

NFL TBI LAWSUITS
Nick Nighswander

**LOOK' EM IN THE EYE &
BUTT'EM**
That is the way the game of football
was played.

NORTH DALLAS FORTY

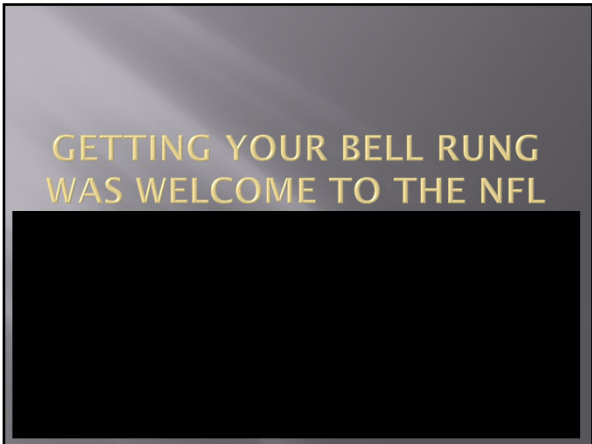
MIKE WEBSTER V. THE NFL

In November 1998, Dr. Krieg diagnosed Webster with brain damage--that is, dementia resulting from his football-related head traumas. J.A. 227.

Webster was reevaluated by Dr. Vodvarka, who opined in an open letter dated March 1999 that Webster "would have been able to prove total disability at the time he was released by the Pittsburgh Appeal: 05-2386 Doc: 47 Filed: 12/13/2006 Pg: 17 of 393 Encephalopathy literally means "brain disease." Random House Webster's Unabridged Dictionary 640 (2001).
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Steelers" because of his dementia and cognitive dysfunction. J.A. 253, 257. Dr. Vodvarka linked Webster's mental ailments to the head injuries suffered during his years of football, and concluded that Webster "will never be able to engage in any occupation or employment for remuneration or profit." J.A. 259.

At bottom, the evidence of Webster's brain damage tends to show not only that he was T&P disabled, but that he was "mentally incapacitated in a manner that substantially interfere[d]" with the filing of his claim. J.A. 151 (Plan § 5.7).

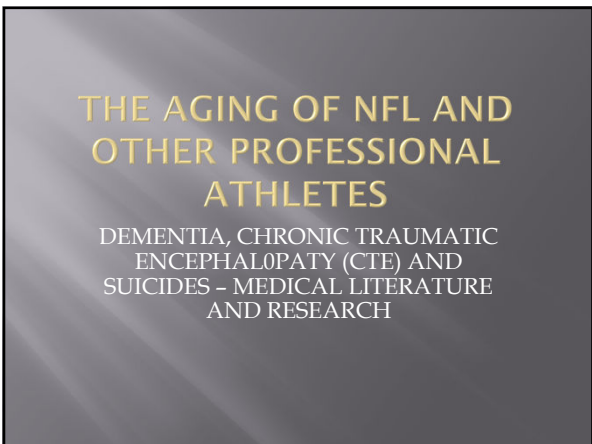
**GETTING YOUR BELL RUNG
WAS WELCOME TO THE NFL**



ATTITUDE ADJUSTMENT
HEAD TRAUMA IN CONTACT
SPORTS START TO RECEIVE MORE
ATTENTION



**THE AGING OF NFL AND
OTHER PROFESSIONAL
ATHLETES**
DEMENTIA, CHRONIC TRAUMATIC
ENCEPHALOPATHY (CTE) AND
SUICIDES - MEDICAL LITERATURE
AND RESEARCH



CHANGES IN CONTACT SPORTS
PLAYING TECHNIQUES (HEAD UP),
PRACTICE SCHEDULES, DIET AND
TRAINING METHODS, AND
EQUIPMENT (HELMUTS)

PUBLIC AWARENESS
PARTICIPANT'S SAFETY
COACH AND TRAINER
CERTIFICATION

CONCUSSIONS
KHSAA CONCUSSION PROTOCOL
FOR PARTICIPANTS
<http://khsaa.org/sportsmedicine/concussion/player.html>

PARTICIPANT ISSUES RELATED TO THE CONCUSSION PROTOCOL

In Kentucky, the treating doctor has the last word as to whether continued game participation is the last word. How long should a participant be kept on the sidelines?

HELMETS

No equipment is concussion proof. Helmet manufacturers are resorting to a type of motor vehicle crash technology for helmets to absorb and dissipate the force of impact.

NFL CONCUSSION SETTLEMENT

In re: National Football Players' Concussion Injury Litigation, No. 2-12-md-02323, United States District Court for the Eastern District of Pennsylvania.

WHAT DOES THE NFL CONCUSSION SETTLEMENT DO?

Retired players, legal representatives of incapacitated or deceased players, and families of deceased players may be eligible to receive benefits from this Settlement.

The proposed settlement provides for three benefits:

1. Baseline medical exams for retired NFL Players.
2. Monetary awards for diagnoses of ALS (Lou Gehrig's disease), Alzheimer's Disease, Parkinson's Disease, Dementia and certain cases of chronic traumatic encephalopathy or CTE (a neuropathological finding) diagnosed after death; and
3. Education programs and initiatives related to football safety.

All valid claims for injury will be paid in full for 65 years.

Retired players, their legal representatives and family members do not have to prove that the players' injuries were caused by playing NFL football to get money from the Settlement. www.NFLCONCUSSIONSETTLEMENT.com.

WHAT THE SETTLEMENT DOES NOT DO?

- A payment scale that diminishes as retired players age.
- Death Benefits that create an incentive for suicide.
- The limitation of benefits to certain medical conditions.
- The bureaucracy of obtaining benefits.
- It is not final yet and benefits and treatment have been held up for many.
- Players who have opted out of the settlement.

CONCUSSION AND CTE TREATMENTS

CONCUSSION TREATMENT IS PRIMARILY REST, MENTAL EXERCISES, AND NON-PARTICIPATION AND WHEN TO RETURN TO PLAY.

<http://www.cdc.gov/headsup/index.html>

CTE - OXYGEN TREATMENT.

<http://www.athleticbusiness.com/more-news/doctor-oxygen-therapy-revived-joe-namath-s-brain.html>

**OTHER RESOURCES AND
BIBLIOGRAPY**

Center for Disease Control (CDC), www.cdc.gov
2010 Germany Report on MTBI
Retired NFL Player Jeff Nixon Blogs,
<http://jeffnixon.sportsblog.com/>
