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William Albert Haynes III

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

WILLIAM ALBERT HAYNES III,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

WORLD WRESTLING
ENTERTAINMENT, INC.,

Defendant.

Case No. _____

**CLASS ACTION ALLEGATION
COMPLAINT**

JURY TRIAL DEMANDED

Plaintiff William Albert Haynes III (“Plaintiff”), alleges the following upon personal knowledge as to his own transactions and upon information and belief as to all other matters.

INTRODUCTION

1. This class action concerns World Wrestling Entertainment, Inc.'s ("WWE") egregious mistreatment of its wrestlers for its own benefit, as well as its concealment and denial of medical research and evidence concerning traumatic brain injuries suffered by WWE wrestlers.¹ Under the guise of providing "entertainment," WWE has, for decades, subjected its wrestlers to extreme physical brutality that it knew, or should have known, caused long-term irreversible bodily damage, including brain damage. For most of its history, WWE has engaged in a campaign of misinformation and deception to prevent its wrestlers from understanding the true nature and consequences of the injuries they have sustained. WWE's representations, actions, and inactions have caused its wrestlers to suffer from death, long-term debilitating injuries, lost profits, premature retirement, medical expenses, and other losses as alleged herein.

2. WWE is in the business of selling violence. This is evident from the descriptions of its wrestling matches on the WWE website. To take one of many examples, the website recounts in gruesome detail how, in this year's Royal Rumble (an annual event often referred to as "the Super Bowl of wrestling"), one wrestler "demolished" another "with series of brutal steel chair attacks that will be talked about for years to come." The site then directs visitors to "photos of the carnage created by" the match's victor.²

3. Though WWE matches are scripted, much of the violence that occurs is all too real. This was highlighted in 1999, when wrestler Owen Hart fell to his death while performing

¹ "World Wrestling Entertainment, Inc." and "WWE," as used in this Complaint, refer to the company in its current incarnation, along with all predecessor companies, including, but not limited to, Titan Sports, Inc., World Wrestling Federation, Inc., World Wrestling Federation Entertainment, Inc., World Championship Wrestling, Inc., and Extreme Championship Wrestling.

² Bobby Melok, "Brock Lesnar def. Big Show" (Jan. 26, 2014), available at <http://www.wwe.com/shows/royalrumble/2014/big-show-brock-lesnar-26175059>.

an exceedingly risky stunt during a WWE match. Along with Hart, numerous wrestlers have suffered horrifying, debilitating injuries as a direct result of wrestling in WWE matches.

4. The immediate injuries suffered by WWE wrestlers tell only part of the story. Throughout their careers, WWE wrestlers sustain countless blows to their heads, both concussive and sub-concussive. These blows alter wrestlers' brains. This, in turn, results in an array of side effects, including depression, cognitive deterioration, and suicide. Though aspects of the disorders caused by repeated head trauma continue to come to light, the debilitating effects of receiving repeated blows to the head have long been known.

5. It is not simply that WWE has failed to protect its athletes. WWE deliberately creates and heightens the violence of its matches in order to "heat" up audiences and increase its profits.

6. WWE's treatment of their athletes has no parallel in other sports. WWE wrestlers routinely: jump from high elevations onto each other while performing dangerous "moves"; beat each other repeatedly with chairs, chains, garbage cans, and other weapons; subject each other to kicks and punches; pick each other up and slam each other on their heads; and throw each other from high elevations. What's more, wrestlers fight, and are expected to fight, through serious injuries, including concussions. This, of course, puts WWE wrestlers at a greatly increased risk of long term brain damage.

7. WWE has forced its wrestlers to engage in stunts—and otherwise subject themselves to danger—in a manner that dramatically increases their chances of sustaining brain damage. It does so in order to increase the popularity of its product. These stunts would be dangerous if performed by, and on, the most skilled stunt persons. When performed by, and on,

hulking, poorly trained, steroid-using wrestlers with various levels of dexterousness, they are a recipe for disaster—and widespread, long term brain damage.

8. Instead of properly assuming its duty and power to govern the conduct of its wrestlers, WWE has continually engaged in a pattern of behavior and practices deliberately designed to increase the injuries suffered by its wrestlers.

9. Instead of stopping wrestling matches when wrestlers have sustained head injuries, WWE, along with its doctors and medical professionals, has allowed such matches to continue, placing injured wrestlers at even greater risk.

10. During and after wrestling matches, medical professionals associated with WWE have negligently or purposefully failed to diagnose concussions. This has served to assuage the concerns of wrestlers and continued to conceal WWE's brutal exploitation of wrestlers.

11. Far from attempting to prevent these injuries, WWE routinely profits from, and glorifies, them. WWE's announcers commonly revel in the ability of wrestlers to continue to fight through injuries, downplaying concussions as mere "wooziness."

12. WWE knows, and has known for some time, the dangers to which it is subjecting its wrestlers. Indeed, a WWE executive admitted in 2007 that "WWE wrestlers are at risk for concussions because of the nature of their work." And yet, it has done nothing—or almost nothing—to protect its wrestlers from brain damage. In fact, until recently, WWE categorically denied that any of its wrestlers had ever suffered from a concussion.

13. WWE failed to disclose the true risks of repeated traumatic head impacts in WWE wrestling, and failed to take appropriate steps to prevent and mitigate repeated traumatic head impacts (including sub-concussive blows and concussions) and latent brain injury. Indeed, by refusing to acknowledge the risks it was creating—and by attempting to conceal those risks from

its wrestlers—WWE effectively guaranteed that they would not seek the help they needed to avoid latent brain injury. And it has done so with the intent of enriching itself at the expense of its wrestlers.

14. When forced to acknowledge the risks to which it subjects its wrestlers—by script, on a daily basis—WWE took minimal steps to correct the problem or to address its injurious conduct, the full consequences of which are still coming to light.

15. WWE encouraged, forced, or otherwise induced its wrestlers to use steroids, cocaine and other illegal drugs to increase pain tolerance and heighten the intensity of its matches, to the detriment of its wrestlers.

16. Plaintiffs seek a declaration of liability, injunctive relief, medical monitoring, and financial compensation for the long-term chronic injuries, financial losses, expenses, and intangible losses suffered by the Plaintiffs as a result of WWE's willful, wanton, reckless, and grossly negligent conduct, which resulted in its wrestlers suffering brain trauma, concussions, and other related injuries.

JURISDICTION AND VENUE

17. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d)(2). The matter in controversy in this class action exceeds \$5,000,000.00 exclusive of interest and costs, and some members of the Class are citizens of states other than the state in which Defendant has its primary place of business.

18. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

PARTIES

19. Plaintiff William Albert Haynes III is a resident of Portland, Oregon. He is a former wrestler for WWE. While wrestling in WWE, Haynes used the stage name Billy Jack Haynes.

20. Defendant World Wrestling Entertainment, Inc. is a company existing under the laws of Delaware, with its principal place of business in Stamford, Connecticut.

21. Although WWE is a public company, it is tightly controlled by a small group of related executives who manage both policies and the conduct of wrestlers during matches. Vince McMahon has been Chairman of WWE since the retirement of his father, Vince McMahon Sr., in 1980. Vince McMahon has served as CEO from 1980 to 1993, and from 2009 to the present. McMahon controls over 80 percent of WWE's voting power. McMahon's wife, Linda McMahon, served as WWE President from 1993 to 2009, and as CEO from 1997 to 2009. Their daughter, Stephanie McMahon Levesque, is WWE's Chief Brand Officer. Her husband, Paul Levesque, also known as Triple H, is Executive Vice President, Talent, Live Events & Creative.

