

Exhibit A

Cozy ties between concussion foundation and WWE cause concerns - The Boston Globe



Nancy Palmieri for The Boston Globe/file

Harvard graduate Chris Nowinski (right) was battered by his WWE opponent during a bout at the Springfield Civic Center in 2002.

By [Bob Hohler](#) Globe Staff June 12, 2016

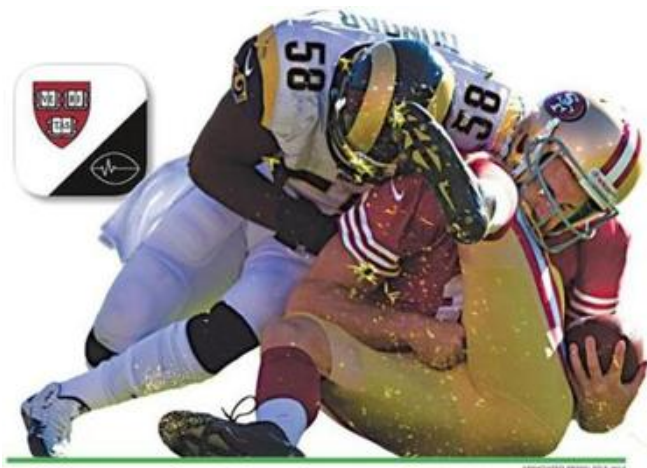
The night his professional wrestling career went bad, Chris Nowinski took a brain-rattling kick to his chin from a 325-pound brawler. Pain seized him, and his world turned gauzy.

Nowinski performed many nights after his 2003 concussion, absorbing a rat-a-tat of blows to his skull for the entertainment of millions.

Before he launched his pioneering career procuring the brains of dead athletes for medical research, Nowinski suffered the kind of debilitating head injuries that damaged countless other professional wrestlers and helped inspire him to expose the hidden perils of the body-slammng entertainment and sports industries.

Nowinski, a former Harvard football player whose star turn in the World Wrestling Entertainment arena was cut short by his brain injuries, is nine years into a campaign to try to solve the concussion crisis in sports, entertainment, and the armed forces — an effort he dedicated in part to former WWE colleagues such as Rene Goguen, who performed as Rene Dupree.

But Goguen and other professional wrestlers said in interviews that they believe Nowinski has sold them short because his Waltham-based Concussion Legacy Foundation has forged a financial bond with WWE, a billion-dollar corporation that has fought concussion-related lawsuits from its former performers.



Since 2013, WWE has agreed to donate \$2.7 million to the foundation, making it the largest benefactor the nonprofit has publicly acknowledged. During that period, Nowinski and his foundation staff have reached out to the families of 12 deceased athletes to acquire their brains for researchers to study for links between repetitive head blows and chronic traumatic encephalopathy, or CTE, a degenerative brain disease that has been diagnosed in hundreds of sports and military veterans, many of whom have committed suicide or succumbed to drug overdoses.

But none of those brains belonged to a professional wrestler, despite nearly 100 of them dying since the WWE's initial gift to Nowinski's foundation. Many of those wrestlers died before the age of 50, including some of Nowinski's fellow performers.

For a number of years, Nowinski gained renown for helping to lead a campaign to expose the incidence of brain damage in the National Football League by aggressively pursuing the brains of deceased players for CTE research. In 2007, he also procured the brain of WWE star Chris Benoit, which helped establish that Benoit suffered from severe CTE when he killed his wife, their 7-year-old son, and himself.

Benoit was the first WWE performer diagnosed with CTE, a disease that can only be confirmed through a post-mortem examination of the brain.



Paul Sancya/Associated Press/File 2010

Chris Nowinski is a cofounder and president of the Concussion Legacy Foundation.

Nowinski, a cofounder and president of the Concussion Legacy Foundation, said by e-mail that he has not acquired the brains of professional wrestlers for CTE research since his nonprofit partnered with WWE in 2013, largely because he has scaled back actively pursuing brains of people who have died. He said he decided as early as 2009 that it would be more efficient and scientifically beneficial to acquire brains through a donor registry he established in 2008.

More than 1,000 athletes, military veterans, and others have pledged their brains to the registry, including at least eight professional wrestlers who have publicly acknowledged their pledges. And Nowinski said he has never rejected offers from families of dead wrestlers to donate their brains for research.

“I want to make clear how inaccurate it would be to claim or insinuate that if there were no donations from the families of professional wrestlers since 2013, it would imply unprofessional activity,” he said.

Goguen, who was featured in Nowinski’s 2006 book, “Head Games,” because of a brain injury he suffered in the ring, is among several former WWE performers who believe Nowinski has adopted a more passive approach to investigating CTE in professional wrestlers than he did with football players. They said they suspect a potential conflict of interest involving the WWE’s donations to Nowinski’s foundation, as did some nonprofit specialists.

