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10  
11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

13 RUSS McCULLOUGH, A/K/A “Big  
14 Russ McCullough,” RYAN SAKODA,  
15 and MATTHEW R. WIESE, A/K/A  
16 “Luther Reigns,” individually and on  
17 behalf of all others similarly situated,

18 Plaintiffs,

19 v.

20 WORLD WRESTLING  
21 ENTERTAINMENT, INC.,

22 Defendant.

Case No. \_\_\_\_\_

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

23 Plaintiffs Russ McCullough, Ryan Sakoda, and Matt Wiese (collectively,  
24 “Plaintiffs”) allege the following upon personal knowledge as to their own  
25 transactions and upon information and belief and investigation of counsel as to all  
26 other matters.

**INTRODUCTION**

27 1. This class action concerns World Wrestling Entertainment, Inc.’s  
28 (“WWE”) egregious mistreatment of its wrestlers for its own benefit, as well as its

1 concealment and denial of medical research and evidence concerning traumatic  
2 brain injuries suffered by WWE wrestlers.<sup>1</sup> The injuries at issue include the  
3 increased risk and development of permanent degenerative brain diseases that  
4 resulted from the repeated head injuries, including but not limited to chronic  
5 traumatic encephalopathy (“CTE”), dementia, Alzheimer’s disease, or similar  
6 cognitive impairing conditions. The injuries suffered cause latent harms which  
7 appear years after their precipitating traumas.

8         2. The WWE further disavowed, concealed, and prevented any medical  
9 care for these head injuries after they were sustained and to date. The WWE, as  
10 organizer and purveyor of professional wrestling, in which head trauma occurs  
11 often, had a duty to take measures to protect its wrestlers. The WWE was, and is,  
12 aware of the risks of repeated head trauma and multiple concussive events, but  
13 nevertheless chose to deliberately ignore and conceal from the wrestlers and their  
14 families the risks of serious long-term health effects resulting from head injuries.

15         3. Additionally, the WWE voluntarily assumed a duty to monitor and  
16 maintain its wrestlers’ health through its announced health policies. The WWE  
17 chose to actively deceive wrestlers and encourage them to continue to wrestle  
18 despite long term health risks. The WWE encouraged them to wrestle prematurely  
19 after injuries and concussive events, thereby creating further risk of future harm.

20         4. Under the guise of providing “entertainment,” WWE has for decades  
21 subjected its wrestlers to extreme physical brutality that it knew, or should have  
22 known, caused created latent conditions and long term irreversible bodily damage,  
23 including brain damage. For most of its history, WWE has engaged in a campaign  
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25 <sup>1</sup> “World Wrestling Entertainment, Inc.” and “WWE,” as used in this Complaint,  
26 refer to the company in its current incarnation, along with all predecessor  
27 companies, including, but not limited to, Titan Sports, Inc., World Wrestling  
28 Federation, Inc., World Wrestling Federation Entertainment, Inc., World  
Championship Wrestling, Inc., and Extreme Championship Wrestling.

1 of misinformation and deception to prevent its wrestlers from understanding the  
2 true nature and consequences of the injuries they have sustained. WWE's  
3 representations, actions, and inactions have caused its wrestlers to suffer long-term  
4 debilitating injuries, lost profits, premature retirement, medical expenses, and  
5 other losses as alleged herein.

6 5. WWE is in the business of selling violence. This is evident from the  
7 descriptions of its wrestling matches on the WWE website. To take one of many  
8 examples, the website recounts in gruesome detail how, in 2014's Royal Rumble  
9 (an annual event often referred to as "the Super Bowl of wrestling"), one wrestler  
10 "demolished" another "with series of brutal steel chair attacks that will be talked  
11 about for years to come." The site then directs visitors to "photos of the carnage  
12 created by" the match's victor.<sup>2</sup>

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

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

23 8. WWE has forced its wrestlers to engage in activities and subject  
24 themselves to danger in a manner that dramatically increases (often to a near-  
25 certainty) their chances of sustaining brain damage. It does so in order to increase  
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27 <sup>2</sup> Bobby Melok, "Brock Lesnar def. Big Show" (Jan. 26, 2014), available at  
28 <http://www.wwe.com/shows/royalrumble/2014/big-show-brock-lesnar-26175059>.

1 the popularity of its product. These stunts would be dangerous if performed by,  
2 and on, the most skilled stunt persons.

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

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

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

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

18 13. WWE knows, and has known for some time, the dangers to which it  
19 is subjecting its wrestlers. Indeed, a WWE executive admitted in 2007 that "WWE  
20 wrestlers are at risk for concussions because of the nature of their work."

21 14. WWE failed to disclose in a timely manner the true risks of repeated  
22 traumatic head impacts in WWE wrestling, and failed to take appropriate steps to  
23 prevent and mitigate repeated traumatic head impacts (including sub-concussive  
24 blows and concussions) and latent brain injury. Indeed, by refusing to  
25 acknowledge the risks it was creating—and by attempting to conceal those risks  
26 from its wrestlers—WWE effectively guaranteed that they would not seek the help  
27 they needed to avoid or mitigate latent brain injury.

28 15. The WWE's purposeful concealment and misrepresentation of the

1 severe neurological risks it exposed its wrestlers to, subjected them to dangers  
2 they could have avoided had the WWE provided them with truthful and accurate  
3 information.

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

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

### 13 **JURISDICTION AND VENUE**

14 18. This Court has jurisdiction over this action pursuant to 28 U.S.C. §  
15 1331 and the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d)(2). The  
16 matter in controversy in this class action exceeds \$5,000,000.00 exclusive of  
17 interest and costs, and some members of the Class are citizens of states other than  
18 the state in which Defendant has its primary place of business.

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

### 20 **PARTIES**

21 20. Plaintiff Russ McCullough is a resident of Corona, California. He  
22 wrestled with the WWE from 1999 to 2001. Plaintiff McCullough wrestled under  
23 the name “Big Russ McCullough.”

24 21. Plaintiff Matthew “Matt” Wiese is a resident of Los Angeles,  
25 California. He wrestled with the WWE from 2004 to 2005. Plaintiff Wiese  
26 wrestled under the name “Luther Reigns.”

27 22. Plaintiff Ryan Sakoda is a resident of West Hollywood, California.  
28 He wrestled with the WWE from 2003 to 2004.

1 23. Defendant World Wrestling Entertainment, Inc. is a company  
2 existing under the laws of Delaware, with its principal place of business in  
3 Stamford, Connecticut and conducts business in this jurisdiction.

4 24. Although WWE is a public company, it is controlled by a small group  
5 of related executives who manage both polices and the conduct of wrestlers during  
6 matches. Vince McMahon has been Chairman of WWE since the retirement of his  
7 father, Vince McMahon Sr., in 1980. Vince McMahon has served as CEO from  
8 1980 to 1993, and from 2009 to the present. McMahon controls over 80 percent of  
9 WWE's voting power. McMahon's wife, Linda McMahon, served as WWE  
10 President from 1993 to 2009, and as CEO from 1997 to 2009. Their daughter,  
11 Stephanie McMahon Levesque, is WWE's Chief Brand Officer. Her husband,  
12 Paul Levesque, also known as Triple H, is Executive Vice President, Talent, Live  
13 Events & Creative.

#### 14 **FACTUAL ALLEGATIONS**

##### 15 **I. Background: WWE and Its Wrestlers**

16 25. WWE is the largest wrestling entertainment organization in the  
17 world. Since purchasing its main competitor, World Championship Wrestling, in  
18 2001, WWE has had no serious competitors in the field of wrestling  
19 entertainment. The company generates approximately \$500,000,000 in revenue  
20 annually.

