

#02329 WTG

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

GREGORY BROWN; ALPHONSO
CARREKER; WENDELL CARTER; AL
DAVIS; ERIC HAYES; GEORGE HINKLE;
ERIC HIPPLE; REGINALD JOHNSON;
LEMAR PARRISH; and JAMES ROUSE,

Plaintiffs,

v.

BRG SPORTS, LLC, a corporation, f/k/a
EASTON-BELL SPORTS, LLC; EB
SPORTS CORP., a corporation; BRG
SPORTS HOLDINGS CORP., a corporation,
f/k/a RBG HOLDINGS CORP.; BRG
SPORTS, INC.; RIDDELL SPORTS GROUP,
INC.; RIDDELL, INC.; and ALL
AMERICAN SPORTS CORPORATION,
(collectively "RIDDELL"),

Defendants.

In re: Riddell Football Helmets

No.

Judge John H. Ehrlich
Motion Call: H

COMPLAINT AT LAW

Plaintiffs, GREGORY BROWN; ALPHONSO CARREKER; WENDELL CARTER; AL
DAVIS; ERIC HAYES; GEORGE HINKLE; ERIC HIPPLE; REGINALD JOHNSON; LEMAR
PARRISH; and JAMES ROUSE, by and through their attorneys, CORBOY & DEMETRIO, P.C.
and THE BRAD SOHN LAW FIRM, PLLC, complaining of Defendants, RIDDELL, state:

The Parties

1. GREGORY BROWN played football for eight seasons in the National Football League (the "NFL") for the Philadelphia Eagles (1981 - 1986) and the Atlanta Falcons (1987 - 1988); prior to his NFL career, Mr. Brown starred at Kansas State University.
2. ALPHONSO CARREKER played football for seven seasons in the NFL for the

Green Bay Packers (1984 - 1988) and the Denver Broncos (1989 - 1991); prior to his NFL career, Mr. Carreker starred at Florida State University.

3. WENDELL CARTER played football for ten seasons in the NFL for the Detroit Lions (1988), the Los Angeles Rams (1989 - 1993), the Houston Oilers (1994), the St. Louis Rams (1995), and the Arizona Cardinals (1996 - 1997) prior to his NFL career, Mr. Carter starred at Florida State University.

4. AL "SONNY" DAVIS played football for one season in the NFL for the Philadelphia Eagles (1971); prior to his NFL career, Mr. Davis starred at Tennessee State University.

5. ERIC HAYES played football for four seasons in the NFL for the Seattle Seahawks (1990 - 1991), the Los Angeles Rams (1992), and the Tampa Bay Buccaneers (1993); prior to his NFL career, Mr. Hayes starred at Florida State University.

6. GEORGE HINKLE played football for six seasons in the NFL for the San Diego Chargers (1988 - 1991), the Minnesota Vikings (1992), and the Cincinnati Bengals (1993); prior to his NFL career, Mr. Hinkle starred at the University of Arizona.

7. ERIC HIPPLE played football for nine seasons in the NFL for the Detroit Lions (1980 - 1989); prior to his NFL career, Mr. Hipple starred at Utah State University.

8. REGINALD JOHNSON played football for seven seasons in the NFL for the Denver Broncos (1991 - 1993), the Green Bay Packers (1994), the Philadelphia Eagles (1995), the Kansas City Chiefs (1996), and the Green Bay Packers (1997); prior to his NFL career, Mr. Johnson starred at Florida State University.

9. LEMAR PARRISH played football for thirteen seasons in the NFL for the

Cincinnati Bengals (1970 - 1977), the Washington Redskins (1978 - 1981), and the Buffalo Bills (1982); prior to his NFL career, Mr. Parrish starred at Lincoln University, Missouri.

10. JAMES ROUSE played football for two seasons in the NFL for the Chicago Bears (1990 - 1991); prior to his NFL career, Mr. Rouse starred at the University of Arkansas.

11. RIDDELL, INC. is an Illinois corporation with its principal place of business in Illinois.

12. During Plaintiffs' football careers, RIDDELL, INC. designed, manufactured, sold, distributed, and/or marketed football equipment, including helmets, to the public and to the NFL.

13. RIDDELL, INC. is a wholly owned subsidiary of RIDDELL SPORTS GROUP, INC.

14. ALL AMERICAN SPORTS CORPORATION ("ALL AMERICAN") is a Delaware corporation.

15. ALL AMERICAN employs sales representatives to market and sell RIDDELL football helmets and also sold, marketed, and/or distributed football helmets to the public and the NFL.

16. ALL AMERICAN has, since approximately 1983, placed warning labels onto commercially reconditioned helmets.

17. ALL AMERICAN holds and/or has held and/or developed football-helmet patents and other intellectual property related to the technology employed in RIDDELL football helmets.

18. ALL AMERICAN regularly conducts business in Illinois.

19. ALL AMERICAN is also a wholly owned subsidiary of RIDDELL SPORTS GROUP, INC.

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20. RIDDELL SPORTS GROUP, INC., parent corporation to RIDDELL, INC. and ALL AMERICAN, is a Delaware Corporation with its principal place of business in Irving, Texas.

21. RIDDELL SPORTS GROUP, INC. directly participates in the design, manufacture, sale, marketing, and distribution of football equipment, including RIDDELL helmets, to the public and the NFL.

22. RIDDELL SPORTS GROUP, INC. holds and/or has held and/or developed football-helmet patents and other intellectual property related to the technology employed in RIDDELL football helmets.

23. RIDDELL SPORTS GROUP, INC. is doing business in Illinois.

24. RIDDELL SPORTS GROUP, INC. is a wholly owned subsidiary of BRG SPORTS, INC. a/k/a EASTON-BELL SPORTS, INC.

25. BRG SPORTS, INC. is a Delaware Corporation.

26. BRG SPORTS, INC. (and its predecessor corporation, EASTON-BELL SPORTS, INC.) directly participates in the design, development, marketing and distribution of branded athletic equipment and accessories, including RIDDELL football helmets.

27. BRG SPORTS directly participates in strategic decisions for RIDDELL, INC., ALL AMERICAN, and RIDDELL SPORTS GROUP, INC. and directly participates in its subsidiaries operations.

28. BRG SPORTS, INC. holds and/or has held and/or developed football-helmet patents and other intellectual property related to the technology employed in RIDDELL football helmets.

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29. BRG SPORTS, INC. regularly conducts business in Illinois.

30. BRG SPORTS HOLDINGS CORP. (“BRG HOLDING”) formerly known as RBG HOLDINGS CORPORATION is a Delaware corporation with its principal place of business in Van Nuys, California.

31. BRG HOLDING holds and/or has held and/or developed football-helmet patents and other intellectual property related to the technology employed in RIDDELL football helmets.

32. BRG HOLDING regularly conducts business in Illinois.

33. EB SPORTS CORP. is a Delaware corporation with its principal place of business in Van Nuys, California.

34. EB SPORTS CORP. is a wholly owned subsidiary of EASTON-BELL SPORTS, LLC.

35. EB SPORTS CORP. holds itself out as a designer, developer, and marketer of football equipment products, including RIDDELL football helmets.

36. EB SPORTS CORP. holds and/or has held and/or developed football-helmet patents and other intellectual property related to the technology employed in RIDDELL football helmets.

37. EB SPORTS CORP. is doing business in Illinois.

38. BRG SPORTS, LLC, formerly known as EASTON-BELL SPORTS¹, LLC was also formerly known as RIDDELL HOLDINGS, LLC, a Delaware entity, with a principal place of business in Van Nuys, California.

39. BRG/EASTON-BELL SPORTS, LLC, itself, and by and through its subsidiaries

¹In September 2004, Bell Sports merged with Riddell Sports to form Riddell Bell, and in February 2006, Riddell Bell merged with Easton Sports to form Easton-Bell Sports.

and affiliates, designs, develops, and markets sports equipment, including RIDDELL football helmets.

40. EASTON-BELL SPORTS, LLC holds and/or has held and/or developed football-helmet patents and other intellectual property related to the technology employed in RIDDELL football helmets.

41. EASTON-BELL SPORTS, LLC is doing business in Illinois.

42. RIDDELL, INC., ALL AMERICAN, RIDDELL SPORTS GROUP, INC., BRG SPORTS, INC., BRG SPORTS HOLDINGS, EB SPORTS CORP., and BRG/EASTON-BELL SPORTS, LLC, and each of them, worked together with the NFL at all relevant times to provide NFL players with a false sense of security that the RIDDELL football helmet could, and would, protect players' brains from trauma and that neurodegenerative disease would not befall NFL players that wore RIDDELL helmets.

Count I - Negligence - Failure to Warn – Gregory Brown

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

43. GREGORY BROWN played football for eight seasons in NFL for the Philadelphia Eagles (1981 - 1986) and the Atlanta Falcons (1987 - 1988); prior to his NFL career, Mr. Brown starred at Kansas State University.

44. During his collegiate and professional football career, while wearing a RIDDELL helmet in both practice and game situations, GREGORY BROWN sustained numerous concussive and sub-concussive brain traumas.

45. In 1939, the Riddell Company of Chicago, Illinois started manufacturing plastic helmets under the guise that plastic helmets would be safer than those made of leather. The

RIDDELL Defendants have, at all relevant times, designed, manufactured, sold, marketed and/or distributed plastic helmets for use by collegiate and NFL players, including, but not limited to, the helmets worn by GREGORY BROWN during his football career.

46. But, unbeknownst to football players, RIDDELL's plastic modern football helmets are no better at protecting against concussions than vintage "leatherhead" football helmets.

47. During his football career, GREGORY BROWN played through concussions and sub-concussive brain traumas and their associated symptoms because he, like other football players at the time, was not told of any long-term consequences of doing so.

48. Published, peer-reviewed, scientific studies have shown that concussive and sub-concussive head impacts while playing football are linked to significant risk of permanent brain injury. This head trauma triggers progressive degeneration of the brain tissue. The brain degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse control problems, aggression, depression, and eventually, progressive dementia.

49. Prior to, during, and after GREGORY BROWN's football career, RIDDELL knew of the harmful long-term effects of brain traumas sustained by football players while wearing RIDDELL's supposedly protective equipment; however, it never warned GREGORY BROWN of those risks.

50. RIDDELL never warned GREGORY BROWN that its football helmets would not prevent or diminish brain traumas associated with playing the game of football.

51. RIDDELL never warned GREGORY BROWN that playing through concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

52. RIDDELL never warned GREGORY BROWN that its helmets would not prevent

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concussions, and/or that concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

53. At the time its helmets were designed, manufactured, sold, marketed and/or distributed, RIDDELL was negligent in one or more of the following ways:

- a. Promoted its football helmets as “safe,” without warning GREGORY BROWN of *any* long-term risks, when it knew that its football helmets would not protect GREGORY BROWN’s brain;
- b. Failed to warn GREGORY BROWN that its helmets would not protect against concussive or sub-concussive brain injury, when it knew that its football helmets could not protect GREGORY BROWN’s brain; and
- c. Failed to warn GREGORY BROWN that its helmets would not protect against long-term neurodegenerative disease, when it knew that its football helmets could not protect GREGORY BROWN’s brain.

54. As a proximate result of one or more of the foregoing negligent acts or omissions, GREGORY BROWN suffered injuries of a personal and pecuniary nature, which due to RIDDELL’s conspiracy with the NFL, were not discovered to have been caused by RIDDELL’s negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, GREGORY BROWN, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count II - Conspiracy with National Football League (NFL) - Gregory Brown

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

55. RIDDELL, a sports-equipment company, conspired with the NFL and others to conceal the inherent risks of the game of football, and, instead of revealing these risks, provided the NFL players, and the public in general, with a false sense of security that football helmets

could, and would, prevent and/or reduce any risk of brain injury.

56. In furtherance of this conspiracy, RIDDELL and the NFL (and others) established sham research committees, which in turn created sham 'science' that grossly inflated the effectiveness of its helmets in mitigating against head trauma.

57. In spite of an emerging consensus that coalesced over time regarding the association between repetitive head trauma and neurodegenerative disease, RIDDELL and the NFL agreed to conceal the latent risks associated with foreseeable usage of its products.

58. Specifically, in 1989⁷, RIDDELL agreed with NFL Properties, Inc., as predecessor in interest to NFL Properties, LLC to form a joint-venture in helmets, that would preserve RIDDELL's financial health and where RIDDELL would provide assistance to NFL football in the form of assistance with liability-limiting junk-science and propaganda, all minimizing the risks of repetitive head injury and concealing the risks of brain damage from those playing the game.

59. In addition to its agreement with the NFL to suppress knowledge of the long-term ramification of repetitive head trauma, RIDDELL had long attempted to further insulate itself from liability by forming and participating in 'industry groups'. Specifically, in 1968, the protective sports equipment industry, RIDDELL included, established the National Operating Committee on Standards for Equipment Safety ("NOCSAE").

60. NOCSAE's purported goals included the development of performance standards for football helmets as well as research to better understand the mechanism and tolerance of head

⁷Former RIDDELL president J.C. Wingo would state in 2013 that the purpose of the RIDDELL-NFL exclusivity deal was "to ensure a viable survivor in the helmet industry." See Helyar, John 'Helmets Preventing Concussion Seen Quashed by NFL-RIDDELL', Mar. 18, 2013, Bloomberg Business.

and neck injuries and the design and structure of football helmets. In reality, NOCSAE has advanced a constituency-serving agenda, aimed at protecting the protective equipment industry that controls its funding and that has traditionally controlled the votes of its board of directors, and equally important, those athletic organizations dependent upon these protective equipment manufacturers for equipment certification seals.

61. Despite its government-agency-styled name, the NOCSAE receives no oversight from any bureaucratic or other independent federal or state-sanctioned agency, such as the Federal Trade Commission, Consumer Product Safety Commission, or the Occupational Safety and Health Administration. Instead, the NOCSAE has strictly voluntary standards⁸ for compliance, available for adoption by any equipment manufacturer, user group, or athletic regulatory body.

62. RIDDELL has always known that no helmet could prevent concussion. That reality was cemented in the mid-1970s, following Dr. Steven Reid's telemetry (sensor-based) football-helmet study at Northwestern University. The study confirmed that a helmet could not counteract the biomechanical realities of football. See The Evening Independent, Meyer, John, "The \$20,000 Helmet" (Sept. 30, 1976) (noting "football helmets absorb only one-fortieth of the impact from violent collisions" and "helmets are useless in preventing concussions.")

63. NOCSAE has received significant grant funding from RIDDELL and other helmet manufacturers and football leagues interested in its findings.

⁸The NOCSAE certification indicates an undertaking to safeguard helmet users "by purchasing helmets which meet the best available helmet standards." But, end users can never understand their relative risks so long as they wear helmets abiding by the NOCSAE rule. The NOCSAE standards have remained unchanged because RIDDELL has desired this, having substantial voting power on the NOCSAE Board of Directors, and have financially incentivized NOCSAE accordingly.