WWE has given Nowinski’s foundation \$400,000 a year since 2013. In 2014, the payment accounted for 36 percent of the foundation’s total grants and contributions of \$1.1 million, according to its most recently available federal tax statement.

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Chris Nowinski, cofounder and president of the Concussion Legacy Foundation

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“It certainly seems like a situation where you’re asking the foxes to help guard the chicken coop,” said Marc Pollick, president and founder of the Giving Back Fund, a nonprofit that for 20 years has created and managed charitable foundations for athletes, entertainers, and corporations. “If you’re partnering with a company that is

facing those kinds of [concussion lawsuits], where's the firewall?"

WWE not only sponsors the Concussion Legacy Foundation but has a seat on the foundation's board of directors that is held by Paul Levesque, an executive vice president of WWE who performs under the name Triple H and is the son-in-law of the company's majority owner, Vince McMahon.

"A lot of us are hurting, and Chris knows that," Goguen said from his home in New Brunswick. "It makes me mad that he took WWE's money and now seems to be working for them."

Nowinski said his nonprofit, which solicits public funding, "has reviewed the possibility of an appearance of a conflict and taken steps to ensure that no conflict exists."

His foundation is affiliated with the Boston University CTE Center as well as a brain bank jointly operated by his foundation, BU, and the US Veterans Administration (known as the VA-BU-CLF Brain Bank). Nowinski said WWE has never improperly influenced any research protocols.

He also denied turning his back on professional wrestlers.

"I take this work very seriously," Nowinski said. "I have friends dying with CTE."

Three of Nowinski's wrestling contemporaries have died since February: Joan Laurer (Chyna), who was 46; Jonathan Rechner (Balls Mahoney), 44; and Brian Knighton (Axl Rotten), 44.



Dale Preston for The Boston Globe

Rene Goguen, known by his ring name Rene Dupree, lives in New Brunswick. His life has fallen into disarray, possibly as a result of the toll wrestling has taken.

In an updated edition of his "Head Games" book, Nowinski wrote about feeling "a special obligation" to procure the brain of University of Pennsylvania football player Owen Thomas after Thomas committed suicide in 2010 because they had been both been Ivy League defensive linemen "and it felt as if I had lost one of my own."

He also wrote in his book about one of his tag team wrestling partners, Rodney Begnaud, who performed as Rodney Mack. Begnaud, in a phone interview from Lafayette, La., recalled trying to protect Nowinski after he absorbed the kick to his chin in 2003 from 325-pound Bubba Ray Dudley. Begnaud said he advised WWE officials to monitor Nowinski's condition, and he assumed Nowinski would likewise look out for him.

"I remember him telling me he was going to write a book one day and do research into concussions in the NFL and pro wrestling," Begnaud said. "He said he was going to do everything in his power to help us athletes in football and wrestling who get concussions and get thrown to the side."

When the Globe asked Nowinski why he did not attempt to acquire the brains of Laurer, Rechner, or Knighton for CTE research, he replied, "Many people who meet our brain donation criteria die each year, and I would estimate we do not pursue over 99 percent of cases."

Dr. Ann McKee, a neuropathologist who directs the VA-BU-CLF Brain Bank and is a prolific practitioner of post-mortem CTE research, has examined nearly all the brains Nowinski and his team have obtained since 2008. Nowinski said McKee has studied 187 brains since 2013, and McKee said only one of them belonged to a professional wrestler, whom she did not identify. She said the wrestler's case was referred to her by a medical examiner, not Nowinski or his foundation.

McKee expressed no reservations about WWE's ties to Nowinski's foundation. "We take in as many professional wrestlers' brains as come to our attention," she said. "There has been no attempt to minimize the effects of trauma from professional wrestling in our research."

WWE attorney Jerry McDevitt said the company's grant to the Concussion Legacy Foundation is unrestricted, no strings attached. He praised the foundation for trying to find a way to diagnose CTE in the living and lauded Nowinski for educating WWE performers about concussions.

WWE has covered Nowinski's travel expenses eight times since 2013 for him to discuss concussion risks with its performers.

"We don't in any way try to control their affairs," McDevitt said of Nowinski, his foundation, and its related organizations.

Unlike the National Football League, WWE has not acknowledged a link between head trauma in its business and CTE. Nor have scientists made a specific finding about wrestling and CTE, in part because they have not studied enough brains of professional wrestlers to reach a conclusion.