21 26. The majority of WWE's revenues stem from its televised wrestling  
22 events. WWE programs consistently rank among the most popular in weekly  
23 television ratings. WWE programming is broadcast in more than 170 countries  
24 and 35 languages and reaches more than 650 million homes worldwide.

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

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

1 Network.

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

7 30. Despite WWE's enormous revenues, WWE does not provide its  
8 wrestlers, past or current, with health insurance, disability insurance, or  
9 unemployment insurance. Wrestlers are effectively on their own.

## 10 **II. The Science of Head Trauma**

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

18 32. Concussions have no standard definition, and require complex  
19 diagnosis based on clinical signs, observed symptoms, neuroimaging, medical  
20 records and personal interviews.<sup>3</sup> The Center for Disease Control defines  
21 concussions as a type of TBI caused by a "bump, blow, or jolt to the head or  
22 body."<sup>4</sup> A blow to the head that does not cause a concussion, or that has not been

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

27 <sup>4</sup> Center for Disease Control and Prevention, "What are the Signs and Symptoms  
28 of Concussion?" (Oct. 20, 2012), available at  
[http://www.cdc.gov/concussion/signs\\_symptoms.html](http://www.cdc.gov/concussion/signs_symptoms.html).



1 verified to cause a concussion, is commonly referred to as a sub-concussive blow.

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

6 34. Even absent a loss of consciousness, *each concussion alters the way*  
7 *your brain functions*. Symptoms can include headaches and problems with  
8 concentration, memory, balance coordination, loss of consciousness, confusion,  
9 disoriented, nausea, vomiting, fatigue or drowsiness, difficulty sleeping, sleeping  
10 more than usual, and seizures.<sup>5</sup>

11 35. Post-concussion syndrome remains with a person for days, weeks or  
12 even months. Indeed, while, “[s]ome of these symptoms may appear right away. . .  
13 others may not be noticed for days or months after the injury.”<sup>6</sup> In some cases,  
14 concussions can cause bleeding in the brain, which can be fatal.<sup>7</sup>

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

20 37. CTE is a disorder cause by neurodegeneration including cognitive

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

24 <sup>6</sup> Center for Disease Control and Prevention, “What are the Signs and Symptoms  
25 of Concussion?” (Oct. 20, 2012),  
[http://www.cdc.gov/concussion/signs\\_symptoms.html](http://www.cdc.gov/concussion/signs_symptoms.html).

26 <sup>7</sup> Mayo Clinic, “Concussions: Causes” (Apr 2, 2014), available at  
27 [http://www.mayoclinic.org/diseases-conditions/concussion/basics/causes/con-](http://www.mayoclinic.org/diseases-conditions/concussion/basics/causes/con-20019272)  
28 [20019272](http://www.mayoclinic.org/diseases-conditions/concussion/basics/causes/con-20019272).



1 and neuropsychiatric symptoms. Long-known as dementia pugilistica or punch-  
2 drunk syndrome, an increasing consensus has emerged that mild and infrequent  
3 trauma can cause similar long term neurological effects to those experienced by  
4 boxers.

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

10 39. CTE can be caused by a single traumatic brain injury, but is much  
11 more often the result of repeated minor traumas. According to a NIH study,  
12 "[t]here is overwhelming evidence that the condition is the result of repeated  
13 sublethal brain trauma that often occurs well before the development of clinical  
14 manifestations."<sup>9</sup>

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

22 41. Many suffers of CTE spend years with no idea—and no way of  
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24 <sup>8</sup> Bennet I. Omalu et al., "Chronic Traumatic Encephalopathy, Suicides and  
25 Parasuicides in Professional American Athletes," 31 Am. J. Forensic Med.  
Pathology 130, 132 (2010).

26 <sup>9</sup> Ann C. McKee et al., "Chronic Traumatic Encephalopathy in Athletes:  
27 Progressive Tauopathy following Repetitive Head Injury," J. Neuropathol Exp  
28 Neurol. 2009 July; 68(7): 709–735.

1 knowing—that they suffer from this disorder.

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

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

11 44. As discussed below, at least one former WWE wrestler’s autopsy  
12 revealed he suffered from CTE.

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

14 **A. WWE Wrestling Has Real Consequences to Its Wrestlers.**

15 45. WWE calls itself an “action soap opera.”<sup>11</sup> Its events are scripted,  
16 with preordained winners and losers, and it has a carefully written, ongoing plot.  
17 WWE predetermines much of the dialogue between the wrestlers and the winners  
18 of the events, as well as many of the violent acts perpetrated by the wrestlers on  
19 each other.

20 46. Many WWE wrestlers fight hundreds of times per year. And unlike  
21 professional athletes in traditional sports leagues, WWE wrestlers have no off-

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23 <sup>10</sup> Kevin M. Guskiewicz et al., “Recurrent Concussion and Risk of Depression in  
24 Retired Professional Football Players,” 39 Med. & Sci. Sports & Exercise 903,  
25 906 (2007).

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

1 season in which to rest and recover from their injuries.

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

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

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

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

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

24 For example, if there are a number of guys in the ring,

25 \_\_\_\_\_  
26 <sup>12</sup> See Committee on Oversight and Government Reform, U.S. House of  
27 Representatives, Washington, D.C., Interview of: Stephanie McMahon Levesque  
28 119 (Dec. 14, 2007), available at  
<http://oversight-archive.waxman.house.gov/documents/20081231140942.pdf>.

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

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

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

17 53. WWE events include activities which cannot be performed safely.

18 54. To elicit “heat” in events, WWE directs its wrestlers to use various  
19 weapons.

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

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

28 <sup>13</sup> *Id.* at 120.



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

12       58. The chair shot is as ubiquitous in WWE wrestling as it is brutal. To  
13 take but one of many examples, in a 1999 match, wrestler Michael "Mick" Foley  
14 was knocked unconscious after being hit by a chair eleven times while his hands  
15 were tied behind his back. Five shots connected directly with Foley's head. Foley  
16 later remarked, "I was in a match that had gotten carried away. I was suffering a  
17 great deal, and I wanted it to end."<sup>14</sup>

18       59. Likewise, in a notorious "no disqualification" match in 2008, WWE  
19 wrestler Shawn Hickenbotton, also known as Shawn Michaels, delivered blows to  
20 Lance McNaught, also known as Lance Cade, with a steel chair. One shot,  
21 delivered at full force, hit McNaught directly in the skull.<sup>15</sup> McNaught died less  
22 than two years later, at the age of 29.

23       60. WWE has greatly profited off of the chair shot's brutality. For  
24 example, in 2007, a wrestler was knocked unconscious when he received  
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26 <sup>14</sup>Saira Stewart, "Mick Foley on Life Beyond the Mat," ABCNews (June 5 2000),  
27 available at <http://abcnews.go.com/WNT/story?id=130970>.

28 <sup>15</sup>See [https://www.youtube.com/watch?v=s7SxW\\_Jz0D8](https://www.youtube.com/watch?v=s7SxW_Jz0D8).

1 numerous chair shots to the head from the highly paid wrestler and WWE  
2 executive Paul Michael Levesque, as known as Triple H. In an attempt to further  
3 enrich itself from the brutal beating, WWE published a “Chair Classic Moments”  
4 story on its website the following Sunday, which featured accounts, photos, and  
5 videos of numerous memorable chair shots in WWE history. The story continued,  
6 “Watching [Triple H’s] brutal attack made WWE.com think back to classic  
7 moments in Raw, SmackDown and ECW history where our audience’s favorite  
8 seating apparatus came into play and caused championship changes or altered the  
9 course of history.”