FACTUAL ALLEGATIONS

I. Background: WWE and Its Wrestlers

22. WWE is the largest wrestling entertainment organization in the world. Since purchasing its main competitor, World Championship Wrestling, in 2001, WWE has had no serious competitors in the field of wrestling entertainment. The company generates approximately \$500,000,000 in revenue annually.

23. The majority of WWE's revenues stem from its televised wrestling matches. WWE programs consistently rank among the most popular in weekly television ratings. WWE

programming is broadcast in more than 170 countries and 35 languages and reaches more than 650 million homes worldwide.

24. For nearly three decades, WWE has been the world's pre-eminent provider of pay-per-view programming, consistently ranking among the highest-selling live event programs in the world.

25. As of this year, WWE also has its own television network, WWE Network.

26. WWE markets its brand to children. For example, WWE sells toys in partnership with Mattel. Indeed, for three consecutive years, WWE ranked as the number two Action Figure Brand in the United States. Moreover, WWE video games have sold more than 60 million units since 1999, generating more than \$1.8 billion in revenues.

27. Despite WWE's enormous revenues, it claims that its wrestlers are independent contractors. Thus, WWE does not provide its wrestlers, past or current, with health insurance, disability insurance, or unemployment insurance. When wrestlers retire, they are effectively on their own.

II. The Science of Head Trauma

28. This lawsuit concerns head injuries occurring in former and current WWE wrestlers. The primary classification of head injuries relevant to WWE are traumatic brain injuries ("TBIs," or colloquially, "concussions") and chronic traumatic encephalopathy ("CTE"). Concussions can cause CTE, but are not the only cause: repeated sub-concussive head trauma also causes CTE. Over their career, WWE wrestlers suffer repeated concussions and countless sub-concussive blows.

29. Concussions have no standard definition, and require complex diagnosis based on clinical signs, observed symptoms, neuroimaging, medical records and personal interviews.³ The Center for Disease Control defines concussions as a type of TBI caused by a “bump, blow, or jolt to the head or body.”⁴ A blow to the head that does not cause a concussion, or that has not been verified to cause a concussion, is commonly referred to as a sub-concussive blow.

30. Because there is no obvious way to determine whether a trauma causes a concussion, many concussions go undiagnosed and untreated. Though concussions are often associated with a loss of consciousness, the majority of concussions are not so obviously recognized.

31. Even absent a loss of consciousness, *each concussion alters the way your brain functions*. Symptoms can include headaches and problems with concentration, memory, balance coordination, loss of consciousness, confusion, disoriented, nausea, vomiting, fatigue or drowsiness, difficulty sleeping, sleeping more than usual, and seizures.⁵

32. Post-concussion syndrome remains with a person for days, weeks or even months. Indeed, while, “[s]ome of these symptoms may appear right away. . . others may not be noticed

³ National Center for Injury Prevention and Control, “Report to Congress on Mild Traumatic Brain Injury in the United States: Steps to Prevent a Serious Health Problem” 1 (2003), available at <http://www.cdc.gov/ncipc/pub-res/mtbi/report.htm>.

⁴ Center for Disease Control and Prevention, “What are the Signs and Symptoms of Concussion?” (Oct. 20, 2012), available at http://www.cdc.gov/concussion/signs_symptoms.html.

⁵ Mayo Clinic, “Post-Concussion Syndrome: Definition,” (Aug. 19, 2014), available at <http://www.mayoclinic.org/diseases-conditions/post-concussion-syndrome/basics/definition/con-20032705>.

for days or months after the injury.”⁶ In some cases, concussions can cause bleeding in the brain, which can be fatal.⁷

33. Repeated blows sustained without sufficient recovery time are exponentially more dangerous. Sometimes called “second impact syndrome,” multiple blows can *amplify* the original injury. According to the Mayo Clinic, “[e]xperiencing a second concussion before signs and symptoms of a first concussion have resolved may result in rapid and usually fatal brain swelling.”

34. CTE is a disorder caused by neurodegeneration including cognitive and neuropsychiatric symptoms. Long-known as dementia pugilistica or punch-drunk syndrome, an increasing consensus has emerged that mild and infrequent trauma can cause similar long term neurological effects to those experienced by boxers.

35. CTE is a permanent change to brain structure caused by repeated blows. CTE’s accompanying symptoms include depression, dementia, cognitive impairment, Parkinsonism, personality change, speech and gait abnormalities. Unlike concussions, CTE can only be diagnosed with direct tissue examination, which can detect an elevated level of Tau protein in brain tissue.⁸

36. CTE can be caused by a single traumatic brain injury, but is much more often the result of repeated minor traumas. According to a NIH study, “[t]here is overwhelming evidence

⁶ Center for Disease Control and Prevention, “What are the Signs and Symptoms of Concussion?” (Oct. 20, 2012), http://www.cdc.gov/concussion/signs_symptoms.html.

⁷ Mayo Clinic, “Concussions: Causes” (Apr 2, 2014), available at <http://www.mayoclinic.org/diseases-conditions/concussion/basics/causes/con-20019272>.

⁸ Bennet I. Omalu et al., “Chronic Traumatic Encephalopathy, Suicides and Parasuicides in Professional American Athletes,” 31 Am. J. Forensic Med. Pathology 130, 132 (2010).

that the condition is the result of repeated sublethal brain trauma that often occurs well before the development of clinical manifestations.”⁹

37. As dangerous as individual concussions and sub-concussive blows can be in the short term, the long term effects are more debilitating and insidious. Because CTE is difficult to detect, manifests years later, and includes chronic mental issues, many sufferers do not understand their illness. Whereas a concussion’s symptoms are often sensory and manifest immediately, CTE manifests years later, and can be caused by blows which have no accompanying symptoms.

38. Many sufferers of CTE spend years with no idea—and no way of knowing—that they suffer from this disorder.

39. Depression—including depression caused by CTE—is destructive, often leading to substance abuse and suicide. If caused by a physical trauma years ago, with no reason or warning to suspect that the true cause, these symptoms can be bewildering as well as debilitating.

40. Research into the effects on professional athletes shows grim disparities based on head trauma: professional football players who had at least three concussive incidents over their career were three times more likely to be diagnosed with clinical depression and five times more likely to be diagnosed with dementia than were players who had limited history of concussions.¹⁰

41. As discussed below, several former WWE wrestlers have now been diagnosed with CTEs.

⁹ Ann C. McKee et al., “Chronic Traumatic Encephalopathy in Athletes: Progressive Tauopathy following Repetitive Head Injury,” *J. Neuropathol Exp Neurol.* 2009 July; 68(7): 709–735.

¹⁰ Kevin M. Guskiewicz et al., “Recurrent Concussion and Risk of Depression in Retired Professional Football Players,” *39 Med. & Sci. Sports & Exercise* 903, 906 (2007).

III. WWE Sacrifices the Brains of Its Wrestlers for Its Own Profit.

A. WWE Is a Fake Sport with Real Consequences to Its Wrestlers.

42. WWE calls itself an “action soap opera.”¹¹ Its matches are scripted, with preordained winners and losers, and it has a carefully written, ongoing plot. WWE predetermines much of the dialogue between the wrestlers and the winners of the matches, as well as many of the violent acts perpetrated by the wrestlers on each other.

43. Many WWE wrestlers fight hundreds of times per year. And unlike professional athletes in traditional sports leagues, WWE wrestlers have no off-season in which to rest and recover from their injuries.

44. During WWE matches, wrestlers perform stunts that are exceedingly dangerous to themselves and their adversaries. They are particularly dangerous when performers make mistakes in executing the stunts.

45. For wrestlers directed to perform complicated and dangerous stunts day after day, such mistakes are not only inevitable, but frequent. This is so because (a) wrestlers are not properly trained to execute their “moves” in a safe—or at least, safer—manner; and (b) wrestlers have a grueling scheduling, meaning they are often tired during their matches, and more prone to inflict and suffer traumatic injury.

