

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES RAY EASTERLING and his wife, MARY ANN EASTERLING; WAYNE RADLOFF and his wife, GARLAND RADLOFF; JAMES McMAHON; JOSEPH E. THOMAS and his wife, NICOLE THOMAS; GERALD FEEHERY; STEVE KINER and his wife CAROL KINER, and MICHAEL FURREY and his wife, KOREN FURREY, in their individual capacity and on behalf of all others similarly situated.

PLAINTIFFS,

V.

NATIONAL FOOTBALL LEAGUE, INC.

DEFENDANT.

**CIVIL ACTION
Case No. 11-cv-05209-AB**

AMENDED COMPLAINT

JURY TRIAL DEMANDED

CLASS ACTION FIRST AMENDED COMPLAINT

The Plaintiffs, Charles Ray Easterling, Mary Ann Easterling, Wayne Radloff, Garland Radloff, James McMahon, Joseph E. Thomas, Nicole Thomas, Gerald Feehery, Steve Kiner, Carol Kiner, Michael Furrey and Koren Furrey, individually and on behalf of all others similarly situated, sue the Defendant National Football League, Inc (referred to herein as NFL) and state as follows:

NATURE OF THE ACTION

1. This is an action seeking separate relief for medical monitoring, as well as compensation and financial recovery for the long-term/chronic injuries, financial losses, expenses and intangible losses suffered by the Plaintiffs as a result of the defendant's carelessness, negligence, intentional misconduct, and concealment of information directly related to each Plaintiffs' injuries and losses. This action also seeks to recover fair compensation for the spouses of the player plaintiffs based upon their right to seek loss of consortium.

2. For more than 35 years, and until the August 4, 2011 Collective Bargaining Agreement with the NFL Players Association was signed, the defendant and its designated representatives have continuously and vehemently denied that it knew, should have known or believed that there is any relationship between NFL players suffering concussions while playing, the NFL policies regarding tackling methodology or the NFL policies about return to play and long-term problems such as headaches, dizziness, dementia and/or Alzheimer's disease that many retired players have experienced. Those denials have been stated in NFL publications, NFL sponsored so-called medical studies, testimony of NFL representatives before Congress and in the media in response to other reports suggesting a causal connection.

3. In the early 1970s, the NFL became aware of publications accounting for the rate and seriousness of concussion in the sport of football. At the same time, the NFL became aware of the publication of a helmet standard, known as the NOCSAE for football helmets, and which was intended to improve upon the safety of helmets and minimize the risk of head injury. The NFL in the 1970s learned that the NCAA and National High School Football Federations (NHSFF) had adopted a policy requiring by the beginning of the 1978 season that all helmets used in their

respective organizations must be approved for sale and comply with the NOCSAE standard. The NFL did not make or adopt a similar policy at that time.

4. Rule makers in the NCAA and the NHSFF in the early 1970s recognized that the helmet-face mask combination was contributing to the use of the helmeted-head as an offensive weapon, which in turn was increasing the rate of concussions. In 1976, these organizations initiated changes which prohibited initial contact of the head in blocking and tackling. While the NFL was aware of these changes in the rules and this risk of harm, it failed to take similar action.

5. In 1979, the NFL promulgated a rule, with an associated (albeit inadequate) penalty, for players who are found to have used their helmets to butt, spear or ram an opponent with the crown or top of the helmet. This undertaking by the NFL, based upon the duty of care it owed the NFL players, fell far short of the important safety and injury prevention action that should have been taken. This rule adopted by the NFL came several years after a similar rule was adopted by the NCAA and the NHSFF; this rule related to a recognized risk of spinal cord injury in football. This rule ignored the more prevalent practices in the NFL that was directly causing a substantial and high rate of concussions amongst NFL players.

6. During the 1970s, 1980s and 1990s, players in the NFL were being coached, trained and motivated to use all portions of their helmets to block, tackle, butt, spear, ram and/or injure opposing players by hitting with their helmeted heads. These techniques were condoned by the NFL and/or not significantly condemned by the NFL, despite the defendant's awareness that this practice was causing an increased risk in concussions among players. Further, even after the NFL approved a rule change in 1989 to provide referees with the authority to eject a player who is observed using his helmet in this fashion, the NFL did not insist on the strict enforcement of

this rule because of the defendant's interest in keeping its fan base excited over the visual excitement generated by such techniques.