64. Beginning in 1999, NOCSAE acknowledged that its research into brain injury, was specifically performed in conjunction with the NFL's mTBI Committee. Indeed, "the NFL and NOCSAE try pretty hard to work together."

65. The NFL's official foray into brain injury research had begun in 1994, when it formed the Mild Traumatic Brain Injury Committee (the "mTBI Committee") to supposedly study the effects of concussions and sub-concussive brain injury on NFL players. This committee, purportedly independent and charged to research the issues of concussion in football in good-faith, was a joint enterprise with RIDDELL and others to: a) drag any fact-finding process involving permanent brain injury out; b) cast doubt on football-related neurodegenerative disease causation altogether; c) distinguish NFL-causation from pre-NFL causation; and d) conduct bad-faith research in the form of exploring improvements to equipment changes and game conditions that the conspirators, knew would not actually result in material health benefits for players, but which would create a false sense of security.

66. The original roster comprising this committee revealed this group to be the opposite: It was in fact a biased and/or ill-qualified who's-who list of NFL and RIDDELL insiders and professional expert witnesses: the original 12-member Committee contained Elliott Pellman (Jets Doctor); Andy Tucker (Browns Doctor); Jay Brunetti (Redskins equipment manager); Ira Casson (New York neurologist / defense expert witness); Doug Robertson (Colts Doctor); Mark Lovell (Steelers neuropsychologist); Henry Feuer (Colts doctor); Albert Burstein (RIDDELL affiliate - biomechanics); John Powell (NFL injury database proprietor); Joseph Waeckerle (Chiefs Doctor); Ronnie Barnes (Giants trainer); and Bob Reese (Jets trainer).

67. Committee Member Burstein worked regularly as a defense expert witness for

RIDDELL on numerous personal injury/product liability litigation matters *concurrent* with his time as a member of the purportedly independent mTBI Committee.

68. RIDDELL knew that no helmet technology could be made substantially superior from one to the next in regards to protecting the brain from axonal shearing, yet the mTBI Committee, with Burstein and other RIDDELL influences, professed the opposite conclusion.

69. Dr. David Viano was a subsequent addition to the mTBI committee. Dr. Viano was, according to deposition testimony, a joint employee of RIDDELL and the NFL, entrusted to oversee helmet safety. In fact, Dr. Viano was a career defense-side expert witness, who would spend his entire time (eventually as committee co-chair) helping ensure the conspirators' agenda was followed.

70. The conspiratorial nature of the relationship between RIDDELL, NFL and NOCSAE was substantiated in the deposition testimony of RIDDELL's paid expert Halstead, who stated that "the NFL and NOCSAE try pretty hard to work together," which Halstead explained in deposition while testifying that "I work with the NFL Committee on Mild Traumatic Brain Injury . . . typically through NOCSAE."

71. With the guidance of individuals like Mr. Burstein, Dr. Viano, and Mr. Halstead, the Committee created research papers that concluded that helmets could reduce or eliminate the risk of brain trauma.

72. Based upon the NFL's mTBI Committee's work, RIDDELL, in conjunction with Biokinetics, the Canadian-based biomechanics firm hired by the NFL and later by RIDDELL, worked to develop a new football helmet designed to reduce players' risk of concussions. The helmet was ambitiously called the "Revolution" and it would become the most widely used

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helmet in the NFL and earn millions in sales to players in college, high school and youth leagues. RIDDELL's marketing claims that the Revolution helmet would protect the brain from concussion was, ultimately, debunked and chastised by the FTC.

73. The RIDDELL Defendants engaged in the multi-decade conspiracy to limit their own tort liability by concealing and/or misrepresenting and/or omitting information about head trauma and football from the football community; along with its co-conspirators, including by not limited to: NFL, NFL Properties, Inc., NFL Properties, LLC, NFL Charities, the RIDDELL Defendants agreed to engage in a long-term plan to conceal material information about football's link to brain damage.

74. The RIDDELL Defendants' participation in a conspiracy was a substantial factor in Plaintiff's injuries by and through their role in the civil conspiracy to conceal material information regarding repeat exposures to head trauma: RIDDELL did more than fail to take action to protect and/or inform players of true risks and hidden dangers associated with exposure to repetitive head-trauma and football; RIDDELL contributed to propagation of junk science; RIDDELL deceptively marketed its helmet systems with actual and/or constructive knowledge they could not protect against concussion; and RIDDELL participated in the NFL's sham-committee on the study of mTBI.

75. GREGORY BROWN played football while using a football helmet and suffered repetitive head traumas which have led, or will lead, to long-term brain damage, which due to RIDDELL's conspiracy with the NFL, was not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, GREGORY BROWN, demands judgment against RIDDELL

Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count III - Negligence - Failure to Warn – Alphonso Carreker

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

76. ALPHONSO CARREKER played football for seven seasons in the NFL for the Green Bay Packers (1984 - 1988) and the Denver Broncos (1989 - 1991); prior to his NFL career, Mr. Carreker starred at Florida State University.

77. During his collegiate and professional football career, while wearing a RIDDELL helmet in both practice and game situations, ALPHONSO CARREKER sustained numerous concussive and sub-concussive brain traumas.

78. In 1939, the Riddell Company of Chicago, Illinois started manufacturing plastic helmets under the guise that plastic helmets would be safer than those made of leather. The RIDDELL Defendants have, at all relevant times, designed, manufactured, sold, marketed and/or distributed plastic helmets for use by collegiate and NFL players, including, but not limited to, the helmets worn by ALPHONSO CARREKER during his football career.

79. But, unbeknownst to football players, RIDDELL's plastic modern football helmets are no better at protecting against concussions than vintage "leatherhead" football helmets.

80. During his football career, ALPHONSO CARREKER played through concussions and sub-concussive brain traumas and their associated symptoms because he, like other football players at the time, was not told of any long-term consequences of doing so.

81. Published, peer-reviewed, scientific studies have shown that concussive and sub-

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concussive head impacts while playing football are linked to significant risk of permanent brain injury. This head trauma triggers progressive degeneration of the brain tissue. The brain degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse control problems, aggression, depression, and eventually, progressive dementia.

82. Prior to, during, and after ALPHONSO CARREKER's football career, RIDDELL knew of the harmful long-term effects of brain traumas sustained by football players while wearing RIDDELL's supposedly protective equipment; however, it never warned ALPHONSO CARREKER of those risks.

83. RIDDELL never warned ALPHONSO CARREKER that its football helmets would not prevent or diminish brain traumas associated with playing the game of football.

84. RIDDELL never warned ALPHONSO CARREKER that playing through concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

85. RIDDELL never warned ALPHONSO CARREKER that its helmets would not prevent concussions, and/or that concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

86. At the time its helmets were designed, manufactured, sold, marketed and/or distributed, RIDDELL was negligent in one or more of the following ways:

- a. Promoted its football helmets as "safe," without warning ALPHONSO CARREKER of *any* long-term risks, when it knew that its football helmets would not protect ALPHONSO CARREKER's brain;
- b. Failed to warn ALPHONSO CARREKER that its helmets would not protect against concussive or sub-concussive brain injury, when it knew that its football helmets could not protect ALPHONSO CARREKER's brain; and
- c. Failed to warn ALPHONSO CARREKER that its helmets would not protect against long-term neurodegenerative disease, when it knew that its football helmets could not protect ALPHONSO CARREKER's brain.

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87. As a proximate result of one or more of the foregoing negligent acts or omissions, ALPHONSO CARREKER suffered injuries of a personal and pecuniary nature, which due to RIDDELL's conspiracy with the NFL, were not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, ALPHONSO CARREKER, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count IV - Conspiracy with National Football League (NFL) - Alphonso Carreker

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

88. RIDDELL, a sports-equipment company, conspired with the NFL and others to conceal the inherent risks of the game of football, and, instead of revealing these risks, provided the NFL players, and the public in general, with a false sense of security that football helmets could, and would, prevent and/or reduce any risk of brain injury.

89. In furtherance of this conspiracy, RIDDELL and the NFL (and others) established sham research committees, which in turn created sham 'science' that grossly inflated the effectiveness of its helmets in mitigating against head trauma.

90. In spite of an emerging consensus that coalesced over time regarding the association between repetitive head trauma and neurodegenerative disease, RIDDELL and the NFL agreed to conceal the latent risks associated with foreseeable usage of its products.

91. Specifically, in 1989⁷, RIDDELL agreed with NFL Properties, Inc., as predecessor

⁷Former RIDDELL president J.C. Wingo would state in 2013 that the purpose of the RIDDELL-NFL exclusivity deal was "to ensure a viable survivor in the helmet industry." See Helyar, John 'Helmets Preventing Concussion Seen Quashed by NFL-RIDDELL', Mar. 18, 2013,

in interest to NFL Properties, LLC to form a joint-venture in helmets, that would preserve RIDDELL's financial health and where RIDDELL would provide assistance to NFL football in the form of assistance with liability-limiting junk-science and propaganda, all minimizing the risks of repetitive head injury and concealing the risks of brain damage from those playing the game.

92. In addition to its agreement with the NFL to suppress knowledge of the long-term ramification of repetitive head trauma, RIDDELL had long attempted to further insulate itself from liability by forming and participating in 'industry groups'. Specifically, in 1968, the protective sports equipment industry, RIDDELL included, established the National Operating Committee on Standards for Equipment Safety ("NOCSAE").

93. NOCSAE's purported goals included the development of performance standards for football helmets as well as research to better understand the mechanism and tolerance of head and neck injuries and the design and structure of football helmets. In reality, NOCSAE has advanced a constituency-serving agenda, aimed at protecting the protective equipment industry that controls its funding and that has traditionally controlled the votes of its board of directors, and equally important, those athletic organizations dependent upon these protective equipment manufacturers for equipment certification seals.

94. Despite its government-agency-styled name, the NOCSAE receives no oversight from any bureaucratic or other independent federal or state-sanctioned agency, such as the Federal Trade Commission, Consumer Product Safety Commission, or the Occupational Safety

Bloomberg Business.

and Health Administration. Instead, the NOCSAE has strictly voluntary standards⁸ for compliance, available for adoption by any equipment manufacturer, user group, or athletic regulatory body.

95. RIDDELL has always known that no helmet could prevent concussion. That reality was cemented in the mid-1970s, following Dr. Steven Reid's telemetry (sensor-based) football-helmet study at Northwestern University. The study confirmed that a helmet could not counteract the biomechanical realities of football. See *The Evening Independent*, Meyer, John, "The \$20,000 Helmet" (Sept. 30, 1976) (noting "football helmets absorb only one-fortieth of the impact from violent collisions" and "helmets are useless in preventing concussions.")

96. NOCSAE has received significant grant funding from RIDDELL and other helmet manufacturers and football leagues interested in its findings.

97. Beginning in 1999, NOCSAE acknowledged that its research into brain injury, was specifically performed in conjunction with the NFL's mTBI Committee. Indeed, "the NFL and NOCSAE try pretty hard to work together."

98. The NFL's official foray into brain injury research had begun in 1994, when it formed the Mild Traumatic Brain Injury Committee (the "mTBI Committee") to supposedly study the effects of concussions and sub-concussive brain injury on NFL players. This committee, purportedly independent and charged to research the issues of concussion in football in good-faith, was a joint enterprise with RIDDELL and others to: a) drag any fact-finding process

⁸The NOCSAE certification indicates an undertaking to safeguard helmet users "by purchasing helmets which meet the best available helmet standards." But, end users can never understand their relative risks so long as they wear helmets abiding by the NOCSAE rule. The NOCSAE standards have remained unchanged because RIDDELL has desired this, having substantial voting power on the NOCSAE Board of Directors, and have financially incentivized NOCSAE accordingly.

involving permanent brain injury out; b) cast doubt on football-related neurodegenerative disease causation altogether; c) distinguish NFL-causation from pre-NFL causation; and d) conduct bad-faith research in the form of exploring improvements to equipment changes and game conditions that the conspirators, knew would not actually result in material health benefits for players, but which would create a false sense of security.

99. The original roster comprising this committee revealed this group to be the opposite: It was in fact a biased and/or ill-qualified who's-who list of NFL and RIDDELL insiders and professional expert witnesses: the original 12-member Committee contained Elliott Pellman (Jets Doctor); Andy Tucker (Browns Doctor); Jay Brunetti (Redskins equipment manager); Ira Casson (New York neurologist / defense expert witness); Doug Robertson (Colts Doctor); Mark Lovell (Steelers neuropsychologist); Henry Feuer (Colts doctor); Albert Burstein (RIDDELL affiliate - biomechanics); John Powell (NFL injury database proprietor); Joseph Waeckerle (Chiefs Doctor); Ronnie Barnes (Giants trainer); and Bob Reese (Jets trainer).

100. Committee Member Burstein worked regularly as a defense expert witness for RIDDELL on numerous personal injury/product liability litigation matters *concurrent* with his time as a member of the purportedly independent mTBI Committee.

101. RIDDELL knew that no helmet technology could be made substantially superior from one to the next in regards to protecting the brain from axonal shearing, yet the mTBI Committee, with Burstein and other RIDDELL influences, professed the opposite conclusion.

102. Dr. David Viano was a subsequent addition to the mTBI committee. Dr. Viano was, according to deposition testimony, a joint employee of RIDDELL and the NFL, entrusted to oversee helmet safety. In fact, Dr. Viano was a career defense-side expert witness, who would

spend his entire time (eventually as committee co-chair) helping ensure the conspirators' agenda was followed.

103. The conspiratorial nature of the relationship between RIDDELL, NFL and NOCSAE was substantiated in the deposition testimony of RIDDELL's paid expert Halstead, who stated that "the NFL and NOCSAE try pretty hard to work together," which Halstead explained in deposition while testifying that "I work with the NFL Committee on Mild Traumatic Brain Injury . . . typically through NOCSAE."

104. With the guidance of individuals like Mr. Burstein, Dr. Viano, and Mr. Halstead, the Committee created research papers that concluded that helmets could reduce or eliminate the risk of brain trauma.

105. Based upon the NFL's mTBI Committee's work, RIDDELL, in conjunction with Biokinetics, the Canadian-based biomechanics firm hired by the NFL and later by RIDDELL, worked to develop a new football helmet designed to reduce players' risk of concussions. The helmet was ambitiously called the "Revolution" and it would become the most widely used helmet in the NFL and earn millions in sales to players in college, high school and youth leagues. RIDDELL's marketing claims that the Revolution helmet would protect the brain from concussion was, ultimately, debunked and chastised by the FTC.

106. The RIDDELL Defendants engaged in the multi-decade conspiracy to limit their own tort liability by concealing and/or misrepresenting and/or omitting information about head trauma and football from the football community; along with its co-conspirators, including by not limited to: NFL, NFL Properties, Inc., NFL Properties, LLC, NFL Charities, the RIDDELL Defendants agreed to engage in a long-term plan to conceal material information about football's

link to brain damage.