46. Even where no mistakes occur, these stunts can result in detrimental blows to the head. Over the span of a career, these blows greatly increase the chance of CTE and related illnesses.

¹¹ Examiner.com, “WWE to called an ‘action soap opera’ not pro-wresting, Bans more terms” (Apr. 13, 2011), available at <http://www.examiner.com/article/wwe-to-be-called-an-action-soap-opera-not-pro-wrestling-bans-more-terms>.

47. WWE adds so-called “heat” to its scripts in order to ensure that there is “extra physicality” in its matches. In her testimony before the Committee on Oversight and Government Reform of the U.S. House of Representatives, WWE executive Stephanie McMahon Levesque defined “heat” as “when you are really beating someone down in order to elicit a reaction from the crowd of, ‘Oh, my God, please get up, get up, get up,’ and the guy can’t.”¹²

48. In her testimony before the Committee on Oversight and Government Reform of the U.S. House of Representatives, WWE executive Stephanie McMahon Levesque explained that the producers of a show might also encourage WWE wrestlers that they use “heat” in their fights:

For example, if there are a number of guys in the ring, like say there is five guys attacking one guy, and I am a good guy going to come out, if I come out by myself, I am going to get beat down just as bad as the other guy. But if I come out with a chair, I might have a better chance. Logically, so that is how the chairs are used. You might have seen -- or I don't know if you have seen any of our scripts -- but there might be chair shots written in at some point.¹³

49. These beatings, though nominally “fake,” greatly increase the chance of wrestler injuries, particularly when a wrestler administering the “heat” commits an error. But even where no error is committed, the “heat” administered by wrestlers results in blows to the head. Over time, these can greatly increase the chance of CTE.

B. WWE’s Use of Weapons and Elaborate Staging Make Its Wrestlers Particularly Susceptible to Injuries, Including Brain Damage.

50. To elicit “heat” in matches, WWE directs its wrestlers to use various weapons.

¹² See Committee on Oversight and Government Reform, U.S. House of Representatives, Washington, D.C., Interview of: Stephanie McMahon Levesque 119 (Dec. 14, 2007), available at <http://oversight-archive.waxman.house.gov/documents/20081231140942.pdf>.

¹³ *Id.* at 120.

51. As Levesque's Congressional testimony suggests, WWE instructs its wrestlers to use steel chairs to batter each other. In countless WWE matches, fighters have slammed chairs over the heads of their opponents. Much, if not all, of these "chair shots" are scripted by WWE. Even where WWE wrestlers use chairs or other dangerous weapons without WWE's explicit direction, they do so with WWE's encouragement and tacit approval.

52. Below is a picture of WWE CEO Vince McMahon slamming an employee on the head with a steel chair.



53. In many instances, these chair shots have delivered dangerous levels of force to the recipient's skull. The use of dangerous weapons like steel chairs by wrestlers cannot be done safely. It inherently puts wrestlers at risk of serious physical injury, including long-term brain damage.

54. The chair shot is as ubiquitous in WWE wrestling as it is brutal. To take but one of many examples, in a 1999 match, wrestler Michael "Mick" Foley was knocked unconscious after being hit by a chair 11 times while his hands were tied behind his back. Five shots

connected directly with Foley's head. Foley later remarked, "I was in a match that had gotten carried away. I was suffering a great deal, and I wanted it to end."¹⁴

55. Likewise, in a notorious "no disqualification" match in 2008, enraged and out-of-control WWE wrestler Shawn Hickenbotton, also known as Shawn Michaels, delivered countless blows to Lance McNaught, also known as Lance Cade, with a steel chair. One shot, delivered at full force, hit McNaught directly in the skull.¹⁵ Subsequently, WWE auctioned off the chair used by Hickenbotton to "attack" McNaught and batter his head.¹⁶ McNaught died less than two years later, at the age of 29.

56. WWE has greatly profited off of the chair shot's brutality. For example, in 2007, a wrestler was knocked unconscious when he received numerous chair shots to the head from the highly paid wrestler and WWE executive Paul Michael Levesque, as known as Triple H. In an attempt to further enrich itself from the brutal beating, WWE published a "Chair Classic Moments" story on its website the following Sunday, which featured accounts, photos, and videos of numerous memorable chair shots in WWE history. The story continued, "Watching [Triple H's] brutal attack made WWE.com think back to classic moments in Raw, SmackDown and ECW history where our audience's favorite seating apparatus came into play and caused championship changes or altered the course of history."

57. Although WWE purports to have banned chair shots to the head as of 2010, WWE continues to use particularly vicious chair shots to head promote its product. For example, a

¹⁴Saira Stewart, "Mick Foley on Life Beyond the Mat," ABCNews (June 5 2000), available at <http://abcnews.go.com/WNT/story?id=130970>.

¹⁵See https://www.youtube.com/watch?v=s7SxW_Jz0D8.

¹⁶ AUCTION.WWE.COM, "Shawn Michaels signed EVENT USED folding chair from 10/6/08," available at <http://muchnick.net/cadechair.pdf>.

recent promotion for WWE Network contains a clip of a defenseless wrestler taking a chair shot to the head.¹⁷

58. Moreover, despite supposedly banning WWE chair shots to the head as of 2010, there have been several reported instances of wrestlers hitting each other with metal chairs since that time. Indeed, one chair shot to the head perpetrated after the “ban” was committed by Paul Levesque, or “Triple H,” who is a WWE executive and the son-in-law of Vince McMahon.¹⁸

59. WWE wrestlers use a myriad of other dangerous weapons in their fights. Indeed, some WWE fights are explicitly predicated upon the use of dangerous weapons.

60. For example, there is oft-used “Table Match,” which ends when one wrestler smashes the other through a pine table. Former WWE wrestler Christopher Nowinski, who suffered many concussions while working for WWE, has explained that, during his time with WWE, he “used to go through tables four days a week.”¹⁹

61. There is also the “Chain Match” in which two wrestlers are chained together, with the chain also serving as a weapon to be used by either wrestler on the other.

62. There is also the “Ladder Match,” wherein an item, hung from a rope above the ring, must be retrieved by way of a ladder located in the center of the ring. Scripts for Ladder Matches instruct the wrestlers to strike their opponents with the ladder and to launch themselves from the top of the ladder onto their opponents. Inevitably, wrestlers fall from the top of the

¹⁷ See Geno Mrosko, “WWE uses unprotected chair shot to the head to promote its Network” (July 12, 2014), available at <http://www.cagesideseats.com/wwe/2014/7/12/5893661/wwe-uses-unprotected-chair-shot-to-the-head-to-promote-its-network>.

¹⁸ David Bixenspan, “After Wrestlemania, it looks like WWE has unbanned chair shots to the head” (Apr. 4, 2011), available at <http://www.cagesideseats.com/2011/4/4/2090779/after-wrestlemania-it-looks-like-wwe-had-unbanned-chairs-to-the-head>.

¹⁹ https://www.youtube.com/watch?v=Cvd_8uUSCs.

ladder during the fight. After one recent ladder match, two wrestlers required staples on their head. On its website, WWE posted close-up pictures of the men receiving stitches after the “brutal” match.²⁰

63. Below are photographs, from WWE’s website, glorifying the head injuries of a wrestler after the above-described Ladder Match.



64. WWE matches take place in small ring enclosed by ropes with posts at each corner (“turnbuckles”). Many matches will spill out of the ring, allowing wrestlers to use surrounding objects as weapons.

65. Many matches are held in special “cages”—steel enclosures with 3-story walls. In some cases, a gap is left between the ring and the cage (“Hell in a Cage” matches) and matches sometimes spill onto the ceiling of the cages.

