

THE VOICE

SPECIAL EDITION

An Independent Publication Concerning NFL Retiree Rights & Benefits

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EDITOR'S NOTE

The Voice is intended to communicate to all retired NFL players, updates concerning key issues effecting NFL retiree rights and benefits. It will provide an objective independent report of matters of significant interest to those already retired.

THE NEGLECTED – BROKEN AND FORGOTTEN

By: Ken Safarowic and Jim Mitchell

Four years ago at this time the New York Giants and New England Patriots were in Phoenix, Arizona getting ready for Super Bowl XLII. At the same time a group of football legends led by the likes of Carl Eller, Mike Ditka, and Jerry Kramer were commandeering whatever media time they could to begin drawing national attention to what Eller referred to as the NFL's "dark secret".

This week the same two teams are in Indianapolis preparing for Super Bowl XLVI and while Eller's secret is now out and openly discussed, it still casts much the same shadow as it did in 2008.

Eller and friends seized what is perhaps America's largest public forum to draw attention to the plight of their broken and damaged brethren who had literally banged heads on the field, but now in times of need were denied necessary access to the colossal NFL Automatic Teller Machine.

For too long retired players in need have been denied disability benefits for their football related injuries. Unable to work and receiving minimal retirement funds, the legends who built the NFL into the Goliath it is today, sit on the sidelines forgotten and barely able to survive.

- A. It is difficult to find a former NFL player who doesn't walk with a limp, isn't hunched over due to back pain, or doesn't have trouble getting in and out of a car.
- B. More and more former players are finding that not only are their bodies breaking down, but their minds are also showing signs of wear and tear. Years of playing through concussions, or what Hall of Famer Lem Barney refers to them as,

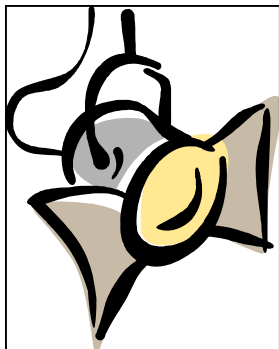
"stingers, dingers, and bell ringers" have left the NFL retiree landscape littered with relatively young men suffering from cognitive brain problems such as dementia, Alzheimer's, ALS, depression, suicidal thoughts, memory loss, headaches, sleeping disorders, and a myriad of other dysfunctions.

- C. In testimony before the U.S. Congress in 2009, Representative John Conyers pointed to a 2003 study conducted by the University of North Carolina that found that athletes who suffered multiple concussions were 3-times more likely to suffer clinical depression than the general population. A follow-up study in 2005 showed NFL players suffering concussions had 5-times the rate of cognitive impairment and were 37% more likely to suffer from Alzheimer's disease than the population as a whole. Despite the medical studies available, the NFL in 2007 published a pamphlet to its players which included information the League knew or should have known to be false and misleading. Language in the pamphlet indicated, "Current research with professional athletes has not shown that having more than one or two concussions leads to permanent problems..."

Unfortunately, like former NFL lineman Curt Marsh once said, "When I was empty, when I had no more to give, they just crumpled me up and threw me on the garbage heap."

Ken Safarowic is the son of former NFL player Chuck Bednarik

Jim Mitchell is a Paralegal with Hausfeld LLP



If you are a former NFL player and are suffering the symptoms of concussions such as headaches, dizziness, loss of memory, impulse control problems, ringing in the ears and/or hearing loss, fatigue, depression, sleep problems, suicidal thoughts, dementia, Alzheimer's, ALS, CTE, and other like conditions, please contact Hausfeld LLP at jmitchell@hausfeldllp.com

RETIRED PLAYER SPOTLIGHT

Johnny Unitas (HOF Class of 1979) QB—Baltimore Colts (1956-72), San Diego Chargers (1973)

By: Sandy Unitas

In 1958, John Unitas led the Baltimore Colts to the National Football League Championship in a sudden death overtime game, that led to the marriage of the NFL and television. Though that marriage has proven incredibly lucrative for the league, my husband – like hundreds of other retired players – paid a dear price for the league's success.

Sports Illustrated once described John as having "the most dangerous right arm in football." But in 1993 – some 25 years after he'd suffered a serious injury to his right elbow in a preseason game against the Dallas Cowboys, and nearly 20 years after he'd retired from the NFL – John lost the use of his right hand. The right-handed quarterback, who'd once been able to throw the football 50 and 60 yards downfield, could no longer close his hand to brush his teeth, button his shirt or tie his shoelaces.

MRIs and other diagnostic measures that are routine today – and that might have diagnosed his injury and assessed, perhaps even diminished the damage – did not exist when John was injured in 1968. Pro football lore is rife with stories of players playing hurt, and John had his share of those days, playing with a broken nose, broken ribs, punctured lung, to name just a few injuries. His knee injuries ultimately caused the replacement of both knees – one directly related to the

football injury, the other due to favoring the injured knee. Yet as those who played on or against his team will attest, he was not a whiner or complainer. In fact, most saw him as stoic.

When he realized that his right hand was beginning to fail, he pursued treatment with the same determination and resolve he'd displayed for 18 years in the NFL. In 1997, he underwent five hours of surgery in an unsuccessful attempt to restore the use of his hand. In December 2001, John opted for a revolutionary treatment that was intended to rejuvenate the nerves in his right arm that affected his hand. The treatment required a three-day hospital stay, during which a new medication was administered intravenously every day. On John's second day, he had an allergic reaction that triggered a mini-stroke and caused him to temporarily lose his peripheral vision. Still, his determination and his resolve never wavered.

My husband was as resourceful off the football field as he was on it. When he could no longer hold a golf club, he had Velcro strips sewn onto his golf glove and in every round of golf he played – on every hole – John routinely used his fully-functioning left hand to strap the appropriate club to the glove on his right hand. Then – and only then – could he swing the club. When he could no longer hold a pen, he wrapped rubber bands around the pen to form a grip that allowed him to write and to sign the numerous auto-

graphs still requested of him. Incredibly, despite the clear correlation between the 1968 injury and the 1993 failure of his hand, John was denied disability benefits. Why? Because he didn't apply before he reached age 55 in 1988, five years before his right hand became useless; because he was already collecting an NFL pension; and because he was deemed not "totally and permanently disabled." Having witnessed the effort he made to perform such routine tasks as buttoning his shirt or tying his shoelaces, it's difficult for me to comprehend how his disability claim could ever have been denied.

