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# Judge Sends Bucs' Case Over MRSA Infection to State Court

Celia Ampel, Daily Business Review

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A former Tampa Bay Buccaneers player has blocked the team's attempt to kick his lawsuit out of court.

Two-time Super Bowl champion Lawrence Tynes sued the Buccaneers in Hillsborough Circuit Court after he contracted a career-ending staph infection at the team's training facility. The Bucs sought to move the case to federal court, where they argued the placekicker had no right to sue because his claims fell under the National Football League's collective bargaining agreement.

Tynes' Miami attorneys persuaded U.S. District Judge James S. Moody Jr. in Tampa that the player's claims had nothing to do with team-provided medical care, which is governed by the agreement. Moody remanded the case to state court Thursday.

"This was a life-or-death decision for the case," Tynes' attorney Stephen Rosenthal of Podhurst Orseck said. "It's huge. Without this ruling, we would have had no case."

Tynes' lawsuit alleges the Buccaneers were negligent in not keeping the facility sanitary and by misrepresenting the risk of contracting infections. The Scottish-born NFL veteran hasn't played since he was infected with methicillin-resistant Staphylococcus aureus, or MRSA, in August 2013.

The team encouraged Tynes to use its facility for rehabilitation after a minor annual toenail procedure performed by an outside podiatrist on Tynes' kicking foot, according to the June 2015 lawsuit. The Bucs "failed to disclose and actively concealed" the fact that Tynes was soaking his feet in tubs shared with others with infections.

"Numerous players and staff were suffering various forms of staph infections at the facility during the preseason in 2013," Rosenthal said. "One of the trainers who had an IV-type line into his knee for a knee infection was using the hot and cold tubs that the players use."

There's also reason to believe the laundry rooms were "substandard" in terms of sanitation, Rosenthal said, but Tynes has not been able to gather much evidence because the Bucs moved to stay discovery until the jurisdiction issue was decided.

"We hope to learn a whole lot more now that we're free to take discovery," Rosenthal said.

**Grievance Rejected**

The lawsuit claims damages of about $20 million for Tynes, who suffered permanent damage to his kicking foot, according to the complaint. He underwent three surgeries and six weeks of intravenous antibiotic therapy after contracting MRSA.

"He was 35 years old, and he had Super Bowl championships and was one of the most accurate placekickers in the NFL," Rosenthal said. "Placekickers can kick into their early 40s if they're excellent the way Lawrence was. So he lost five, six years of potential professional football play at several million dollars a season."

Tynes had just joined the Bucs for the 2013-14 season as a free agent, turning down a multi-year, multimillion-dollar contract with his previous team, the New York Giants.

Before Tynes filed his lawsuit, the NFL Players Association filed a grievance with the league on his behalf. He had been placed on the nonfootball injury list and sought to have his injury reclassified for benefits purposes. The NFL Management Council denied his claims.

"The Bucs tried to use that against him," Rosenthal said, but he pushed back by arguing the claims in the lawsuit were entirely different and had nothing to do with medical care. The judge sided with Tynes.

Tynes' complaint also lists First Allied Development Partners LP as a defendant. The company owns the training facility and leases it to the Bucs.

First Allied is represented by Aram Megerian and David Borucke of Cole, Scott & Kissane in Tampa. Megerian and Borucke also represent the Bucs, along with Akin, Gump, Strauss, Hauer & Feld attorneys Daniel Nash and James Tysse in Washington and Gregory Knopp in Los Angeles.

Megerian declined to comment.

Tynes is represented by Rosenthal and Matthew Weinshall of Podhurst Orseck in Miami and Bradford Sohn of the Brad Sohn Law Firm in Coral Gables.

Rosenthal said the importance of the lawsuit goes beyond Tynes' individual claims.

"If indeed MRSA was being spread throughout the facility as we thought, there are a lot of members of the public — the press, high school students who come in to play on the field, family members, workers … a lot of people exposed to a potentially deadly bacteria," he said. "It's important that we find out exactly what was going on and how to avoid that type of thing in the future."