66. Variations on the cage match include the “Punjabi Prison match” (two nested bamboo cages with spiked walls), the “Thunder Cage” (top of cage electrified), and the “Inferno Match” (cage surrounded by fire).

67. Many cage matches have been promoted as having “literally anything goes rules,” “No-Holds Barred” or “Hardcore, no submission rules.”

²⁰WWE.com, “Rob Van Dam and CM Punk treated by doctors after Money in the Bank 2013: photos,” available at <http://www.wwe.com/shows/moneyinthebank/2013/rob-van-dam-and-cm-punk-treated-by-doctors-after-money-in-the-bank-2013-photos>.

68. Matches between multiple wrestlers are common, often causing confusion and increased risk of injury. Multi-wrestler matches include “Triple Threat Matches,” “Champion Scramble Matches,” “Battle Royale Matches,” “Royal Rumbles” or “Tag-Team Matches.”

69. Common moves employed by wrestlers at WWE’s direction include:

- “Brain Buster” – a front facelock combined with a vertical suplex in which the victim lands headfirst;
- “Bulldog” – a wrestler grabs his opponent’s head and leaps forward, so that the victim’s face is driven into the ground;
- “Cobra Clutch Slam” – a wrestler places the opponent in a hold called the cobra clutch, lifts his opponent, and then jumps into the air, landing his opponent on the ground;
- “Facebreaker” – a knee to the face, including many variants involving throwing an opponent down onto one’s propped up knee, headfirst;
- “Jawbreaker” – a move in which the opponent’s jaw is slammed into the wrestler’s body, usually the knee or elbow; and,
- “Powerslam” – a move in which the performer falls face-first into his opponent.

70. In 2013, a 13-year-old child in Terrytown, LA killed his 5-year-old sister attempting to emulate WWE moves.²¹

²¹ Alana Abramson, “Teen Held for Killing Sister, 5, With Wrestling Moves” (Jun 19, 2013), available at <http://abcnews.go.com/blogs/headlines/2013/06/teen-held-for-killing-sister-5-with-wrestling-moves/>

C. WWE Wrestlers Commonly Suffer from Concussions and Long-Term Brain Damage.

71. WWE wrestlers suffer countless blows to the head over the course of their careers, and are at a grave, obvious risk for concussion as well as CTE.

72. Former WWE star Mick Foley has stated that, while working for WWE, he suffered “too many [concussions] for me to count really.”²²

73. In fact, it is commonplace for wrestlers to experience numerous concussions over their career. As one former WWE wrestler, who suffered numerous concussions while working for WWE, has noted, “as much as wrestling is performance, there’s a very, very small margin of error. And especially when you’re learning the thing, you fall on your head a lot.”²³

74. Apart and aside from concussions, wrestlers receive countless sub-concussive hits every match, when they are kicked or smacked in the head with a prop or a fight; when they are thrown outside the ring or slammed to the ground; and when they execute “moves.” For example, Chris Benoit often employed “the flying head butt,” wherein he jumped off the ropes and smacked his head against the head of his opponent. Many wrestlers are directed to perform, or be subjected to, “moves” that put their brains at as great a risk.

75. Below is a picture of Benoit performing “the flying head butt:”

²² StarTribune.com, “C.J.: Mick Foley’s brain shows no sign of needing study” (March 1, 2014), available at <http://www.startribune.com/featuredColumns/248040151.html?page=all&prepage=1&c=y#continue>.

²³ Michael Kirk, “League of Denial: the NFL’s Concussion Crisis” (June 12, 2013), available at <http://www.pbs.org/wgbh/pages/frontline/sports/league-of-denial/the-frontline-interview-chris-nowinski/>.



76. Moreover, like other WWE wrestlers, Benoit routinely allowed himself to be hit in the head with a chair.²⁴

77. In 2007, Benoit killed his wife, his son, and himself. Thereafter, Dr. Bennet Omalu and Dr. Julian Bailes—leading forensic neuropathologists who discovered CTE in the brains of several former football players—examined Benoit’s brain. Drs. Bennett and Bailes concluded that Benoit had unmistakably suffered from CTE. Their findings were subsequently published in a peer-reviewed medical journal.²⁵

78. Dr. Bailes explained that Benoit’s brain was so damaged from CTE that it “resembled the brain of an 85-year-old Alzheimer’s patient.”²⁶

79. Two years later, former WWE wrestler Andrew “Test” Martin died, at the age of 33. Dr. Omalu conducted an analysis of Martin’s brain tissue. Dr. Omalu found that Martin, like Benoit, suffered from CTE stemming from repeated blows to the head.

80. Benoit and Martin are not the only WWE wrestlers to die young. It is well-established that WWE wrestlers tend to die far younger than average Americans, even those engage in other violent sports, such as football or hockey.

²⁴ Mark Fainaru-Wada and Steve Fainaru, *League of Denial* 249 (2013).

²⁵ See Bennett Omalu, *et al.*, “Chronic traumatic encephalopathy in a professional American wrestler,” *J Forensic Nurs.* 2010 Fall;6(3):130-6.

²⁶ Stephen J. Giannanello, *Real Life Monsters: A Psychological Examination of Serial Murder* 38 (2012).

81. This is in part due to the stunningly high suicide rate among former wrestlers. At least 13 wrestlers have died of suicide over the last 10 years.²⁷ Each of these wrestlers sustained repeated blows to the head while working for WWE. For example, one of these wrestlers, Chris Kanyon, suffered at least twelve concussions over his career. Before committing suicide, Kanyon told friends that he believed he had suffered brain damage from wrestling in WWE.²⁸

82. It is well established that CTE can cause both depression and suicide.

D. Despite Promising to Keep Its Wresters Safe, WWE Does Little to Protect Them from Brain Damage.

83. WWE has continually represented to its wrestlers, and the public, that the safety of its wrestlers is a top priority. To take but one example, Vince McMahon told the Committee on Oversight and Government Reform of the U.S. House of Representatives, “Let me just say, [WWE] is always concerned about safety of our talent, absolutely. We were the first people to do any number of things to make things safe for our talent, if that’s the direction in which you’re going.”²⁹

84. In fact, WWE puts its wrestlers at grave risk, and encourages wrestlers to hurt themselves for WWE’s benefit.

85. WWE does little, if anything, to protect the safety of its wrestlers during matches. Indeed, WWE has a history of allowing matches to continue after a wrestler has suffered a devastating injury, often downplaying or glorifying the injuries for their own benefit. For years,

²⁷ Keith Harris, “Sean O’Haire: A stark reminder about the long term-effects of brain trauma?” (Sept 13, 2014), available at <http://www.cagesideseats.com/wwe/2014/9/13/6144849/sean-ohaire-a-stark-reminder-about-the-long-term-effects-of-brain>.

²⁸ *Id.*

²⁹ Committee on Oversight and Government Reform, U.S. House of Representatives, Washington, D.C., Interview of Vince Kennedy McMahon (Dec. 14, 2007), available at <https://www.scribd.com/doc/33253381/Vince-McMahon-s-Testimony-to-Waxman-committee>.

WWE employed medical staff for the purpose of rubber-stamping a wrestler's participation long past the outer boundaries of then-known safety guidelines.

86. By way of example, in 2007, WWE wrestler Candice Michelle was knocked unconscious when she fell from the rope during a match. Rather than ending the match or seeking assistance for the unconscious Michelle, the "referee" directed the other wrestler to pull Michelle by her neck and her underarm to the middle of the ring, so that Michelle could be pinned.