10 61. Although WWE purports to have banned chair shots to the head as of  
11 2010, WWE continues to use particularly vicious chair shots to head promote its  
12 product. For example, a recent promotion for WWE Network contains a clip of a  
13 defenseless wrestler taking a chair shot to the head.<sup>16</sup>

14 62. Moreover, despite supposedly banning WWE chair shots to the head  
15 as of 2010, there have been several reported instances of wrestlers hitting each  
16 other with metal chairs since that time. Indeed, one chair shot to the head  
17 perpetrated after the “ban” was committed by Paul Levesque, or “Triple H,” who  
18 is a WWE executive and the son-in-law of Vince McMahon.<sup>17</sup>

19 63. WWE wrestlers use a myriad of other dangerous weapons in their  
20 fights. Indeed, some WWE events are explicitly predicated upon the use of  
21 dangerous weapons.

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22 <sup>16</sup> See Geno Mrosko, “WWE uses unprotected chair shot to the head to promote its  
23 Network” (July 12, 2014), available at  
24 [http://www.cagesideseats.com/wwe/2014/7/12/5893661/wwe-uses-unprotected-](http://www.cagesideseats.com/wwe/2014/7/12/5893661/wwe-uses-unprotected-chair-shot-to-the-head-to-promote-its-network)  
25 [chair-shot-to-the-head-to-promote-its-network](http://www.cagesideseats.com/wwe/2014/7/12/5893661/wwe-uses-unprotected-chair-shot-to-the-head-to-promote-its-network).

26 <sup>17</sup> David Bixenspan, “After Wrestlemania, it looks like WWE has unbanned chair  
27 shots to the head” (Apr. 4, 2011), available at  
28 [http://www.cagesideseats.com/2011/4/4/2090779/after-wrestlemania-it-looks-like-](http://www.cagesideseats.com/2011/4/4/2090779/after-wrestlemania-it-looks-like-wwe-had-unbanned-chairs-to-the-head)  
[wwe-had-unbanned-chairs-to-the-head](http://www.cagesideseats.com/2011/4/4/2090779/after-wrestlemania-it-looks-like-wwe-had-unbanned-chairs-to-the-head).

1 64. For example, there is oft-used “Table Match,” which ends when one  
2 wrestler smashes the other through a pine table. Former WWE wrestler  
3 Christopher Nowinski, who suffered concussions while working for WWE, has  
4 explained that, during his time with WWE, he “used to go through tables four days  
5 a week.”<sup>18</sup>

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

9 66. There is also the “Ladder Match,” wherein an item, hung from a rope  
10 above the ring, must be retrieved by way of a ladder located in the center of the  
11 ring. Scripts for Ladder Matches instruct the wrestlers to strike their opponents  
12 with the ladder and to launch themselves from the top of the ladder onto their  
13 opponents. Inevitably, wrestlers fall from the top of the ladder during the fight.  
14 After one recent ladder match, two wrestlers required staples on their head. On its  
15 website, WWE posted close-up pictures of the men receiving stiches after the  
16 “brutal” match.<sup>19</sup>

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



24  
25 <sup>18</sup> [https://www.youtube.com/watch?v=Cvd\\_\\_8uUScs](https://www.youtube.com/watch?v=Cvd__8uUScs).

26 <sup>19</sup> WWE.com, “Rob Van Dam and CM Punk treated by doctors after Money in the  
27 Bank 2013: photos,” available at  
28 <http://www.wwe.com/shows/moneyinthebank/2013/rob-van-dam-and-cm-punk-treated-by-doctors-after-money-in-the-bank-2013-photos>.



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

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

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

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

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

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

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

1 opponent.

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

4 74. The WWE coerces its wrestlers to work while they are injured by,  
5 among other methods, threatening to strip them of their position within the  
6 organization if they refuse. Wrestlers are routinely coerced into wrestling through  
7 injuries. The WWE adhered to a general policy that “there was no getting injured”  
8 in the WWE, meaning wrestling in the organization meant enduring injuries and  
9 pain in order to keep one’s job and livelihood. Wrestlers are universally  
10 encouraged to “wrestle through the pain” in order to keep working to maximize  
11 profit for the WWE. The WWE’s doctors and medical professionals have allowed  
12 such events to continue, and provided a false veneer of safety and security to  
13 wrestlers.

14 75. WWE wrestlers suffer countless blows to the head over the course of  
15 their careers, and are at a grave, obvious risk for concussion as well as CTE. In  
16 addition to painful injuries, the unseen head trauma from repeated blows to the  
17 head, day after day, takes its toll on the wrestlers who often exhibit symptoms of  
18 brain damage: memory loss, headaches and migraines, confusion, depression and  
19 violent personality changes.

20 76. Former WWE star Mick Foley has stated that, while working for  
21 WWE, he suffered “too many [concussions] for me to count really.”<sup>20</sup>

22 77. In fact, it is commonplace for wrestlers to experience numerous  
23 concussions over their career. As one former WWE wrestler, who suffered  
24 numerous concussions while working for WWE, has noted, “as much as wrestling

25 \_\_\_\_\_  
26 <sup>20</sup> StarTribune.com, “C.J.: Mick Foley’s brain shows no sign of needing study”  
27 (March 1, 2014), available at  
28 <http://www.startribune.com/featuredColumns/248040151.html?page=all&prepage=1&c=y#continue>.

1 is performance, there's a very, very small margin of error. And especially when  
2 you're learning the thing, you fall on your head a lot."<sup>21</sup>

3 78. Apart and aside from concussions, wrestlers receive countless sub-  
4 concussive hit, when they are kicked or smacked in the head with a prop or a fight  
5 and when they are thrown outside the ring or slammed to the ground. For example,  
6 Chris Benoit often employed "the flying head butt," wherein he jumped off the  
7 ropes and smacked his head against the head of his opponent. Many wrestlers are  
8 directed to perform, or be subjected to, situations that put their brains are as great  
9 a risk.

10 79. Below is a picture of Benoit performing "the flying head butt:"



17 80. Moreover, like other WWE wrestlers, Benoit was routinely hit in the  
18 head with a chair.<sup>22</sup>

19 81. In 2007, Benoit died and thereafter, Dr. Bennet Omalu and Dr. Julian  
20 Bailes—leading forensic neuropathologists who discovered CTE in the brains of  
21 several former football players—examined Benoit's brain. Drs. Omalu and Bailes  
22 concluded that Benoit had unmistakably suffered from CTE. Their findings were  
23 subsequently published in a peer-reviewed medical journal.<sup>23</sup>

24  
25 <sup>21</sup> Michael Kirk, "League of Denial: the NFL's Concussion Crisis" (June 12,  
26 2013), available at <http://www.pbs.org/wgbh/pages/frontline/sports/league-of-denial/the-frontline-interview-chris-nowinski/>.

27 <sup>22</sup> Mark Fainaru-Wada and Steve Fainaru, *League of Denial* 249 (2013).

28 <sup>23</sup> See Bennet Omalu, et al., *Chronic traumatic encephalopathy in a professional*

1 82. Dr. Bailes explained that Benoit's brain was so damaged from CTE  
2 that it "resembled the brain of an 85-year-old Alzheimer's patient."<sup>24</sup>

3 83. Two years later, former WWE wrestler Andrew "Test" Martin died,  
4 at the age of 33. Dr. Omalu conducted an analysis of Martin's brain tissue. Dr.  
5 Omalu found that Martin, like Benoit, suffered from CTE stemming from repeated  
6 blows to the head.