To date, the only professional wrestlers who have been publicly identified as being diagnosed with CTE are

Benoit and Andrew “Test” Martin, who died at age 33 in 2009. Both were diagnosed by Dr. Bennet Omalu, a neuropathologist who in 2002 made the first CTE diagnosis in an NFL player, former Pittsburgh Steeler Mike Webster.

In Nowinski’s case, he broke ground in 2006 when he became the nation’s first researcher dedicated to asking the families of deceased athletes to donate their brains for the study of CTE. He initially teamed with Omalu, and within months he had obtained the brains of two former NFL players — Andre Waters and Justin Strzelczyk — as well as Benoit’s. All three were diagnosed with CTE.

Nowinski’s work inspired hope among WWE veterans such as Goguen and Begnaud, who are coping with brain-related woes. Professional wrestlers have no union to represent them. Many are struggling financially and medically, including Begnaud. He said he is trying to make ends meet by mowing lawns, but his memory is so impaired that he often gets lost on streets he has navigated since childhood.

Goguen, who filed a lawsuit against WWE in April over a royalty dispute but quickly dropped it, said he has endured many of the symptoms associated with CTE, such as severe depression, anxiety, and suicide attempts.

Begnaud and Goguen said they know relatively little about Nowinski’s history since their WWE days, such as Nowinski’s bitter falling out with Omalu in 2007. In the years after the split, Omalu continued his research and gained a measure of fame when Will Smith portrayed him in the 2015 movie “Concussion.”

Nowinski, meanwhile, partnered with McKee and for many years embraced his role as a self-avowed brain chaser. Only later, he said, did he decide to shift his focus toward building a donor registry, believing he could procure brains more efficiently and deliver higher-quality specimens to enable better research.

Yet even with his vast registry, Nowinski’s critics said, he has missed many opportunities since 2013 to advance CTE research in professional wrestling. The roll call of deaths since then includes WWE greats Dusty Rhodes (age 69), Roddy Piper (61), and Ultimate Warrior (54), as well as lesser stars such as Sean O’Haire (43) and Viscera (43).

As for Laurer, Rechner, and Knighton, their brains were donated by a representative of their families, Hingham-based lawyer Konstantine Kyros, for Omalu to examine. Omalu said in an interview that research on pro wrestlers is vital because so few cases have been studied for possible CTE.

“It’s extremely important to continue the research,” Omalu said. “We can never have all the answers to CTE.”

Nowinski’s own brain injuries in professional wrestling began soon after he started competing for a role with WWE in 2001. He performed first as Chris Harvard then under his own name, playing a bad guy, a smarmy, know-it-all Ivy Leaguer.

Nowinski twice won WWE’s Hardcore championship, although the victories were all but ensured. Professional wrestling operates in a realm between fiction and reality. Matches are scripted, the winners preordained, and the violence orchestrated to produce the greatest theatrical impact while limiting pain to performers, even as they feign agony. But repetitive impacts to the head are all but inevitable with moves such as “the brain buster” and “the face breaker.”

Nowinski thrived in the ring until Dudley's boot met his chin. But Nowinski blamed himself for his aborted career, saying he was not forthcoming enough about his post-concussion syndrome to give WWE a chance to protect him from additional head trauma.

Nearly three years passed before he found himself at odds with WWE over Benoit's CTE diagnosis. The publicly traded company, potentially exposed to the kind of lawsuits that prompted the NFL to settle a class-action case by former players for \$1 billion, challenged the findings as well as suggestions that CTE contributed to Benoit's crimes.

The situation grew testier in 2010, when Nowinski lashed out at WWE after one of his former tag team partners, Lance McNaught, died at 29. Nowinski accused WWE of fostering an "absolutely unsafe" environment in the ring, encouraging steroid use, and contributing to the abuse of painkillers by its performers. WWE countered with a seven-point attack on Nowinski's credibility.

But now all seems forgiven. Nowinski credits WWE with "making considerable changes to their concussion programs and education in the last decade that provide for a significantly safer environment." And he disavowed his other 2010 accusations, saying "they were driven by emotion and the pain I felt from the death" of McNaught.

Nowinski's foundation honored WWE in 2013 with its annual Impact Award. In 2015, WWE announcer Corey Graves was invited to host the foundation's awards gala. And the cozier the relationship became between WWE and Nowinski, the more some of Nowinski's former colleagues cringed.

In 2009, Chavo Guerrero Sr., one of six members of his family who have performed as professional wrestlers, granted Nowinski's request to pledge his brain to the donor registry. Guerrero said he has not spoken to Nowinski since 2010 but has become increasingly concerned about Nowinski's foundation accepting millions of dollars from WWE.

Last month, Guerrero sent a message to Nowinski.

"I wanted to ask him straight up if it was a betrayal, if he sold out to Vince [McMahon]," Guerrero said.

He said Nowinski has yet to respond.

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