87. Likewise, in 1998 match fittingly called "Hell in a Cell," wrestler Mick Foley was thrown from the top of a steel cage, at which point he was knocked unconscious. Rather than ending the fight, the "referee" and the medical team on sight allowed the wrestler to finish the match when he regained consciousness. Indeed, the video from the incident suggests that the medical staff merely pretended to examine Foley for the benefit of the ongoing "action soap opera."³⁰ When Foley stood up, a WWE announcer yelled with glee, "He's either crazier than hell, or he's the toughest S.O.B. I've ever seen . . . !" The announcers then proceeded to debate whether the item sticking out of Foley's bloody nose was a tooth or some other foreign object. In fact, it was one of Foley's teeth. After Foley sustained these injuries, the match continued for an additional ten minutes. At the end of the match, when Foley was being helped out of the arena, one announcer exclaimed that "if anybody ever deserved a standing ovation," it was Foley, for fighting through his injuries.

88. Below is a picture of Foley taken during the Hell in the Cell match, with his tooth lodged in his nose.

³⁰ See <https://www.youtube.com/watch?v=NgYoYTbnPo4> at roughly 11:00.



89. In a 2010 match, Oscar Gutierrez, also known as Rey Mysterio, jumped off the ropes and landed on the nose of his opponent, Mark Calloway, also known as The Undertaker. Calloway, who suffered a concussion and broke his nose, was visibly “woozy” and “wearing the wounds of war,” according to a reverent WWE announcer. Nonetheless, WWE permitted the match to continue until its scripted end, several minutes later.

90. Despite the fact that WWE put, and continues to put, its wrestlers at a grave risk, WWE has downplayed the dangerous associated with wrestling, while profiting off the injuries of its wrestlers.

91. Despite the countless deaths and debilitating injuries suffered by WWE wrestlers, WWE has done little to make WWE wrestling safer. Although WWE has purportedly banned chair shots to the head, it has declined to implement safety measures that would limit the risk of wrestlers sustaining long-term brain damage. In a 2007 CNN documentary, *Death Grip: Inside Pro Wrestling*, WWE CEO Vince McMahon insisted that WWE would not substantially change the way its matches were conduct. McMahon remarked, “Accidents occur. It’s not ballet, as they say.” As McMahon promised, little else about WWE matches has changed. WWE wrestlers continue to perform dangerous “moves” on one another, to throw each other around and outside the ring, and the hit each other with dangerous weapons.

92. Moreover, despite the McMahon's claim that they were banning chair shots to the head in 2007, chair shots to the head were in fact not banned until three years later. And even after the implementation of this "ban," wrestlers continue to hit each other in the head with chairs.

E. WWE Encourages and Mandates Steroid Use, Thereby Increasing the Change of Wrestlers Hurting One Another.

93. WWE's signature is, and has always been, the enormous size of its wrestlers. Its large wrestlers are central its appeal, and was key to WWE becoming dominance in the field of wrestling entertainment. Champion wrestlers average 6'1"-6'4" in height and 215-275 lbs.

94. In large part, WWE's wrestlers have achieved their massive size through steroid use. Since its inception, WWE has encouraged—and in some instances, implicitly or explicitly required—its wrestlers to take steroids and other illegal drugs in order to heighten the intensity of its matches.

95. The rampant use of steroids in WWE has exacerbated the concussion crises, and further demonstrates WWE's tendency to put profits above the well-being of its wrestlers.

96. Nor is it simply, as in sports, that WWE has looked the other way while its athletes used steroids. Physicians on WWE's payroll have distributed steroids to WWE wrestlers.

97. For example, in 1989, federal investigators discovered that Dr. George T. Zahorian III, a physician connected with WWE, had been regularly distributing anabolic steroids to current WWE CEO Vince McMahon, as well as various WWE wrestlers. The physician was later indicted, and convicted, of illegally distributing steroids. During the investigation, WWE executive Linda McMahon sent a letter to a fellow WWE executive, stating that "[a]lthough you and I discussed before about continuing to have Zahorian at our events as the doctor on call, I think that is now not a good idea," and instructing the other executive to "clue [Dr. Zahorian] in

on any action that the Justice Department is thinking of taking.” Just before Dr. Zahorian was indicted, federal prosecutors alleged that an unnamed WWE official called the doctor and instructed him to “destroy any evidence of his contact with WWF or WWF wrestling personnel.”³¹

98. In 1993, Vince McMahon and WWE were indicted for conspiring over the course of many years to provide illegal steroids to WWE wrestlers. At McMahon’s trial, WWE’s star wrestler, Terry Gene Bollea, also known as Hulk Hogan, testified under oath that roughly 80 percent of WWE wrestlers used steroids. Bollea also testified that he would go to the WWE office and “pick [his steroids] up with [his] paycheck.”³²

99. Other wrestlers have suggested that Bollea’s testimony underestimated the percentage of WWE wrestlers who used steroids.

100. In 2006, following the steroids-related death of a high profile wrestler and a Congressional investigation, WWE finally put into place a “wellness policy” that purportedly outlawed steroids in WWE. When implemented, 40 percent of wrestlers tested positive for steroid use.

101. In fact, the “wellness policy” did not stem the tide of steroid use in WWE, because it contains a loophole permitting wrestlers to use steroids if they have a prescription. Many wrestlers inappropriately exploited, and continue to exploit, this loophole, with the tacit blessing of WWE. Moreover, six months after implementing its steroid policy, WWE relaxed the

³¹ Ted Mann, “McMahon warned steroid doctor of investigation” (Apr 9, 2010), available at <http://www.theday.com/article/20100409/NWS12/100409727/1017>.

³² NYTimes.com, “Hulk Hogan, on Witness Stand, Tells of Steroid Use in Wrestling” (July 15, 1994), available at <http://www.nytimes.com/1994/07/15/nyregion/hulk-hogan-on-witness-stand-tells-of-steroid-use-in-wrestling.html>.

policy to allow wrestlers suspended for steroid abuse to participate in “selected television events” and pay-per-view events.

102. Despite its “wellness policy,” former WWE employees have revealed that WWE continues to encourage steroid use.³³

103. As a result of rampant steroid use, WWE wrestlers are far stronger than other persons, including other athletes. By extension, they inflict more damage on their counterparts in the ring.

104. Moreover, anabolic steroid use increases one’s tolerance for pain, meaning that wrestlers using steroids are able to sustain more pain during a fight.³⁴ Due to this increased tolerance for pain, wrestlers on steroids are more likely to sustain serious head injuries, and more likely wrestle through any head injuries they sustain.

105. Thus, by encouraging and facilitating the use of steroids, WWE has increased the likelihood that its wrestlers will hurt themselves and each other.

III. WWE Has Denied, Covered Up, and Concealed Injuries, Including Head Injuries, Suffered by Its Wrestlers.

106. WWE has covered up the harms it knew or should have known it was subjecting wrestlers to. It did so in three ways: first, by concealing, and failing to acknowledge, medical research concerning the risks of head trauma; second, by downplaying the injuries suffered by its wrestlers before, during, and after matches; and third, by denying that WWE wrestlers have suffered, and are at grave risk of suffering, concussions and long term brain damage.

³³ See https://www.youtube.com/watch?v=Cvd_8uUSCs.

³⁴ William N. Taylor, M.D., *Anabolic Steroids and the Athlete*, 2d ed. 68-69 (2002).

107. By concealing known risks and downplaying the injuries suffered during matches, WWE denied its wrestlers opportunities to recover from head injuries, to seek appropriate medical treatment, and to monitor themselves for long term brain damage. Moreover, by concealing the nature, extent, and consequences of their wrestlers' injuries, WWE denied them information vital to balancing the risks and rewards of continuing to work for WWE.

