

## Flagrant Foul: NFL Sued by 12 Former Players Over Concussions

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The discussion of brain injuries among National Football League (NFL) athletes is becoming weekly news. Concussions are knocking marquee players out of games and in some cases, out of the league. It is no wonder that concussions are now making their way into the courtroom.

Joe Horn, a retired Pro Bowl wide receiver who played with the Kansas City Chiefs, Atlanta Falcons, and New Orleans Saints, and 11 other former players have filed a lawsuit alleging the NFL failed to take necessary steps to protect players from long-term brain injuries in the face of overwhelming medical evidence that on-field concussions lead directly to such injuries.

The complaint is the most recent in a half-dozen lawsuits brought by former players who accuse the league of concealing the harmful effects of concussions, but it is the first suit to allege the use of the potent anti-inflammatory medication called Toradol. Toradol is not a narcotic pain blocker like Vicodin or Percocet, nor is it a steroid – it is more akin to Tylenol. Medical experts have found that Toradol can mask symptoms of head injury while inducing greater cerebral bleeding, greatly increasing the risk of long-term brain damage.

The former players allege that they were repeatedly administered the drug, often just prior to games, to reduce on-field pain. The complaint states: "Plaintiffs have described the situation as one of being in a pre-game locker room with players lining up to receive injections of Toradol in a 'cattle call' with no warnings of any sort being given, no distinguishing between different medical conditions of the players, and regardless of whether the player had an injury of any kind."

The suit maintains that the NFL's protocol was to return players who had suffered concussions back to play shortly after they sustained the injury – often during the same game. The suit contends that this "irresponsible and dangerous" practice occurred for years, despite certain medical evidence that all concussions – including seemingly mild ones – permanently damage the brain and hasten mental decay, including early onset of senility and dementia, especially when they recur frequently.

The players also allege they were not warned of the side effects regarding the use of Toradol as it pertained to head injuries and that they were at an increased risk of suffering further damages due to concussions because of the drug's blood thinning effect. In some instances, players allege they received Toradol shots without reporting any injury.

As a result of taking the drug, the plaintiffs allege that they suffer from the onset of brain impairment, including short-term memory loss, frequent headaches, extreme lack of concentration and focus, sleep disturbances, vertigo, dizziness and depression. In asserting causes of action for negligence, fraud, fraudulent concealment, negligent misrepresentation and conspiracy, the former players are seeking an unspecified amount of compensatory and punitive damages, and the reimbursement of their legal costs.

The lawsuit comes as the NFL and NFL Players Association continue to struggle over concussion monitoring, and just weeks after the NFL decided that a league representative, present in the press box of every game, is now responsible to communicate directly with both teams' sidelines to alert the medical staffs of possible undetected injuries.

The case also brings a new dimension to the existing lawsuits against the NFL because it does not simply allege that the NFL did not do enough to protect the players from head injuries. Rather, the suit alleges that the teams proactively took action to mask any short-term effects of known head injuries.

This lawsuit, along with the half-dozen suits filed against the NFL over the last year, have alleged that the NFL has known since the 1920s of the harmful effects of concussions on players' brains but concealed the information from players, coaches, trainers and others until June 2010. If this is in

fact true, and the NFL knew of the problems associated with concussions, the NFL may soon be playing in a different league – the legal arena.

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