107. The RIDDELL Defendants' participation in a conspiracy was a substantial factor in Plaintiff's injuries by and through their role in the civil conspiracy to conceal material information regarding repeat exposures to head trauma: RIDDELL did more than fail to take action to protect and/or inform players of true risks and hidden dangers associated with exposure to repetitive head-trauma and football; RIDDELL contributed to propagation of junk science; RIDDELL deceptively marketed its helmet systems with actual and/or constructive knowledge they could not protect against concussion; and RIDDELL participated in the NFL's sham-committee on the study of mTBI.

108. ALPHONSO CARREKER played football while using a football helmet and suffered repetitive head traumas which have led, or will lead, to long-term brain damage, which due to RIDDELL's conspiracy with the NFL, was not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, ALPHONSO CARREKER, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count V - Negligence - Failure to Warn – Wendell Carter

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

109. WENDELL CARTER played football for ten seasons in the NFL for the Detroit Lions (1988), the Los Angeles Rams (1989 - 1993), the Houston Oilers (1994), the St. Louis Rams (1995), and the Arizona Cardinals (1996 - 1997) prior to his NFL career, Mr. Carter starred at Florida State University.

110. During his collegiate and professional football career, while wearing a RIDDELL helmet in both practice and game situations, WENDELL CARTER sustained numerous concussive and sub-concussive brain traumas.

111. In 1939, the Riddell Company of Chicago, Illinois started manufacturing plastic helmets under the guise that plastic helmets would be safer than those made of leather. The RIDDELL Defendants have, at all relevant times, designed, manufactured, sold, marketed and/or distributed plastic helmets for use by collegiate and NFL players, including, but not limited to, the helmets worn by WENDELL CARTER during his football career.

112. But, unbeknownst to football players, RIDDELL's plastic modern football helmets are no better at protecting against concussions than vintage "leatherhead" football helmets.

113. During his football career, WENDELL CARTER played through concussions and sub-concussive brain traumas and their associated symptoms because he, like other football players at the time, was not told of any long-term consequences of doing so.

114. Published, peer-reviewed, scientific studies have shown that concussive and sub-concussive head impacts while playing football are linked to significant risk of permanent brain injury. This head trauma triggers progressive degeneration of the brain tissue. The brain degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse control problems, aggression, depression, and eventually, progressive dementia.

115. Prior to, during, and after WENDELL CARTER's football career, RIDDELL knew of the harmful long-term effects of brain traumas sustained by football players while wearing RIDDELL's supposedly protective equipment; however, it never warned WENDELL CARTER of those risks.

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116. RIDDELL never warned WENDELL CARTER that its football helmets would not prevent or diminish brain traumas associated with playing the game of football.

117. RIDDELL never warned WENDELL CARTER that playing through concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

118. RIDDELL never warned WENDELL CARTER that its helmets would not prevent concussions, and/or that concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

119. At the time its helmets were designed, manufactured, sold, marketed and/or distributed, RIDDELL was negligent in one or more of the following ways:

- a. Promoted its football helmets as “safe,” without warning WENDELL CARTER of *any* long-term risks, when it knew that its football helmets would not protect WENDELL CARTER’s brain;
- b. Failed to warn WENDELL CARTER that its helmets would not protect against concussive or sub-concussive brain injury, when it knew that its football helmets could not protect WENDELL CARTER’s brain; and
- c. Failed to warn WENDELL CARTER that its helmets would not protect against long-term neurodegenerative disease, when it knew that its football helmets could not protect WENDELL CARTER’s brain.

120. As a proximate result of one or more of the foregoing negligent acts or omissions, WENDELL CARTER suffered injuries of a personal and pecuniary nature, which due to RIDDELL’s conspiracy with the NFL, were not discovered to have been caused by RIDDELL’s negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, WENDELL CARTER, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count VI - Conspiracy with National Football League (NFL) - Wendell Carter

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

121. RIDDELL, a sports-equipment company, conspired with the NFL and others to conceal the inherent risks of the game of football, and, instead of revealing these risks, provided the NFL players, and the public in general, with a false sense of security that football helmets could, and would, prevent and/or reduce any risk of brain injury.

122. In furtherance of this conspiracy, RIDDELL and the NFL (and others) established sham research committees, which in turn created sham 'science' that grossly inflated the effectiveness of its helmets in mitigating against head trauma.

123. In spite of an emerging consensus that coalesced over time regarding the association between repetitive head trauma and neurodegenerative disease, RIDDELL and the NFL agreed to conceal the latent risks associated with foreseeable usage of its products.

124. Specifically, in 1989⁷, RIDDELL agreed with NFL Properties, Inc., as predecessor in interest to NFL Properties, LLC to form a joint-venture in helmets, that would preserve RIDDELL's financial health and where RIDDELL would provide assistance to NFL football in the form of assistance with liability-limiting junk-science and propaganda, all minimizing the risks of repetitive head injury and concealing the risks of brain damage from those playing the game.

125. In addition to its agreement with the NFL to suppress knowledge of the long-term ramification of repetitive head trauma, RIDDELL had long attempted to further insulate itself

⁷Former RIDDELL president J.C. Wingo would state in 2013 that the purpose of the RIDDELL-NFL exclusivity deal was "to ensure a viable survivor in the helmet industry." See Helyar, John 'Helmets Preventing Concussion Seen Quashed by NFL-RIDDELL', Mar. 18, 2013, Bloomberg Business.

from liability by forming and participating in 'industry groups'. Specifically, in 1968, the protective sports equipment industry, RIDDELL included, established the National Operating Committee on Standards for Equipment Safety ("NOCSAE").

126. NOCSAE's purported goals included the development of performance standards for football helmets as well as research to better understand the mechanism and tolerance of head and neck injuries and the design and structure of football helmets. In reality, NOCSAE has advanced a constituency-serving agenda, aimed at protecting the protective equipment industry that controls its funding and that has traditionally controlled the votes of its board of directors, and equally important, those athletic organizations dependent upon these protective equipment manufacturers for equipment certification seals.

127. Despite its government-agency-styled name, the NOCSAE receives no oversight from any bureaucratic or other independent federal or state-sanctioned agency, such as the Federal Trade Commission, Consumer Product Safety Commission, or the Occupational Safety and Health Administration. Instead, the NOCSAE has strictly voluntary standards⁸ for compliance, available for adoption by any equipment manufacturer, user group, or athletic regulatory body.

128. RIDDELL has always known that no helmet could prevent concussion. That reality was cemented in the mid-1970s, following Dr. Steven Reid's telemetry (sensor-based) football-helmet study at Northwestern University. The study confirmed that a helmet could not

⁸The NOCSAE certification indicates an undertaking to safeguard helmet users "by purchasing helmets which meet the best available helmet standards." But, end users can never understand their relative risks so long as they wear helmets abiding by the NOCSAE rule. The NOCSAE standards have remained unchanged because RIDDELL has desired this, having substantial voting power on the NOCSAE Board of Directors, and have financially incentivized NOCSAE accordingly.

counteract the biomechanical realities of football. See The Evening Independent, Meyer, John, "The \$20,000 Helmet" (Sept. 30, 1976) (noting "football helmets absorb only one-fortieth of the impact from violent collisions" and "helmets are useless in preventing concussions.")

129. NOCSAE has received significant grant funding from RIDDELL and other helmet manufacturers and football leagues interested in its findings.

130. Beginning in 1999, NOCSAE acknowledged that its research into brain injury, was specifically performed in conjunction with the NFL's mTBI Committee. Indeed, "the NFL and NOCSAE try pretty hard to work together."

131. The NFL's official foray into brain injury research had begun in 1994, when it formed the Mild Traumatic Brain Injury Committee (the "mTBI Committee") to supposedly study the effects of concussions and sub-concussive brain injury on NFL players. This committee, purportedly independent and charged to research the issues of concussion in football in good-faith, was a joint enterprise with RIDDELL and others to: a) drag any fact-finding process involving permanent brain injury out; b) cast doubt on football-related neurodegenerative disease causation altogether; c) distinguish NFL-causation from pre-NFL causation; and d) conduct bad-faith research in the form of exploring improvements to equipment changes and game conditions that the conspirators, knew would not actually result in material health benefits for players, but which would create a false sense of security.

132. The original roster comprising this committee revealed this group to be the opposite: It was in fact a biased and/or ill-qualified who's-who list of NFL and RIDDELL insiders and professional expert witnesses: the original 12-member Committee contained Elliott Pellman (Jets Doctor); Andy Tucker (Browns Doctor); Jay Brunetti (Redskins equipment

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manager); Ira Casson (New York neurologist / defense expert witness); Doug Robertson (Colts Doctor); Mark Lovell (Steelers neuropsychologist); Henry Feuer (Colts doctor); Albert Burstein (RIDDELL affiliate - biomechanics); John Powell (NFL injury database proprietor); Joseph Waeckerle (Chiefs Doctor); Ronnie Barnes (Giants trainer); and Bob Reese (Jets trainer).

133. Committee Member Burstein worked regularly as a defense expert witness for RIDDELL on numerous personal injury/product liability litigation matters *concurrent* with his time as a member of the purportedly independent mTBI Committee.

134. RIDDELL knew that no helmet technology could be made substantially superior from one to the next in regards to protecting the brain from axonal shearing, yet the mTBI Committee, with Burstein and other RIDDELL influences, professed the opposite conclusion.

135. Dr. David Viano was a subsequent addition to the mTBI committee. Dr. Viano was, according to deposition testimony, a joint employee of RIDDELL and the NFL, entrusted to oversee helmet safety. In fact, Dr. Viano was a career defense-side expert witness, who would spend his entire time (eventually as committee co-chair) helping ensure the conspirators' agenda was followed.

136. The conspiratorial nature of the relationship between RIDDELL, NFL and NOCSAE was substantiated in the deposition testimony of RIDDELL's paid expert Halstead, who stated that "the NFL and NOCSAE try pretty hard to work together," which Halstead explained in deposition while testifying that "I work with the NFL Committee on Mild Traumatic Brain Injury . . . typically through NOCSAE."

137. With the guidance of individuals like Mr. Burstein, Dr. Viano, and Mr. Halstead, the Committee created research papers that concluded that helmets could reduce or eliminate the

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risk of brain trauma.

138. Based upon the NFL's mTBI Committee's work, RIDDELL, in conjunction with Biokinetics, the Canadian-based biomechanics firm hired by the NFL and later by RIDDELL, worked to develop a new football helmet designed to reduce players' risk of concussions. The helmet was ambitiously called the "Revolution" and it would become the most widely used helmet in the NFL and earn millions in sales to players in college, high school and youth leagues. RIDDELL's marketing claims that the Revolution helmet would protect the brain from concussion was, ultimately, debunked and chastised by the FTC.

139. The RIDDELL Defendants engaged in the multi-decade conspiracy to limit their own tort liability by concealing and/or misrepresenting and/or omitting information about head trauma and football from the football community; along with its co-conspirators, including by not limited to: NFL, NFL Properties, Inc., NFL Properties, LLC, NFL Charities, the RIDDELL Defendants agreed to engage in a long-term plan to conceal material information about football's link to brain damage.

140. The RIDDELL Defendants' participation in a conspiracy was a substantial factor in Plaintiff's injuries by and through their role in the civil conspiracy to conceal material information regarding repeat exposures to head trauma: RIDDELL did more than fail to take action to protect and/or inform players of true risks and hidden dangers associated with exposure to repetitive head-trauma and football; RIDDELL contributed to propagation of junk science; RIDDELL deceptively marketed its helmet systems with actual and/or constructive knowledge they could not protect against concussion; and RIDDELL participated in the NFL's sham-committee on the study of mTBI.

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141. WENDELL CARTER played football while using a football helmet and suffered repetitive head traumas which have led, or will lead, to long-term brain damage, which due to RIDDELL's conspiracy with the NFL, was not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, WENDELL CARTER, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count VII - Negligence - Failure to Warn – Al Davis

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

142. AL "SONNY" DAVIS played football for one season in the NFL for the Philadelphia Eagles (1971); prior to his NFL career, Mr. Davis starred at Tennessee State University.

143. During his collegiate and professional football career, while wearing a RIDDELL helmet in both practice and game situations, AL DAVIS sustained numerous concussive and sub-concussive brain traumas.

144. In 1939, the Riddell Company of Chicago, Illinois started manufacturing plastic helmets under the guise that plastic helmets would be safer than those made of leather. The RIDDELL Defendants have, at all relevant times, designed, manufactured, sold, marketed and/or distributed plastic helmets for use by collegiate and NFL players, including, but not limited to, the helmets worn by AL DAVIS during his football career.

145. But, unbeknownst to football players, RIDDELL's plastic modern football helmets are no better at protecting against concussions than vintage "leatherhead" football helmets.

146. During his football career, AL DAVIS played through concussions and sub-concussive brain traumas and their associated symptoms because he, like other football players at the time, was not told of any long-term consequences of doing so.

147. Published, peer-reviewed, scientific studies have shown that concussive and sub-concussive head impacts while playing football are linked to significant risk of permanent brain injury. This head trauma triggers progressive degeneration of the brain tissue. The brain degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse control problems, aggression, depression, and eventually, progressive dementia.

148. Prior to, during, and after AL DAVIS's football career, RIDDELL knew of the harmful long-term effects of brain traumas sustained by football players while wearing RIDDELL's supposedly protective equipment; however, it never warned AL DAVIS of those risks.

149. RIDDELL never warned AL DAVIS that its football helmets would not prevent or diminish brain traumas associated with playing the game of football.

150. RIDDELL never warned AL DAVIS that playing through concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

151. RIDDELL never warned AL DAVIS that its helmets would not prevent concussions, and/or that concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

152. At the time its helmets were designed, manufactured, sold, marketed and/or distributed, RIDDELL was negligent in one or more of the following ways:

- a. Promoted its football helmets as "safe," without warning AL DAVIS of *any* long-term risks, when it knew that its football helmets would not protect AL DAVIS's brain;

- b. Failed to warn AL DAVIS that its helmets would not protect against concussive or sub-concussive brain injury, when it knew that its football helmets could not protect AL DAVIS's brain; and
- c. Failed to warn AL DAVIS that its helmets would not protect against long-term neurodegenerative disease, when it knew that its football helmets could not protect AL DAVIS's brain.

153. As a proximate result of one or more of the foregoing negligent acts or omissions, AL DAVIS suffered injuries of a personal and pecuniary nature, which due to RIDDELL's conspiracy with the NFL, were not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, AL DAVIS, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count VIII - Conspiracy with National Football League (NFL) - Al Davis

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

154. RIDDELL, a sports-equipment company, conspired with the NFL and others to conceal the inherent risks of the game of football, and, instead of revealing these risks, provided the NFL players, and the public in general, with a false sense of security that football helmets could, and would, prevent and/or reduce any risk of brain injury.