Perhaps even more perplexing is the failure of the league and the union to require members of the disability board – the NFL and NFLPA representatives who determine whether a former player qualifies for disability payments – to have a medical degree or even a background in any field of medicine. Those non-medical backgrounds have caused members of the disability board to be skeptical of any link between certain football injuries and such ailments as Parkinson's, Alzheimer's, dementia, and Amyotrophic Lateral Sclerosis (ALS or Lou Gehrig's Disease). Yet many of John's teammates suffered from those ailments at a rate much higher than that of the general public: George Preas, Parkinson's; Don Shinnick, dementia; Bill Pellington, Alzheimer's; John Mackey, dementia; among numerous others.

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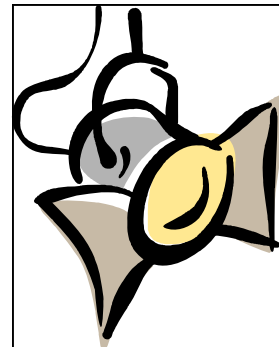
RETIRED PLAYER SPOTLIGHT HOFER JOHNNY UNITAS

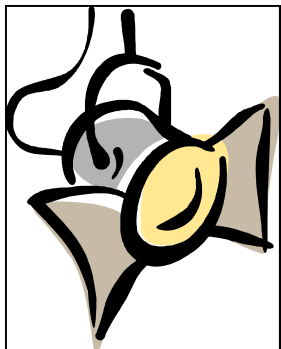
(Johnny Unitas—Continued from Page 2)

Today we know that there is indeed a link between these football injuries – like head trauma – and such diseases. And we are now also aware of chronic traumatic encephalopathy (CTE), a progressive degenerative disease suffered by athletes who repeatedly suffered brain trauma. According to Boston University's Center for the Study of Traumatic Encephalopathy, CTE causes changes in the brain that "can begin months, years, or even decades" later and that is linked to such issues as memory loss and confusion, impaired judgment and impulse control problems, aggression and depression, and eventually, dementia.

To his credit, NFL Commissioner Roger Goodell has taken steps to ensure the safety of active players and to improve the level of care for those suffering the ramifications of football injuries. The 88 Plan, for example, which came about as the result of the advocacy efforts of John Mackey's Baltimore Colt teammates and a personal appeal from his wife Sylvia to then-Commissioner Paul Tagliabue, has been expanded from covering players afflicted with Alzheimer's and dementia to include those suffering from Parkinson's and ALS.

Yet more must be done. First and foremost, steps must be taken to improve the disability program to ensure that those who suffer debilitating injuries may access the resources they need. In 2007, just 317 retired players – three percent – were receiving disability payments. Given the physical toll football has historically taken on players' bodies, it seems to be an impossibly low number. Clearly, the league must review and relax the requirements to qualify for disability benefits. Moreover, the disability board must include representatives who are both trained and qualified in the appropriate medical fields. Quite frankly, it's the least they can do for those who built the league and the game – for those who, like my husband, loved both.





For more information about any of the matters contained in **The Voice**, or if you have any questions, please contact Hausfeld LLP at (202) 540-7200

RETIRED PLAYER SPOTLIGHT

Elvin Bethea (HOF Class of 2003) DE—Houston Oilers (1968-83)

By: Elvin Bethea and Ken Safarowic

Elvin Bethea gave the Houston Oilers 16 Hall-of-Fame seasons and since retiring in 1983 has undergone nearly as many major operations. The National Football League may have been the vehicle that led to his fame, but it was Anheuser-Busch that helped cover the costs for the medical tolls those years extracted.

Bethea retired at age 37 still feeling “tough as nails”, however, in 1984, one year after retirement, Bethea underwent the first of thirteen post-playing career surgeries. By his 40th birthday, Bethea said, “it seemed that everything was breaking down.”

Twenty-five years after Bethea retired from the NFL, the total costs of his medical treatments had soared well in excess of \$1,000,000.00. Today at age 65, Bethea is still treated regularly for a variety of football related health issues, including constant ringing in his ears.

Bethea reaches for his detailed medical records as he recalls some of the procedures he has endured since retirement, “There was the neck and cervical operation in ’84; my right ring finger in ’87; knee replacement in 2000; back surgery in 2006; my left knee replacement in 2008...” He could continue, but the point has been indelibly made.

There is little, if any doubt in his mind that it was the 210 professional football games he played, along with the exponential number of practices, that caused him to become intimately acquainted with so many surgeons over the years. Like every other player, he walked off the field and into retirement with no medical coverage from the NFL, but Bethea considers himself luckier than most because of the marketing job that he took with Anheuser-Busch about a month after he retired.

“If not for Anheuser-Busch there’s no telling where I would be today, probably the poor house”, said Bethea. “Thirteen operations; the back was \$104,000. One knee cost \$93,000 and the league did nothing for me after I was out of football.”

Bethea recites these figures with a clear-eyed, measured tone. He speaks with the assuredness of one who can pass on the emotion because he has the facts to back him up.

Bethea considers himself fortunate to have possession of his complete medical file from his playing days, “Fortunately when I was with Houston, our trainers kept good records and I was able to get copies.” As Bethea reads through the records, he is amazed how he was able to make it through practice everyday, “they gave us a shot or pill for everything and sent us back out on the field.”

With all the talk these days of concussions, Bethea recalls being knocked unconscious several times during his career, yet the medical records never once diagnosed him with a concussion. “They always told us it was just a normal ding. The doctor or trainer would hold up three fingers and ask, ‘how many?’ I’d say ‘six’ and he’d tell me, ‘you’re okay, go on in.’” Bethea recalled times when he was hit so hard he saw stars. The medical staff would administer “smelling salts” and he would be sent back into the game.

Bethea recalls a game in Cincinnati when he was laid-out on the field for half an hour with pain in his spine. He received no special treatment from the team because of his status as a star player and was back on the field the following week. According to Bethea, “they’d [team doctors] give you a shot of cortisone telling you that it healed everything” and send you back to play.

“Ever see a step mule? That’s how we’re treated as former players. They take care of your injuries while you’re playing, but there’s no insurance, nothing, when you’re retired. No one thinks about that stuff while they’re playing,” said Bethea. “You come into the league hotheaded and all full of piss and vinegar thinking this is the profession everyone wants to be in, then you get here and realize it’s only a business.”