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

10 85. This is in part due to the stunningly high suicide rate among former  
11 wrestlers. At least 13 wrestlers have died of suicide over the last 10 years.<sup>25</sup> Each  
12 of these wrestlers sustained repeated blows to the head while working for WWE.  
13 For example, one of these wrestlers, Chris Kanyon, suffered at least twelve  
14 concussions over his career. Before committing suicide, Kanyon told friends that  
15 he believed he had suffered brain damage from wrestling in WWE.<sup>26</sup>

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

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

19 87. WWE has continually represented to its wrestlers, and the public, that  
20 the safety of its wrestlers is a top priority. To take but one example, Vince  
21

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22 *American wrestler*, J. FORENSIC NURS., Vol. 6, Issue 3, Fall 2010, at 130-6.

23 <sup>24</sup> Stephen J. Giannanello, *Real Life Monsters: A Psychological Examination of*  
24 *Serial Murder* 38 (2012).

25 <sup>25</sup> Keith Harris, "Sean O'Haire: A stark reminder about the long term-effects of  
26 brain trauma?" (Sept 13, 2014), available at  
27 <http://www.cagesideseats.com/wwe/2014/9/13/6144849/sean-ohaire-a-stark-reminder-about-the-long-term-effects-of-brain>.

28 <sup>26</sup> *Id.*

1 McMahon told the Committee on Oversight and Government Reform of the U.S.  
2 House of Representatives, “Let me just say, [WWE] is always concerned about  
3 safety of our talent, absolutely. We were the first people to do any number of  
4 things to make things safe for our talent, if that’s the direction in which you’re  
5 going.”<sup>27</sup>

6 88. In fact, WWE puts its wrestlers at grave risk, and encourages  
7 wrestlers to hurt themselves for WWE’s benefit. Indeed, the WWE compensated  
8 wrestlers who performed more dangerous moves at a higher rate than those who  
9 performed safer routines and actively encourage the most violent and dangerous  
10 types of wrestling moves in order to maximize profits.

11 89. WWE does not – in some instances, cannot – adequately protect the  
12 safety of its wrestlers during matches. Indeed, WWE allowing or encourages  
13 matches to continue after a wrestler has suffered a devastating injury, sometimes  
14 downplaying or glorifying the injuries for their own benefit. For years, WWE  
15 employed medical staff for the purpose of rubber-stamping a wrestler’s  
16 participation long past the outer boundaries of then-known safety guidelines.

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

22 91. Likewise, in 1998 match fittingly called “Hell in a Cell,” wrestler  
23 Mick Foley was thrown from the top of a steel cage, at which point he was

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25 <sup>27</sup> Committee on Oversight and Government Reform, U.S. House of  
26 Representatives, Washington, D.C., Interview of Vince Kennedy McMahon (Dec.  
27 14, 2007), available at  
28 <https://www.scribd.com/doc/33253381/Vince-McMahon-s-Testimony-to-Waxman-committee>.

1 knocked unconscious. Rather than ending the fight, the “referee” and the “medical  
2 team” on sight allowed the wrestler to finish the match when he regained  
3 consciousness. Indeed, the video from the incident suggests that the medical staff  
4 merely pretended to examine Foley for the benefit of the ongoing “action soap  
5 opera.”<sup>28</sup> When Foley stood up, a WWE announcer yelled with glee, “He’s either  
6 crazier than hell, or he’s the toughest S.O.B. I’ve ever seen . . . !” The announcers  
7 then proceeded to debate whether the item sticking out of Foley’s bloody nose was  
8 a tooth or some other foreign object. In fact, it was one of Foley’s teeth. After  
9 Foley sustained these injuries, the match continued for an additional ten minutes.  
10 At the end of the match, when Foley was being helped out of the arena, one  
11 announcer exclaimed that “if anybody ever deserved a standing ovation,” it was  
12 Foley, for fighting through his injuries.

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



23  
24 93. In a 2010 match, Oscar Gutierrez, also known as Rey Mysterio,  
25 jumped off the ropes and landed on the nose of his opponent, Mark Calloway, also  
26 known as The Undertaker. Calloway, who suffered a concussion and broke his

27  
28 <sup>28</sup> See <https://www.youtube.com/watch?v=NgYoYTbnPo4> at roughly 11:00.

1 nose, was visibly “woozy” and “wearing the wounds of war,” according to a  
2 reverent WWE announcer. Nonetheless, WWE permitted the match to continue  
3 until its scripted end, several minutes later.

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

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

18 96. Moreover, despite the McMahon’s claim that they were banning chair  
19 shots to the head in 2007, chair shots to the head were in fact not banned until  
20 three years later. And even after the implementation of this “ban,” wrestlers  
21 continue to hit each other in the head with chairs.

22 97. Wrestlers at the WWE reasonably relied on the WWE medical staff,  
23 trainers and bookers in assessing the risks of their participation. The WWE has  
24 used the disparity in resources and information to its great advantage

25 **E. WWE Encourages Steroid Use, Thereby Increasing the Change**  
26 **of Wrestlers Hurting One Another.**

27 98. WWE’s signature is, and has always been, the enormous size of its  
28 wrestlers. Its large wrestlers are central its appeal, and was key to WWE becoming



1 dominance in the field of wrestling entertainment. Champion wrestlers average  
2 6'1"-6'4" in height and 215-275 lbs.

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

6 100. In 1989, federal investigators discovered that Dr. George T. Zahorian  
7 III, a physician connected with WWE, had been regularly distributing anabolic  
8 steroids to current WWE CEO Vince McMahon, as well as various WWE  
9 wrestlers. The physician was later indicted, and convicted, of illegally distributing  
10 steroids. During the investigation, WWE executive Linda McMahon sent a letter  
11 to a fellow WWE executive, stating that "[a]lthough you and I discussed before  
12 about continuing to have Zahorian at our events as the doctor on call, I think that  
13 is now not a good idea," and instructing the other executive to "clue [Dr.  
14 Zahorian] in on any action that the Justice Department is thinking of taking." Just  
15 before Dr. Zahorian was indicted, federal prosecutors alleged that an unnamed  
16 WWE official called the doctor and instructed him to "destroy any evidence of his  
17 contact with WWF or WWF wrestling personnel."<sup>29</sup>

18 101. Other wrestlers have suggested that Bollea's testimony  
19 underestimated the percentage of WWE wrestlers who used steroids.

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

24 103. In fact, the "wellness policy" did not stem the tide of steroid use in  
25 WWE, because it contains a loophole permitting wrestlers to use steroids if they

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26  
27 <sup>29</sup> Ted Mann, "McMahon warned steroid doctor of investigation" (Apr 9, 2010),  
28 available at <http://www.theday.com/article/20100409/NWS12/100409727/1017>.

1 have a prescription. Many wrestlers inappropriately exploited, and continue to  
2 exploit, this loophole. Moreover, six months after implementing its steroid policy,  
3 WWE relaxed the policy to allow wrestlers suspended for steroid abuse to  
4 participate in “selected television events” and pay-per-view events.

5 104. Despite its “wellness policy,” former WWE employees have revealed  
6 that WWE continues to encourage steroid use.<sup>30</sup>

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

10 106. Moreover, anabolic steroid use increases one’s tolerance for pain,  
11 meaning that wrestlers using steroids are able to sustain more pain during a fight.<sup>31</sup>  
12 Due to this increased tolerance for pain, wrestlers on steroids are more likely to  
13 sustain serious head injuries, and more likely wrestle through any head injuries  
14 they sustain.

15 107. Thus, WWE has increased the likelihood that its wrestlers will hurt  
16 themselves and each other.