A. WWE Has Concealed and Failed to Disclosure Relevant Medical Literature.

108. For decades, WWE has known, or should have known, that wrestlers have been subjected to extremely dangerous conditions and blows at its direction. And it therefore should have, but never did, warn its wrestlers of the risks associated with wrestling in the WWE.

109. The risks associated with sports in which athletes suffer concussive and sub-concussive blows have been known for decades. Below is a selection of mounting medical literature concerning head trauma:

- During the 1950s, 60s, 70, 80s and 90s, studies were authored by the Journal of the American Medical Association (“JAMA”) and the New England Journal of Medicine, concerning head trauma and concussions. In particular, many of the studies focused on sports-related head trauma and concussions and the long term implications of such injuries (which include loss of brain function and dementia).
- In 1973, Drs. Corsellis, Bruton, & Freeman-Browne reported as to the physical neurological impact of boxing. The study outlined the neuropathological characteristics of dementia, loss of brain cells and cerebral atrophy.
- In 1986, Dr. Robert Cantu of the American College of Sports Medicine published Concussion Grading Guidelines (updated in 2001).

- In 2001 and 2004, conventions of neurological experts met in Prague and Vienna with the aim of providing recommendations for the improvement of safety and health of athletes who suffer concussive injuries in ice hockey, rugby, football, and other sports based on the most up-to-date research. These experts recommended that a player never be returned to play while symptomatic, and coined the phrase, “when in doubt, sit them out.” These two conventions were attended by predominately American doctors who were experts and leaders in the neurological field.
- A 2006 publication stated that “[a]ll standard U.S. guidelines, such as those first set by the American Academy of Neurology and the Colorado Medical Society, agree that athletes who lose consciousness should never return to play in the same game.”
- In 2007, scientists concluded that a former WWE wrestler had suffered from CTE. Scientists concluded in 2009 that a second former WWE wrestler had suffered from the same affliction.

110. WWE knew, or should have known, about this and other research demonstrating the dangers of receiving concussive and sub-concussive blows to the head. Moreover, WWE knew or should have known that the research associated with boxing, hockey, and football also reflected dangers associated with WWE wrestling. Indeed, for the reasons set forth above, wrestlers have a greater risk of receiving frequent concussive and sub-concussive blows to the head than athletes in those sports.

111. On information and belief, WWE and its predecessors in interest were also advised by various physicians and medical experts of the risks associated with repeated blows to the head, including the risks associated with concussions and sub-concussive blows. WWE

ignored these warnings, just as it ignored the warnings embedded in the relevant medical literature.

B. WWE Downplayed Injuries Before, During, and After Matches.

112. Apart and aside from ignoring and failing to disclose the risks of concussive and sub-concussive blows, WWE perpetrated a widespread policy of ignoring, concealing, and downplaying the dangerous injuries of its wrestlers.

113. Though WWE has staff on-site for matches purportedly for the protection of its wrestlers, WWE and its doctors have prioritized the continuation of matches over the safety of WWE wrestlers.

114. WWE personnel and medical staff have negligently or purposefully failed to intervene in wrestling matches wherein a wrestler had suffered a concussion. WWE downplayed clear symptoms of concussions, glorifying their wrestlers for fighting through their “wooziness.”

115. Moreover, personnel and WWE medical staff have negligently or purposefully failed to diagnose wrestlers with concussions after wrestling matches, and negligently or purposefully failed to report concussions to the wrestlers.

116. WWE personnel and medical staff have negligently or purposefully failed to adequately screen wrestlers for prior head trauma before allowing them to wrestle. Individuals who suffered concussions but who continue to engage in dangerous conduct are at substantially greater risk of long term or permanent brain damage.

117. For example, in 2011, wrestler Randy Orton was cleared to wrestle in a highly anticipated pay-per-view match only five days after suffering from a concussion.

118. WWE personnel and WWE medical staff have also failed to test for blood-borne diseases before allowing them to wrestle. WWE did so even where it required wrestlers to wound themselves in order to increase the bloodiness of the match.

C. WWE Has Denied Its Wrestlers Have Developed Concussions and Suffered from Brain Damage.

119. WWE has systemically denied that its wrestlers routinely suffer from concussions, or that its wrestlers suffer from long term brain damage.

120. For example, in 2007, WWE Executive Stephanie McMahon Levesque testified to the Committee on Oversight and Government Reform of the U.S. House of Representatives that there were no documented concussions in WWE's history.³⁵

121. Levesque made this assertion shortly after a female wrestler, Candice Michelle, had been knocked unconscious and then dragged to the center of the ring by her neck.

122. A cursory look at clips of any wrestling match will reveal, with substantial certainty, that the wrestlers have undergone significant head trauma on a daily basis.

123. At the time of Levesque's testimony, WWE wrestlers cumulatively experienced hundreds—if not thousands—of concussions. To categorically deny that these concussions were documented amounts to an admission that WWE refused to acknowledge the extreme risks it was subjecting its wrestlers to.

124. WWE also attempted to cover up the connection between the death of Chris Benoit and the brain damage he suffered in the ring. WWE actively worked to erase Benoit from WWE's history, editing his matches out of DVDs and redacting his name and numerous

³⁵ See Committee on Oversight and Government Reform, U.S. House of Representatives, Washington, D.C., Interview of: Stephanie McMahon Levesque 117 available at <http://oversight-archive.waxman.house.gov/documents/20081231140942.pdf>.

“championships” from the record books. Upon information and belief, this was done in an attempt to quash questions about whether his wrestling injuries were the cause of Benoit’s murder/suicide.

125. Moreover, in a joint interview for the 2007 CNN documentary *Death Grip: Inside Pro Wrestling*, WWE CEO Vince McMahon and former WWE CEO Linda McMahon attacked Drs. Omalu and Bailes’s finding that Benoit had suffered from CTE. This was part of a larger plan to deny that Benoit had suffered from CTE and to discredit the research suggesting he had.

126. WWE premised its attacks on the diagnosis of Benoit in large part on the fact that WWE had purportedly been denied access to the relevant research and test results. In fact, WWE never requested Benoit’s records from the researchers.

127. Ignoring the mounting research, WWE has continued to allow, and even encourage, repeated blows to the head both unarmed and with various weapons.

III. Facts Concerning Named Plaintiff Haynes.

128. Haynes is a retired WWE wrestler. He wrestled for WWE from 1986 to 1988. Haynes is a champion wrestler, earning various awards including Pro Wrestling Illustrated’s “Most Improved Wrestler of the Year” and the Pacific Northwest Wrestling Heavyweight Championship.

129. Haynes wrestled in numerous matches across the country, without an off-season or down time, during his WWE career. On average, he fought 26 to 27 days a month; at one point, he fought 97 days in a row. During his time working for WWE, Haynes was perpetually exhausted. As a result, he was more susceptible to injury, and to injuring others.

130. While wrestling, Haynes sustained numerous injuries, including innumerable blows to the head. Haynes was pressured by WWE to wrestle through his injuries, including his head injuries.

131. Over the course of his career, he sustained at least 15 concussions. He also sustained numerous sub-concussive blows to the head. WWE doctors on site, when there were any, downplayed the seriousness of his head injuries, and discouraged him from seeking additional medical help. Haynes was never once encouraged by a WWE physician to seek additional medical help from a neurologist.