Bethea recalls going through four player strikes while fighting for the cause for players rights, “Everything the players have today, including increased pay and freedom of movement was because WE fought for it.” It pains Bethea to see how the Union treats retired players, “These are the [guys] who laid their bodies on the line for the love of the game”, and are now retired and are shells of their former selves. “Somebody pointed out Hall of Famer Willie Wood to me—I looked and said, ‘that can’t be’, he was barely recognizable.”

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RETIRED PLAYER SPOTLIGHT HOFER ELVIN BETHEA

(Elvin Bethea—Continued from Page 4)

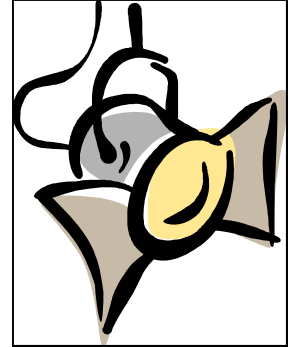
Bethea continued, “I know how much John Henry Johnson and Joe Perry suffered in their final years too.” Their bodies broken and failing, and their financial wellbeing nonexistent, Hall of Famers such as Bob Lilly are somehow expected to survive on less than \$200 per month retirement (and no health insurance).

Even with approval of and agreement between the League and Union on the Legacy Fund, there will be very little money actually put into the retirees’ hands. Bethea indicated, “I played 16 years [in the NFL] and my pension will increase to about \$1,800 a month.” Recently Bethea spoke with a few former Major League Baseball players who’s careers were significantly shorter than Bethea’s and are receiving between \$10,000–\$12,000 per month from their pensions.

When he retired from the NFL, Bethea went to work for Anheuser-Busch, and was able to secure health insurance for himself and his family that was not available to him from the NFL. Bethea currently pays \$880 per month for health insurance for he and his wife. The short-term problem Bethea and his wife now face, is that after 2015, his Anheuser-Busch health coverage terminates. Because of a pre-existing condition, Bethea’s wife will never be able to secure health insurance on her own. To make matters worse, if Elvin were to pass away first, his widow would only receive \$734 per month from his pension and she would be absolutely uninsurable.

Bethea is as disappointed in today’s players and the NFLPA as most other retirees, “We fought for everything they have today, and now as retired players we have no say. It burns me up that we have no representation.” He continued discussing the retiree’s lack of representation saying, “As old guys, we have nothing, no strength, no power, no representation. It pains me that our Union is not behind us, and doesn’t care about any of this stuff, but that is the world we live in.” According to Bethea, “They [NFLPA] are as worthless as tits on a bull—and you can quote me on that...”

Ken Safarowic is the son of former NFL player Chuck Bednarik



RETIRED PLAYER SPOTLIGHT

Conrad Dobler,
G—St. Louis Cardinals (1972-77),
New Orleans Saints (1978-79), and
Buffalo Bills (1980-81)

By: Conrad Dobler and Jim Mitchell

In 1972 Conrad Dobler was selected by the St. Louis Cardinals in the 5th round of the NFL Draft. Dobler played six seasons with the Cardinals (1972-77), before being traded to the New Orleans Saints where he played two seasons (1978-79). After the 1979 season, Dobler was traded to the Buffalo Bills where he played two years (1980-81) before retiring. During Dobler's nine year NFL career, he was a three-time Pro Bowl selection (1975-76 & 77) and was a four-time All-Pro selection.

The Battle

While playing in St. Louis, Dobler underwent multiple knee surgeries and he recalls vividly the Cardinals' team doctors being concerned about his knees. Dobler recalls being told at that time that he was likely to have additional problems with his knees in the future. Cardinals' management was also aware of the condition of Dobler's knees and while Dobler was participating in his third Pro Bowl, traded him to the New Orleans Saints.

During the third game of Dobler's first season with the Saints (1978), he suffered a knee injury, after which a St. Louis newspaper quoted Cardinals' management as saying the reason they traded Dobler was because of the poor condition of his knees. Team doctors told Dobler at

the time that the repair on his knee would take at least two years to heal properly. The reality was, he had only one year to heal.

The following year the Saints experienced their first ever winning season in team history (1979). Dobler was a member of that team, but did not play all that effectively because of the knee injury he suffered the previous year.

At the end of the 1979 season, Dobler was traded to the Buffalo Bills to place pressure on future Hall of Famer Joe DeLamielleure to come to training camp. After the trade Dobler recalled the physical he was given by the Bills medical staff. According to Dobler, "I was told by the team doctor that there was no real need to examine me because the team needed me so therefore I passed." Dobler played two years with the Bills before retiring in 1981.

The War

A few years after Dobler's NFL career ended, he unknowingly entered the toughest contest of his life. His next opponent would test not only his physical strength and durability, but would also require more mental and emotional toughness than most normal people could possibly muster. So began Dobler's quest for disability from the NFL.

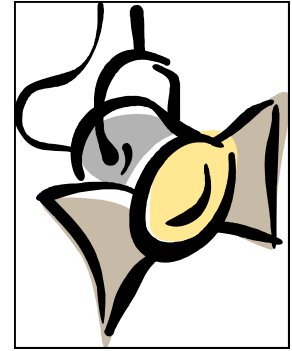
Dobler first filed for disability in 1989 and was sent by the League to a League approved physician in Kansas City for a physical examina-

tion. Dobler was examined and the doctor diagnosed him as being 89% disabled due to football related activity. The report and diagnosis was sent to the NFL Disability Board and the Board after six months ordered a second physical by another NFL approved physician. The second physician also found Dobler to be disabled. The Board received the second doctor's diagnosis and decided it would table its decision until their next meeting.

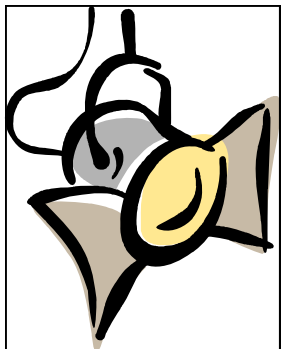
During this time, Dobler's knee was in such bad shape and the pain so unbearable, that he decided to undergo knee replacement surgery, at his own expense. After recovering from knee replacement surgery, Dobler was sent by the disability board to a League physician in New York who informed him that since he had a knee replacement at such a young age, he would likely need additional surgeries in the future, including a knee replacement in the other knee.