17 **IV. WWE Has Denied, Covered Up, and Concealed Injuries, Including**  
18 **Head Injuries, Suffered by Its Wrestlers.**

19 108. Every blow to the head is dangerous. Both repeated concussions and  
20 sub-concussive blows cause permanent brain damage. During WWE practice as  
21 well as the documented matches WWE wrestlers such as Plaintiffs sustained  
22 thousands of hits to the head and numerous concussions. Such repeated blows  
23 result in permanently impaired brain function.

24 109. WWE has covered up the harms it knew or should have known it was  
25

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26 <sup>30</sup> See [https://www.youtube.com/watch?v=Cvd\\_\\_8uUSCs](https://www.youtube.com/watch?v=Cvd__8uUSCs).

27 <sup>31</sup> William N. Taylor, M.D., *Anabolic Steroids and the Athlete*, 2d ed. 68-69  
28 (2002).

1 subjecting wrestlers to. It did so in three ways: first, by concealing, and failing to  
2 acknowledge, medical research concerning the risks of head trauma; second, by  
3 downplaying the injuries suffered by its wrestlers before, during, and after  
4 matches; and third, by denying that WWE wrestlers have suffered, and are at  
5 grave risk of suffering, concussions and long term brain damage.

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

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

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

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

21 • During the 1950s, 60s, 70, 80s, and 90s, studies were authored by the  
22 Journal of the American Medical Association ("JAMA") and the New England  
23 Journal of Medicine, concerning head trauma and concussions. In particular, many  
24 of the studies focused on sports-related head trauma and concussions and the long  
25 term implications of such injuries (which include loss of brain function and  
26 dementia).

27 • In 1973, Drs. Corsellis, Bruton, & Freeman-Browne reported as to  
28 the physical neurological impact of boxing. The study outlined the

1 neuropathological characteristics of dementia, loss of brain cells and cerebral  
2 atrophy.

3 • In 1986, Dr. Robert Cantu of the American College of Sports  
4 Medicine published Concussion Grading Guidelines (updated in 2001).

5 • In 2001 and 2004, conventions of neurological experts met in Prague  
6 and Vienna with the aim of providing recommendations for the improvement of  
7 safety and health of athletes who suffer concussive injuries in ice hockey, rugby,  
8 football, and other sports based on the most up-to-date research. These experts  
9 recommended that a player never be returned to play while symptomatic, and  
10 coined the phrase, “when in doubt, sit them out.” These two conventions were  
11 attended by predominately American doctors who were experts and leaders in the  
12 neurological field.

13 • A 2006 publication stated that “[a]ll standard U.S. guidelines, such as  
14 those first set by the American Academy of Neurology and the Colorado Medical  
15 Society, agree that athletes who lose consciousness should never return to play in  
16 the same game.”

17 • In 2007, scientists concluded that a former WWE wrestler had  
18 suffered from CTE. Scientists concluded in 2009 that a second former WWE  
19 wrestler had suffered from the same affliction.

20 113. WWE knew, or should have known, about this and other research  
21 demonstrating the dangers of receiving concussive and sub-concussive blows to  
22 the head. Moreover, WWE knew or should have known that the research  
23 associated with boxing, hockey, and football also reflected dangers associated  
24 with WWE wrestling. Indeed, for the reasons set forth above, wrestlers have a  
25 greater risk of receiving frequent concussive and sub-concussive blows to the head  
26 than athletes in those sports.<sup>32</sup>

27 \_\_\_\_\_  
28 <sup>32</sup> Notably, some commentators have pointed out that where the rules or practices

1 114. On information and belief, WWE and its predecessors in interest  
2 were also advised by various physicians and medical experts of the risks  
3 associated with repeated blows to the head, including the risks associated with  
4 concussions and sub-concussive blows. WWE ignored these warnings, just as it  
5 ignored the warnings embedded in the relevant medical literature.

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

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

10 116. Though WWE has staff on-site for matches purportedly to monitor  
11 and protect its wrestlers, WWE has prioritized the continuation of matches over  
12 the safety of WWE wrestlers.

13 117. WWE personnel and medical staff have negligently or purposefully  
14 failed to intervene in wrestling matches wherein a wrestler had suffered a

15  
16 of a given activity inevitably result in these injuries, they should be subject to  
17 strict liability:

18 There is, as we highlighted already, considerable evidence that concussions  
19 received by NFL players result in those players' lowered overall result in those  
20 players' lowered overall life expectancy, as well as serious decline in their mental  
21 and physical health. Players cannot avoid receiving concussions unless the  
22 fundamental rules of the sport are changed. While the violent nature of the sport is  
23 often taken for granted, the level of violence encouraged by team ownerships is  
24 often far greater than the level required to win the game. Incentives are created for  
25 players to engage in levels of violence that are inappropriate for the circumstances  
26 and that greatly increase the physical harm suffered by other players. Thus, it is  
27 apparent that there is a plausible argument in favor of imposing strict liability in  
28 order to correct the perverse incentive structures that perpetuate excessive  
violence.

Barker, Caleb, et. al. "NFL Concussions: The Current Situation and Policy  
Implications" *available at* <http://learning.law.harvard.edu/frontiertorts/wp-content/uploads/2013/04/NFL-Concussions-White-Paper-2.pdf>

1 concussion. WWE downplayed clear symptoms of concussions, glorifying their  
2 wrestlers for fighting through their “wooziness.”

3 118. Moreover, WWE personnel and medical staff have negligently or  
4 purposefully failed to diagnose wrestlers with concussions after wrestling  
5 matches, and negligently or purposefully failed to report concussions to the  
6 wrestlers.

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

12 120. Remedial programs undertaken the WWE may indeed have had the  
13 opposite of the intended effect, clearing wrestlers to return to the ring while still  
14 suffering the aftereffects of head trauma. A “study of studies” in 2012 revealed  
15 that the “Impact” program may increase the risk of long term damage because of  
16 its error rate.<sup>33</sup>

17 121. In 2014, Philip Jack Brooks, who wrestled under the name “Punk,”  
18 sustained serious injuries but was cleared to wrestle. He has stated: “I got a  
19 concussion in the Royal Rumble . . . I knew I had a concussion. Everyone knew I  
20 had a concussion. And they were like we want you to take this test. . . . I took the  
21 test while texting you and listening to my headphones and I ‘passed’ with flying  
22 colors. But then they were like we want you to go to the ring and run the ropes.  
23 And I was like but I just passed your test and they were like yeah, but we still  
24 think you have a concussion. I was like so your test is worthless.”<sup>34</sup>

25  
26 <sup>33</sup> See <http://m.espn.go.com/general/story?storyId=8297794&src=desktop&wjb>.

27 <sup>34</sup> [http://www.wrestlezone.com/news/530395-wwe-issues-statement-following-](http://www.wrestlezone.com/news/530395-wwe-issues-statement-following-cm-punk-blasting-company-doctors)  
28 [cm-punk-blasting-company-doctors](http://www.wrestlezone.com/news/530395-wwe-issues-statement-following-cm-punk-blasting-company-doctors)

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

3           122. WWE has systemically denied that its wrestlers routinely suffer from  
4 concussions, or that its wrestlers suffer from long term brain damage. No one at  
5 WWE ever warned plaintiff and the member of the Class about the risk of  
6 sustaining numerous sub-concussive and concussive blows.

7           123. For example, in 2007, WWE Executive Stephanie McMahon  
8 Levesque testified to the Committee on Oversight and Government Reform of the  
9 U.S. House of Representatives that there were no documented concussions in  
10 WWE's history.<sup>35</sup>

11           124. A cursory look at clips of any wrestling match will reveal that the  
12 wrestlers have undergone – and continue to undergo – significant head trauma  
13 regularly.