7. Despite its awareness of the aforementioned dangerous practices and increased risk of head injury to the players, during the 1970s, 1980s, 1990s and 2000s, the NFL turned a blind eye to the players being coached, trained and/or motivated to use all portions of their helmet to block, tackle, butt, spear, ram and/or injure opposing players by hitting with their helmeted heads—because of the defendant's interest in keeping its fan base excited and interested in the violence of this sport. And, in fact, when in 1996 the NFL undertook to promulgate a rule making it a personal foul with potential associated fines to hit with the helmet, its purpose was not to protect the player using the helmet but rather to protect quarterbacks. Thus, evidencing a complete disregard for the risk of harm and safety of players who have been condoned for using this tackling technique.

8. Since the early 1970s, the high incidence of concussion among NFL players has been well known to the defendant. Further, the defendant has been well aware - from its supervisory and management role, and studies it paid for as set forth more particularly in paragraph 11 - that a history of multiple concussions has been associated with players' greater risk of future brain deficits.

9. Since the early 1970s, the defendant has known or it has had reason to know, from its supervisory and management role, that NFL players suffering repeated concussions were more likely to experience evolving symptoms of post-traumatic brain injury including headaches, dizziness, loss of memory, etc. Despite this knowledge, until August 4, 2011, the defendant has continued to deny any connection or correlation between players suffering concussions and long-term chronic brain injury or illness. Further, the defendant has taken an active role in concealing

or actively disputing any causative connection between concussions in football in the NFL and brain injury/illness.

10. During the decades of the 1970s, 1980s, 1990s and 2000s, while the NFL was well aware from its supervisory and management role that NFL players suffering repeated concussions were more likely to experience evolving symptoms of post-traumatic brain injury including headaches, dizziness, loss of memory, impulse control problems, Chronic Traumatic Encephalopathy, dementia, Alzheimer's disease, etc., the defendant failed to act reasonably by developing appropriate means to identify at risk players and guidelines or rules regarding return-to-play criteria. The defendant's breach of duty in this respect increased the risk of long term injury and illness as referenced above.

11. On September 30, 2009, as a part of its continuing active role in disputing and covering-up the causative role of repeated concussions suffered by NFL players and long-term mental health disabilities and illnesses, the defendant disputed the results of a scientific study that it funded. On the aforementioned date, newspaper accounts were published detailing (an unreleased) a study commissioned by the NFL to assess the health and well-being of retired players, which found that the players had reported being diagnosed with dementia and other memory-related diseases at a rate significantly higher than that of the general population. Despite the findings of this study, showing that 6.1 percent of retired NFL players age 50 and above reported being diagnosed with dementia, Alzheimer's disease and other memory related illnesses, compared to a 1.2 percent for all comparably aged U.S. men, the defendant's agents disputed these findings and continued the mantra in the Press that there is no evidence connecting concussions, concussion like symptoms, NFL football and long-term brain illness or injury, including but not limited to Chronic Traumatic Encephalopathy (CTE), dementia, etc.

12. As a result of the September 30, 2009 newspaper accounts, the plaintiffs and others similarly situated were first alerted to or made aware that the conduct and/or misconduct of the defendant NFL may have caused their chronic brain injury symptoms, including but not limited to impulse anger issues, loss of memory, confusion, depression, dementia and/or other neurogenic disorders from which they suffer.

13. Until sometime after September 30, 2009, the Plaintiffs and all those who are members of the Class Plaintiffs to this cause of action, did not have a reasonable basis to know or believe that the aforementioned harm was caused by the concealment, neglect and/or misconduct of the defendant.

14. Between the early 1970s and sometime after September 30, 2009, the NFL ignored the repeated warnings and patterns of injury only it was privy to in its management capacity (and which it concealed) of the devastating effects that on the field concussions and the defendant's return to play policies have had in causing chronic mental defects and illnesses to the plaintiffs and others similarly situated.

15. The defendant has, over the past four decades actively concealed and actively disputed any correlation between on the field concussions, its return to play policies and the chronic mental illnesses and maladies suffered by former players, including the plaintiffs and all others similarly situated. During the decades of the 1990s and 2000s, the defendant through its authorized agents disputed and actively sought to suppress the findings of others that there is a connection between on-field head injury and post career mental illness.