155. In furtherance of this conspiracy, RIDDELL and the NFL (and others) established sham research committees, which in turn created sham 'science' that grossly inflated the effectiveness of its helmets in mitigating against head trauma.

156. In spite of an emerging consensus that coalesced over time regarding the association between repetitive head trauma and neurodegenerative disease, RIDDELL and the

NFL agreed to conceal the latent risks associated with foreseeable usage of its products.

157. Specifically, in 1989⁷, RIDDELL agreed with NFL Properties, Inc., as predecessor in interest to NFL Properties, LLC to form a joint-venture in helmets, that would preserve RIDDELL's financial health and where RIDDELL would provide assistance to NFL football in the form of assistance with liability-limiting junk-science and propaganda, all minimizing the risks of repetitive head injury and concealing the risks of brain damage from those playing the game.

158. In addition to its agreement with the NFL to suppress knowledge of the long-term ramification of repetitive head trauma, RIDDELL had long attempted to further insulate itself from liability by forming and participating in 'industry groups'. Specifically, in 1968, the protective sports equipment industry, RIDDELL included, established the National Operating Committee on Standards for Equipment Safety ("NOCSAE").

159. NOCSAE's purported goals included the development of performance standards for football helmets as well as research to better understand the mechanism and tolerance of head and neck injuries and the design and structure of football helmets. In reality, NOCSAE has advanced a constituency-serving agenda, aimed at protecting the protective equipment industry that controls its funding and that has traditionally controlled the votes of its board of directors, and equally important, those athletic organizations dependent upon these protective equipment manufacturers for equipment certification seals.

160. Despite its government-agency-styled name, the NOCSAE receives no oversight

⁷Former RIDDELL president J.C. Wingo would state in 2013 that the purpose of the RIDDELL-NFL exclusivity deal was "to ensure a viable survivor in the helmet industry." See Helyar, John 'Helmets Preventing Concussion Seen Quashed by NFL-RIDDELL', Mar. 18, 2013, Bloomberg Business.

from any bureaucratic or other independent federal or state-sanctioned agency, such as the Federal Trade Commission, Consumer Product Safety Commission, or the Occupational Safety and Health Administration. Instead, the NOCSAE has strictly voluntary standards⁸ for compliance, available for adoption by any equipment manufacturer, user group, or athletic regulatory body.

161. RIDDELL has always known that no helmet could prevent concussion. That reality was cemented in the mid-1970s, following Dr. Steven Reid's telemetry (sensor-based) football-helmet study at Northwestern University. The study confirmed that a helmet could not counteract the biomechanical realities of football. See The Evening Independent, Meyer, John, "The \$20,000 Helmet" (Sept. 30, 1976) (noting "football helmets absorb only one-fortieth of the impact from violent collisions" and "helmets are useless in preventing concussions.")

162. NOCSAE has received significant grant funding from RIDDELL and other helmet manufacturers and football leagues interested in its findings.

163. Beginning in 1999, NOCSAE acknowledged that its research into brain injury, was specifically performed in conjunction with the NFL's mTBI Committee. Indeed, "the NFL and NOCSAE try pretty hard to work together."

164. The NFL's official foray into brain injury research had begun in 1994, when it formed the Mild Traumatic Brain Injury Committee (the "mTBI Committee") to supposedly study the effects of concussions and sub-concussive brain injury on NFL players. This committee,

⁸The NOCSAE certification indicates an undertaking to safeguard helmet users "by purchasing helmets which meet the best available helmet standards." But, end users can never understand their relative risks so long as they wear helmets abiding by the NOCSAE rule. The NOCSAE standards have remained unchanged because RIDDELL has desired this, having substantial voting power on the NOCSAE Board of Directors, and have financially incentivized NOCSAE accordingly.

purportedly independent and charged to research the issues of concussion in football in good-faith, was a joint enterprise with RIDDELL and others to: a) drag any fact-finding process involving permanent brain injury out; b) cast doubt on football-related neurodegenerative disease causation altogether; c) distinguish NFL-causation from pre-NFL causation; and d) conduct bad-faith research in the form of exploring improvements to equipment changes and game conditions that the conspirators, knew would not actually result in material health benefits for players, but which would create a false sense of security.

165. The original roster comprising this committee revealed this group to be the opposite: It was in fact a biased and/or ill-qualified who's-who list of NFL and RIDDELL insiders and professional expert witnesses: the original 12-member Committee contained Elliott Pellman (Jets Doctor); Andy Tucker (Browns Doctor); Jay Brunetti (Redskins equipment manager); Ira Casson (New York neurologist / defense expert witness); Doug Robertson (Colts Doctor); Mark Lovell (Steelers neuropsychologist); Henry Feuer (Colts doctor); Albert Burstein (RIDDELL affiliate - biomechanics); John Powell (NFL injury database proprietor); Joseph Waeckerle (Chiefs Doctor); Ronnie Barnes (Giants trainer); and Bob Reese (Jets trainer).

166. Committee Member Burstein worked regularly as a defense expert witness for RIDDELL on numerous personal injury/product liability litigation matters *concurrent* with his time as a member of the purportedly independent mTBI Committee.

167. RIDDELL knew that no helmet technology could be made substantially superior from one to the next in regards to protecting the brain from axonal shearing, yet the mTBI Committee, with Burstein and other RIDDELL influences, professed the opposite conclusion.

168. Dr. David Viano was a subsequent addition to the mTBI committee. Dr. Viano

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was, according to deposition testimony, a joint employee of RIDDELL and the NFL, entrusted to oversee helmet safety. In fact, Dr. Viano was a career defense-side expert witness, who would spend his entire time (eventually as committee co-chair) helping ensure the conspirators' agenda was followed.

169. The conspiratorial nature of the relationship between RIDDELL, NFL and NOCSAE was substantiated in the deposition testimony of RIDDELL's paid expert Halstead, who stated that "the NFL and NOCSAE try pretty hard to work together," which Halstead explained in deposition while testifying that "I work with the NFL Committee on Mild Traumatic Brain Injury . . . typically through NOCSAE."

170. With the guidance of individuals like Mr. Burstein, Dr. Viano, and Mr. Halstead, the Committee created research papers that concluded that helmets could reduce or eliminate the risk of brain trauma.

171. Based upon the NFL's mTBI Committee's work, RIDDELL, in conjunction with Biokinetics, the Canadian-based biomechanics firm hired by the NFL and later by RIDDELL, worked to develop a new football helmet designed to reduce players' risk of concussions. The helmet was ambitiously called the "Revolution" and it would become the most widely used helmet in the NFL and earn millions in sales to players in college, high school and youth leagues. RIDDELL's marketing claims that the Revolution helmet would protect the brain from concussion was, ultimately, debunked and chastised by the FTC.

172. The RIDDELL Defendants engaged in the multi-decade conspiracy to limit their own tort liability by concealing and/or misrepresenting and/or omitting information about head trauma and football from the football community; along with its co-conspirators, including by not

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limited to: NFL, NFL Properties, Inc., NFL Properties, LLC, NFL Charities, the RIDDELL Defendants agreed to engage in a long-term plan to conceal material information about football's link to brain damage.

173. The RIDDELL Defendants' participation in a conspiracy was a substantial factor in Plaintiff's injuries by and through their role in the civil conspiracy to conceal material information regarding repeat exposures to head trauma: RIDDELL did more than fail to take action to protect and/or inform players of true risks and hidden dangers associated with exposure to repetitive head-trauma and football; RIDDELL contributed to propagation of junk science; RIDDELL deceptively marketed its helmet systems with actual and/or constructive knowledge they could not protect against concussion; and RIDDELL participated in the NFL's sham-committee on the study of mTBI.

174. AL DAVIS played football while using a football helmet and suffered repetitive head traumas which have led, or will lead, to long-term brain damage, which due to RIDDELL's conspiracy with the NFL, was not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, AL DAVIS, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count IX - Negligence - Failure to Warn – Eric Hayes

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

175. ERIC HAYES played football for four seasons in the NFL for the Seattle Seahawks (1990 - 1991), the Los Angeles Rams (1992), and the Tampa Bay Buccaneers (1993);

prior to his NFL career, Mr. Hayes starred at Florida State University.

176. During his collegiate and professional football career, while wearing a RIDDELL helmet in both practice and game situations, ERIC HAYES sustained numerous concussive and sub-concussive brain traumas.

177. In 1939, the Riddell Company of Chicago, Illinois started manufacturing plastic helmets under the guise that plastic helmets would be safer than those made of leather. The RIDDELL Defendants have, at all relevant times, designed, manufactured, sold, marketed and/or distributed plastic helmets for use by collegiate and NFL players, including, but not limited to, the helmets worn by ERIC HAYES during his football career.

178. But, unbeknownst to football players, RIDDELL's plastic modern football helmets are no better at protecting against concussions than vintage "leatherhead" football helmets.

179. During his football career, ERIC HAYES played through concussions and sub-concussive brain traumas and their associated symptoms because he, like other football players at the time, was not told of any long-term consequences of doing so.

180. Published, peer-reviewed, scientific studies have shown that concussive and sub-concussive head impacts while playing football are linked to significant risk of permanent brain injury. This head trauma triggers progressive degeneration of the brain tissue. The brain degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse control problems, aggression, depression, and eventually, progressive dementia.

181. Prior to, during, and after ERIC HAYES's football career, RIDDELL knew of the harmful long-term effects of brain traumas sustained by football players while wearing RIDDELL's supposedly protective equipment; however, it never warned ERIC HAYES of those

risks.

182. RIDDELL never warned ERIC HAYES that its football helmets would not prevent or diminish brain traumas associated with playing the game of football.

183. RIDDELL never warned ERIC HAYES that playing through concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

184. RIDDELL never warned ERIC HAYES that its helmets would not prevent concussions, and/or that concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

185. At the time its helmets were designed, manufactured, sold, marketed and/or distributed, RIDDELL was negligent in one or more of the following ways:

- a. Promoted its football helmets as “safe,” without warning ERIC HAYES of *any* long-term risks, when it knew that its football helmets would not protect ERIC HAYES’s brain;
- b. Failed to warn ERIC HAYES that its helmets would not protect against concussive or sub-concussive brain injury, when it knew that its football helmets could not protect ERIC HAYES’s brain; and
- c. Failed to warn ERIC HAYES that its helmets would not protect against long-term neurodegenerative disease, when it knew that its football helmets could not protect ERIC HAYES’s brain.

186. As a proximate result of one or more of the foregoing negligent acts or omissions, ERIC HAYES suffered injuries of a personal and pecuniary nature, which due to RIDDELL’s conspiracy with the NFL, were not discovered to have been caused by RIDDELL’s negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, ERIC HAYES, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law

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Division of the Circuit Court of Cook County, Illinois.

Count X - Conspiracy with National Football League (NFL) - Eric Hayes

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

187. RIDDELL, a sports-equipment company, conspired with the NFL and others to conceal the inherent risks of the game of football, and, instead of revealing these risks, provided the NFL players, and the public in general, with a false sense of security that football helmets could, and would, prevent and/or reduce any risk of brain injury.

188. In furtherance of this conspiracy, RIDDELL and the NFL (and others) established sham research committees, which in turn created sham 'science' that grossly inflated the effectiveness of its helmets in mitigating against head trauma.

189. In spite of an emerging consensus that coalesced over time regarding the association between repetitive head trauma and neurodegenerative disease, RIDDELL and the NFL agreed to conceal the latent risks associated with foreseeable usage of its products.

190. Specifically, in 1989⁷, RIDDELL agreed with NFL Properties, Inc., as predecessor in interest to NFL Properties, LLC to form a joint-venture in helmets, that would preserve RIDDELL's financial health and where RIDDELL would provide assistance to NFL football in the form of assistance with liability-limiting junk-science and propaganda, all minimizing the risks of repetitive head injury and concealing the risks of brain damage from those playing the game.

191. In addition to its agreement with the NFL to suppress knowledge of the long-term

⁷Former RIDDELL president J.C. Wingo would state in 2013 that the purpose of the RIDDELL-NFL exclusivity deal was "to ensure a viable survivor in the helmet industry." See Helyar, John 'Helmets Preventing Concussion Seen Quashed by NFL-RIDDELL', Mar. 18, 2013, Bloomberg Business.

ramification of repetitive head trauma, RIDDELL had long attempted to further insulate itself from liability by forming and participating in 'industry groups'. Specifically, in 1968, the protective sports equipment industry, RIDDELL included, established the National Operating Committee on Standards for Equipment Safety ("NOCSAE").

192. NOCSAE's purported goals included the development of performance standards for football helmets as well as research to better understand the mechanism and tolerance of head and neck injuries and the design and structure of football helmets. In reality, NOCSAE has advanced a constituency-serving agenda, aimed at protecting the protective equipment industry that controls its funding and that has traditionally controlled the votes of its board of directors, and equally important, those athletic organizations dependent upon these protective equipment manufacturers for equipment certification seals.

193. Despite its government-agency-styled name, the NOCSAE receives no oversight from any bureaucratic or other independent federal or state-sanctioned agency, such as the Federal Trade Commission, Consumer Product Safety Commission, or the Occupational Safety and Health Administration. Instead, the NOCSAE has strictly voluntary standards⁸ for compliance, available for adoption by any equipment manufacturer, user group, or athletic regulatory body.

194. RIDDELL has always known that no helmet could prevent concussion. That reality was cemented in the mid-1970s, following Dr. Steven Reid's telemetry (sensor-based)

⁸The NOCSAE certification indicates an undertaking to safeguard helmet users "by purchasing helmets which meet the best available helmet standards." But, end users can never understand their relative risks so long as they wear helmets abiding by the NOCSAE rule. The NOCSAE standards have remained unchanged because RIDDELL has desired this, having substantial voting power on the NOCSAE Board of Directors, and have financially incentivized NOCSAE accordingly.

football-helmet study at Northwestern University. The study confirmed that a helmet could not counteract the biomechanical realities of football. See The Evening Independent, Meyer, John, "The \$20,000 Helmet" (Sept. 30, 1976) (noting "football helmets absorb only one-fortieth of the impact from violent collisions" and "helmets are useless in preventing concussions.")

195. NOCSAE has received significant grant funding from RIDDELL and other helmet manufacturers and football leagues interested in its findings.

196. Beginning in 1999, NOCSAE acknowledged that its research into brain injury, was specifically performed in conjunction with the NFL's mTBI Committee. Indeed, "the NFL and NOCSAE try pretty hard to work together."

197. The NFL's official foray into brain injury research had begun in 1994, when it formed the Mild Traumatic Brain Injury Committee (the "mTBI Committee") to supposedly study the effects of concussions and sub-concussive brain injury on NFL players. This committee, purportedly independent and charged to research the issues of concussion in football in good-faith, was a joint enterprise with RIDDELL and others to: a) drag any fact-finding process involving permanent brain injury out; b) cast doubt on football-related neurodegenerative disease causation altogether; c) distinguish NFL-causation from pre-NFL causation; and d) conduct bad-faith research in the form of exploring improvements to equipment changes and game conditions that the conspirators, knew would not actually result in material health benefits for players, but which would create a false sense of security.

