

# Exhibit C

AUG 31 2011

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By SHAUNNA WESLEY Deputy

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

11 LARRY BARNES; WOODROW "WOODY" ) CASE NO. BC468483  
12 BENNETT; SCOT BRANTLEY; CEDRIC )  
13 BROWN; JOSEPH "BARRY" BROWN and )  
14 JEAN BROWN, his wife; RUDOLPH BUKICH )  
15 and PATRICIA BUKICH, his wife; MICHAEL ) FIRST AMENDED COMPLAINT  
16 CLOUD; BRIAN HOLLOWAY; JIMMIE )  
17 GILES; CAROLYN LENS; DANNY )  
18 NOONAN; JOE PHILLIPS; GREGORY )  
19 ROBERTS; JESSE SOLOMON; RALPH )  
20 WENZEL and ELEANOR PERFETTO, his )  
21 wife; JAMES WILDER; and ROES 1 through )  
22 200, Inclusive, )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

Plaintiffs,

v.

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

Defendants.

1. Negligence - Monopolist
2. Negligence
3. Fraud
4. Negligence
5. Strict Liability - Design Defect
6. Strict Liability - Manufacturing Defect
7. Failure to Warn
8. Negligence
9. Loss of Consortium
10. Wrongful Death

Filed: August 26, 2011

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

**PARTIES**

**Plaintiffs:**

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

**Defendants:**

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

89/01/11

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

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

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

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

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

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

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

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

1 26. Defendant Easton-Bell Sports, Inc., is a California corporation, incorporated in  
2 Delaware with a principal place of business at 7855 Haskell Avenue, Suite 200, Van Nuys, CA,  
3 91406 and is a parent corporation of Riddell Sports Group Inc.

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

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

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

11 30. Defendants Riddell, Inc., Riddell Sports Group, Inc., All American Sports  
12 Corporation, Easton-Bell Sports, Inc., EB Sports Corp., Easton Bell Sports, LLC, and RBG  
13 Holdings Corp., shall hereinafter be referred to collectively as the "Riddell Defendants."

14 **JURISDICTION AND VENUE**

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

16 32. Venue is proper in this Court pursuant to Section 395(a) of the California Code of  
17 Civil Procedure.

18 **GENERAL ALLEGATIONS AS TO ALL DEFENDANTS**

19 33. The National Football League consists of two structured conferences, the AFC and  
20 the NFC, with 32 team members.

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

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

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

27 37. The NFL is a 9 billion dollar-a-year business.

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63/18/08

1 NFL AND THE CBA

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

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

12 CTE AND CONCUSSION INJURY

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

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

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

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

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

28

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1           45.    As further evidence, Commissioner Roger Goodell in June of 2007 admittedly  
2 publicly that the NFL has been studying the effects of traumatic brain injury for "close to 14  
3 years..."

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

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

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

15                               **NFL'S DUTY TO PLAYERS AND THE PUBLIC**

16          49.    The NFL overtly undertook a duty to study concussions on behalf of all American  
17 Rules Football leagues and players.

18          50.    All American Rules Football leagues modeled their programs after the NFL.

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

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

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

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

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

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

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

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

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

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

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

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

- 17           (a) In 1956, the NFL enacted a rule that prohibited the grabbing of any player's  
18 facemask, other than the ball carrier;
- 19           (b) In 1962, the NFL enacted a rule that prohibited players from grabbing any player's  
20 facemask;
- 21           (c) In 1976, the NFL enacted a rule that prohibited players from grabbing the facemask  
22 of an opponent. The penalty for an incidental grasp of the facemask was 5 yards.  
23 The penalty for twisting, turning, or pulling the facemask was 15 yards. A player  
24 could be ejected from the game if the foul is judged to be vicious and/or flagrant;
- 25           (d) In 1977, the NFL enacted a rule that prohibited players from slapping the head of  
26 another playing during play. This rule was referred to as the "Deacon Jones Rule,"  
27 named after the Rams' defensive end who frequently used this technique;

