

Seau Family Wants NFL Wrongful Death Suit Sent To Calif.

By Joe Van Acker

Law360, New York (April 23, 2015, 1:21 PM ET) -- Family members of deceased former NFL star Junior Seau, who are claiming that repeated blows to his head led to the player's 2012 suicide, on Wednesday requested a status conference to discuss their wish that the case be remanded to California's Southern District after they spent two years mired in multidistrict litigation that didn't cover their claims.



Former New England Patriots linebacker Junior Seau, pictured in January 2010, committed suicide in May 2012 at the age of 43. (Credit: AP)

The Seaus told the Pennsylvania federal court overseeing the MDL that they're now free to pursue their individual claims in the wake of the court's order **granting final approval** to a settlement between the NFL and thousands of other former players and their relatives, and claimed they were unable to pursue wrongful death claims against the league for two years since those claims weren't addressed in the MDL.

"The Seau family, through their counsel, attempted to participate in the settlement, to ensure that all claims, including wrongful death claims, were being represented," the Seaus said. "The NFL refused to discuss the Seau family's concerns, citing [a] protective order."

Five of the player's relatives, including two children, said they opted out of the settlement for the same reason that they **objected to an earlier version** of the deal in January 2014, namely that none of the

class representatives brought wrongful death claims.

Junior Seau's career as a standout linebacker in for the San Diego Chargers, Miami Dolphins and New England Patriots spanned nearly 20 years, and he is scheduled to be inducted into the NFL Hall of Fame later this year.

In their 2013 complaint filed in California federal court, the Seau family accused the NFL of concealing the risks of head injuries and failing to protect players by allowing them to return to the field too soon following a head injury.

They filed wrongful death claims against the NFL and helmet manufacturer Riddell Inc., and also filed negligence and loss of consortium claims against the league.

Prior to committing suicide with a gunshot to his chest in 2012, Seau transitioned from "warm and gentle" to "irritable and short-tempered," and made impulsive, ill-advised business decisions, according to the Seaus' complaint.

His relatives claimed in their suit that the National Institutes of Health conducted a triple blind study on Seau's brain shortly after his death, and determined that it showed signs of chronic traumatic encephalopathy, a degenerative neurological disease.

The Seaus' said they didn't seek inclusion in the MDL against the NFL, but their case was nonetheless transferred shortly after it was filed.

However, the Seaus said their case was transferred without prejudice to any jurisdictional arguments they may wish to assert.

The settlement in the MDL provides payouts of up to \$4 million for former players suffering from CTE, though some players objected to the deal, claiming that it unfairly set cutoff dates for players with that condition to obtain post-mortem diagnoses.

Representatives for the parties didn't respond to requests for comment on Thursday.

The Seaus are represented by Steven M. Strauss, Dennis C. Crovella and Megan L. Donohue of Cooley LLP.

The NFL is represented in the MDL by Brad S. Karp, Theodore V. Wells Jr., Beth A. Wilkinson, Bruce Birenboim and Lynn B. Bayard of Paul Weiss Rifkind Wharton & Garrison LLP, and Judy L. Leone and Robert C. Heim of Dechert LLP.

The case is Seau et al v. National Football League et al, case no. 2:13-cv-01531 in the U.S. District Court for the Eastern District of Pennsylvania.

--Additional reporting by Sindhu Sundar. Editing by Rebecca Flanagan.