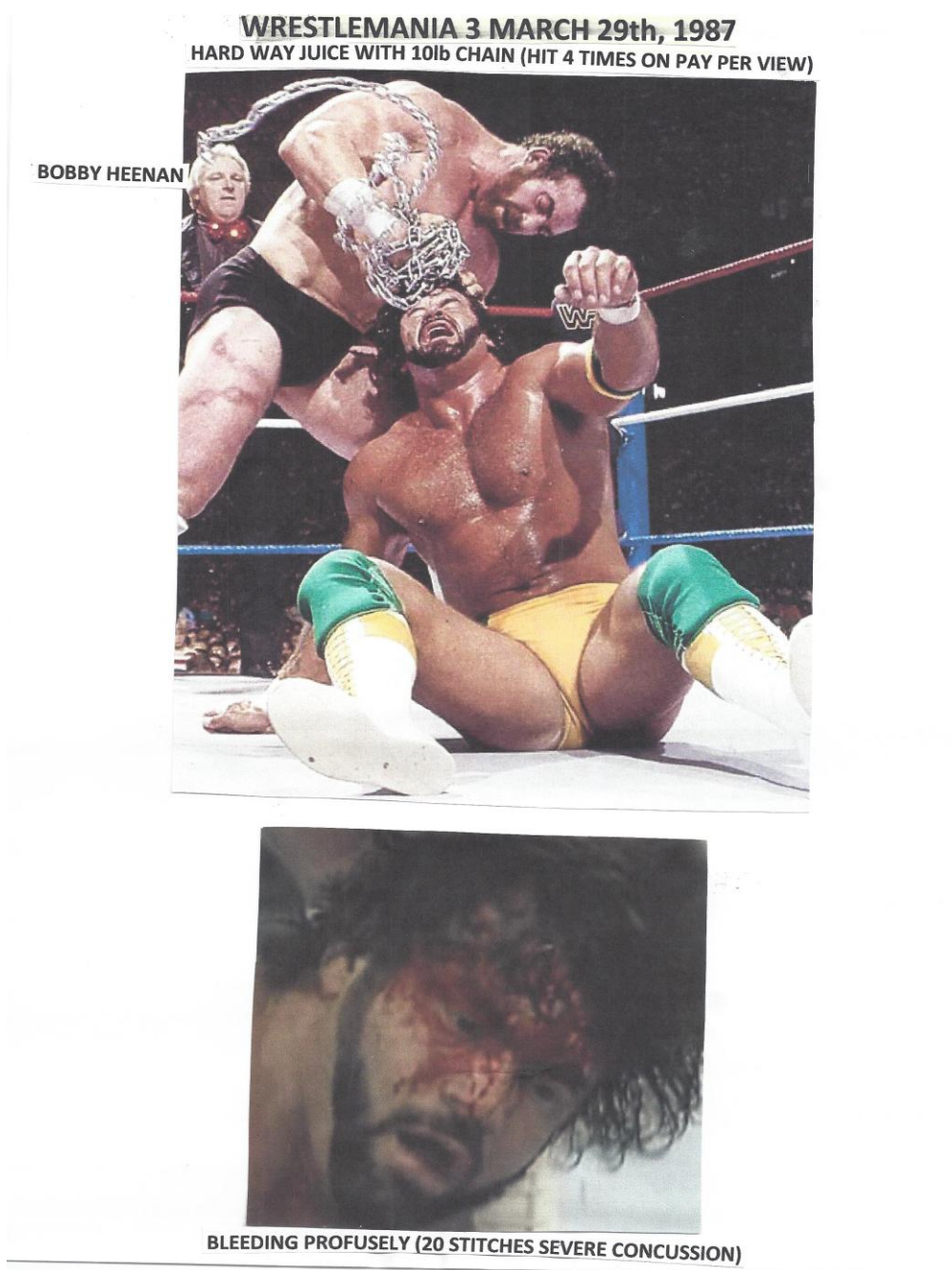
132. As a wrestler for WWE, Haynes was repeatedly forced to put his body—and his head—in harm's way. For example, at WWE's instruction, he participated in a number of "chain matches," during which he was chained to another wrestler. Wrestlers were then instructed, or encouraged, to use the chains as weapons. Over his WWE career, Haynes' head was repeatedly hit by metal chains, as well as metal chairs and other weapons. He also repeatedly hit his head on concrete.

133. Haynes was also forced, and encouraged, to take steroids and other illicit drugs. He did so at the behest of WWE. WWE intimated that he would be fired if he refused. He received steroids, along with various other illicit drugs, directly from WWE-affiliated physicians on a monthly basis. These drugs masked the pain stemming from his WWE matches, and caused him to wrestle through dangerous injuries, including injuries to his head.

134. No one at WWE ever warned Haynes about the risk of sustaining numerous sub-concussive and concussive blows. Had he been so warned, Haynes would not have wrestled for WWE.

135. As a result of the head trauma he sustained while wrestling in WWE, Haynes suffers from depression and exhibits symptoms of dementia.

136. While wrestling for WWE, Haynes, and other wrestlers, also contracted Hepatitis C. This occurred when Haynes, and the other wrestlers, at the behest of WWE, would become covered in each other's blood during matches.



CLASS ACTION ALLEGATIONS

137. Plaintiff seeks to bring this case as a class action, under Federal Rule of Civil Procedure 23, on behalf of himself and all others similarly situated. The proposed Class is defined as:

All persons who currently or formerly wrestled for World Wide Entertainment or a predecessor company, and who reside in the United States.

Excluded from the Class are Defendant, any entity in which Defendant have a controlling interest or which has a controlling interest of Defendant, and Defendant's legal representatives, assigns and successors. Also excluded are the judge to whom this case is assigned and any member of the judge's immediate family.

138. Numerosity. The number of persons who are members of the Class described above are so numerous – at minimum, 500 – that joinder of all members in one action is impracticable.

139. Commonality and predominance. Questions of law and fact that are common to the entire Class predominate over individual questions because the actions of Defendant complained of herein were generally applicable to the entire Class. These legal and factual questions include, but are not limited to:

- a. Whether Defendant breached its duty to warn the Class about brain trauma and/ or concussions;
- b. Whether Defendant's breaches caused injuries to the Class;
- c. Whether Defendant concealed and misrepresented vital health related information from the Class, medical professionals and its fans;
- d. Whether Defendant knew that the Class sustained brain trauma or concussions;

- e. Whether Defendant's rule-making decisions and investigations promoted player safety;
- f. Whether Defendant promoted violent behaviors which led to the injuries alleged herein;
- g. Whether the Class is entitled to restitution and other equitable relief requested herein; and
- i. Whether the Class suffered damages and are entitled to damages.

140. Typicality. Plaintiff's claims are typical of the Class's claims. Plaintiff and the Class sustained similar injuries as a direct result of playing in the WWE and suffered serious head injuries.

141. Adequacy. Plaintiff will fairly and adequately represent and protect the Class's interests. Plaintiff has no interests antagonistic to the Class. Plaintiffs have retained counsel with experience prosecuting consumer class-action and complex litigation claims.

142. Superiority. A class action is superior to all other available methods for fair and efficient adjudication of this controversy. Plaintiff knows of no difficulty to be encountered in the management of this action that would preclude its maintenance as a class action.

143. This action is appropriate. The prosecution of separate actions by individual members of the Class would create a risk of inconsistent and varying adjudications concerning the subject of this action, which adjudications could establish incompatible standards of conduct for Defendant under the laws alleged herein.

**ESTOPPEL FROM PLEADING AND TOLLING OF
APPLICABLE STATUTES OF LIMITATION**

144. Because the injuries to the Class are latent and not detectable until manifestation, Plaintiffs and the Class members were not reasonably able to discover their injuries until after being diagnosed, despite their exercise of due diligence.

145. Defendant knew that the Plaintiffs and Class were suffering concussions during and prior to their careers and concealed that materials information from Plaintiffs and all WWE wrestlers.

146. As such, any applicable statutes of limitation have been tolled by WWE's concealment of material facts and Defendant is estopped from relying on any such statutes of limitation.