14           125. On information and belief, at the time of Levesque's testimony,  
15 WWE wrestlers cumulatively experienced hundreds—if not thousands—of  
16 concussions. To categorically deny that these concussions were documented  
17 amounts to an admission that WWE refused to acknowledge the extreme risks it  
18 was subjecting its wrestlers to.

19           126. WWE also attempted to cover up the connection between the death of  
20 Chris Benoit and the brain damage he suffered in the ring. WWE actively worked  
21 to erase Benoit from WWE's history, editing his matches out of DVDs and  
22 redacting his name and numerous "championships" from the record books.

23           127. Moreover, in a joint interview for the 2007 CNN documentary *Death*  
24 *Grip: Inside Pro Wrestling*, WWE CEO Vince McMahon and former WWE CEO

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25 <sup>35</sup> See Committee on Oversight and Government Reform, U.S. House of  
26 Representatives, Washington, D.C., Interview of: Stephanie McMahon Levesque  
27 117 available at  
28 <http://oversight-archive.waxman.house.gov/documents/20081231140942.pdf>.



1 Linda McMahon attacked Drs. Omalu and Bailes's finding that Benoit had  
2 suffered from CTE. This was part of a larger plan to deny that Benoit had suffered  
3 from CTE and to discredit the research suggesting he had.

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

7 129. The WWE's chief doctor, Dr. Joseph Maroon, has been involved in  
8 prior concussion and head trauma related cover ups, including attempts to  
9 discredit research related to CTE.<sup>36</sup>

## 10 **V. Facts Concerning Named Plaintiffs**

### 11 **Russ McCullough**

12 130. Plaintiff Russ McCullough who stands at 6 feet 10 inches 350  
13 pounds, is a resident of Corona, Riverside County, California. Russ McCullough  
14 wrestled for the WWE from 1999 to 2001. His stage name was "Big Russ  
15 McCullough."

16 131. McCullough often wrestled several times per week, did not have  
17 adequate time to rest between matches, and was encouraged to wrestle while  
18 injured. In one instance was forced to wrestle with a torn knee ligament while on  
19 crutches.

20 132. As a wrestler for WWE, McCullough suffered numerous injuries to  
21 the upper body, neck and head during his career. Specifically, Russ McCullough  
22 was knocked completely unconscious after being struck by the back of a metal  
23 chair in Cincinnati. After he was knocked unconscious the beating continued and  
24 he was struck in the head with a metal chair more than 15 times without  
25 intervention by WWE staff. McCullough sought medical treatment on his own and  
26 the head injury was diagnosed as a severe concussion. He reported the event to

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27 <sup>36</sup> <http://concussioninc.net/?p=9617>  
28

1 WWE who responded: “Not our problem.”

2 133. In addition Russ McCullough participated in numerous matches  
3 where he suffered sub-concussive or concussive blows, yet WWE, its personnel,  
4 and medical staff did not intervene or take measures to prevent further injury.  
5 Indeed, WWE failed to provide or recommend adequate medical care, even when  
6 he was showing unmistakable signs of serious injury.

7 134. As a direct result of his participation in WWE events, McCullough  
8 has suffered physical changes placing him at a higher risk of future harm for  
9 neurological problems.

10 135. Today Russ McCullough, suffers from numerous symptoms  
11 including but not limited to headaches, severe migraines memory loss, and severe  
12 depression and panic attacks which have required over forty emergency room  
13 visits since he retired.



1 **Plaintiff Ryan Sakoda**

2 136. Plaintiff Ryan Sakoda born in Tokyo Japan and is a resident of West  
3 Hollywood, Los Angeles County, California. Ryan Sakoda wrestled for the WWE  
4 from 2003 to 2004.

5 137. Ryan Sakoda states that the WWE operated by “intimidation and  
6 abuse” and disregarded his health and safety, and that of others, to a degree that  
7 has left him traumatized. He states he and others were “forced to wrestle injured  
8 or you lost your job,” and that concussions were not discussed or treated.

9 138. While wrestling for the WWE in 2003, he was knocked unconscious  
10 in a match by a Super Kick. The course of treatment recommended to Ryan by the  
11 WWE medical staff and trainer was “not to go to sleep,” suggesting that if he did,  
12 he may bleed to death and die. He stayed awake that night.

13 139. Sakoda states that the WWE treated him “as less than a human  
14 being,” and “with total indifference as to whether he lived or died,” let alone any  
15 concern for his head injuries or health.

16 140. Today Ryan Sakoda, suffers from numerous symptoms including but  
17 not limited to headaches, severe migraines, memory loss and severe depression.

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**Plaintiff Matt Wiese**

141. Plaintiff Matt Wiese, is a resident of Los Angeles, Los Angeles County, California. Matt Wiese wrestled for the WWE from 2003 to 2005. His stage name was “Luther Reigns.”

142. Matt Wiese wrestled regularly in SmackDown! in both singles and tag team events where he faced the Undertaker, Eddie Guerroo and Rey Mysterio. During these and other events, he sustained numerous untreated head injuries. Matt Wiese observed that there was a “code of silence” related to injuries, and that the WWE fostered an environment of fear. During one WWE event, Matt Wiese was punched so hard in the head by Big Show, another WWE wrestler, that he had visible injuries to his head and he vomited following the event. WWE staff took no steps to intervene in the event and WWE medical staff did nothing to treat Matt Wiese following the incident.

143. Matt Wiese suffers from massive sustained headaches and suffered a

1 stroke.

2 144. Today Matt Wiese suffers from post-concussion symptoms including  
3 but not limited to severe fatigue, dizziness, and severe short and long term  
4 memory loss. Mr. Wiese is unable to remember much of his life.

5 **CLASS ACTION ALLEGATIONS**

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

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

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

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

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

- 25 a. Whether Defendant breached its duty to warn the Class about brain  
26 trauma and/ or concussions;
- 27 b. Whether Defendant's breaches caused injuries to the Class;
- 28 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

1 concussions;

2 e. Whether Defendant's rule-making decisions and investigations  
3 promoted player safety;

4 f. Whether Defendant promoted violent behaviors which led to the  
5 injuries alleged herein;

6 g. Whether the Class is entitled to restitution and other equitable relief  
7 requested herein; and

8 h. Whether the Class suffered damages and are entitled to damages.

9 148. Typicality. Plaintiffs' claims are typical of the Class's claims.  
10 Plaintiffs and the Class sustained similar injuries as a direct result of the actions of  
11 the WWE and suffered serious head injuries.

12 149. Adequacy. Plaintiffs will fairly and adequately represent and protect  
13 the Class's interests. Plaintiffs have no interests antagonistic to the Class.  
14 Plaintiffs have retained counsel with experience prosecuting consumer class-  
15 action and complex litigation claims.

16 150. Superiority. A class action is superior to all other available methods  
17 for fair and efficient adjudication of this controversy. Plaintiffs know of no  
18 difficulty to be encountered in the management of this action that would preclude  
19 its maintenance as a class action.

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

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

27 152. Because the injuries to the Class are latent and not detectable until  
28 manifestation, Plaintiffs and the Class members were not reasonably able to

1 discover their injuries until after being diagnosed, despite their exercise of due  
2 diligence.

3 153. Defendant knew that the Plaintiffs and Class were suffering  
4 concussions during and prior to their careers and concealed that material  
5 information from Plaintiff and all WWE wrestlers.

6 154. Because Defendant concealed the true character, quality and nature of  
7 these injuries, it is estopped from relying on any statute of limitations defense. The  
8 applicable statute of limitations is tolled because Defendant's fraudulent  
9 concealment of the dangers and adverse effects of head injuries prevented  
10 Plaintiffs from learning of or properly appreciating the hazards to their health.