198. The original roster comprising this committee revealed this group to be the opposite: It was in fact a biased and/or ill-qualified who's-who list of NFL and RIDDELL insiders and professional expert witnesses: the original 12-member Committee contained Elliott

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Pellman (Jets Doctor); Andy Tucker (Browns Doctor); Jay Brunetti (Redskins equipment manager); Ira Casson (New York neurologist / defense expert witness); Doug Robertson (Colts Doctor); Mark Lovell (Steelers neuropsychologist); Henry Feuer (Colts doctor); Albert Burstein (RIDDELL affiliate - biomechanics); John Powell (NFL injury database proprietor); Joseph Waeckerle (Chiefs Doctor); Ronnie Barnes (Giants trainer); and Bob Reese (Jets trainer).

199. Committee Member Burstein worked regularly as a defense expert witness for RIDDELL on numerous personal injury/product liability litigation matters *concurrent* with his time as a member of the purportedly independent mTBI Committee.

200. RIDDELL knew that no helmet technology could be made substantially superior from one to the next in regards to protecting the brain from axonal shearing, yet the mTBI Committee, with Burstein and other RIDDELL influences, professed the opposite conclusion.

201. Dr. David Viano was a subsequent addition to the mTBI committee. Dr. Viano was, according to deposition testimony, a joint employee of RIDDELL and the NFL, entrusted to oversee helmet safety. In fact, Dr. Viano was a career defense-side expert witness, who would spend his entire time (eventually as committee co-chair) helping ensure the conspirators' agenda was followed.

202. The conspiratorial nature of the relationship between RIDDELL, NFL and NOCSAE was substantiated in the deposition testimony of RIDDELL's paid expert Halstead, who stated that "the NFL and NOCSAE try pretty hard to work together," which Halstead explained in deposition while testifying that "I work with the NFL Committee on Mild Traumatic Brain Injury . . . typically through NOCSAE."

203. With the guidance of individuals like Mr. Burstein, Dr. Viano, and Mr. Halstead,

the Committee created research papers that concluded that helmets could reduce or eliminate the risk of brain trauma.

204. Based upon the NFL's mTBI Committee's work, RIDDELL, in conjunction with Biokinetics, the Canadian-based biomechanics firm hired by the NFL and later by RIDDELL, worked to develop a new football helmet designed to reduce players' risk of concussions. The helmet was ambitiously called the "Revolution" and it would become the most widely used helmet in the NFL and earn millions in sales to players in college, high school and youth leagues. RIDDELL's marketing claims that the Revolution helmet would protect the brain from concussion was, ultimately, debunked and chastised by the FTC.

205. The RIDDELL Defendants engaged in the multi-decade conspiracy to limit their own tort liability by concealing and/or misrepresenting and/or omitting information about head trauma and football from the football community; along with its co-conspirators, including by not limited to: NFL, NFL Properties, Inc., NFL Properties, LLC, NFL Charities, the RIDDELL Defendants agreed to engage in a long-term plan to conceal material information about football's link to brain damage.

206. The RIDDELL Defendants' participation in a conspiracy was a substantial factor in Plaintiff's injuries by and through their role in the civil conspiracy to conceal material information regarding repeat exposures to head trauma: RIDDELL did more than fail to take action to protect and/or inform players of true risks and hidden dangers associated with exposure to repetitive head-trauma and football; RIDDELL contributed to propagation of junk science; RIDDELL deceptively marketed its helmet systems with actual and/or constructive knowledge they could not protect against concussion; and RIDDELL participated in the NFL's

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sham-committee on the study of mTBI.

207. ERIC HAYES played football while using a football helmet and suffered repetitive head traumas which have led, or will lead, to long-term brain damage, which due to RIDDELL's conspiracy with the NFL, was not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, ERIC HAYES, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count XI - Negligence - Failure to Warn – George Hinkle

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

208. GEORGE HINKLE played football for six seasons in the NFL for the San Diego Chargers (1988 - 1991), the Minnesota Vikings (1992), and the Cincinnati Bengals (1993); prior to his NFL career, Mr. Hinkle starred at the University of Arizona.

209. During his collegiate and professional football career, while wearing a RIDDELL helmet in both practice and game situations, GEORGE HINKLE sustained numerous concussive and sub-concussive brain traumas.

210. In 1939, the Riddell Company of Chicago, Illinois started manufacturing plastic helmets under the guise that plastic helmets would be safer than those made of leather. The RIDDELL Defendants have, at all relevant times, designed, manufactured, sold, marketed and/or distributed plastic helmets for use by collegiate and NFL players, including, but not limited to, the helmets worn by GEORGE HINKLE during his football career.

211. But, unbeknownst to football players, RIDDELL's plastic modern football helmets

are no better at protecting against concussions than vintage "leatherhead" football helmets.

212. During his football career, GEORGE HINKLE played through concussions and sub-concussive brain traumas and their associated symptoms because he, like other football players at the time, was not told of any long-term consequences of doing so.

213. Published, peer-reviewed, scientific studies have shown that concussive and sub-concussive head impacts while playing football are linked to significant risk of permanent brain injury. This head trauma triggers progressive degeneration of the brain tissue. The brain degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse control problems, aggression, depression, and eventually, progressive dementia.

214. Prior to, during, and after GEORGE HINKLE's football career, RIDDELL knew of the harmful long-term effects of brain traumas sustained by football players while wearing RIDDELL's supposedly protective equipment; however, it never warned GEORGE HINKLE of those risks.

215. RIDDELL never warned GEORGE HINKLE that its football helmets would not prevent or diminish brain traumas associated with playing the game of football.

216. RIDDELL never warned GEORGE HINKLE that playing through concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

217. RIDDELL never warned GEORGE HINKLE that its helmets would not prevent concussions, and/or that concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

218. At the time its helmets were designed, manufactured, sold, marketed and/or distributed, RIDDELL was negligent in one or more of the following ways:

- a. Promoted its football helmets as "safe," without warning GEORGE HINKLE

of *any* long-term risks, when it knew that its football helmets would not protect GEORGE HINKLE's brain;

- b. Failed to warn GEORGE HINKLE that its helmets would not protect against concussive or sub-concussive brain injury, when it knew that its football helmets could not protect GEORGE HINKLE's brain; and
- c. Failed to warn GEORGE HINKLE that its helmets would not protect against long-term neurodegenerative disease, when it knew that its football helmets could not protect GEORGE HINKLE's brain.

219. As a proximate result of one or more of the foregoing negligent acts or omissions, GEORGE HINKLE suffered injuries of a personal and pecuniary nature, which due to RIDDELL's conspiracy with the NFL, were not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, GEORGE HINKLE, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count XII - Conspiracy with National Football League (NFL) - George Hinkle

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

220. RIDDELL, a sports-equipment company, conspired with the NFL and others to conceal the inherent risks of the game of football, and, instead of revealing these risks, provided the NFL players, and the public in general, with a false sense of security that football helmets could, and would, prevent and/or reduce any risk of brain injury.

221. In furtherance of this conspiracy, RIDDELL and the NFL (and others) established sham research committees, which in turn created sham 'science' that grossly inflated the effectiveness of its helmets in mitigating against head trauma.

222. In spite of an emerging consensus that coalesced over time regarding the

association between repetitive head trauma and neurodegenerative disease, RIDDELL and the NFL agreed to conceal the latent risks associated with foreseeable usage of its products.

223. Specifically, in 1989⁷, RIDDELL agreed with NFL Properties, Inc., as predecessor in interest to NFL Properties, LLC to form a joint-venture in helmets, that would preserve RIDDELL's financial health and where RIDDELL would provide assistance to NFL football in the form of assistance with liability-limiting junk-science and propaganda, all minimizing the risks of repetitive head injury and concealing the risks of brain damage from those playing the game.

224. In addition to its agreement with the NFL to suppress knowledge of the long-term ramification of repetitive head trauma, RIDDELL had long attempted to further insulate itself from liability by forming and participating in 'industry groups'. Specifically, in 1968, the protective sports equipment industry, RIDDELL included, established the National Operating Committee on Standards for Equipment Safety ("NOCSAE").

225. NOCSAE's purported goals included the development of performance standards for football helmets as well as research to better understand the mechanism and tolerance of head and neck injuries and the design and structure of football helmets. In reality, NOCSAE has advanced a constituency-serving agenda, aimed at protecting the protective equipment industry that controls its funding and that has traditionally controlled the votes of its board of directors, and equally important, those athletic organizations dependent upon these protective equipment manufacturers for equipment certification seals.

⁷Former RIDDELL president J.C. Wingo would state in 2013 that the purpose of the RIDDELL-NFL exclusivity deal was "to ensure a viable survivor in the helmet industry." See Helyar, John 'Helmets Preventing Concussion Seen Quashed by NFL-RIDDELL', Mar. 18, 2013, Bloomberg Business.

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226. Despite its government-agency-styled name, the NOCSAE receives no oversight from any bureaucratic or other independent federal or state-sanctioned agency, such as the Federal Trade Commission, Consumer Product Safety Commission, or the Occupational Safety and Health Administration. Instead, the NOCSAE has strictly voluntary standards⁸ for compliance, available for adoption by any equipment manufacturer, user group, or athletic regulatory body.

227. RIDDELL has always known that no helmet could prevent concussion. That reality was cemented in the mid-1970s, following Dr. Steven Reid's telemetry (sensor-based) football-helmet study at Northwestern University. The study confirmed that a helmet could not counteract the biomechanical realities of football. See The Evening Independent, Meyer, John, "The \$20,000 Helmet" (Sept. 30, 1976) (noting "football helmets absorb only one-fortieth of the impact from violent collisions" and "helmets are useless in preventing concussions.")

228. NOCSAE has received significant grant funding from RIDDELL and other helmet manufacturers and football leagues interested in its findings.

229. Beginning in 1999, NOCSAE acknowledged that its research into brain injury, was specifically performed in conjunction with the NFL's mTBI Committee. Indeed, "the NFL and NOCSAE try pretty hard to work together."

230. The NFL's official foray into brain injury research had begun in 1994, when it formed the Mild Traumatic Brain Injury Committee (the "mTBI Committee") to supposedly study

⁸The NOCSAE certification indicates an undertaking to safeguard helmet users "by purchasing helmets which meet the best available helmet standards." But, end users can never understand their relative risks so long as they wear helmets abiding by the NOCSAE rule. The NOCSAE standards have remained unchanged because RIDDELL has desired this, having substantial voting power on the NOCSAE Board of Directors, and have financially incentivized NOCSAE accordingly.

the effects of concussions and sub-concussive brain injury on NFL players. This committee, purportedly independent and charged to research the issues of concussion in football in good-faith, was a joint enterprise with RIDDELL and others to: a) drag any fact-finding process involving permanent brain injury out; b) cast doubt on football-related neurodegenerative disease causation altogether; c) distinguish NFL-causation from pre-NFL causation; and d) conduct bad-faith research in the form of exploring improvements to equipment changes and game conditions that the conspirators, knew would not actually result in material health benefits for players, but which would create a false sense of security.

231. The original roster comprising this committee revealed this group to be the opposite: It was in fact a biased and/or ill-qualified who's-who list of NFL and RIDDELL insiders and professional expert witnesses: the original 12-member Committee contained Elliott Pellman (Jets Doctor); Andy Tucker (Browns Doctor); Jay Brunetti (Redskins equipment manager); Ira Casson (New York neurologist / defense expert witness); Doug Robertson (Colts Doctor); Mark Lovell (Steelers neuropsychologist); Henry Feuer (Colts doctor); Albert Burstein (RIDDELL affiliate - biomechanics); John Powell (NFL injury database proprietor); Joseph Waeckerle (Chiefs Doctor); Ronnie Barnes (Giants trainer); and Bob Reese (Jets trainer).

232. Committee Member Burstein worked regularly as a defense expert witness for RIDDELL on numerous personal injury/product liability litigation matters *concurrent* with his time as a member of the purportedly independent mTBI Committee.

233. RIDDELL knew that no helmet technology could be made substantially superior from one to the next in regards to protecting the brain from axonal shearing, yet the mTBI Committee, with Burstein and other RIDDELL influences, professed the opposite conclusion.

234. Dr. David Viano was a subsequent addition to the mTBI committee. Dr. Viano was, according to deposition testimony, a joint employee of RIDDELL and the NFL, entrusted to oversee helmet safety. In fact, Dr. Viano was a career defense-side expert witness, who would spend his entire time (eventually as committee co-chair) helping ensure the conspirators' agenda was followed.

235. The conspiratorial nature of the relationship between RIDDELL, NFL and NOCSAE was substantiated in the deposition testimony of RIDDELL's paid expert Halstead, who stated that "the NFL and NOCSAE try pretty hard to work together," which Halstead explained in deposition while testifying that "I work with the NFL Committee on Mild Traumatic Brain Injury . . . typically through NOCSAE."

236. With the guidance of individuals like Mr. Burstein, Dr. Viano, and Mr. Halstead, the Committee created research papers that concluded that helmets could reduce or eliminate the risk of brain trauma.

237. Based upon the NFL's mTBI Committee's work, RIDDELL, in conjunction with Biokinetics, the Canadian-based biomechanics firm hired by the NFL and later by RIDDELL, worked to develop a new football helmet designed to reduce players' risk of concussions. The helmet was ambitiously called the "Revolution" and it would become the most widely used helmet in the NFL and earn millions in sales to players in college, high school and youth leagues. RIDDELL's marketing claims that the Revolution helmet would protect the brain from concussion was, ultimately, debunked and chastised by the FTC.

238. The RIDDELL Defendants engaged in the multi-decade conspiracy to limit their own tort liability by concealing and/or misrepresenting and/or omitting information about head

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trauma and football from the football community; along with its co-conspirators, including by not limited to: NFL, NFL Properties, Inc., NFL Properties, LLC, NFL Charities, the RIDDELL Defendants agreed to engage in a long-term plan to conceal material information about football's link to brain damage.

239. The RIDDELL Defendants' participation in a conspiracy was a substantial factor in Plaintiff's injuries by and through their role in the civil conspiracy to conceal material information regarding repeat exposures to head trauma: RIDDELL did more than fail to take action to protect and/or inform players of true risks and hidden dangers associated with exposure to repetitive head-trauma and football; RIDDELL contributed to propagation of junk science; RIDDELL deceptively marketed its helmet systems with actual and/or constructive knowledge they could not protect against concussion; and RIDDELL participated in the NFL's sham-committee on the study of mTBI.

240. GEORGE HINKLE played football while using a football helmet and suffered repetitive head traumas which have led, or will lead, to long-term brain damage, which due to RIDDELL's conspiracy with the NFL, was not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, GEORGE HINKLE, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count XIII - Negligence - Failure to Warn – Eric Hipple

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

241. ERIC HIPPLE played football for nine seasons in the NFL for the Detroit Lions

(1980 - 1989); prior to his NFL career, Mr. Hipple starred at Utah State University.