By the time the third medical diagnosis, by a third NFL approved physician, reached the Disability Board, ten years had passed since Dobler's last game and he was informed by the Board that his window to file for disability had expired. Dobler protested this decision and made numerous attempts to have his case re-opened, to no avail. Despite the fact that Dobler's fight for disability began 8 years after his retirement, the NFLPA and Disability Board continually ran Dobler from doctor to doctor until the ten year window had passed and made him ineligible for disability. At the same time, the NFLPA advised Dobler that he should elect to take his pension early because it would pay more than any disability payments he would receive.

(Continued on page 7)



If you are a former NFL player and are suffering the symptoms of concussions such as headaches, dizziness, loss of memory, impulse control problems, ringing in the ears and/or hearing loss, fatigue, depression, sleep problems, suicidal thoughts, dementia, Alzheimer's, ALS, CTE, and other like conditions, please contact Hausfeld LLP at jmitchell@hausfeldllp.com



RETIRED PLAYER SPOTLIGHT CONRAD DOBLER

(Conrad Dobler—Continued from page 6)

Since Dobler's first knee replacement surgery in 1990, he has had five total knee replacements on his right knee, and four total knee replacements on his left knee. During one of his knee replacement surgeries, Dobler contracted Methicillin-Resistant Staphylococcus Aureus (MRSA) which nearly killed him. To keep the MRSA from returning, Dobler now must take antibiotics twice a day for the rest of his life, in addition to his daily regimen of pain medications. Dobler currently takes 10 different medications daily, all of which can be traced back to football related injuries.

In 2000, while recovering from one of his knee replacement surgeries, Dobler's wife Joy fell and broke her neck at the C-6 level causing her to become disabled herself and has been confined to a wheelchair for the last ten years. Since his wife's accident Dobler has undergone six additional knee replacements, none of which were paid for by the NFL. During this time, Dobler was forced to cancel his health insurance for himself and his wife due to the outrageous premium of just over \$3,500 per month. Now both he and his wife are uninsurable.

Mounting medical bills from Dobler's numerous knee surgeries and from his wife's injury and recovery have left the Dobler family in financial ruin. Dobler's house was foreclosed on, and the family's belongings were auctioned and sold. But for the generous financial assistance from Professional Golfer Phil Mickelson, Dobler's daughter would not have been able to graduate (with Honors) from college.

Although disabled, Dobler was forced back into the workforce ten years ago to care for his wife and pay off the hundreds of thousands of dollars in medical bills accumulated by both himself and his wife. The Dobler's find themselves in the same position as many other American families, but as Dobler points out, "99% of those families didn't work for one of the richest companies in America - the National Football League."

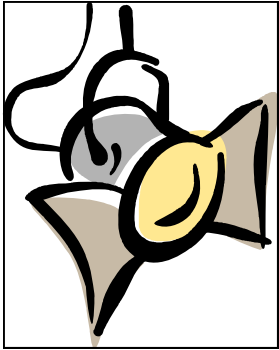
During Dobler's years since retiring from the NFL, he has developed severe depression which sometimes causes difficulty handling everyday concerns. Although not receiving money from the NFL, Dobler is still reaping other "gifts" from his days on the gridiron - he needs a total shoulder replacement which he cannot afford. In addition to the shoulder issue, Dobler like hundreds of other former players is experiencing the effects of football related concussions. Dobler reports having trouble concentrating, is experiencing short-term memory loss, and has developed ringing-in-the-ears.

Dobler recently completed his physical for a worker's compensation claim against the League and individual teams he played for, and the physician rated Dobler 99% disabled. After receiving the diagnosis, Dobler indicated, "of course the NFL and NFLPA were informed of my disability 30 years ago."

If anyone knows anything about Conrad Dobler, it's that he is a fighter and one tough S.O.B. He will continue to fight for himself and his family. According to Dobler, "They beat me, punched me, and kicked me while I was on the football field and I survived. Now they are trying to do the same thing in the boardrooms and offices of the NFL and NFLPA. There is still a lot of fight in this old dog and I will NOT go away peacefully. There are too many of my brothers in worse condition than me and those brothers are the ones I played with and against and I will go to war with them again." If one looks past the broken body of this former NFL giant, one can still see the fire of a warrior in his eyes. Dobler adds, "Death is my constant companion and I think of it often, but until that time, I will fight on for justice on behalf of my brothers. In business, I took care of my employees, I insist that the NFL do the same and show some respect to those who built the game."

Dobler believes that the NFLPA needs to also show some respect to retirees, adding, "I have always believed that if you help someone to get what they want, they will help you get what you want. We helped establish the NFLPA to help the current players get a better standard of living than we received and we helped the NFL owners to become billionaires. When are either going to step up and help those who built the game?" He continued, "They will never be able to make me whole again. No amount of money can accomplish that, but there is room for the League and Players Association to do what's right."

Jim Mitchell is a Paralegal with Hausfeld LLP



RETIRED PLAYER SPOTLIGHT

Dwight Harrison

DB/WR—Denver Broncos (1971-72), Buffalo Bills (1972-77), Baltimore Colts (1978-79), and Oakland Raiders (1980)

By: Dwight Harrison and Jim Mitchell

Every red-blooded American boy plays the same script out in his backyard... the dream to grow from the sandlot, to college, to the NFL and a life on easy street. That dream turned into a nightmare for Dwight Harrison.

The beginning was very promising - outstanding college career at Texas A&M, Kingsville, 2nd round draft pick in the 1971 NFL Draft, 10 year career in the NFL with the Broncos, Bills, Colts, and Raiders. And then something went wrong. That something was not part of the script.

When Dwight Harrison retired in 1980, he knew something was wrong but he wasn't quite sure what. Over the next few years, he became more and more aware that he was sick and needed help. Harrison was suffering from post-concussion syndrome and associated medical problems, including short-term memory loss, inability to focus or concentrate, and severe depression.

In 1992, Harrison finally applied for and ultimately received disability from the NFL. Harrison received thirteen years of back pay totaling \$13,000 per year.

In 1993, about the same time Harrison started receiving his back pay, the new Collective Bargaining Agreement (CBA) was approved,

which included a new "Line of Duty" (LOD) disability, which Harrison met the requirements for qualification. He applied for LOD disability benefits, and "that is when the fight of my life began," according to Harrison.

He was denied his request for LOD disability, even though both the League doctor and Harrison's own personal doctor agreed that his injuries were football related and should qualify him for LOD disability.