16. Despite its knowledge of the grave risks players in the NFL have been exposed to because of the defendant's concerted inaction or concealment of safety information, the

defendant carelessly failed to take reasonable steps to develop appropriate and necessary steps to alert players to their risk of long-term neurogenic illness.

17. Despite its knowledge of the grave risks players in the NFL have been exposed to because of the defendant's concerted inaction or concealment of safety information, the defendant carelessly failed to take reasonable steps to develop appropriate and necessary guidelines for return to play following a concussion. These omissions either caused or increased the risk that the plaintiffs and others similarly situated would suffer repeated concussions and long-term injury, illness and/or disability.

18. The defendant's continuing relationship with the plaintiffs and all others whom they represent were accompanied by a scheme to conceal information and facts it knew regarding the risks of long-term disabilities associated with players suffering concussion, the inappropriate time to return to play and other errors set forth herein.

19. The defendant failed to establish a proper and adequate methodology to monitor and detect when players suffer concussive or sub-concussive injury in practice or game play. This failure increased the risk of injury that has materialized (referenced above) or will materialize in the future.

20. The defendant is liable to Plaintiffs and all other similarly situated Plaintiffs for medical monitoring as a result of the defendant's negligence, carelessness, concealment and other misconduct.

JURISDICTION AND VENUE

21. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1711, 28 U.S.C. § 1332, and other pertinent federal statutes. This is an action for class relief requesting medical monitoring under the common and statutory laws of the State of New York and individual

damage recovery for the named plaintiffs and their spouses based upon negligence and concealment in the inducement under the laws of New York and of the other states of the United States. The amount in controversy is greater than the minimum dollar value required by law.

22. Venue is proper in this district pursuant to 28 U.S. C. § 1301(a)(2) and 1391(b)(2) as a substantial part of the events and/or omissions giving rise to the claims emanated from activities within this jurisdiction and the defendant conducts substantial business in this jurisdiction.

PARTIES

23. Plaintiffs, Charles Ray Easterling and his wife Mary Ann Easterling, are individuals residing at 3420 Traylor Drive, Richmond, VA 23235. Mr. Easterling played in the NFL during the mid-1970s and into the early 1980s.

24. Plaintiffs, Wayne Radloff and his wife Garland Radloff, are individuals residing at 106 Wedgefield Drive, Hilton Head Island, SC. Mr. Radloff played in the NFL from approximately 1985 through part of 1991.

25. Plaintiff, James McMahon, is an individual residing at 22431 North Violetta Drive, Scottsdale, AZ 85255. Mr. McMahon played in the NFL during the years 1982 through 1996.

26. Plaintiff, Gerald Feehery, is an individual residing at 5 Sharpless Lane, Media, PA. Mr. Feehery played in the NFL from 1983 to 1990.

27. Plaintiff, Joseph E. Thomas and his wife, Nicole Thomas, are individuals who reside at 13433 Greenwood Avenue North, Seattle, WA. Mr. Thomas has played in the NFL from 2007 – 2010.

28. Plaintiff, Michael Thomas Furrey, currently reside at 528 N. Boulevard, Huntington, WV. Mr. Furrey has played in the NFL from approximately 2003 through 2010.

29. Plaintiffs, Steve Kiner and his wife, Carol Kiner, currently reside in Atlanta, Georgia.

Mr. Kiner played in the NFL from 1970 through 1978.

30. Defendant, National Football League, Inc. is a business entity with its principal offices at 280 Park Avenue, New York, NY 10017.

CLASS ACTION ALLEGATIONS

31. This action seeks the establishment of a medical monitoring class under the laws of the State of New York. Certification under Rules 23(b) (2) and (3) Fed. R. Civ. P. is proper.

32. Plaintiffs seek certification of a nationwide medical monitoring class against the named Defendant consisting of:

“All former NFL players who sustained a concussion(s) or suffered concussion like symptoms while in the NFL league, and who have, since leaving the NFL, developed chronic headaches, chronic dizziness or dementia or Alzheimer’s disease and/or other physical and mental problems as a result of the concussion(s) suffered while a player.”

