. Plaintiff Lional Dalton suffers from multiple past traumatic brain injuries affecting
18 multiple areas of his brain and causing various symptoms including by not limited to memory loss,
19 headaches, blurry vision, and ringing in his ears.

20
21 **BRODERICK and YVONNE THOMAS**

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

24 346. Plaintiff Broderick Thomas played from 1989 to 1992 for Tampa Bay Buccaneers, in
25 1994 for the Detroit Lions, in 1995 for the Minnesota Vikings, and from 1996 to 1999 for the
26 Dallas Cowboys.

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

4 348. Plaintiff Broderick Thomas 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.

8 349. Plaintiff Broderick Thomas suffers from multiple past traumatic brain injuries
9 affecting multiple areas of his brain and causing various symptoms including by not limited to
10 memory loss, depression and anxiety.

11
12 MARTY CARTER

13 350. Plaintiff Marty Carter was born on December 17, 1968. He currently lives in
14 Hogansville, Georgia.

15 351. Plaintiff Marty Carter played Defensive Back from 1991 to 1994 for the Tampa Bay
16 Buccaneers, from 1995 to 1998 for the Chicago Bears, from 1999 to 2001 for the Atlanta Falcons,
17 and for 2001 for the Detroit Lions.

18 352. Plaintiff Marty Carter suffered multiple concussions that were improperly diagnosed
19 and improperly treated throughout his career as a professional football player in the NFL.

20 353. Plaintiff Marty Carter 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.

24 354. Plaintiff Marty Carter suffers from multiple past traumatic brain injuries affecting
25 multiple areas of the brain and causing the following symptoms including but not limited to
26 headaches and memory loss.

1 FIRST CAUSE OF ACTION

2 NEGLIGENCE- Monopolist

3 (As Against the NFL)

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

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

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

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

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

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

25 361. It has been well established since 1928 that repeated blows to the head can lead to
26 CTE, commonly known as "punch drunk syndrome." Punch Drunk Syndrome has been prevalent
27 in boxers who have repeatedly suffered concussions.
28

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

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

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

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

1 (h) Failure to warn of the harm of repetitive concussion injuries.
2

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

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

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

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

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

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

23
24 **SECOND CAUSE OF ACTION:**

25 **NEGLIGENCE**

26 **(As Against the NFL)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7
8 **THIRD CAUSE OF ACTION:**

9 **FRAUD**

10 **(As Against the NFL)**

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

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

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

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

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

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

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

1
2 **FOURTH CAUSE OF ACTION**

3 **NEGLIGENCE**

4 **(As Against NFL Properties)**

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

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

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

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

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

18
19 **FIFTH CAUSE OF ACTION**

20 **STRICT LIABILITY FOR DESIGN DEFECT**

21 **(As Against Riddell Defendants)**

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

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

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

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

4 (b) Negligently designing the subject helmet with a shock attenuating
5 system which was not safely configured;

6 (c) Negligently failing to properly and adequately test the helmet
7 model;

8 (d) Other acts of negligence that may be discovered during the course
9 of this matter; and

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

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

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

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

23
24 **SIXTH CAUSE OF ACTION**

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

26 **(As Against Riddell Defendants)**

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

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

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

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

22 406. The Riddell Defendants are strictly liable for manufacturing and placing in the stream
23 of commerce a defective and unreasonably dangerous product which was a proximate and
24 producing cause of the personal injuries and other damages, including but not limited to, economic
25 damages and non-economic damages. A safe alternative design was economically and
26 technologically feasible at the time the product left the control of the Riddell Defendants.
27
28

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

4
5 **SEVENTH CAUSE OF ACTION**

6 **FAILURE TO WARN**

7 **(As Against Riddell Defendants)**

8 408. Plaintiffs incorporate by reference paragraphs 1 through 407 as if set forth herein at
9 length.

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

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

16 411. The Riddell Defendants' failure to warn caused the Plaintiffs' personal injuries.

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

20
21 **EIGHTH CAUSE OF ACTION**

22 **NEGLIGENCE**

23 **(As Against Riddell Defendants)**

24 413. Plaintiffs incorporate by reference paragraphs 1 through 412 as if set forth herein at
25 length.

26 414. The Riddell Defendants should have been well aware that since 1928 repeated blows
27 to the head can lead to CTE, commonly known as "punch-drunk syndrome".
28

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

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

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

NINTH CAUSE OF ACTION

LOSS OF CONSORTIUM

(As Against All Defendants)

418. Plaintiffs incorporate by reference paragraphs 1 through 417 as if set forth herein at length.

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

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

1 420. As a result of the injuries to Plaintiffs, wife Plaintiffs are entitled to damages from
2 the Defendants, in an amount reasonably anticipated to exceed the jurisdictional minimum of
3 \$25,000.00.
4

5 **PRAYER FOR RELIEF**

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

- 8 1. For compensatory and general damages according to proof;
9 2. For special and incidental damages according to proof;
10 3. For punitive damages according to proof;
11 4. For costs of the proceedings herein; and
12 5. For all such other and further relief as the Court deems just.
13

14 DATED: August 3, 2011

GIRARDI|KEESE

16 BY: 

17 THOMAS V. GIRARDI
18 Attorney for Plaintiffs
19
20

21 **JURY DEMAND**

22 Plaintiffs hereby demand a trial by jury on all claims so triable.
23

24 DATED: August 3, 2011

GIRARDI|KEESE

26 BY: 

27 THOMAS V. GIRARDI
28 Attorney for Plaintiffs