28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **THE NFL ACKNOWLEDGES THEIR DUTY TO PROTECT AGAINST**

7 **THE LONG-TERM RISK OF CONCUSSIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **RALPH WENZEL AND ELEANOR PERFETTO**

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

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

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

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

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

20 **WOODROW "WOODY" BENNETT**

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

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

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

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

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

7 **CAROLYN LENS**

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

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

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

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

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

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

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

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

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

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

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

10 JIMMIE GILES

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

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

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

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

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

26 RUDOLPH BUKICH AND PATRICIA BUKICH

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

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

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

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

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

13 **BRIAN HOLLOWAY**

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

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

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

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

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

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1 JOE PHILLIPS

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

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

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

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

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

15 MICHAEL CLOUD

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

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

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

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

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

3 **LARRY BARNES**

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

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

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

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

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

18 **JESSE SOLOMON**

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

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

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

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

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

7 **GREGORY ROBERTS**

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

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

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

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

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

21 **JAMES WILDER**

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

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

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

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

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

10 SCOT BRANTLEY

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

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

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

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

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

24 CEDRIC BROWN

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

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

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

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

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

10 **DANNY NOONAN**

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

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

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

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

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

24 **FIRST CAUSE OF ACTION**

25 **NEGLIGENCE- Monopolist**

26 **(As Against the NFL)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **SECOND CAUSE OF ACTION:**

17 **NEGLIGENCE**

18 **(As Against the NFL)**

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

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

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

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

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

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

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

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

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

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

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1 (d) Failure to ensure accurate diagnosis and recording of concussive brain injury so the  
2 condition can be treated in an adequate and timely manner;

3 (e) Failure to invoke league-wide guidelines, policies, and procedures regarding the  
4 identification and treatment of concussive brain injury, and the return to play  
5 insofar as such matters pertain to concussive brain injury; and,

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

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

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

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

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

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

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

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**THIRD CAUSE OF ACTION:**

**FRAUD**

**(As Against the NFL)**

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

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

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

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

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

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

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

**FOURTH CAUSE OF ACTION**

**NEGLIGENCE**

**(As Against NFL Properties)**

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

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

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

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

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

12 **FIFTH CAUSE OF ACTION**

13 **STRICT LIABILITY FOR DESIGN DEFECT**

14 **(As Against Riddell Defendants)**

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

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

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

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

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

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

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

14 **SIXTH CAUSE OF ACTION**

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

16 **(As Against Riddell Defendants)**

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

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

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

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

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

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

19 **SEVENTH CAUSE OF ACTION**

20 **FAILURE TO WARN**

21 **(As Against Riddell Defendants)**

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

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

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

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

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

8                                        **EIGHTH CAUSE OF ACTION**

9                                        **NEGLIGENCE**

10                                      **(As Against Riddell Defendants)**

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

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

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

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

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

24                                      **NINTH CAUSE OF ACTION**

25                                      **LOSS OF CONSORTIUM**

26                                      **(As Against All Defendants)**

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

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

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

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

12 **TENTH CAUSE OF ACTION**

13 **WRONGFUL DEATH**

14 **(As Against All Defendants)**

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

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

19 <u>NAME:</u>	20 <u>RELATIONSHIP:</u>
21 Plaintiff, Carolyn Lens	22 Widow

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

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

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

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

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

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

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**PRAYER FOR RELIEF**

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

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

DATED: 8/30/11

ROSE, KLEIN & MARIAS LLP

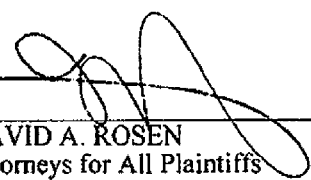
By:   
DAVID A. ROSEN  
Attorneys for All Plaintiffs

**JURY DEMAND**

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

DATED: 8/30/11

ROSE, KLEIN & MARIAS LLP

By:   
DAVID A. ROSEN  
Attorneys for All Plaintiffs

11/15/06