

# Teenage Soccer Players Target Soccer's Governing Bodies With Concussion Lawsuit

The U.S. Soccer Federation (USSF), and its largest member – the U.S. Youth Soccer Association (USYSA) – have found themselves at the center of a class action lawsuit. The parents of two teenage girls from Pennsylvania who suffered concussions while playing soccer claim the sport's governing bodies haven't done enough to protect young female players from head injuries.

"The defendants have failed to adopt and enforce laws of the game that would reduce the risk of preventable injuries resulting from concussions and repetitive head injuries," according to a complaint filed by the parents. "The defendants have failed to mandate and enforce the use of protective headgear for youth girl soccer players to prevent and/or reduce concussive symptoms and/or injuries" in the face of "substantial evidence that young people may be more susceptible to damage resulting from repetitive concussive and subconcussive brain trauma."

The plaintiffs noted that USSF and USYSA have adopted "Laws of the Game" that "set forth compulsory equipment for players as: a shirt with sleeves, shorts, socks, shin guards and footwear." Yet, "protective headgear is not required."

Turning to the actual complaint, Count I addressed negligence, or the allegation that "each defendant had a duty toward the plaintiffs ... to supervise, regulate, monitor and provide reasonable and appropriate rules to minimize the risk of injury to the players."

Further, they "knew or should have known that their actions, or inaction, in light of the rate and extent of concussions reported and made known to the defendants would cause harm to players in both the short and long term. The defendants breached the duty of due care they owed to the plaintiffs and the class, both generally and in the following particular respects:

- a. In failing to educate players and their parents concerning concussion safety and prevention;
- b. In failing to educate players and parents about equipment known to reduce concussive symptoms and/or injuries;
- c. In failing to require players to wear headgear as to reduce concussive symptoms and/or injuries;
- d. In failing to warn players and parents of the unreasonable risk of not wearing headgear;
- e. In failing to rely upon up-to-date research regarding concussion risk and prevention;
- f. In discouraging the use of headgear for the purpose of preventing concussive symptoms and/or injuries;
- g. In failing to properly research concussion prevention when the defendants knew or should have known concussion research is constantly progressing;
- h. In failing to promulgate rules and regulations to adequately address the dangers of repeated concussions and accumulation of subconcussive hits, as to reduce short and long term injuries;
- i. In concealing and misrepresenting pertinent facts concerning concussion prevention equipment;
- j. In failing to adopt rules and reasonably enforce those rules to minimize the risk of;

k. Other acts of negligence or carelessness that may materialize during the pendency of this action.”

The plaintiffs continued, noting that they “relied upon the guidance, expertise and instruction of the defendants in understanding risks associated with the serious and life-altering medical issue of concussive and subconcussive risk in soccer.

“At all times, the defendants had superior knowledge of material information regarding the effect of repeated traumatic head injuries and available equipment to reduce those injuries, but refused, or otherwise failed, to mandate the equipment as compulsory equipment. At all times pertinent hereto, the defendants knew or should have known, that discouraging protective headgear use would hinder players from wearing protective headgear, despite the undeniable medical benefits of such use.” Further, the defendants “failed to recognize the nationwide initiative to inform and educate league members about concussion prevention.

“As a result of the foregoing, the plaintiffs and the class have an improper risk of injury caused by the misconduct of the defendants. Moreover, the plaintiffs have no adequate remedy at law in that monetary damages cannot fully compensate them for the risk of long-term physical and economic losses due to concussions and subconcussive injuries resulting from the defendants’ failure to mandate necessary protective headgear. Instead, the plaintiffs need medical monitoring as a remedy for the defendants’ negligence where permitted under state law.”

In Count II, the plaintiffs alleged a Breach of Voluntary Undertaking, or that “the defendant voluntarily assumed a duty toward the plaintiffs and the class to supervise, regulate, monitor and provide reasonable and appropriate rules to minimize the risk of injury to the players.”

Further, they alleged the defendants “acted carelessly and negligently in fulfilling their assumed duties as the regulatory bodies for soccer and soccer players, including the plaintiffs and the class. In addition, the defendants knew, or should have known, that their action, or inaction, would cause harm to players in both the short and long term. The defendants knew that, through the reach of the laws of the game, they had the power to direct and influence how the greater community treats concussion management issues and by publication of the laws of the game assumed a duty to protect the plaintiffs and the class.

In addition, the plaintiffs argued that the defendants “had an independent, assumed and voluntary duty to enact and enforce laws of the game that properly protect players. The defendants were careless and negligent by breaching their assumed and voluntary duty of due care for the benefit of the plaintiffs and the class, both generally and in the following particular respects as set forth above and summarized below:

- a. In failing to educate players and their parents concerning concussion safety and prevention;
- b. In failing to educate players and parents about equipment known to reduce concussive symptoms and/or injuries;
- c. In failing to require players wear headgear as to reduce concussive symptoms and/ or injuries;
- d. In failing to warn players and parents of the unreasonable risk of not wearing headgear;
- e. In failing to rely upon up-to-date research regarding concussion risk and prevention;
- f. In discouraging the use of headgear for the purpose of preventing concussive symptoms and/or injuries;
- g. In failing to properly research concussion prevention when the defendants knew or should have known concussion research is constantly progressing;

- h. In failing to promulgate rules and regulations to adequately address the dangers of repeated concussions and accumulation of subconcussive hits, as to reduce short- and long-term injuries;
- i. In concealing and misrepresenting pertinent facts concerning concussion prevention equipment;
- j. In failing to adopt rules and reasonably enforce those rules to minimize the risk of players suffering debilitating concussions; and
- k. Other acts of negligence or carelessness that may materialize during the pendency of this action."

Turning to Count III, the plaintiffs alleged Fraudulent Concealment, or that their belief the defendants "have known that concussions, subconcussive hits, and repeated blows to the head can cause neurological injury. Scientific and medical studies have shown the existence of TBI as a result of contact sports as far back as the 1920s in boxing. Increased technology and medical advances since that date have added to the composite of neuroscience research regarding concussions.

"The defendants passively issued guidelines about the existence of concussions, but underplayed the dangers of neurological injury. On information and belief, through a concealment of these material facts, the defendants created a false belief held by the plaintiff that:

- a. concussions and subconcussive hits were not as dangerous as they actually are; and
- b. they would be cared for in the event of the injury out of the duty that the defendants had to the plaintiff."

Finally, the plaintiffs alleged that the defendants "had a duty to warn their members about the dangers of concussions and the equipment available to prevent concussion injuries. The defendants failed in this duty and/or falsely represented the effects of neurological injury and the impact it could play in the future lives of players. On information and belief, the defendants failed in this duty and/or falsely represented the effects of protective headgear in substantially reducing concussions and concussion symptoms in the plaintiffs and the class. On information and belief, this concealment of material facts directly led to the plaintiffs' exposure to danger after suffering a concussion. These material facts on concussion research could have prevented many players from suffering soccer-induced concussions. The defendants' knowledge, concealment of that knowledge and/or intentional blindness, and ineffectual efforts to promote a culture of player-safety all contributed to the injuries sustained by the plaintiffs and putative Class."

The actual complaint can be viewed at [www.classaction.org/media/shermanet-al-v-the-united-states-soccer-federationinc-et-al.pdf](http://www.classaction.org/media/shermanet-al-v-the-united-states-soccer-federationinc-et-al.pdf).