

# **Exhibit A**



1 have been. The question is whether or not the  
2 Court should stay the case. And if there are no  
3 viable claims, then - and it's --

4 MR. KYROS: I understand.

5 THE COURT: -- it's apparent on the  
6 face, then let's - you know, let's cut to the  
7 chase.

8 MR. KYROS: Yeah, well the theory --

9 THE COURT: The defendant shouldn't  
10 have to write a motion to dismiss, nor should the  
11 Court have to read, research, and write a  
12 decision on a motion to dismiss when it's  
13 patently clear to the parties prior to the filing  
14 of the motion, that the claim should be  
15 dismissed. This is - this is - you know, this  
16 isn't a (inaudible) institution here; this is a  
17 Court of law.

18 MR. KYROS: Yes, Your Honor. The - we  
19 don't believe that the statute of limitations  
20 applies to Mr. Lograsso -

21 THE COURT: Because?

22 MR. KYROS: Because we argue that the -  
23 - the injury that he's sustaining right now is  
24 due in fact to their continuing campaign of  
25 misinformation to the wrestler. He has currently

1 MR. KYROS: That is correct.

2 THE COURT: And why - why do we not  
3 have misjoinder?

4 MR. KYROS: I'm sorry?

5 THE COURT: Why should these case be  
6 joined in a single action?

7 MR. KYROS: Well we have the same  
8 defendant.

9 THE COURT: You think every case  
10 against the defendant should be -- all cases  
11 against the defendant should be in the single  
12 case? All claims of all parties against the  
13 defendant that might be similar in some way  
14 should be included in a single case?

15 MR. KYROS: Well, not as a general  
16 matter.

17 THE COURT: I mean they fought at  
18 different times with different people, different  
19 number of times. I'm assuming they have  
20 different medical conditions. They've been seen  
21 by different doctors. They have different  
22 diagnosis. They have different prognosis. Is  
23 that true?

24 MR. KYROS: Yes, that is.

25 THE COURT: So they don't have the same

1 nucleus of fact. The only thing they have in  
2 common is that they both assert that their  
3 injuries emanated from working for the defendant.

4 MR. KYROS: That is correct. But there  
5 is a large body of commonality.

6 THE COURT: What --

7 MR. KYROS: In the nature of the  
8 abusive culture that we allege. In fact, Mr.  
9 Singleton and Mr. Lograsso both had the same  
10 trainer. So they - you know, there are certain -  
11 and I think that the over arching factual record  
12 is the same because the theory that undergrids  
13 the case --

14 THE COURT: How - how could it be the  
15 same? I mean they were both injured at different  
16 times in different places as a consequence of  
17 different conduct, correct?

18 MR. KYROS: Well the conduct forms a  
19 pattern according to our theory of the case.

20 THE COURT: Okay. Well tell me how the  
21 patterns for these two individuals are the same  
22 and not in generalities, not on the basis of your  
23 general notion of the case, but specifically  
24 these two individuals. Is the jury going to hear  
25 the same evidence or are we basically going to

1 THE COURT: Well --

2 MR. KYROS: And to the broad question,  
3 Your Honor, I just want to - just you know, I  
4 know you didn't want me to talk in generalities,  
5 but I represented a large number of NFL football  
6 players --

7 THE COURT: No, I'm sorry. I don't  
8 want you to talk in generalities. This isn't  
9 football. And you know, I'm going to give you a  
10 week to amend this complaint and I want you to  
11 read it this time. And a complaint should be a  
12 compilation of facts - facts. I'd really, really  
13 like you to read the Federal rule, give it some  
14 close consideration, perhaps read some cases on  
15 the pleadings standards, and then file this  
16 complaint again in a week without any scrivener  
17 errors, without a lot of superfluous, hyperbolic,  
18 inflammatory opinions and references to things  
19 that don't have any relevance such as -- I mean  
20 you've got references to -- well, maybe not.  
21 You've got references to some reports that - well  
22 you've got references to one report I can think  
23 of right off the bat that was - became - went  
24 public in 2014. What does that have to do with  
25 either of your clients? They had both stopped

1 wrestling before 2014. I see no reason to  
2 include that in the complaint, other than to  
3 inflame. It's argumentative. A complaint should  
4 be a clear and concise statement of the facts  
5 that form the basis of your claim. So you need to  
6 identify what claim you're asserting, do the  
7 research to find out what facts have to be proven  
8 in order to establish that claim and allege the  
9 facts that are necessary to prove each claim.  
10 Because the rest of that is just window dressing.  
11 And that's where you get into the trouble that  
12 you're in where you're asserting that someone's  
13 dead who's not because the complaint is full of  
14 hyperbolic stuff. It's not clear; it's not  
15 concise. Well it may be clear, but it's neither  
16 - it's not concise and it's not accurate.

17 MR. KYROS: Yes, Your Honor. I - I  
18 understand some of the - some of the - some of  
19 the material in the complaint is designed to  
20 illustrate you know, the culture of abuse that we  
21 believe exists.

22 THE COURT: You illustrate the culture  
23 to the jury through the introduction of evidence.

24 MR. KYROS: On that - I do believe that  
25 I was not aware of that - that scrivener error.

1 But my - my client Nelson Frazier is dead at the  
2 age of 43.

3 THE COURT: Is Nelson Frazier a  
4 plaintiff in this case?

5 MR. KYROS: He is not.

6 THE COURT: Well what difference does  
7 it make?

8 MR. KYROS: Well that was -- you know,  
9 that was -- I believe that the culture is so  
10 abusive that it's causing folks to prematurely  
11 you know, die.

12 THE COURT: Are you - okay, well. Are  
13 you a doctor also?

14 MR. KYROS: No, Your Honor.

15 THE COURT: Does the complaint  
16 reference Mr. Frazier? Are you going to  
17 reference every wrestler that's dead in your  
18 complaint? I don't - I don't follow that. You  
19 really need to read and get a better grip on the  
20 pleading standard in the next week and file an  
21 amended complaint. I'm going to give the defense  
22 an additional week to file their motion to  
23 dismiss.

24 But Mr. Kyros, neither the defense, nor  
25 the Court has time to waste. So you need to know



1 if you have facts, not general notions, not  
2 impressions, not feelings, but facts to support a  
3 claim and assert only those claims for which you  
4 have factual support. Only those claims that you  
5 have a good faith belief based upon fact, not gut  
6 emotion, but facts to support and then the  
7 defense will have an opportunity to file their  
8 motion to dismiss.

9 But until you have a complaint that's  
10 worthy of discovery, it's pointless to order the  
11 defense to conduct discovery because the defense  
12 would be wasting their time conducting discovery  
13 on Mr. Frazier. And you've just admitted that  
14 that's irrelevant here.

15 MR. KYROS: Well, in order to get some  
16 facts, we would - we would you know, request some  
17 discovery. For example in Singleton's case --

18 THE COURT: Oh, you're --

19 MR. KYROS: -- he was - he was  
20 allegedly -- the match in which he was injured,  
21 he was videotaped. So we would like to ask the  
22 defense for the copy of that tape.

23 THE COURT: Mr. who? Mr. Singleton?

24 MR. KYROS: Yes.

25 THE COURT: He's your client. He knows