Harrison decided that he would challenge the denial of his LOD disability. The Disability Board then requested that Harrison be seen by a third doctor, to which Harrison agreed. Around this time, Harrison and his lawyer had a falling out, and he was left without representation. Harrison informed the Disability Board that he did not want to move forward until he had secured new counsel. While Harrison was seeking new counsel, the Disability Board made a decision to revoke and cancel Harrison's disability benefits.

To make matters worse, the Disability Board then obtained a judgment against Harrison in the amount of \$350,000.00, to recoup all disability funds previously provided to Harrison, as well as for the cost of its legal fees. Harrison indicated that he was never served with papers regarding the litigation, had no knowledge of the

case against him and was never given an opportunity to speak on his own behalf.

With their judgment in hand, the League proceeded to take Harrison's retirement funds, leaving him penniless and without any income.

Harrison would spend the next ten years asking, begging and pleading with the League to reinstate his retirement. Harrison could not understand how the League had the legal authority to touch his retirement, "according to the agreement between the owners and the players, retirement funds are irrevocable."

For ten years, Harrison wrote letters to the Disability Board requesting that they review his claim and release his retirement funds. Every year the Board told him no. Then, in May 2003, the Board decided to release retirement funds to Harrison and he began receiving approximately \$1,400.00 per month.

Harrison was happy to finally be getting some of his money, although it may have come one year too late for his wife. In 2002, Harrison's wife left him. "She just could not take it anymore. She did all she could for me, but it was all too much for her to take." Harrison blames the NFL for losing his wife, "If the League had done what they were supposed to do, and paid me my money, my wife would still be here today."

In 2005, Harrison suffered the worst tragedy of his life when his son committed suicide. Harrison believes that like his divorce, his son's death was also tied to what the League had done to him and the daily suffering the family was forced to endure.

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RETIRED PLAYER SPOTLIGHT DWIGHT HARRISON

(Dwight Harrison—Continued from Page 8)

In May 2007, Harrison again applied for LOD disability. About 14 days later Harrison received word that the Disability Board had made a mistake, that not only was he not entitled to LOD benefits, but his retirement funds should never have been released to him in the first place. Again Harrison was forced to give up his “irrevocable retirement” to repay the Disability Board for retirement funds he should not have received.

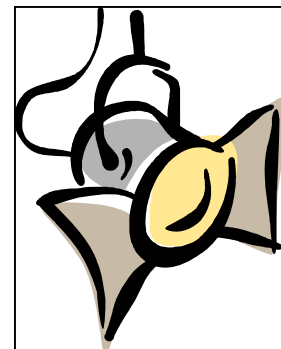
In 2009, a friend and former player informed Harrison that he could apply for Social Security (SSI) disability benefits, and that if those SSI benefits were approved, the League would have no choice but to reinstate his NFL disability. After an initial runaround, Harrison was finally approved for SSI benefits and began receiving \$634 per month. At this time, despite being found disabled by Social Security, the NFL continues to deny his claims for disability.

Dwight Harrison’s story is tragic, but unfortunately the story does not end here. Harrison, a life long resident of the Texas Gulf coast, has survived three hurricanes; hurricane Katrina, however, was a different story. In August 2005, hurricane Katrina ripped the Gulf Coast to shreds. Katrina left Harrison’s house inhabitable, left his car inoperable, and left Harrison wondering, “Why me?” Since Katrina blew through town nearly seven years ago, Dwight Harrison has been living in a FEMA trailer.

A weaker man most likely would not be able to survive Harrison’s lifetime of struggle, of tragedy after tragedy. But Dwight Harrison is a man of Faith and of God. Harrison ended our conversation by telling me, “I’m a dangerous man for all they have done to me. But I am grounded and walk with God.”

Dwight Harrison is a humble and appreciative man. He doesn’t miss an opportunity to heap praise on the Gridiron Greats organization, a group he says has been there for him when no one else was. “If it wasn’t for Coach Ditka and the Gridiron Greats, I don’t know where I’d be right now.”

Jim Mitchell is a Paralegal with Hausfeld LLP



WIDOWS OF LEGENDS FORGOTTEN

By: Jim Mitchell

When players and owners agreed to the new 2011 Collective Bargaining Agreement (CBA) and a Legacy Fund Benefit for pre-93 players, all pre-93 players and the widows of pre-93ers were hopeful that the Legacy Benefit would finally provide needed monies to those players who helped build the NFL into the powerhouse that it is today. There was hope among retired players that the League and Union, who in the past had forgotten, ignored, and repeatedly disrespected NFL retirees, had finally decided to do the right thing. This hope was not misplaced as the new agreement between the League and Union stated, "All players who vested under the Bert Bell/Pete Rozelle NFL Retirement Plan prior to 1993 would get an increase."

The optimism was also shared by the widows and family members of former players who had passed away. This optimism was reinforced when on November 11, 2011, a letter from NFL Commissioner Roger Goodell was issued stating that current benefit payments to retired players **and their beneficiaries** would be increased to "no less than \$600 per month."

Sadly, like a shell game, there is no money for the widows of Legacy players. Many widows including Sylvia Mackey, Patsy Lewis, and Antoinette Pellegrini have inquired with the NFLPA and the Bert Bell/Pete Rozelle benefit offices to discuss the Legacy benefit, only to be told that widows and beneficiaries are not eligible to receive the Legacy benefit if their husband died before August 4, 2011.

How the League and Union could get this so wrong shows that both are out of touch with the needs of retirees and their families. The widows of Legacy players are angry and feel their husbands' memories and contributions to the game are being disrespected. Widows and family members who have given their own blood, sweat and tears, caring for the shattered and broken bodies of former NFL players, just cannot understand how the League and Union could be so indifferent to the contributions their dead husbands made to game.

According to dictionary.com, the term Legacy means, "anything handed down from the past, as from an ancestor or predecessor; Synonym: *inheritance*" The word itself, "Legacy", attached to this benefit would lead most people to think that the fund reaches beyond the grave, a benefit to be passed down to the families of the gridiron's fallen heroes. Sadly, no. The NFL and the NFLPA have decided for whatever reason to ignore these fallen warriors of yesterday's games.

