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NFL vets bring fight over brain damage to Miami

■ The legal battle by hundreds of former NFL players to be compensated for brain trauma comes to a Miami federal courtroom.

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On a warm Philadelphia late-summer afternoon in 1997, the lights went out on Kevin Turner.

A vicious collision in a game against the Green Bay Packers knocked the NFL full-back silly. The Philadelphia Eagles' medical staff cleared the cobwebs and sent Turner back into the battle. Turner remembers none of it.

But that's how it was done back then.

Turner retired two years later, but he won't be forgotten. As the NFL prepares for its annual marketing bonanza, the Feb. 5 Super Bowl, Turner and dozens of other ex-jocks are back to remind the world of the darker side of the nation's most popular sport. Their stories will be front and center Thursday in Miami when a panel of judges will decide if at least 10 recently filed negligence and class-action lawsuits involving ailing ex-players from across the nation — including Turner and former Dolphins Patrick Surtain, Oronde Gadsden and Lamar Thomas — should be combined into one all-encompassing case.

Their complaints are all a variation on the same theme that repeated head trauma suffered during practices and games directly contributed to disabilities later in life — including memory loss, migraine headaches and depression, sometimes leading to suicide.

Furthermore, the suit alleges the NFL knew of the potential long-term health risks of repeated head trauma, but until recent years did little about it. In Turner's case, the league's alleged negligence could ultimately cost him his life.

Turner's health issues are more serious than most. He is dying from amyotrophic lateral sclerosis (ALS), the nervous disorder known as Lou Gehrig's disease. Turner believes his illness is a result of the years of pounding he endured as a human battering ram, and researchers say it is a distinct possibility.

"I didn't come upon this decision lightly," said the 42-year-old Turner, who joined the growing lawsuit last week. "I finally decided that I've got to do something where this problem is actually taken seriously.

"[The NFL] is putting on a good front now, changing some rules, bringing up the awareness of it," he added. "But had they done that 20 years ago, my life might be different, and those of lots of others."

Depending on the doctor, Turner either has a couple of years to live or a couple of months.

Either way, he believes pro football will end his life prematurely. In that way, he would share a fate with former Chicago Bears safety

Dave Duer-son, a once-successful business- man who fatally shot himself in the chest in his Sunny Isles Beach condo last February.



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In his suicide note, Duer-son beseeched his family to “please see that my brain is given to the NFL’s brain bank.” The family did as instructed, and researchers discovered he suffered from chronic traumatic encephalopathy, a progressive degenerative disease of the brain caused by repeated head trauma. His death helped elevate the NFL’s concussion problem onto the front page.

Now, Turner and his fellow litigants are demanding unspecified damages for what they call a decades-long pattern of negligent and fraudulent behavior by the NFL.

They are represented by the powerhouse Miami-based law firm Podhurst Orseck. The firm is also behind a separate class-action lawsuit, filed this week on behalf of NFL players who have suffered repeated blows to the head, but have not yet experienced long-term physical and mental



RUSTY KENNEDY/AP FILE

BLOWS TO THE HEAD:

Litigant Kevin Turner with the Philadelphia Eagles in 1997.

deterioration. Their suit seeks NFL funding for baseline and diagnostic neurological exams to detect possible brain damage.

Instead of fighting this legal battle on multiple fronts, the NFL wants the United States Judicial Panel on Multidistrict Litigation, which meets Thursday in Miami, to lump them all together, and send the case to Philadelphia for pre-trial proceedings — a ruling that Podhurst Orseck attorney Stephen Rosenthal expects.

If so, Turner, Surtain and Gadsden would join legal forces with hundreds of fellow ailing retirees, including former Chicago Bears quarterback Jim McMahon, ex-Dolphins receiver Mark Duper — who recently un-



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derwent kidney cancer surgery — and running back Ottis Anderson, a star at the University of Miami before embarking on a 14-year pro career.

“There’s enough evidence already made public to say that the NFL engaged in misconduct,” Rosenthal said. “The question is, how much will a jury value the NFL’s treatment of these guys as cannon fodder?”

For most of its history, the NFL let the team decide when a concussed player was healthy enough to return to action. But those guidelines have evolved in recent years, said league spokesman Greg Aiello.

The league instituted return-to-play procedures in 2007, barring woozy players from returning to action until a doctor deemed them asymptomatic. The league has since put an independent observer on every sideline to further ensure that injured athletes aren’t rushed back in prematurely. Players with concussions must also pass a battery of

tests to be cleared for the next week’s game.

“The NFL has long made player safety a priority and continues to do so,” Aiello said. “Any allegation that the NFL intentionally sought to mislead players has no merit. It stands in contrast to the league’s actions to better protect players and advance the science and medical understanding of the management and treatment of concussions.”

Rosenthal and his colleagues will try to prove otherwise, and can point to reams of research that indicates repeated blows to the head are dangerous.

Dr. Walter Bradley, a professor of neurology at University of Miami’s Miller School of Medicine, said the link between brain trauma and ailments like mild to severe dementia and “punch drunk” syndrome has been clear for three decades.

As for Turner’s assertion — that the thousands of hits to the head and countless concussions he suffered as a pro football player caused his ALS — the evidence is also strong, but not as certain, Bradley said.

“It’s a syndrome with a lot of different causes,” he added. “I’m personally convinced that trauma is one of the causes of ALS, but not the only cause.”