242. During his collegiate and professional football career, while wearing a RIDDELL helmet in both practice and game situations, ERIC HIPPLE sustained numerous concussive and sub-concussive brain traumas.

243. In 1939, the Riddell Company of Chicago, Illinois started manufacturing plastic helmets under the guise that plastic helmets would be safer than those made of leather. The RIDDELL Defendants have, at all relevant times, designed, manufactured, sold, marketed and/or distributed plastic helmets for use by collegiate and NFL players, including, but not limited to, the helmets worn by ERIC HIPPLE during his football career.

244. But, unbeknownst to football players, RIDDELL's plastic modern football helmets are no better at protecting against concussions than vintage "leatherhead" football helmets.

245. During his football career, ERIC HIPPLE played through concussions and sub-concussive brain traumas and their associated symptoms because he, like other football players at the time, was not told of any long-term consequences of doing so.

246. Published, peer-reviewed, scientific studies have shown that concussive and sub-concussive head impacts while playing football are linked to significant risk of permanent brain injury. This head trauma triggers progressive degeneration of the brain tissue. The brain degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse control problems, aggression, depression, and eventually, progressive dementia.

247. Prior to, during, and after ERIC HIPPLE's football career, RIDDELL knew of the harmful long-term effects of brain traumas sustained by football players while wearing RIDDELL's supposedly protective equipment; however, it never warned ERIC HIPPLE of those

risks.

248. RIDDELL never warned ERIC HIPPLE that its football helmets would not prevent or diminish brain traumas associated with playing the game of football.

249. RIDDELL never warned ERIC HIPPLE that playing through concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

250. RIDDELL never warned ERIC HIPPLE that its helmets would not prevent concussions, and/or that concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

251. At the time its helmets were designed, manufactured, sold, marketed and/or distributed, RIDDELL was negligent in one or more of the following ways:

- a. Promoted its football helmets as “safe,” without warning ERIC HIPPLE of *any* long-term risks, when it knew that its football helmets would not protect ERIC HIPPLE’s brain;
- b. Failed to warn ERIC HIPPLE that its helmets would not protect against concussive or sub-concussive brain injury, when it knew that its football helmets could not protect ERIC HIPPLE’s brain; and
- c. Failed to warn ERIC HIPPLE that its helmets would not protect against long-term neurodegenerative disease, when it knew that its football helmets could not protect ERIC HIPPLE’s brain.

252. As a proximate result of one or more of the foregoing negligent acts or omissions, ERIC HIPPLE suffered injuries of a personal and pecuniary nature, which due to RIDDELL’s conspiracy with the NFL, were not discovered to have been caused by RIDDELL’s negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, ERIC HIPPLE, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law

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Division of the Circuit Court of Cook County, Illinois.

Count XIV - Conspiracy with National Football League (NFL) - Eric Hipple

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

253. RIDDELL, a sports-equipment company, conspired with the NFL and others to conceal the inherent risks of the game of football, and, instead of revealing these risks, provided the NFL players, and the public in general, with a false sense of security that football helmets could, and would, prevent and/or reduce any risk of brain injury.

254. In furtherance of this conspiracy, RIDDELL and the NFL (and others) established sham research committees, which in turn created sham 'science' that grossly inflated the effectiveness of its helmets in mitigating against head trauma.

255. In spite of an emerging consensus that coalesced over time regarding the association between repetitive head trauma and neurodegenerative disease, RIDDELL and the NFL agreed to conceal the latent risks associated with foreseeable usage of its products.

256. Specifically, in 1989⁷, RIDDELL agreed with NFL Properties, Inc., as predecessor in interest to NFL Properties, LLC to form a joint-venture in helmets, that would preserve RIDDELL's financial health and where RIDDELL would provide assistance to NFL football in the form of assistance with liability-limiting junk-science and propaganda, all minimizing the risks of repetitive head injury and concealing the risks of brain damage from those playing the game.

257. In addition to its agreement with the NFL to suppress knowledge of the long-term

⁷Former RIDDELL president J.C. Wingo would state in 2013 that the purpose of the RIDDELL-NFL exclusivity deal was "to ensure a viable survivor in the helmet industry." See Helyar, John 'Helmets Preventing Concussion Seen Quashed by NFL-RIDDELL', Mar. 18, 2013, Bloomberg Business.

ramification of repetitive head trauma, RIDDELL had long attempted to further insulate itself from liability by forming and participating in 'industry groups'. Specifically, in 1968, the protective sports equipment industry, RIDDELL included, established the National Operating Committee on Standards for Equipment Safety ("NOCSAE").

258. NOCSAE's purported goals included the development of performance standards for football helmets as well as research to better understand the mechanism and tolerance of head and neck injuries and the design and structure of football helmets. In reality, NOCSAE has advanced a constituency-serving agenda, aimed at protecting the protective equipment industry that controls its funding and that has traditionally controlled the votes of its board of directors, and equally important, those athletic organizations dependent upon these protective equipment manufacturers for equipment certification seals.

259. Despite its government-agency-styled name, the NOCSAE receives no oversight from any bureaucratic or other independent federal or state-sanctioned agency, such as the Federal Trade Commission, Consumer Product Safety Commission, or the Occupational Safety and Health Administration. Instead, the NOCSAE has strictly voluntary standards⁸ for compliance, available for adoption by any equipment manufacturer, user group, or athletic regulatory body.

260. RIDDELL has always known that no helmet could prevent concussion. That reality was cemented in the mid-1970s, following Dr. Steven Reid's telemetry (sensor-based)

⁸The NOCSAE certification indicates an undertaking to safeguard helmet users "by purchasing helmets which meet the best available helmet standards." But, end users can never understand their relative risks so long as they wear helmets abiding by the NOCSAE rule. The NOCSAE standards have remained unchanged because RIDDELL has desired this, having substantial voting power on the NOCSAE Board of Directors, and have financially incentivized NOCSAE accordingly.

football-helmet study at Northwestern University. The study confirmed that a helmet could not counteract the biomechanical realities of football. See The Evening Independent, Meyer, John, "The \$20,000 Helmet" (Sept. 30, 1976) (noting "football helmets absorb only one-fortieth of the impact from violent collisions" and "helmets are useless in preventing concussions.")

261. NOCSAE has received significant grant funding from RIDDELL and other helmet manufacturers and football leagues interested in its findings.

262. Beginning in 1999, NOCSAE acknowledged that its research into brain injury, was specifically performed in conjunction with the NFL's mTBI Committee. Indeed, "the NFL and NOCSAE try pretty hard to work together."

263. The NFL's official foray into brain injury research had begun in 1994, when it formed the Mild Traumatic Brain Injury Committee (the "mTBI Committee") to supposedly study the effects of concussions and sub-concussive brain injury on NFL players. This committee, purportedly independent and charged to research the issues of concussion in football in good-faith, was a joint enterprise with RIDDELL and others to: a) drag any fact-finding process involving permanent brain injury out; b) cast doubt on football-related neurodegenerative disease causation altogether; c) distinguish NFL-causation from pre-NFL causation; and d) conduct bad-faith research in the form of exploring improvements to equipment changes and game conditions that the conspirators, knew would not actually result in material health benefits for players, but which would create a false sense of security.

264. The original roster comprising this committee revealed this group to be the opposite: It was in fact a biased and/or ill-qualified who's-who list of NFL and RIDDELL insiders and professional expert witnesses: the original 12-member Committee contained Elliott

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Pellman (Jets Doctor); Andy Tucker (Browns Doctor); Jay Brunetti (Redskins equipment manager); Ira Casson (New York neurologist / defense expert witness); Doug Robertson (Colts Doctor); Mark Lovell (Steelers neuropsychologist); Henry Feuer (Colts doctor); Albert Burstein (RIDDELL affiliate - biomechanics); John Powell (NFL injury database proprietor); Joseph Waeckerle (Chiefs Doctor); Ronnie Barnes (Giants trainer); and Bob Reese (Jets trainer).

265. Committee Member Burstein worked regularly as a defense expert witness for RIDDELL on numerous personal injury/product liability litigation matters *concurrent* with his time as a member of the purportedly independent mTBI Committee.

266. RIDDELL knew that no helmet technology could be made substantially superior from one to the next in regards to protecting the brain from axonal shearing, yet the mTBI Committee, with Burstein and other RIDDELL influences, professed the opposite conclusion.

267. Dr. David Viano was a subsequent addition to the mTBI committee. Dr. Viano was, according to deposition testimony, a joint employee of RIDDELL and the NFL, entrusted to oversee helmet safety. In fact, Dr. Viano was a career defense-side expert witness, who would spend his entire time (eventually as committee co-chair) helping ensure the conspirators' agenda was followed.

268. The conspiratorial nature of the relationship between RIDDELL, NFL and NOCSAE was substantiated in the deposition testimony of RIDDELL's paid expert Halstead, who stated that "the NFL and NOCSAE try pretty hard to work together," which Halstead explained in deposition while testifying that "I work with the NFL Committee on Mild Traumatic Brain Injury . . . typically through NOCSAE."

269. With the guidance of individuals like Mr. Burstein, Dr. Viano, and Mr. Halstead,

the Committee created research papers that concluded that helmets could reduce or eliminate the risk of brain trauma.

270. Based upon the NFL's mTBI Committee's work, RIDDELL, in conjunction with Biokinetics, the Canadian-based biomechanics firm hired by the NFL and later by RIDDELL, worked to develop a new football helmet designed to reduce players' risk of concussions. The helmet was ambitiously called the "Revolution" and it would become the most widely used helmet in the NFL and earn millions in sales to players in college, high school and youth leagues. RIDDELL's marketing claims that the Revolution helmet would protect the brain from concussion was, ultimately, debunked and chastised by the FTC.

271. The RIDDELL Defendants engaged in the multi-decade conspiracy to limit their own tort liability by concealing and/or misrepresenting and/or omitting information about head trauma and football from the football community; along with its co-conspirators, including by not limited to: NFL, NFL Properties, Inc., NFL Properties, LLC, NFL Charities, the RIDDELL Defendants agreed to engage in a long-term plan to conceal material information about football's link to brain damage.

272. The RIDDELL Defendants' participation in a conspiracy was a substantial factor in Plaintiff's injuries by and through their role in the civil conspiracy to conceal material information regarding repeat exposures to head trauma: RIDDELL did more than fail to take action to protect and/or inform players of true risks and hidden dangers associated with exposure to repetitive head-trauma and football; RIDDELL contributed to propagation of junk science; RIDDELL deceptively marketed its helmet systems with actual and/or constructive knowledge they could not protect against concussion; and RIDDELL participated in the NFL's

sham-committee on the study of mTBI.

273. ERIC HIPPLE played football while using a football helmet and suffered repetitive head traumas which have led, or will lead, to long-term brain damage, which due to RIDDELL's conspiracy with the NFL, was not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, ERIC HIPPLE, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count XV - Negligence - Failure to Warn – Reginald Johnson

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

274. REGINALD JOHNSON played football for seven seasons in the NFL for the Denver Broncos (1991 - 1993), the Green Bay Packers (1994), the Philadelphia Eagles (1995), the Kansas City Chiefs (1996), and the Green Bay Packers (1997); prior to his NFL career, Mr. Johnson starred at Florida State University.

275. During his collegiate and professional football career, while wearing a RIDDELL helmet in both practice and game situations, REGINALD JOHNSON sustained numerous concussive and sub-concussive brain traumas.

276. In 1939, the Riddell Company of Chicago, Illinois started manufacturing plastic helmets under the guise that plastic helmets would be safer than those made of leather. The RIDDELL Defendants have, at all relevant times, designed, manufactured, sold, marketed and/or distributed plastic helmets for use by collegiate and NFL players, including, but not limited to, the helmets worn by REGINALD JOHNSON during his football career.

277. But, unbeknownst to football players, RIDDELL's plastic modern football helmets are no better at protecting against concussions than vintage "leatherhead" football helmets.

278. During his football career, REGINALD JOHNSON played through concussions and sub-concussive brain traumas and their associated symptoms because he, like other football players at the time, was not told of any long-term consequences of doing so.

279. Published, peer-reviewed, scientific studies have shown that concussive and sub-concussive head impacts while playing football are linked to significant risk of permanent brain injury. This head trauma triggers progressive degeneration of the brain tissue. The brain degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse control problems, aggression, depression, and eventually, progressive dementia.

280. Prior to, during, and after REGINALD JOHNSON's football career, RIDDELL knew of the harmful long-term effects of brain traumas sustained by football players while wearing RIDDELL's supposedly protective equipment; however, it never warned REGINALD JOHNSON of those risks.

281. RIDDELL never warned REGINALD JOHNSON that its football helmets would not prevent or diminish brain traumas associated with playing the game of football.

282. RIDDELL never warned REGINALD JOHNSON that playing through concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

283. RIDDELL never warned REGINALD JOHNSON that its helmets would not prevent concussions, and/or that concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

284. At the time its helmets were designed, manufactured, sold, marketed and/or

distributed, RIDDELL was negligent in one or more of the following ways:

- a. Promoted its football helmets as “safe,” without warning REGINALD JOHNSON of *any* long-term risks, when it knew that its football helmets would not protect REGINALD JOHNSON’s brain;
- b. Failed to warn REGINALD JOHNSON that its helmets would not protect against concussive or sub-concussive brain injury, when it knew that its football helmets could not protect REGINALD JOHNSON’s brain; and
- c. Failed to warn REGINALD JOHNSON that its helmets would not protect against long-term neurodegenerative disease, when it knew that its football helmets could not protect REGINALD JOHNSON’s brain.

285. As a proximate result of one or more of the foregoing negligent acts or omissions, REGINALD JOHNSON suffered injuries of a personal and pecuniary nature, which due to RIDDELL’s conspiracy with the NFL, were not discovered to have been caused by RIDDELL’s negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, REGINALD JOHNSON, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count XVI - Conspiracy with National Football League (NFL) - Reginald Johnson

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

286. RIDDELL, a sports-equipment company, conspired with the NFL and others to conceal the inherent risks of the game of football, and, instead of revealing these risks, provided the NFL players, and the public in general, with a false sense of security that football helmets could, and would, prevent and/or reduce any risk of brain injury.

287. In furtherance of this conspiracy, RIDDELL and the NFL (and others) established sham research committees, which in turn created sham 'science' that grossly inflated the

effectiveness of its helmets in mitigating against head trauma.

288. In spite of an emerging consensus that coalesced over time regarding the association between repetitive head trauma and neurodegenerative disease, RIDDELL and the NFL agreed to conceal the latent risks associated with foreseeable usage of its products.

289. Specifically, in 1989⁷, RIDDELL agreed with NFL Properties, Inc., as predecessor in interest to NFL Properties, LLC to form a joint-venture in helmets, that would preserve RIDDELL's financial health and where RIDDELL would provide assistance to NFL football in the form of assistance with liability-limiting junk-science and propaganda, all minimizing the risks of repetitive head injury and concealing the risks of brain damage from those playing the game.