The Class is further defined into the following sub-classes:

Sub-class A. All former NFL players who were employed for and worked for a team member of the NFL during the time period 1970 through 1980, and sustained a concussion or a concussion like symptom while playing, and who now suffer from one or more of the chronic symptoms referenced above.

Sub-class B. All former NFL players who were employed for and worked for a team member of the NFL during the time period 1981 through 1989, and sustained a concussion or a concussion like symptom while playing, and who now suffer from one or more of the chronic symptoms referenced above.

Sub-class C. All former NFL players who were employed for and worked for a team member of the NFL during the time period 1990 through

1999, and sustained a concussion or a concussion like symptom while playing, and who now suffer from one or more of the chronic symptoms referenced above.

Sub-class D. All former NFL players who were employed for and worked for a team member of the NFL during the time period 2000 through 2010, and sustained a concussion or a concussion like symptom while playing, and who now suffer from one or more of the chronic symptoms referenced above.

Sub-class E. All current NFL players who have in the past and/or will in the future experience a concussion and/or or a concussion like symptom while playing or practicing and who, until now, have not been properly monitored, assessed, evaluated or otherwise examined to insure that any transitory or permanent injury is properly recognized, diagnosed and treated before allowing return to play.

33. The sub classes are further defined to exclude:

Any person who has pending against the Defendant, on the date of the Court's certification order, any individual action or grievance proceeding wherein the recovery sought is based in whole or in part on the type of claims asserted herein, and who has accepted the Article 65 Neuro-cognitive Disability Benefit in the August 4, 2011 CBA, or has previously obtained a judgment or entered into a settlement of claims concerning the same type of losses asserted herein.

34. Rule 23(a) and Rule 23(b), Fed. R. Civ. P. requirements are met because:

- a. Plaintiffs estimate that the proposed class consists of not less than several thousand members throughout the United States, and joinder of all members in this action is impracticable.
- b. There are questions of law and fact common to the class.

- c. The common questions predominate over any questions affecting only individual members.
- d. The named Plaintiffs are adequate representatives of the class and sub-classes. The claims of the Plaintiffs as class representative are typical of those of the class members in that they were subjected to the same unlawful treatment, and the named Plaintiffs suffered the same type harm as suffered by other members of the class. The class representatives will vigorously pursue the claims on behalf of the class, and will fairly and adequately protect the interests of the class. Plaintiffs' counsel is experienced and professionally able to properly represent the class.
- e. The claims of the representative party are typical of the claims of each member of the class, and are based on or arise out of similar facts constituting the wrongful conduct of the Defendant.
- f. A class action is far superior to any other available method for the fair and efficient adjudication of this controversy.

35. Prerequisites to a Class Action – Fed. R. Civ. P. 23(a). The prerequisites to maintaining this action as a Class action are satisfied in this case as alleged below.

- a. Numerosity – On information and belief, there are several thousand former NFL players who have suffered multiple concussions while playing and who were harmed by the same misconduct described above, and who have developed or will in the foreseeable future develop chronic symptoms as described above. All of these former players have suffered because of the same misconduct by the defendant. Although the exact number of such persons is unknown to the Plaintiff at this time, Defendant's records should contain information on the identities and

location of all such parties. Because Defendant has exclusive control of such information, the Plaintiffs reserve the right to amend their allegations following completion of discovery. Given the scope of the Defendant's business, it is clear that the members of the Class are so numerous that joinder is impracticable and the disposition of their claims in a Class action will provide substantial benefits to the parties and the Court.

- b. Commonality – Since the Plaintiffs and other members of the Class all played in the NFL under the same inadequate rules and practices, and the same woefully inadequate return to play policies, and they all suffered multiple concussions and returned to play under flawed policy standards set by the defendant which in turn led to their chronic problems as set forth above, there are questions of law and fact common to the Class. Such common questions of law and fact predominate over any individual questions affecting Class members.
- c. Typicality – Named Plaintiffs have the same interests in this matter as all the other members of the Class, and their claims are typical of all members of the Class. The named plaintiffs' claims are typical of the claims of all class members because: the claims originate from the same practices on the part of the defendant and its acts in furtherance thereof and the named plaintiffs.
- d. Adequacy of Representation – Plaintiffs' claims are aligned with the interests of the absent members of the Class such that the Class claims will be prosecuted with diligence and care by Plaintiffs as representatives of the Class. Plaintiffs are committed to pursuing this action and have retained competent counsel experienced in the prosecution and successful resolution of Class litigation.