CAUSES OF ACTION

**First Cause of Action
(Fraudulent Concealment and Failure to Disclose or Warn)**

147. Plaintiff re-alleges and incorporates by reference each of the paragraphs above.

148. During the Class period, Defendant knowingly, fraudulently, and actively misrepresented, omitted, and concealed from wrestlers material facts concerning repetitive head impacts and related injuries.

149. Defendant had a duty to disclose and warn Plaintiffs and the Class about the actual knowledge it maintained about such injuries and the true nature of the risks posed to wrestlers.

150. The misrepresentations, omissions, and concealments complained of herein were material and were made on a uniform basis. As a direct and proximate result of these

misrepresentations, omissions and concealments, Plaintiffs and the Class have been damaged, as alleged herein.

151. Plaintiffs and the Class reasonably and actually relied upon Defendant's representations, omissions and concealments. Such reliance may also be imputed, based upon the materiality of Defendant's wrongful conduct.

152. Based on such reliance, Plaintiff and the Class suffered and will continue to suffer damages and economic loss in an amount to be proven at trial.

153. Had Plaintiffs and the Class been aware of the true nature of Defendant's business practices, they would not have participated in WWE's business in the manner they did.

154. Defendant's acts and misconduct, as alleged herein, constitute oppression, fraud and/or malice entitling Plaintiffs and the Class to an award of punitive damages to the extent allowed in an amount appropriate to punish or to set an example of Defendant so as to deter future similar conduct on the part of Defendant and others.

155. Plaintiff and the Class are entitled to damages and injunctive relief as claimed below.

**Second Cause of Action
(Negligent Misrepresentation)**

156. Plaintiff re-alleges and incorporates by reference each of the paragraphs above.

157. During the Class period, WWE negligently and/or recklessly misrepresented, omitted, and concealed from wrestlers material facts concerning repetitive head impacts and related injuries.

158. Defendant had a duty to disclose to Plaintiffs and the Class any actual knowledge is possessed conceding such injuries and any associated risks it was aware of.

159. The misrepresentations, omissions, and concealments complained of herein were negligently or recklessly made to wrestlers, teams, and the general public on a uniform basis. As a direct and proximate result of these misrepresentations, omissions, and concealments, Plaintiff and the Class members have been damaged, as alleged herein.

160. Plaintiff and the Class reasonably and actually relied upon Defendant's representations, omissions, and concealments. Such reliance may also be imputed based upon the materiality of Defendant's wrongful conduct.

161. Based on such reliance, Plaintiff and Class members participated in WWE as wrestlers and, as a result, suffered and will continue to suffer damages and economic loss in an amount to be proven at trial.

162. Had Plaintiff and the Class been aware of the true nature of Defendant's business policies and practices, they would not have participated in WWE wrestlers in the manner they did.

163. Defendant's acts and misconduct, as alleged herein, constitute oppression, fraud, and/or malice entitling Plaintiff and the Class to an award of punitive damages to the extent allowed in an amount appropriate to punish or to set an example of Defendant so as to deter future similar conduct on the part of Defendant and others.

164. Plaintiff and the Class are entitled to damages and injunctive relief as claimed below.

**Third Cause of Action
(Declaratory and Injunctive Relief)**

165. Plaintiff re-alleges and incorporates by reference each of the paragraphs above.

166. Plaintiff and the Class are entitled to declaratory relief establishing that Defendant negligently injured them with conduct that was intentional or negligent.

167. Plaintiff, pursuant to 28 U.S.C. § 2201 seek a declaration that WWE (a) knew of should have known that concussions suffered by its wrestlers pose serious risks to their wrestlers health as alleged herein, (b) had a duty to warn it wrestlers of the risk of participating in WWE matches, (c) willfully and intentionally concealed material information concerning the risks, and (d) engaged in actions that endangered its wrestlers.

**Fourth Cause of Action
(Negligence)**

168. Plaintiff re-alleges and incorporates by reference each of the paragraphs above.

169. Defendant owed a duty to Plaintiff and the Class to exercise reasonable care in the safety and quality control of its wrestling matches.

170. Defendant breached its duty to Plaintiff and the Class by ignoring and not properly addressing knowledge that it possessed concerning repetitive head trauma injuries in its game and associated risks and by failing to take necessary steps to warn or otherwise inform its wrestlers and the general public.

171. Defendant was aware, or reasonably should have been aware, that concussion injuries were prevalent in its game and posed great risk to its wrestlers.

172. When they participated as wrestlers in WWE, Plaintiff and the Class were not aware WWE had concealed and ignored certain vital medical information.

173. As a direct and proximate cause of the foregoing, Plaintiff and the Class have suffered and will continue to suffer damages and economic loss described fully above, in an amount to be proven at trial.

**Fifth Cause of Action
(Medical Monitoring)**

174. Plaintiff re-alleges and incorporates by reference each of the paragraphs above.

175. As a direct result of Defendant's actions and omissions, WWE wrestlers were exposed to head trauma injuries and associated risks.

176. By monitoring and testing the affected brains and bodies of the Plaintiff and Class, it can be determined whether they have suffered the injuries alleged herein.

177. Accordingly, Defendant should be required to establish a medical monitoring program that, among other things:

- a. Establishes a trust fund, in an amount to be determined, to pay for the medical monitoring of all wrestlers subjected to checks and hits, as frequently as determined to be medically necessary, as well as to pay to develop and research other methods by which the risk of those affected can be reduced;
- b. Notifies all Class Members in writing that they require frequent medical monitoring; and
- c. Provides information to treating physicians to aid them in detecting such injuries.

178. Plaintiff and the Class have no adequate remedy at law in that monetary damages alone cannot compensate them for the risk of concussions and repeated sub-concussive blows. Without a Court-approved medical monitoring program as described herein, Plaintiff and the Plaintiff Class Members will continue to face unreasonable risks alleged herein.

179. Plaintiff and the Class are entitled to damages in an amount to be determined at trial.

**Sixth Cause of Action
(Strict Liability for Abnormally Dangerous Activities)**

180. Plaintiff re-alleges and incorporates by reference each of the paragraphs above.

181. The entertainment product produced, managed, directed and sold by WWE inherently involves a high degree of risk or harm to all its wrestlers.

182. The WWE failed to provide adequate warnings to its wrestlers about the dangers it knew existed.

183. As discussed in the allegations above, the harm sustained as a direct result of WWE's conduct is grave, including permanent brain damage, depression, and fatalities.

184. Even with reasonable care, for the reasons set forth above, wrestling in WWE matches create a substantial risk that cannot be eliminated by the exercise of reasonable care.

185. The activities and conduct engaged in and encouraged by WWE, far from being common usage, are in fact outrageous, abnormal and shocking to the conscience.

186. It is inappropriate, in any setting, for WWE to subject poorly trained wrestlers to the dangerous environment fostered by its matches.

187. The community captures no benefit, artistic or otherwise, based on the unmitigated brutality and violence disseminated by WWE.

188. As a direct and proximate cause of the foregoing, Plaintiff and the Class have suffered and will continue to suffer damages and economic loss described fully above, in an amount to be proven at trial, and WWE should be held strictly liable for orchestrating the circumstances that gave rise to these injuries.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For an order certifying that the action may be maintained as a class action, certifying Plaintiff as representative of the Class, and designating his attorneys as Class counsel;
2. Enjoining Defendant from the conduct alleged herein and order medical monitoring;
3. Declaratory relief as requested pursuant to 28 U.S.C. § 2201;
4. For actual damages in an amount to be determined at trial;
5. For an award of attorneys' fees;
6. For compensatory and punitive damages;
7. For the costs of this suit;
8. For pre-and post-judgment interest on any amounts awarded; and
9. For such further relief as may be just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable.

DATE: October 23, 2014

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