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LEGAL RULING

# Suits vs. NFL to be combined

**Several lawsuits filed against the NFL by ex-players who say they suffer from post-concussion ailments should be bundled together, a panel has ruled.**

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A panel of federal judges followed the expected script Tuesday by agreeing to consolidate four concussion-related lawsuits facing the NFL into one massive pretrial case — and is expected to soon do the same with at least 16 related suits, including two recently filed in Miami.

The decision sets the stage for a fierce legal showdown in Philadelphia between the NFL and many of its former players, including past Dolphins Mark Duper, Oronde Gadsden, Patrick Surtain, Lamar Thomas and Woody Bennett. More than 600 ex-players and their wives have sued the league, alleging that the repeated head injuries suffered while playing football led to serious health issues later in life, including memory loss, migraine headaches and depression.

As a result of Tuesday's ruling, they will all now marshal forces in the Eastern District of Pennsylvania, where Judge Anita Brody has agreed to take on the high-profile affair.

The Judicial Panel on Multidistrict Litigation — a traveling board that met in Miami last week — found that the four complaints in question involved common questions of facts, and that centralizing them "will eliminate duplicative discovery; prevent inconsistent pre-trial rulings; and conserve the resources of the parties, their counsel and the judiciary."

PHOTOS BY DAVID BERGMAN/MIAMI HERALD STAFF

**ORONDE GADSDEN:** The former Dolphins player is among hundreds suing the NFL.

The panel also chose to keep the cases against the NFL bundled together with those against equipment-maker Riddell, the league's official helmet provider that had asked to be considered separately.

The NFL is expected to request that all concussion-related com-

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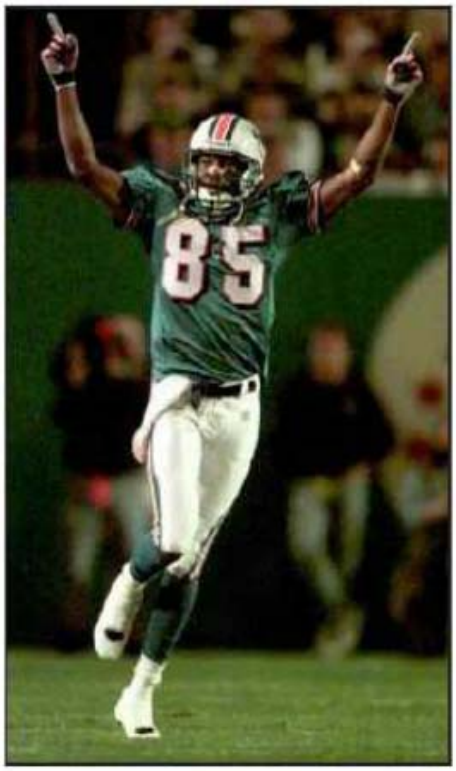

**LAMAR THOMAS:** He is also a former Dolphins player and is suing the league, too.

plaints be dismissed. Last week, league attorney Beth Wilkinson argued that player-safety issues are covered by the league's governing document, the Collective Bargaining Agreement, and that injury grievances are more appropriately dealt with in arbitration — and behind closed doors, not in an open courtroom.

In Tuesday's rulings, no specific mention was made of the two cases filed locally — a personal-injury suit filed by more than 100 ex-players and their spouses, and a class-action complaint seeking medical screening for NFL retirees. But plaintiff attorney Stephen Rosenthal expects those will also be sent to Philadelphia in the coming weeks.

Once there, Brody will likely order the dozens of plaintiff attorneys to establish an executive committee that will litigate the case, and then eventually consider the NFL's motion to dismiss. If the case survives that ruling, the attorneys on behalf of the players will pool resources for the protracted fight to come.

They will begin deposing witnesses and requesting records from the NFL in an attempt to prove that the league has long known about the dangers of concussions, but until recently done nothing about it.

Finally, after all preliminary work is done, the cases will then decouple for trial. Whichever trial comes first will likely serve as a test case for the rest. Should the players win, the NFL could settle with the rest. Should the league prevail, the remaining cases would likely disappear.

"People have taken a risk, believing that where there's smoke, there's fire," Rosenthal said. "This will be an enormously expensive venture."

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