11 155. The WWE had a duty toward its wrestlers, including Plaintiffs, based  
12 upon its special relationship, assumed duty of care, and superior knowledge about  
13 the causes, frequency, severity, and proper treatment of concussions, mild  
14 traumatic brain injuries, and other sub-concussive injuries and head trauma.

15 156. Despite the exercise of due diligence, and in part due to the WWE's  
16 policies and representations, Plaintiffs were unable to anticipate, discover, or  
17 properly mitigate the harms caused by, the injuries suffered while wrestling.

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

21 **THE CHOICE OF LAW AND FORUM SELECTION CLAUSES IN**  
22 **DEFENDANT'S CONTRACTS ARE INVALID**

23 158. Because the contracts entered into between Plaintiffs and members of  
24 the class and Defendant were contracts of adhesion and against public policy, the  
25 choice of law and forum selection provisions are invalid and unenforceable.

26 159. Plaintiffs had no opportunity to negotiate or modify the contracts  
27 presented to them by Defendant prior to entering into them.

28 160. Plaintiff Sakoda was presented with his contract after he was already



1 working for Defendant and was told by WWE that it was on a “take it or leave it  
2 basis.” He had no opportunity to have it reviewed by independent counsel or even  
3 suggest modification of any of its terms.

4 161. Plaintiffs Wiese and McCullough were similarly not afforded any  
5 opportunity to negotiate their agreements with the WWE. They were told to sign  
6 the contracts if they wanted to wrestle.

7 162. Based on the monopolistic nature of Defendant’s business and the  
8 identical contracts of adhesion presented to Plaintiffs and members of the class,  
9 the unbargained for choice of law and forum selection clauses in Defendant’s  
10 contracts are against public policy and unenforceable.

11 **CAUSES OF ACTION**

12 **FIRST CAUSE OF ACTION**

13 **(FRAUDULENT CONCEALMENT AND**  
14 **FAILURE TO DISCLOSE OR WARN)**

15 163. Plaintiffs re-allege and incorporate by reference each of the  
16 paragraphs above.

17 164. During the Class period, Defendant knowingly, fraudulently, and  
18 actively misrepresented, omitted, and concealed from its wrestlers, including  
19 Plaintiffs, material facts concerning repetitive head impacts and related injuries,  
20 the risks associated with the participation in WWE events, and exposure to  
21 situations causing latent physical changes related to long term neurological  
22 damage.

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

26 166. The misrepresentations, omissions, and concealments complained of  
27 herein were material and were made on a uniform basis. As a direct and proximate  
28 result of these misrepresentations, omissions and concealments, Plaintiffs and the

1 Class have been damaged, as alleged herein.

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

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

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

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

15 171. Plaintiffs and the Class are entitled to damages and injunctive relief  
16 as claimed below.

17 **SECOND CAUSE OF ACTION**  
18 **(NEGLIGENT MISREPRESENTATION)**

19 172. Plaintiffs re-allege and incorporate by reference each of the  
20 paragraphs above.

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

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

27 175. The WWE materially misrepresented the risks faced by Plaintiffs  
28 related to head, back, and spine injuries through misleading public statements,

1 requiring players to fight through the pain, and criticizing the legitimate scientific  
2 studies which illustrated the dangers and risks of head injuries and the long-term  
3 effects of concussions.

4 176. Plaintiffs justifiably and reasonably relied on the WWE's negligent  
5 misrepresentations to his detriment when wrestling for the WWE.

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

11 178. As a direct and proximate result of the WWE's negligent  
12 misrepresentations, Plaintiffs have suffered and continue to suffer serious personal  
13 injury, including neuro-cognitive brain disease and associated damages including  
14 mental disability, loss of income, pain and suffering, emotional distress, and loss  
15 of consortium. Plaintiffs and the members of the Class seek the full measure of  
16 damages allowed under applicable law.

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

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

23 181. Had Plaintiffs and the Class been aware of the true nature of  
24 Defendant's business policies and practices, they would not have participated in  
25 WWE wrestlers in the manner they did.

26 182. The failure of the WWE to publicize the mounting evidence in the  
27 scientific literature of the evolving and chronic neuro-cognitive problems amongst  
28 former and current WWE wrestlers caused wrestlers to believe that their physical

1 and psychological problems (as described herein) were neither serious nor related  
2 to wrestling. These commissions or omissions caused Plaintiffs and the members  
3 of the Class to ignore the need for necessary treatment.

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

9 184. Plaintiffs and the Class are entitled to damages and injunctive relief  
10 as claimed below.

11 **THIRD CAUSE OF ACTION**  
12 **(DECLARATORY AND INJUNCTIVE RELIEF)**

13 185. Plaintiffs re-allege and incorporate by reference each of the  
14 paragraphs above.

15 186. Plaintiffs and the Class are entitled to declaratory relief establishing  
16 that Defendant negligently injured them with conduct that was intentional or  
17 negligent.

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

24 **FOURTH CAUSE OF ACTION**  
25 **(NEGLIGENCE)**

26 188. Plaintiffs re-allege and incorporate by reference each of the  
27 paragraphs above.

28 189. Defendant owed a duty to Plaintiffs and the Class to exercise

1 reasonable care in the safety and quality control of its wrestling matches, both due  
2 to their relationship and Defendant's voluntary undertakings and superior  
3 knowledge.

4 190. Defendant breached its duty to Plaintiffs and the Class by ignoring  
5 and not properly addressing knowledge that it possessed concerning repetitive  
6 head trauma injuries in its events and associated risks and by failing to take  
7 necessary steps to warn or otherwise inform its wrestlers and the general public.

8 These breaches include, *inter alia*:

9 a. Creating, fostering, and promoting a culture of extreme violence,  
10 including head hits with metal folding chairs, techniques causing severe trauma to  
11 the spine, neck, and head;

12 b. Failing to inform the WWE Talent about the scientific research on the  
13 negative health effects of head trauma and about anecdotal evidence from the  
14 negative health effects of head trauma;

15 c. Failing to warn of the potential negative effects of head injuries  
16 suffered while wrestling for the WWE, including but not limited to, the possibility  
17 of CTE;

18 d. Failing to adequately address the continuing health risks associated  
19 with concussive events, sub-concussive events and/or brain injuries that wrestlers  
20 sustained;

21 e. Failing to make any statements or substance about concussions,  
22 MTBI, CTE and/or other head injuries; and,

23 f. Willfully, wantonly, recklessly, and/or negligently inducing Plaintiffs  
24 to wrestle and/or continue wrestling having sustained serious injuries including,  
25 but not limited to, concussions, sub-concussions, and CTE without being properly  
26 treated and rehabilitated.

27 191. Defendant was aware, or reasonably should have been aware, that  
28 injuries were prevalent in its events and posed great risk to its wrestlers.

1 192. When they participated as wrestlers in WWE, Plaintiffs and the Class  
2 were not aware WWE had concealed and ignored certain vital medical  
3 information. As a direct and proximate result of the Defendant's negligent acts  
4 and omissions as previously stated, Plaintiffs suffered traumatic brain damage  
5 from sustained concussions, sub-concussions, and CTE, an increased risk of  
6 further concussions and sub-concussions, an increased severity of concussions and  
7 sub-concussions, disfiguring scarring and physical injury, loss of mental acuity  
8 and acumen, loss of short-term memory, loss of awareness, depression, loss of a  
9 healthier state of being, as well as other symptoms and disorders resulting from his  
10 severe injuries.

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

14 **FIFTH CAUSE OF ACTION**  
15 **(MEDICAL MONITORING)**

16 194. Plaintiffs re-allege and incorporate by reference each of the  
17 paragraphs above.