Jim Mitchell is a Paralegal with Hausfeld LLP



GRIDIRON GREATS ASSISTANCE FUND CONTINUES TO DO AMAZING WORK FOR RETIREES IN NEED



The Gridiron Greats Assistance Fund (GGAF) is a non-stock, non-profit 501(c)(3) organization providing financial grants and 'pro bono' medical assistance to retired NFL players in dire need. The Gridiron Greats Board of Directors include Mike Ditka, Gale Sayers, Marv Levy, Kyle Turley and Matt Birk. The organization focuses on the humanitarian side of post-football related issues, which include coordination of social services to retired players who are in need due to a variety of reasons including inadequate disability and/or pensions.

The GGAF's mission is to assist dire need retired NFL players who were pioneers of the game and who have greatly contributed to the NFL's status as the most popular sport in America. GGAF provides hands-on assistance to help retired players and their families deal with hardships they face after football. The services include medical assistance, transportation costs for medical evaluations and surgeries, housing assistance, financial assistance for utilities, medication, and coordination of services for food, automotive payments and childcare. Please visit: www.gridirongreats.org or apply for assistance www.gridirongreats.org/players/

Gridiron Greats' Stories of Help...

- William "Fridge" Perry, the legendary former Chicago Bears star, needed medical and financial help with his fight to battle Guillain-Barr Syndrome. GGAF helped Perry with medical expenses and secured his treatment and rehabilitation through a pro bono medical facility.
- A former wide receiver with the Pittsburgh Steelers was diagnosed with Primary Sclerosing Cholangitis, aka Walter Payton's disease, and needs a liver transplant. He suffers from anxiety and depression and has been unable to work. GGAF has helped the retired NFL player with funds for medical care shelter, food, utilities and basic needs.
- A former offensive guard who played 10 years with the Oakland Raiders suffers from dementia as well as a myriad of medical problems including orthopedic, and kidney issues. Skyrocketing medical costs and his need to be in an assisted living facility have caused a huge hardship on his family. GGAF has provided help to the retired NFL player by paying for shelter, medical insurance premiums and utility bills.
- A former San Diego Charger was homeless and living in his automobile, dealing with many medical and social issues. GGAF provided funds and help in securing temporary shelter.
- A former NFL player with the Minnesota Vikings suffering from brain damage due to concussions was provided with funds for mortgage payments, and monetary help for dental needs.
- A former Chicago Bear received funds to help with expenses for care needed while suffering from dementia.
- A former running back with the Dallas Cowboys and Tampa Bay Buccaneers had a kidney transplant. His friend and former teammate donated one of his kidneys. During surgery, he slipped into a coma and was provided with funds for medical insurance, shelter, and utilities.
- A former defensive end with the Denver Broncos was bedridden due to spinal injuries from playing football. He had heart surgery and was been diagnosed with Lou Gehrig's disease. GGAF provided the retiree with help for shelter, medical bills and medical insurance premiums.
- A former line backer with the Minnesota Vikings and St. Louis Rams had spine surgery and suffers from anxiety and depression. He has been unable to work. GGAF has provided funds for medical care, shelter, food, basic needs, and utilities.
- A former player from the Buffalo Bills received monetary help for medicine, food and clothing. GGAF also placed him in a detoxification program to assist with addiction to painkillers and assisted in securing placement with a pain management physician.
- A former player from the Tampa Bay Buccaneers who played from 1990-93 was severely injured from his playing days, unemployed due to health, was provided with rent, utilities and food.

GGAF—Stories of Help *(continued from page 11)*

- A former Chicago Bear and New Orleans Saints who played 7 years for the NFL suffers from numerous medical conditions including diabetes, chronic pancreatitis, chronic hypertension and severe neuropathy. He has been unable to work and receives \$88 a month from the NFL as his pension. GGAF provided monetary help to the retired NFL player for basic needs.
- A former linebacker with the Packers, Eagles and 49ers suffers from severe football related injuries and lives with chronic pain and very little mobility. He has endured seven surgeries on his left shoulder, two surgeries on his neck, four surgeries on right shoulder, and eight surgeries on his right triceps muscle. He needs a hip replacement and currently collects no disability. He is a single father raising two sons. GGAF has provided funds for shelter, medication, utilities and basic needs.
- A former player with Cowboys, Chiefs and Bengals had over 18 surgeries due to football related injuries. He has metal in knees and shoulders, a broken neck and disks removed in his back. He has suffered from cancer, which spread, and no form of chemotherapy could help. His medications cost in excess of \$4,000 per month and insurance did not cover the cost of his medications. GGAF provided monetary help to the player for medication and conducted a public donation drive.
- A former tight end with the Kansas City Chiefs was suffering from severe football related injuries specifically the spine. GGAF has provided pro bono spinal surgery, hotel stay for him and his spouse, paid for injections prior to surgery, gas, tolls, and food.
- A former defensive tackle with the Philadelphia Eagles suffers from prostate cancer. GGAF paid for cost of medical visits to a specialist in his area that his benefits would not cover.
- A former tight end with the Indianapolis Colts and Chicago Bears suffers from numerous debilitating injuries from football, leaving him unable to work. He receives no disability. GGAF has provided 4 months of rent plus late fees, paid for new engine and AC compressor for truck, paid for hotel stay and cardiology appointment prior to surgery, and paid for two round trip flights so he could receive needed surgery.
- A former defensive end with the Green Bay Packers and Baltimore Colts is totally disabled and in constant pain, unable to work, and needed medical and financial help. GGAF has provided 3 months of mortgage, food, clothing, spinal evaluation, flight and hotel for medical stay.
- A former placekicker for the Green Bay Packers, Minnesota Vikings and Philadelphia Eagles is totally disabled due to tumors on the brain and is unable to work. GGAF has provided financial help for medications, utilities and rent.
- A former defensive end for the Denver Broncos lives with ALS and is wheelchair bound. GGAF paid for health insurance, and helped with mortgage payments and 2 months of hospice care.
- A former tight end with the Houston Oilers, San Diego Chargers and Kansas City Chiefs has Parkinson Syndrome, and is completely paralyzed and wheelchair bound. GGAF paid his water bill, homeowners insurance, life insurance, auto insurance, loan repayment, electric bill, and helped with his Medicare payment.
- A former offensive tackle with the Oakland Raiders and Minnesota Vikings was unable to work after suffering two strokes. GGAF helped the player with his rent, car repair, insurance and electric bill to keep service from being disconnected.
- A former cornerback with the Buffalo Bills, Denver Broncos, Baltimore Colts and Oakland Raiders suffers from dementia. GGAF provided food and basic needs, truck repair, water bill, electric bill, phone bill, and a gas card.
- A former defensive end who played 11 years with the Redskins, Cardinals, and Buccaneers suffered many head injuries while playing. He underwent brain surgery and is now experiencing isolated memory loss. GGAF has provided help with monetary funds for a shelter and medical bills.
- A former defensive end with the Cleveland Browns, Philadelphia Eagles and Washington Redskins has heart condition. GGAF provided the player with monetary help for a new AC unit to ease the high temperatures where he lives.
- A former defensive end with the Minnesota Vikings required medical treatments. GGAF provided help by paying airfare, hotel stays, food, car rental, pre-op testing, and secured two pro-bono spinal surgeries.
- A former safety with the Houston Texans is confined to a wheelchair. GGAF provided health insurance payments for two months, provided a years supply of medical supplies for his disability, and paid for medical scooter repair.