290. In addition to its agreement with the NFL to suppress knowledge of the long-term ramification of repetitive head trauma, RIDDELL had long attempted to further insulate itself from liability by forming and participating in 'industry groups'. Specifically, in 1968, the protective sports equipment industry, RIDDELL included, established the National Operating Committee on Standards for Equipment Safety ("NOCSAE").

291. NOCSAE's purported goals included the development of performance standards for football helmets as well as research to better understand the mechanism and tolerance of head and neck injuries and the design and structure of football helmets. In reality, NOCSAE has advanced a constituency-serving agenda, aimed at protecting the protective equipment industry that controls its funding and that has traditionally controlled the votes of its board of directors,

⁷Former RIDDELL president J.C. Wingo would state in 2013 that the purpose of the RIDDELL-NFL exclusivity deal was "to ensure a viable survivor in the helmet industry." See Helyar, John 'Helmets Preventing Concussion Seen Quashed by NFL-RIDDELL', Mar. 18, 2013, Bloomberg Business.

and equally important, those athletic organizations dependent upon these protective equipment manufacturers for equipment certification seals.

292. Despite its government-agency-styled name, the NOCSAE receives no oversight from any bureaucratic or other independent federal or state-sanctioned agency, such as the Federal Trade Commission, Consumer Product Safety Commission, or the Occupational Safety and Health Administration. Instead, the NOCSAE has strictly voluntary standards⁸ for compliance, available for adoption by any equipment manufacturer, user group, or athletic regulatory body.

293. RIDDELL has always known that no helmet could prevent concussion. That reality was cemented in the mid-1970s, following Dr. Steven Reid's telemetry (sensor-based) football-helmet study at Northwestern University. The study confirmed that a helmet could not counteract the biomechanical realities of football. See The Evening Independent, Meyer, John, "The \$20,000 Helmet" (Sept. 30, 1976) (noting "football helmets absorb only one-fortieth of the impact from violent collisions" and "helmets are useless in preventing concussions.")

294. NOCSAE has received significant grant funding from RIDDELL and other helmet manufacturers and football leagues interested in its findings.

295. Beginning in 1999, NOCSAE acknowledged that its research into brain injury, was specifically performed in conjunction with the NFL's mTBI Committee. Indeed, "the NFL and NOCSAE try pretty hard to work together."

⁸The NOCSAE certification indicates an undertaking to safeguard helmet users "by purchasing helmets which meet the best available helmet standards." But, end users can never understand their relative risks so long as they wear helmets abiding by the NOCSAE rule. The NOCSAE standards have remained unchanged because RIDDELL has desired this, having substantial voting power on the NOCSAE Board of Directors, and have financially incentivized NOCSAE accordingly.

296. The NFL's official foray into brain injury research had begun in 1994, when it formed the Mild Traumatic Brain Injury Committee (the "mTBI Committee") to supposedly study the effects of concussions and sub-concussive brain injury on NFL players. This committee, purportedly independent and charged to research the issues of concussion in football in good-faith, was a joint enterprise with RIDDELL and others to: a) drag any fact-finding process involving permanent brain injury out; b) cast doubt on football-related neurodegenerative disease causation altogether; c) distinguish NFL-causation from pre-NFL causation; and d) conduct bad-faith research in the form of exploring improvements to equipment changes and game conditions that the conspirators, knew would not actually result in material health benefits for players, but which would create a false sense of security.

297. The original roster comprising this committee revealed this group to be the opposite: It was in fact a biased and/or ill-qualified who's-who list of NFL and RIDDELL insiders and professional expert witnesses: the original 12-member Committee contained Elliott Pellman (Jets Doctor); Andy Tucker (Browns Doctor); Jay Brunetti (Redskins equipment manager); Ira Casson (New York neurologist / defense expert witness); Doug Robertson (Colts Doctor); Mark Lovell (Steelers neuropsychologist); Henry Feuer (Colts doctor); Albert Burstein (RIDDELL affiliate - biomechanics); John Powell (NFL injury database proprietor); Joseph Waeckerle (Chiefs Doctor); Ronnie Barnes (Giants trainer); and Bob Reese (Jets trainer).

298. Committee Member Burstein worked regularly as a defense expert witness for RIDDELL on numerous personal injury/product liability litigation matters *concurrent* with his time as a member of the purportedly independent mTBI Committee.

299. RIDDELL knew that no helmet technology could be made substantially superior

from one to the next in regards to protecting the brain from axonal shearing, yet the mTBI Committee, with Burstein and other RIDDELL influences, professed the opposite conclusion.

300. Dr. David Viano was a subsequent addition to the mTBI committee. Dr. Viano was, according to deposition testimony, a joint employee of RIDDELL and the NFL, entrusted to oversee helmet safety. In fact, Dr. Viano was a career defense-side expert witness, who would spend his entire time (eventually as committee co-chair) helping ensure the conspirators' agenda was followed.

301. The conspiratorial nature of the relationship between RIDDELL, NFL and NOCSAE was substantiated in the deposition testimony of RIDDELL's paid expert Halstead, who stated that "the NFL and NOCSAE try pretty hard to work together," which Halstead explained in deposition while testifying that "I work with the NFL Committee on Mild Traumatic Brain Injury . . . typically through NOCSAE."

302. With the guidance of individuals like Mr. Burstein, Dr. Viano, and Mr. Halstead, the Committee created research papers that concluded that helmets could reduce or eliminate the risk of brain trauma.

303. Based upon the NFL's mTBI Committee's work, RIDDELL, in conjunction with Biokinetics, the Canadian-based biomechanics firm hired by the NFL and later by RIDDELL, worked to develop a new football helmet designed to reduce players' risk of concussions. The helmet was ambitiously called the "Revolution" and it would become the most widely used helmet in the NFL and earn millions in sales to players in college, high school and youth leagues. RIDDELL's marketing claims that the Revolution helmet would protect the brain from concussion was, ultimately, debunked and chastised by the FTC.

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304. The RIDDELL Defendants engaged in the multi-decade conspiracy to limit their own tort liability by concealing and/or misrepresenting and/or omitting information about head trauma and football from the football community; along with its co-conspirators, including by not limited to: NFL, NFL Properties, Inc., NFL Properties, LLC, NFL Charities, the RIDDELL Defendants agreed to engage in a long-term plan to conceal material information about football's link to brain damage.

305. The RIDDELL Defendants' participation in a conspiracy was a substantial factor in Plaintiff's injuries by and through their role in the civil conspiracy to conceal material information regarding repeat exposures to head trauma: RIDDELL did more than fail to take action to protect and/or inform players of true risks and hidden dangers associated with exposure to repetitive head-trauma and football; RIDDELL contributed to propagation of junk science; RIDDELL deceptively marketed its helmet systems with actual and/or constructive knowledge they could not protect against concussion; and RIDDELL participated in the NFL's sham-committee on the study of mTBI.

306. REGINALD JOHNSON played football while using a football helmet and suffered repetitive head traumas which have led, or will lead, to long-term brain damage, which due to RIDDELL's conspiracy with the NFL, was not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, REGINALD JOHNSON, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count XVII - Negligence - Failure to Warn – Lemar Parrish

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

307. LEMAR PARRISH played football for thirteen seasons in the NFL for the Cincinnati Bengals (1970 - 1977), the Washington Redskins (1978 - 1981), and the Buffalo Bills (1982); prior to his NFL career, Mr. Parrish starred at Lincoln University, Missouri.

308. During his collegiate and professional football career, while wearing a RIDDELL helmet in both practice and game situations, LEMAR PARRISH sustained numerous concussive and sub-concussive brain traumas.

309. In 1939, the Riddell Company of Chicago, Illinois started manufacturing plastic helmets under the guise that plastic helmets would be safer than those made of leather. The RIDDELL Defendants have, at all relevant times, designed, manufactured, sold, marketed and/or distributed plastic helmets for use by collegiate and NFL players, including, but not limited to, the helmets worn by LEMAR PARRISH during his football career.

310. But, unbeknownst to football players, RIDDELL's plastic modern football helmets are no better at protecting against concussions than vintage "leatherhead" football helmets.

311. During his football career, LEMAR PARRISH played through concussions and sub-concussive brain traumas and their associated symptoms because he, like other football players at the time, was not told of any long-term consequences of doing so.

312. Published, peer-reviewed, scientific studies have shown that concussive and sub-concussive head impacts while playing football are linked to significant risk of permanent brain injury. This head trauma triggers progressive degeneration of the brain tissue. The brain degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse control problems, aggression, depression, and eventually, progressive dementia.

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313. Prior to, during, and after LEMAR PARRISH's football career, RIDDELL knew of the harmful long-term effects of brain traumas sustained by football players while wearing RIDDELL's supposedly protective equipment; however, it never warned LEMAR PARRISH of those risks.

314. RIDDELL never warned LEMAR PARRISH that its football helmets would not prevent or diminish brain traumas associated with playing the game of football.

315. RIDDELL never warned LEMAR PARRISH that playing through concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

316. RIDDELL never warned LEMAR PARRISH that its helmets would not prevent concussions, and/or that concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

317. At the time its helmets were designed, manufactured, sold, marketed and/or distributed, RIDDELL was negligent in one or more of the following ways:

- a. Promoted its football helmets as "safe," without warning LEMAR PARRISH of *any* long-term risks, when it knew that its football helmets would not protect LEMAR PARRISH's brain;
- b. Failed to warn LEMAR PARRISH that its helmets would not protect against concussive or sub-concussive brain injury, when it knew that its football helmets could not protect LEMAR PARRISH's brain; and
- c. Failed to warn LEMAR PARRISH that its helmets would not protect against long-term neurodegenerative disease, when it knew that its football helmets could not protect LEMAR PARRISH's brain.

318. As a proximate result of one or more of the foregoing negligent acts or omissions, LEMAR PARRISH suffered injuries of a personal and pecuniary nature, which due to RIDDELL's conspiracy with the NFL, were not discovered to have been caused by RIDDELL's

negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, LEMAR PARRISH, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count XVIII - Conspiracy with National Football League (NFL) - Lemar Parrish

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

319. RIDDELL, a sports-equipment company, conspired with the NFL and others to conceal the inherent risks of the game of football, and, instead of revealing these risks, provided the NFL players, and the public in general, with a false sense of security that football helmets could, and would, prevent and/or reduce any risk of brain injury.

320. In furtherance of this conspiracy, RIDDELL and the NFL (and others) established sham research committees, which in turn created sham 'science' that grossly inflated the effectiveness of its helmets in mitigating against head trauma.

321. In spite of an emerging consensus that coalesced over time regarding the association between repetitive head trauma and neurodegenerative disease, RIDDELL and the NFL agreed to conceal the latent risks associated with foreseeable usage of its products.

322. Specifically, in 1989⁷, RIDDELL agreed with NFL Properties, Inc., as predecessor in interest to NFL Properties, LLC to form a joint-venture in helmets, that would preserve RIDDELL's financial health and where RIDDELL would provide assistance to NFL football in the form of assistance with liability-limiting junk-science and propaganda, all minimizing the

⁷Former RIDDELL president J.C. Wingo would state in 2013 that the purpose of the RIDDELL-NFL exclusivity deal was "to ensure a viable survivor in the helmet industry." See Helyar, John 'Helmets Preventing Concussion Seen Quashed by NFL-RIDDELL', Mar. 18, 2013, Bloomberg Business.

risks of repetitive head injury and concealing the risks of brain damage from those playing the game.

323. In addition to its agreement with the NFL to suppress knowledge of the long-term ramification of repetitive head trauma, RIDDELL had long attempted to further insulate itself from liability by forming and participating in 'industry groups'. Specifically, in 1968, the protective sports equipment industry, RIDDELL included, established the National Operating Committee on Standards for Equipment Safety ("NOCSAE").

324. NOCSAE's purported goals included the development of performance standards for football helmets as well as research to better understand the mechanism and tolerance of head and neck injuries and the design and structure of football helmets. In reality, NOCSAE has advanced a constituency-serving agenda, aimed at protecting the protective equipment industry that controls its funding and that has traditionally controlled the votes of its board of directors, and equally important, those athletic organizations dependent upon these protective equipment manufacturers for equipment certification seals.

325. Despite its government-agency-styled name, the NOCSAE receives no oversight from any bureaucratic or other independent federal or state-sanctioned agency, such as the Federal Trade Commission, Consumer Product Safety Commission, or the Occupational Safety and Health Administration. Instead, the NOCSAE has strictly voluntary standards⁸ for compliance, available for adoption by any equipment manufacturer, user group, or athletic

⁸The NOCSAE certification indicates an undertaking to safeguard helmet users "by purchasing helmets which meet the best available helmet standards." But, end users can never understand their relative risks so long as they wear helmets abiding by the NOCSAE rule. The NOCSAE standards have remained unchanged because RIDDELL has desired this, having substantial voting power on the NOCSAE Board of Directors, and have financially incentivized NOCSAE accordingly.

regulatory body.

326. RIDDELL has always known that no helmet could prevent concussion. That reality was cemented in the mid-1970s, following Dr. Steven Reid's telemetry (sensor-based) football-helmet study at Northwestern University. The study confirmed that a helmet could not counteract the biomechanical realities of football. See The Evening Independent, Meyer, John, "The \$20,000 Helmet" (Sept. 30, 1976) (noting "football helmets absorb only one-fortieth of the impact from violent collisions" and "helmets are useless in preventing concussions.")

327. NOCSAE has received significant grant funding from RIDDELL and other helmet manufacturers and football leagues interested in its findings.

328. Beginning in 1999, NOCSAE acknowledged that its research into brain injury, was specifically performed in conjunction with the NFL's mTBI Committee. Indeed, "the NFL and NOCSAE try pretty hard to work together."

329. The NFL's official foray into brain injury research had begun in 1994, when it formed the Mild Traumatic Brain Injury Committee (the "mTBI Committee") to supposedly study the effects of concussions and sub-concussive brain injury on NFL players. This committee, purportedly independent and charged to research the issues of concussion in football in good-faith, was a joint enterprise with RIDDELL and others to: a) drag any fact-finding process involving permanent brain injury out; b) cast doubt on football-related neurodegenerative disease causation altogether; c) distinguish NFL-causation from pre-NFL causation; and d) conduct bad-faith research in the form of exploring improvements to equipment changes and game conditions that the conspirators, knew would not actually result in material health benefits for players, but which would create a false sense of security.