18 195. Repetitive blows during WWE events has a microscopic and latent  
19 effect on the brain. Repetitive exposure to accelerations to the head causes  
20 deformation, twisting, shearing, and stretching of neuronal cells such that multiple  
21 forms of damage take place, including the release of small amounts of chemicals  
22 within the brain, such as the Tau protein. Among other things, the gradual build-  
23 up of Tau protein – sometimes over decades – causes CTE and related disorders.

24 196. The effects of WWE's negligence and the circumstances it subjected  
25 wrestlers to may lead to latent physical changes which ultimately cause significant  
26 neurological impairment.

27 197. WWE exposed Plaintiffs and the Class to hazardous conditions and  
28 out-of-the ordinary risks of harm. Repetitive head traumas to which the Plaintiffs

1 have been exposed presented risks of latent but long-term debilitating chronic  
2 illnesses which are not presented to the normal population. Absent the  
3 Defendant's negligence, fraud, and misrepresentations, the Plaintiffs' exposure to  
4 the risks of harm as described above would have been materially lower.

5 198. Accordingly, the repetitive head impacts sustained exposed Plaintiffs  
6 and the members of the Class, to subtle and repetitive changes within the brain on  
7 the cellular level. For that reasons, the environment within which WWE wrestlers  
8 have sustained repetitive head impacts exposed them to substantive hazards.

9 199. Plaintiffs and the members of the class suffered latent injuries which  
10 develop over time and manifest later in life include but are not limited to varying  
11 forms of neuro-cognitive disability, decline, personality change, mood swings,  
12 rage, and related disorders.

13 200. WWE wrestlers were and continue to be:

- 14 a. Exposed to greater than normal background levels;
- 15 b. Of a proven hazardous substance, condition, activity, or event;
- 16 c. Which was caused by the Defendant's willful, wanton, reckless or  
17 negligent acts; and,
- 18 d. As a proximate result of the exposure, Plaintiffs and the Class have  
19 significantly increased risk of contracting serious latent diseases.
- 20 e. Further, a monitoring procedure exists that makes the early detection  
21 of the disease possible; and,
- 22 f. Such a monitoring regime is different from that normally  
23 recommended in the absence of the exposure or activities at issue here;
- 24 g. Which is reasonably necessary according to contemporary scientific  
25 principles.

26 201. By monitoring and testing the affected brains and bodies of the  
27 Plaintiffs and Class, it can be determined whether they have suffered the injuries  
28 alleged herein.



1           202. By monitoring and testing Plaintiffs and the members of the Class,  
2 the risk that Plaintiffs and the members of the Class will suffer long term injuries,  
3 disease, and losses will be significantly reduced.

4           203. By monitoring and testing Plaintiffs and the members of the Class,  
5 the risk that Plaintiffs and the members of the Class will suffer long term injuries,  
6 disease, and losses without adequate treatment will be significantly reduced.

7           204. The medical monitoring regime must include, but is not limited to,  
8 baseline tests and diagnostic examinations which will assist in diagnosing the  
9 adverse health effects associated with WWE wrestling. This diagnosis will  
10 facilitate the treatment and behavioral and/or pharmaceutical interventions that  
11 will prevent or mitigate various adverse consequences of the latent  
12 neurodegenerative disorders and diseases associated with the repetitive sub-  
13 concussive and concussive injuries that Plaintiffs and the members of the Class  
14 suffered as a result of participating in WWE events.

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

17           a. Establishes a trust fund, in an amount to be determined, to pay for the  
18 medical monitoring of all wrestlers subjected to checks and hits, as frequently as  
19 determined to be medically necessary, as well as to pay to develop and research  
20 other methods by which the risk of those affected can be reduced;

21           b. Notifies all Class Members in writing that they require frequent  
22 medical monitoring; and

23           c. Provides information to treating physicians to aid them in detecting  
24 such injuries.

25           206. Plaintiffs and the Class have no adequate remedy at law in that  
26 monetary damages alone cannot compensate them for the risk of concussions and  
27 repeated sub-concussive blows. Without a Court-approved medical monitoring  
28 program as described herein, Plaintiffs and the Plaintiff Class Members will

1 continue to face unreasonable risks alleged herein.

2 207. Plaintiffs and the Class are entitled to damages in an amount to be  
3 determined at trial.

4 **SIXTH CAUSE OF ACTION**

5 **(STRICT LIABILITY FOR ABNORMALLY DANGEROUS ACTIVITIES)**

6 208. Plaintiffs re-allege and incorporate by reference each of the  
7 paragraphs above.

8 209. The entertainment product produced, managed, directed and sold by  
9 WWE inherently involves a high degree of risk of harm to its wrestlers.

10 210. The harm resulting from the risks the WWE exposed its wrestlers too  
11 is great. The harm sustained as a direct result of WWE's conduct is grave,  
12 including permanent brain damage, depression, and fatalities.

13 211. Wrestling and other activities required of wrestlers by the WWE  
14 create a substantial risk that cannot be eliminated by the exercise of reasonable  
15 care.

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

19 213. It is inappropriate, in any setting, for WWE to subject poorly trained  
20 wrestlers to the dangerous environment fostered by its events.

21 214. The community captures no benefit from – and indeed is harmed by –  
22 the unmitigated brutality and violence disseminated by WWE.

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

28 **SEVENTH CAUSE OF ACTION**

1 **VIOLATION OF THE CALIFORNIA UNFAIR**  
2 **COMPETITION LAW ("UCL")**

3 **Cal. Bus. & Prof. Code § 17200, et seq.**

4 216. Plaintiffs re-allege and incorporate by reference each of the  
5 paragraphs above.

6 217. Defendants engaged in and continue to engage in acts or practices  
7 that constitute unfair competition as defined by Business and Professions Code  
8 section 17200, including, but are not limited to knowingly, fraudulently, and  
9 actively misrepresented, omitted, and concealed from its wrestlers, including  
10 Plaintiffs, material facts concerning repetitive head impacts and related injuries,  
11 the risks associated with the participation in WWE events, and exposure to  
12 situations causing latent physical changes related to long term neurological  
13 damage.

14 218. The acts and practices of Defendant alleged in this Complaint  
15 constitute unfair, unlawful, and/or fraudulent business acts or practices within the  
16 meaning of California Business and Professions Code section 17200.

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

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

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

25 222. Plaintiffs and the Class have been injured and have suffered loss of  
26 money or property as a result of Defendants' unfair, unlawful, and/or fraudulent  
27 business acts and practices.

28 223. All named Plaintiffs have standing to pursue claims under the UCL as

1 they all suffered injuries both physical and monetary as a result of Defendants'  
2 unlawful, unfair, or fraudulent business practices.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiffs prays for judgment against Defendant as follows:

5 1. For an order certifying that the action may be maintained as a class  
6 action, certifying Plaintiffs as representative of the Class, and designating their  
7 attorneys as Class counsel;

8 2. Enjoining Defendant from the conduct alleged herein and order  
9 medical monitoring;

10 3. Declaratory relief as requests pursuant to 28 U.S.C. § 2201;

11 3. For actual damages in an amount to be determined at trial;

12 4. For an award of attorneys' fees;

13 5. For compensatory and punitive damages;

14 6. For the costs of this suit;

15 7. For pre-and post-judgment interest on any amounts awarded; and

16 8. For such further relief as may be just and proper.

17 **DEMAND FOR JURY TRIAL**

18 Plaintiffs demand a jury trial on all issues so triable.

19  
20 DATE: April 9, 2015

By: /s/Michael A. McShane

21 Michael A. McShane

22 Jonas P. Mann

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