Plaintiff will fairly and adequately represent the interests of the Class and do not have interests adverse to the Class. Plaintiffs' interests are antagonistic to the interests of the Defendant and Plaintiff will vigorously pursue the claims of the Class.

- e. Class Actions Maintainable – Fed. R. Civ. P. 23(b)(3). Class action status is also appropriate because the common question of law and fact identified above predominate over questions affecting only individual members. A Class action is superior to other available methods for the fair and efficient adjudication of this litigation. It is desirable to concentrate the litigation of the claims in this District. Plaintiffs and their counsel do not anticipate encountering any unique difficulties in the management of this action as a Class action.

COUNT I
CONCEALMENT

36. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

37. The Defendant concealed facts and information which caused all plaintiffs to become exposed to the harm referenced above.

38. As a proximate cause of the concealment of the defendant, each Plaintiff-Player was caused to suffer harm described above and each has suffered damages that are continuing in nature and as yet have not been fully ascertained.

39. Wherefore, the Plaintiffs individually and in their representative capacities hereby demand damages from the defendant in an amount to be determined at trial, plus interest and costs.

COUNT II
CIVIL CONSPIRACY

40. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

41. The Defendant actively and deliberately conspired with its team members and/or independent contractors who were directed to continuously discount and reject the causal connection between multiple concussions suffered while playing in the NFL, a non-scientific return-to-play policy for players suffering concussions and the chronic long term effects of these injuries.

42. This conduct between the defendant and others was a proximate cause of the chronic injuries and damages suffered by the Plaintiffs and the class members.

43. Wherefore, the Plaintiffs hereby demand damages from the Defendant in an amount to be determined at trial, plus interest and costs.

COUNT III
NEGLIGENCE

44. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

45. The Defendant assumed a duty toward the Plaintiffs and the members of the Class to supervise, regulate, monitor and provide reasonable and appropriate rules to minimize the risk of injury to the players.

46. The Defendant acted carelessly and negligently in its position as the regulatory body for all the team members and the plaintiffs and the class members. The defendant knew or should have known that its actions or its inaction in light of the rate and extent of concussions reported in the NFL would cause harm to players in both short and long term.

47. The Defendant was generally careless and negligent by breaching the duty of due care it assumed for the benefit of the Plaintiffs and the class members, both generally and in the following particular respects:

- a. Failing to warn of the risk of unreasonable harm resulting from repeated concussions;
- b. Failing to disclose the special risks of long term complications from repeated concussions and return to play;
- c. Failing to disclose the role that repeated concussions has in causing chronic life-long cognitive decline;
- d. Failing to promulgate rules and regulations to adequately address the dangers of repeated concussions and a return to play policy to minimize long-term chronic cognitive problems;
- e. Misrepresenting pertinent facts that players needed to be aware of to make determinations of the safety of return to play;
- f. Concealing pertinent facts;
- g. Failing to adopt rules and reasonably enforce those rules to minimize the risk of players suffering debilitating concussions; and,
- h. Other acts of negligence or carelessness that may materialize during the pendency of this action.

COUNT IV
DAMAGES - For the named PLAYERS and Their spouses

48. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

49. The Plaintiffs individually have each sustained past medical expenses and will in all likelihood incur future medically related costs associated with the harm suffered and injuries and disability referenced above.

50. The Plaintiffs individually have suffered a loss of earnings and may in the future suffer a loss of earnings capacity associated with the harm suffered and the injuries and disability referenced above.

51. The Plaintiffs individually have in the past experienced, and they may in the future suffer from an assortment of problems associated with the harm and injuries described including, but not limited to, headaches, dizziness, loss of memory, depression, impulsivity to anger, cognitive dysfunction, employment impairment, limitations in physical activities, embarrassment, loss of the pleasures of life, etc.

52. As a result of the foregoing, the Plaintiffs have suffered damages and will in the future suffer damages caused by the misconduct of the Defendant. The Plaintiffs are entitled to damages in an amount to be determined at trial.

53. Pursuant to the common law, the Plaintiff-Spouses seek to recover for the past and future loss of consortium and other harm to their relationship and marriage with their husband-players.