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330. The original roster comprising this committee revealed this group to be the opposite: It was in fact a biased and/or ill-qualified who's-who list of NFL and RIDDELL insiders and professional expert witnesses: the original 12-member Committee contained Elliott Pellman (Jets Doctor); Andy Tucker (Browns Doctor); Jay Brunetti (Redskins equipment manager); Ira Casson (New York neurologist / defense expert witness); Doug Robertson (Colts Doctor); Mark Lovell (Steelers neuropsychologist); Henry Feuer (Colts doctor); Albert Burstein (RIDDELL affiliate - biomechanics); John Powell (NFL injury database proprietor); Joseph Waeckerle (Chiefs Doctor); Ronnie Barnes (Giants trainer); and Bob Reese (Jets trainer).

331. Committee Member Burstein worked regularly as a defense expert witness for RIDDELL on numerous personal injury/product liability litigation matters *concurrent* with his time as a member of the purportedly independent mTBI Committee.

332. RIDDELL knew that no helmet technology could be made substantially superior from one to the next in regards to protecting the brain from axonal shearing, yet the mTBI Committee, with Burstein and other RIDDELL influences, professed the opposite conclusion.

333. Dr. David Viano was a subsequent addition to the mTBI committee. Dr. Viano was, according to deposition testimony, a joint employee of RIDDELL and the NFL, entrusted to oversee helmet safety. In fact, Dr. Viano was a career defense-side expert witness, who would spend his entire time (eventually as committee co-chair) helping ensure the conspirators' agenda was followed.

334. The conspiratorial nature of the relationship between RIDDELL, NFL and NOCSAE was substantiated in the deposition testimony of RIDDELL's paid expert Halstead, who stated that "the NFL and NOCSAE try pretty hard to work together," which Halstead

explained in deposition while testifying that “I work with the NFL Committee on Mild Traumatic Brain Injury . . . typically through NOCSAE.”

335. With the guidance of individuals like Mr. Burstein, Dr. Viano, and Mr. Halstead, the Committee created research papers that concluded that helmets could reduce or eliminate the risk of brain trauma.

336. Based upon the NFL’s mTBI Committee’s work, RIDDELL, in conjunction with Biokinetics, the Canadian-based biomechanics firm hired by the NFL and later by RIDDELL, worked to develop a new football helmet designed to reduce players’ risk of concussions. The helmet was ambitiously called the “Revolution” and it would become the most widely used helmet in the NFL and earn millions in sales to players in college, high school and youth leagues. RIDDELL’s marketing claims that the Revolution helmet would protect the brain from concussion was, ultimately, debunked and chastised by the FTC.

337. The RIDDELL Defendants engaged in the multi-decade conspiracy to limit their own tort liability by concealing and/or misrepresenting and/or omitting information about head trauma and football from the football community; along with its co-conspirators, including by not limited to: NFL, NFL Properties, Inc., NFL Properties, LLC, NFL Charities, the RIDDELL Defendants agreed to engage in a long-term plan to conceal material information about football’s link to brain damage.

338. The RIDDELL Defendants’ participation in a conspiracy was a substantial factor in Plaintiff’s injuries by and through their role in the civil conspiracy to conceal material information regarding repeat exposures to head trauma: RIDDELL did more than fail to take action to protect and/or inform players of true risks and hidden dangers associated with exposure

to repetitive head-trauma and football; RIDDELL contributed to propagation of junk science; RIDDELL deceptively marketed its helmet systems with actual and/or constructive knowledge they could not protect against concussion; and RIDDELL participated in the NFL's sham-committee on the study of mTBI.

339. LEMAR PARRISH played football while using a football helmet and suffered repetitive head traumas which have led, or will lead, to long-term brain damage, which due to RIDDELL's conspiracy with the NFL, was not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, LEMAR PARRISH, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count XIX - Negligence - Failure to Warn – James Rouse

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

340. JAMES ROUSE played football for two seasons in the NFL for the Chicago Bears (1990 - 1991); prior to his NFL career, Mr. Rouse starred at the University of Arkansas.

341. During his collegiate and professional football career, while wearing a RIDDELL helmet in both practice and game situations, JAMES ROUSE sustained numerous concussive and sub-concussive brain traumas.

342. In 1939, the Riddell Company of Chicago, Illinois started manufacturing plastic helmets under the guise that plastic helmets would be safer than those made of leather. The RIDDELL Defendants have, at all relevant times, designed, manufactured, sold, marketed and/or distributed plastic helmets for use by collegiate and NFL players, including, but not limited to, the

helmets worn by JAMES ROUSE during his football career.

343. But, unbeknownst to football players, RIDDELL's plastic modern football helmets are no better at protecting against concussions than vintage "leatherhead" football helmets.

344. During his football career, JAMES ROUSE played through concussions and sub-concussive brain traumas and their associated symptoms because he, like other football players at the time, was not told of any long-term consequences of doing so.

345. Published, peer-reviewed, scientific studies have shown that concussive and sub-concussive head impacts while playing football are linked to significant risk of permanent brain injury. This head trauma triggers progressive degeneration of the brain tissue. The brain degeneration is associated with memory loss, confusion, impaired judgment, paranoia, impulse control problems, aggression, depression, and eventually, progressive dementia.

346. Prior to, during, and after JAMES ROUSE's football career, RIDDELL knew of the harmful long-term effects of brain traumas sustained by football players while wearing RIDDELL's supposedly protective equipment; however, it never warned JAMES ROUSE of those risks.

347. RIDDELL never warned JAMES ROUSE that its football helmets would not prevent or diminish brain traumas associated with playing the game of football.

348. RIDDELL never warned JAMES ROUSE that playing through concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

349. RIDDELL never warned JAMES ROUSE that its helmets would not prevent concussions, and/or that concussions and sub-concussive brain traumas could, and would, cause permanent brain damage.

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350. At the time its helmets were designed, manufactured, sold, marketed and/or distributed, RIDDELL was negligent in one or more of the following ways:

- a. Promoted its football helmets as “safe,” without warning JAMES ROUSE of *any* long-term risks, when it knew that its football helmets would not protect JAMES ROUSE’s brain;
- b. Failed to warn JAMES ROUSE that its helmets would not protect against concussive or sub-concussive brain injury, when it knew that its football helmets could not protect JAMES ROUSE’s brain; and
- c. Failed to warn JAMES ROUSE that its helmets would not protect against long-term neurodegenerative disease, when it knew that its football helmets could not protect JAMES ROUSE’s brain.

351. As a proximate result of one or more of the foregoing negligent acts or omissions, JAMES ROUSE suffered injuries of a personal and pecuniary nature, which due to RIDDELL’s conspiracy with the NFL, were not discovered to have been caused by RIDDELL’s negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, JAMES ROUSE, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Count XX - Conspiracy with National Football League (NFL) - James Rouse

Plaintiff re-alleges paragraphs 1 - 42 above and incorporates each allegation herein.

352. RIDDELL, a sports-equipment company, conspired with the NFL and others to conceal the inherent risks of the game of football, and, instead of revealing these risks, provided the NFL players, and the public in general, with a false sense of security that football helmets could, and would, prevent and/or reduce any risk of brain injury.

353. In furtherance of this conspiracy, RIDDELL and the NFL (and others) established

sham research committees, which in turn created sham 'science' that grossly inflated the effectiveness of its helmets in mitigating against head trauma.

354. In spite of an emerging consensus that coalesced over time regarding the association between repetitive head trauma and neurodegenerative disease, RIDDELL and the NFL agreed to conceal the latent risks associated with foreseeable usage of its products.

355. Specifically, in 1989⁷, RIDDELL agreed with NFL Properties, Inc., as predecessor in interest to NFL Properties, LLC to form a joint-venture in helmets, that would preserve RIDDELL's financial health and where RIDDELL would provide assistance to NFL football in the form of assistance with liability-limiting junk-science and propaganda, all minimizing the risks of repetitive head injury and concealing the risks of brain damage from those playing the game.

356. In addition to its agreement with the NFL to suppress knowledge of the long-term ramification of repetitive head trauma, RIDDELL had long attempted to further insulate itself from liability by forming and participating in 'industry groups'. Specifically, in 1968, the protective sports equipment industry, RIDDELL included, established the National Operating Committee on Standards for Equipment Safety ("NOCSAE").

357. NOCSAE's purported goals included the development of performance standards for football helmets as well as research to better understand the mechanism and tolerance of head and neck injuries and the design and structure of football helmets. In reality, NOCSAE has advanced a constituency-serving agenda, aimed at protecting the protective equipment industry

⁷Former RIDDELL president J.C. Wingo would state in 2013 that the purpose of the RIDDELL-NFL exclusivity deal was "to ensure a viable survivor in the helmet industry." *See* Helyar, John 'Helmets Preventing Concussion Seen Quashed by NFL-RIDDELL', Mar. 18, 2013, Bloomberg Business.

that controls its funding and that has traditionally controlled the votes of its board of directors, and equally important, those athletic organizations dependent upon these protective equipment manufacturers for equipment certification seals.

358. Despite its government-agency-styled name, the NOCSAE receives no oversight from any bureaucratic or other independent federal or state-sanctioned agency, such as the Federal Trade Commission, Consumer Product Safety Commission, or the Occupational Safety and Health Administration. Instead, the NOCSAE has strictly voluntary standards⁸ for compliance, available for adoption by any equipment manufacturer, user group, or athletic regulatory body.

359. RIDDELL has always known that no helmet could prevent concussion. That reality was cemented in the mid-1970s, following Dr. Steven Reid's telemetry (sensor-based) football-helmet study at Northwestern University. The study confirmed that a helmet could not counteract the biomechanical realities of football. See The Evening Independent, Meyer, John, "The \$20,000 Helmet" (Sept. 30, 1976) (noting "football helmets absorb only one-fortieth of the impact from violent collisions" and "helmets are useless in preventing concussions.")

360. NOCSAE has received significant grant funding from RIDDELL and other helmet manufacturers and football leagues interested in its findings.

361. Beginning in 1999, NOCSAE acknowledged that its research into brain injury, was specifically performed in conjunction with the NFL's mTBI Committee. Indeed, "the NFL and

⁸The NOCSAE certification indicates an undertaking to safeguard helmet users "by purchasing helmets which meet the best available helmet standards." But, end users can never understand their relative risks so long as they wear helmets abiding by the NOCSAE rule. The NOCSAE standards have remained unchanged because RIDDELL has desired this, having substantial voting power on the NOCSAE Board of Directors, and have financially incentivized NOCSAE accordingly.

NOCSAE try pretty hard to work together.”

362. The NFL’s official foray into brain injury research had begun in 1994, when it formed the Mild Traumatic Brain Injury Committee (the “mTBI Committee”) to supposedly study the effects of concussions and sub-concussive brain injury on NFL players. This committee, purportedly independent and charged to research the issues of concussion in football in good-faith, was a joint enterprise with RIDDELL and others to: a) drag any fact-finding process involving permanent brain injury out; b) cast doubt on football-related neurodegenerative disease causation altogether; c) distinguish NFL-causation from pre-NFL causation; and d) conduct bad-faith research in the form of exploring improvements to equipment changes and game conditions that the conspirators, knew would not actually result in material health benefits for players, but which would create a false sense of security.

363. The original roster comprising this committee revealed this group to be the opposite: It was in fact a biased and/or ill-qualified who’s-who list of NFL and RIDDELL insiders and professional expert witnesses: the original 12-member Committee contained Elliott Pellman (Jets Doctor); Andy Tucker (Browns Doctor); Jay Brunetti (Redskins equipment manager); Ira Casson (New York neurologist / defense expert witness); Doug Robertson (Colts Doctor); Mark Lovell (Steelers neuropsychologist); Henry Feuer (Colts doctor); Albert Burstein (RIDDELL affiliate - biomechanics); John Powell (NFL injury database proprietor); Joseph Waeckerle (Chiefs Doctor); Ronnie Barnes (Giants trainer); and Bob Reese (Jets trainer).

364. Committee Member Burstein worked regularly as a defense expert witness for RIDDELL on numerous personal injury/product liability litigation matters *concurrent* with his time as a member of the purportedly independent mTBI Committee.

365. RIDDELL knew that no helmet technology could be made substantially superior from one to the next in regards to protecting the brain from axonal shearing, yet the mTBI Committee, with Burstein and other RIDDELL influences, professed the opposite conclusion.

366. Dr. David Viano was a subsequent addition to the mTBI committee. Dr. Viano was, according to deposition testimony, a joint employee of RIDDELL and the NFL, entrusted to oversee helmet safety. In fact, Dr. Viano was a career defense-side expert witness, who would spend his entire time (eventually as committee co-chair) helping ensure the conspirators' agenda was followed.

367. The conspiratorial nature of the relationship between RIDDELL, NFL and NOCSAE was substantiated in the deposition testimony of RIDDELL's paid expert Halstead, who stated that "the NFL and NOCSAE try pretty hard to work together," which Halstead explained in deposition while testifying that "I work with the NFL Committee on Mild Traumatic Brain Injury . . . typically through NOCSAE."

368. With the guidance of individuals like Mr. Burstein, Dr. Viano, and Mr. Halstead, the Committee created research papers that concluded that helmets could reduce or eliminate the risk of brain trauma.

369. Based upon the NFL's mTBI Committee's work, RIDDELL, in conjunction with Biokinetics, the Canadian-based biomechanics firm hired by the NFL and later by RIDDELL, worked to develop a new football helmet designed to reduce players' risk of concussions. The helmet was ambitiously called the "Revolution" and it would become the most widely used helmet in the NFL and earn millions in sales to players in college, high school and youth leagues. RIDDELL's marketing claims that the Revolution helmet would protect the brain from concussion was, ultimately, debunked and chastised by the FTC.

370. The RIDDELL Defendants engaged in the multi-decade conspiracy to limit their

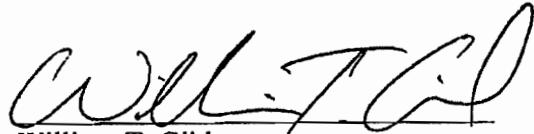
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own tort liability by concealing and/or misrepresenting and/or omitting information about head trauma and football from the football community; along with its co-conspirators, including by not limited to: NFL, NFL Properties, Inc., NFL Properties, LLC, NFL Charities, the RIDDELL Defendants agreed to engage in a long-term plan to conceal material information about football's link to brain damage.

371. The RIDDELL Defendants' participation in a conspiracy was a substantial factor in Plaintiff's injuries by and through their role in the civil conspiracy to conceal material information regarding repeat exposures to head trauma: RIDDELL did more than fail to take action to protect and/or inform players of true risks and hidden dangers associated with exposure to repetitive head-trauma and football; RIDDELL contributed to propagation of junk science; RIDDELL deceptively marketed its helmet systems with actual and/or constructive knowledge they could not protect against concussion; and RIDDELL participated in the NFL's sham-committee on the study of mTBI.

372. JAMES ROUSE played football while using a football helmet and suffered repetitive head traumas which have led, or will lead, to long-term brain damage, which due to RIDDELL's conspiracy with the NFL, was not discovered to have been caused by RIDDELL's negligence until a time within the last two (2) years.

WHEREFORE, Plaintiff, JAMES ROUSE, demands judgment against RIDDELL Defendants in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.



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