

The Daily Transcript[®]

San Diego's Business Daily

Wednesday, September 3, 2014 | SourceCode: 20140903czk | sddt.com

Seau's family rejects concussion settlement

By **DOUG SHERWIN**

The Daily Transcript

The family of former San Diego Chargers star linebacker Junior Seau has decided to reject the NFL's proposed concussion settlement and will instead pursue a wrongful death lawsuit.

Seau committed suicide in May 2012, and the family claims his decision was the result of head injuries he suffered during a 20-year NFL career.

Steve Strauss, the family's attorney and a partner at **Cooley LLP**, said the settlement reached between the NFL and approximately 4,500 retired players does not include any valuation for Seau's children's wrongful death claims.

Strauss said the biggest reason, however, is not a monetary one.

"They want the truth to come out," he said, referring to Seau's four children. "Their dad sent a very powerful message to the world when he committed suicide. They want to know what happened and why this injury led him to take his own life."

Seau was diagnosed with CTE, or chronic traumatic encephalopathy.

In July, U.S. District Judge Anita Brody granted preliminary approval to the NFL's proposed settlement of the cases, which claim the league hid the dangers of concussions from its players.

The league initially agreed to a \$675 million cap on damages, but removed it after the judge questioned whether it would be enough to cover all the affected players.

The revised settlement eliminates the cap on overall damage claims but retains a payout formula for individual retirees that considers their age and illness.

The new settlement is designed to last at

least 65 years and give \$1 million or more to retirees who develop Lou Gehrig's disease and other profound neurological problems.

The settlement would include damages of up to \$4 million for relatives of players diagnosed with traumatic brain injury after their deaths.

But Strauss said that figure is for past damages and does not include any money for loss of companionship or loss of future earnings.

"He was young, telegenic and talented," Strauss said. "He could have gone into broadcasting or endorsed products. There's no value for that in the settlement."

He said that while the 4,500 plaintiffs might have some common issues, Seau's case is unique in that he committed suicide at such a young age. He was 43.

"The biggest problem is this shouldn't be a class action," Strauss said. "It should have individual claims. And if it's treated like a class, there should at least be a sub-class for wrongful death claimants."

Opting out of the settlement does provide challenges and leaves guaranteed money on the table.

"It's a risk," Strauss said. "The family knows it and accepts it, but from their standpoint they're not being offered anything for their claims in the settlement. And they want the truth to come out."

"The NFL hid and misrepresented the serious risks associated with concussions from players and their families for decades, and we believe this is the best course of action to help break the league's pattern of secrecy and denial at the heart of the present claims," he added.

The Associated Press contributed to this report

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