COUNT V
MEDICAL MONITORING

54. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

55. The class has been exposed to a greater risk of concussions and sub-concussions, which then have an increased risk of suffering long-term injury and illnesses as described above.

56. The class who have not yet begun to evidence the long-term physical and mental effects of the defendant's misconduct require specialized testing that is not generally given to the public at large for the early detection of the long-term effects of concussions and sub-concussions.

57. The available monitoring procedures/regime is specific for individuals exposed to concussions and multiple sub-concussions which are different from that normally recommended in the absence of exposure to this risk of harm.

58. The available monitoring procedures/regime is reasonably necessary according to contemporary scientific principles within the medical community that specializes in close head injuries and their connection to memory loss, early onset dementia, CTE and Alzheimer like syndromes.

59. Pursuant to Rule 23(b)(2) and 23(b)(3) of the Federal Rules of Civil Procedure, the Plaintiffs seek certification of a medical monitoring national class in this matter, consisting of:

“All retired NFL players and current NFL players who have during their career, to their knowledge, suffered a concussion or concussion like symptoms”, but not as of the date of the filing of this lawsuit developed or experienced any of the long-term problems identified above; and,

“All current and future NFL players who from the date this lawsuit is filed and into the future suffer a concussion or concussion like symptoms.”

60. By monitoring and testing former and current NFL players who are suspected to have suffered or who will in the future suffer a concussion or sub-concussion while playing or practicing, it can be determined whether each such player is sufficiently healthy to return to play and/or it will significantly reduce the risk of each such player suffering long term injuries, disease and losses as described above.

61. Because until now the defendant has failed to properly, reasonably and safely monitor, test or otherwise study whether and when a player has suffered a concussion or sub-concussion to minimize the risk of long-term injury or illness, medical monitoring is the most appropriate

method by which it can be determined whether a particular individual is now at risk for long-term injury or illness from a concussion or sub-concussive event.

62. Accordingly, the defendant should be required to establish a medical monitoring program that includes, *inter alia*:

- a. Establishing trust fund, in an amount to be determined, to pay for the medical monitoring of all past, current and future NFL players, as frequently and appropriately as necessary;
- b. Notifying all Plaintiff class members in writing, in addition to notices to each Team member of the NFL and health care providers, that these former and current players require frequent medical monitoring;
- c. Providing information to treating team physicians, other physicians and Team members to aid them in detecting concussion or sub-concussions to assist them in determining when the player is subjected to an increased risk of harm.

63. Medical Monitoring is appropriate because: (1) the exposure to concussions and their related sequelae are greater than normal background levels; (2) the harm was the result of the promulgation of inadequate techniques and/or the failure to promulgate proper and/or adequate techniques; (3) which were promoted or the direct result of the defendant's failure to adopt and follow safety policies it knew or should have known about; (4) as a proximate result of the exposure to the aforesaid harm, the class has a significantly increased risk of contracting and/or developing serious and potentially life threatening latent neurogenic disease processes caused by head trauma/concussion; (5) a monitoring procedure exists to detect evolving neurogenic disease process that makes the early detection essential to delay the progression of neurological deficits including but not limited to dementia , permanent memory loss and other life altering diseases

and affects; (6) the prescribed monitoring regime is different from that normally recommended in the absence of the exposure; and (7) the prescribed monitoring regime is reasonably necessary according to contemporary scientific principles.

PRAYER FOR RELIEF

64. WHEREFORE, the Plaintiffs individually and on behalf of the proposed Class, pray for judgment as follows:

- A. Certification of the proposed Class pursuant to Federal Rules of Civil Procedure Rule 23(a), (b)(2) and (b)(3);
- B. Designation of the football player Plaintiffs as representative of the proposed Class and designation of Plaintiffs' counsel as Class counsel;
- C. An award of compensatory damages for all of the named plaintiffs and their spouses, the amount of which is to be determined at trial;
- D. An award to the individual Plaintiffs and their spouses for prejudgment interest and costs;
- E. An award to the individual Plaintiffs and the Class of such other and further relief as the Court deems just and proper.

JURY DEMANDED

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Plaintiffs hereby demand a trial by jury.

Signed this 5th day of October, 2011.



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