GGAF—Stories of Help *(continued from page 12)*

- A former defensive tackle with the Kansas City Chiefs suffered multiple football-related injuries which created financial hardship. GGAF provided monetary help, round-trip airfare to receive medical care, free hotel stays during hospital visits, free MRIs and evaluations, and arranged pro bono medical care for two different surgeries.
- A former offensive tackle with the San Francisco 49ers, Kansas City Chiefs, New Orleans Saints and Carolina Panthers fell on hard times financially. GGAF paid for 2 months of rent and back rent to help keep the player from being evicted.
- A former punter with the Dallas Cowboys and Green Bay Packers retired after back surgery and has chronic back and joint pain. GGAF provided round trip airfare, free hotel stays, free medical clearance tests, therapy, and received pro bono back surgery. He also will receive two knee surgeries in coming months.
- A former fullback with the Cincinnati Bengals with debilitating pain is unable to get health insurance coverage. GGAF paid for medical clearance appointments, roundtrip airfare, free hotel stays, free car rentals, related to two pro bono knee replacement surgeries, and paid for post surgical therapy in home town.
- A former offensive guard with the Minnesota Vikings was homeless and suffered from concussion-related brain damage due to multiple blows to the head during his playing days. GGAF provided help by paying for dental work, auto repair, contact lens, car rental, two brain scans, and medical bills.
- A former player with the Philadelphia Eagles was suffering from football related back pain. GGAF helped by paying for rent, gas, electric, hotel stay during medical evaluation, food and transportation, related to pro bono back surgery.



How To Donate to the Gridiron Greats Assistance Fund:

1. **Cash Donation to Gridiron Greats Assistance Fund.**
You can donate pre-set denominations or an amount of your choosing to the Gridiron Greats Assistance Fund by visiting www.gridirongreats.org/donate/. The Gridiron Greats is a non-profit 501(c)(3) corporation. This means that your heartfelt donation to the Gridiron Greats Assistance Fund is tax deductible.
2. **Participate and attend a Gridiron Greats Assistance Fund event.**
The Gridiron Greats Assistance Fund hosts various events throughout the year. Some charity events are held by the Gridiron Greats Assistance Fund and some are held by other companies who donate all or a portion of their proceeds to Gridiron Greats. When you participate in a Gridiron Greats event, you help GGAF eliminate costs involved with hiring others to assist with events. When you attend a Gridiron Greats event, you donate to Gridiron Greats Assistance Fund by assisting GGAF with fundraising efforts that change the lives of so many retired players in need. For information on events, please visit www.gridirongreats.org/events/.
3. **Corporation Sponsorship Programs**
If you are interested in a corporate sponsorship program to help donate to the Gridiron Greats Assistance Fund, please contact Shannon Jordan at shannonj@gridirongreats.org. Your corporate sponsorship donation is a valuable donation to our football charity.
4. **Special Event Sponsorship**
Sponsoring a special event is a terrific way to donate to Gridiron Greats. Whether you sponsor an existing event, or create your own, your efforts go a long way to help the Gridiron Greats Assistance Fund. If you would like information on sponsoring a current event or would like to discuss hosting your own event to help the Gridiron Greats, please contact Shannon Jordan at shannonj@gridirongreats.org.
5. **Purchase of Gridiron Greats Assistance Fund Licensed Merchandise and NFL Memorabilia**
Gridiron Greats Assistance Fund has available various official GGAF merchandise and NFL Memorabilia for purchase. Your purchase of Gridiron Greats merchandise is considered a donation to Gridiron Greats and is tax deductible. Please, visit www.gridirongreats.org/shop/.
6. **Providing in-kind services**
Providing in-kind services is an excellent way to donate to the Gridiron Greats Assistance Fund. From assisting with events to providing free or discounted services, you can give back to the Gridiron Greats. When you donate to GGAF through an in-kind donation, you help GGAF save money on costly expenses, leaving more funds available to assist players in need.

HOFER JOHN RIGGINS JOINS THE FIGHT FOR RETIREE IMAGING RIGHTS

By: Lisa-Marie Riggins (wife of HOFer John Riggins)

I was 31 years old when I married John Riggins. I was an army brat who never questioned authority or power and had great respect for personal courage. After 14 years in the NFL, John distrusted authority and power, and possessed a reckless reliance on personal courage. He wasn't always that way. He just had a keen understanding of what it meant to do the right thing by others. Consequently, when he sensed authority figures or corporations didn't have his back, or took advantage of him, he drew a line in the sand, and stayed there, no matter what the price. He wasn't interested in appearances, fame, celebrity, or agendas... almost to a fault. We root for guys like John in the Russell Crowe movies, willing to stand up to power with nothing but a loin cloth, but in real life, it's a high wire, and you have to be prepared for the loneliness of the "sway." John asks for no quarter, and gives no quarter. I looked up the etymology of that phrase and it means a ruthless warrior with high morals....I was all in.

One thing that has always been important to John has been his right to the use of his name and his likeness. In the early 1990s he filed a law suit against a real estate company for the unauthorized use of his name for profit. Lawyers advised him not to pursue it because he had no property right in his name and at best, he'd win \$1 in damages. John ignored them and kept going. The case went to the Virginia Supreme Court where he successfully defended his right to the promotional use of his name and likeness. It set the precedent that a celebrity holds a property interest in his own name and likeness, and when someone violates a celebrity's personal property right or tries to exercise dominion over it, it amounts to conversion, in which damages can and should be awarded. *Town & Country Properties Inc. v. John Riggins*, is now the seminal case study for law school courses on property rights of an individual.

I mention this because by the time we got married, John continued to feel violated by the NFL's use of his name and likeness for commercial profit long after he was an employee. It seemed inherently wrong that the corporation should continue to profit from his job performance and he had no seat at the table. Professional sports leagues were the only entities in the business of entertainment that were not required to pay their "artists" and "performers" residuals whenever they used their work product. The metaphor is the same. The owners and the league are the big studios; the coaches

are the directors, and the players are the actors. It would be heresy for studios not to pay actors every time their film is shown, and the studio profits from that. This is how actors make a living. And long after they can no longer act, they have security in those residual payments for what they put on celluloid for eternity. Somehow, the same is not true for athletes. John knew this was wrong and wanted to file suit against the NFL as an individual. I talked him out of it. The NFL would bankrupt us. I was naïve and starry eyed about John's history and contributions to the NFL. I wanted a partnership with them. We had a new baby. I didn't want him to "rock" the boat. There was an unspoken understanding that you could be black balled if you confronted the NFL in any public way, and it was professional suicide if you wanted to earn a living in any capacity through football. So he soldiered on, and continued to work hard, to keep financial and physical demise at the rear door. He has not earned a penny from the NFL for the use of his image, and they have made millions off the films of his and his fellow veterans' performances.

Recently it came to our attention that Hausfeld LLP had filed a suit against the NFL for the very thing John had hoped to do years ago. He signed on as a named Plaintiff to speak on behalf of the former players in this suit. Coincidentally, John has always been fascinated by Crazy Horse, the legendary Indian Chief. Crazy Horse never allowed anyone to take his picture because he felt a photograph stole a piece of the soul. In trying to articulate John's position on the NFL's unauthorized use of his name and likeness, I did some research, and discovered the artist, photographer-writer, James W. Bailey who had a photography exhibition "Stealing Dead Souls" in Maryland, 2005. He summed it up best when he said:

"Of course, most recognize that the process of photographing a moment in time captures something in a fixated way that would normally be lost to history. I also believe that photographic images capture an aspect of that lived moment, a reflection of reality if you will, and that the photograph literally captures an element of the life force that presented itself in that moment that was captured... When this living element is captured, it has the capability of re-generating itself in much the same way that certain life forms can lose a limb and regenerate it."

This lawsuit is about protecting the players who were the "life force that presented itself in that moment that was captured" and giving them their due every time it is regenerated.

For more information about any of the matters contained in **The Voice**, or if you have any questions, please contact Hausfeld LLP at (202) 540-7200

CONCUSSION LITIGATION—MDL UPDATE

By: Swathi Bojedla and Jim Mitchell

On January 26, 2012, the U.S. Judicial Panel on Multidistrict Litigation (MDL) convened in Miami and heard arguments relating to the consolidation of NFL concussions cases around the country. Both the NFL and the majority of plaintiffs requested that all concussion-related litigation be transferred to the Eastern District of Pennsylvania in Philadelphia, under Judge Anita Brody. At the time of the MDL hearing, Hausfeld LLP already had a case pending before Judge Brody's court, (*Boyd v. NFL*) representing 106 plaintiffs alleging negligence and personal injury claims, as well as a medical monitoring claim filed in the Southern District of New York (*Jacobs v. NFL*).

Lawyers from around the country supported the NFL's motion to transfer. Hausfeld LLP filed a brief in support of consolidation in Judge Brody's court. Only two firms dissented, requesting consolidation in the District of New Jersey or the North District of Georgia. However, even the dissenting firms expressed no objection to consolidation in Philadelphia, praising Judge Brody's record as a jurist and ability to handle the litigation.

Riddell, a defendant in three of the pending cases, opposed the plaintiffs' and NFL's request for consolidation. Instead, Riddell's lawyer argued that the helmet manufacturer should not be caught in the crossfire of plaintiffs' dispute with the NFL, and Riddell requested that the three cases pending against them in California remain there as separate actions. When questioned further, Riddell's lawyer acknowledged that this would lead to a separate line of cases in California and Pennsylvania. The panel noted that such a decision would defeat the purpose of consolidation, which is to prevent disparate rulings around the country.

On January 31, 2012, the MDL granted defendant NFL's motion to transfer the *Easterling*, *Maxwell*, *Pear*, and *Barnes* matters to the Eastern District of Pennsylvania, and assigned the four matters to Judge Brody for coordinated or consolidated pretrial proceedings. The MDL concluded that the Eastern District of Pennsylvania was the appropriate transferee district for the pretrial proceedings. The panel also denied Riddell's request for separation of the matters, ruling that Judge Brody is best situated to determine Riddell's role in the NFL's actions.

With the MDL decision to transfer the above mentioned cases, Judge Brody now has six related actions pending before her bench. The six cases are *Boyd*, *Solt*, *Easterling*, *Maxwell*, *Pear*, and *Barnes*. There still remain 13 potentially related cases filed in various other federal courts which the MDL described as potential tag-along actions. Those cases are *Finn*, *Levens*, *Stewart*, *Kuykendall*, *Jones*, *Rucker*, *Dronett*, *Austin*, *Steed*, *Glover*, *Johnson*, *Wallace*, and *Wooden*.

Hausfeld LLP is coordinating with other plaintiffs' counsel and working diligently towards preparing the case.

Swathi Bojedla is an Associate with Hausfeld LLP

Jim Mitchell is a Paralegal with Hausfeld LLP

If you are a former NFL player and are suffering the symptoms of concussions such as headaches, dizziness, loss of memory, impulse control problems, ringing in the ears and/or hearing loss, fatigue, depression, sleep problems, suicidal thoughts, dementia, Alzheimer's, ALS, CTE, and other like conditions, please contact Hausfeld LLP at jmitchell@hausfeldllp.com

Please Visit Our Unified NFL Retiree Groups on the Web at:

Retired Players Association
www.nflretiredplayersassociation.com

Gridiron Greats
www.gridirongreats.org

Fourth and Goal
www.fourthandgoalunites.com

Dignity After Football
www.dignityafterfootball.org

Independent Football Veterans
www.davepear.com

Jeff Nixon Report
<http://blog.nflalumniassociation.com>

EDITOR'S NOTE

The Voice is intended to communicate to all retired NFL players, updates concerning key issues effecting NFL retiree rights and benefits. It will provide an objective independent report of matters of significant interest to those already retired.

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