

12-Person Jury

Civil Action Cover Sheet - Case Initiation

(12/01/20) CCL 0520

#02329 WTG\mab 10/25/2021 2014S-5005

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, LAW DIVISION

FILED

10/26/2021 1:43 PM

IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2021L010483

PAUL MONTADOR, Personal Representative, Executor and
Estate Trustee of the Estate of STEVEN R. MONTADOR,
Deceased,

Plaintiff,

v.

NATIONAL HOCKEY LEAGUE and NATIONAL HOCKEY
LEAGUE BOARD OF GOVERNORS,

Defendants.

No. _____

CIVIL ACTION COVER SHEET - CASE INITIATION

A Civil Action Cover Sheet - Case Initiation shall be filed with the complaint in all civil actions. The information contained herein is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate case type which best characterizes your action. Only one (1) case type may be checked with this cover sheet.

Jury Demand ☒ Yes ☐ No

PERSONAL INJURY/WRONGFUL DEATH

CASE TYPES:

- ☐ 027 Motor Vehicle
- ☐ 040 Medical Malpractice
- ☐ 047 Asbestos
- ☐ 048 Dram Shop
- ☐ 049 Product Liability
- ☐ 051 Construction Injuries
(including Structural Work Act, Road
Construction Injuries Act and negligence)
- ☐ 052 Railroad/FELA
- ☐ 053 Pediatric Lead Exposure
- ☒ 061 Other Personal Injury/Wrongful Death
- ☐ 063 Intentional Tort
- ☐ 064 Miscellaneous Statutory Action
(Please Specify Below**)
- ☐ 065 Premises Liability
- ☐ 078 Fen-phen/Redux Litigation
- ☐ 199 Silicone Implant

TAX & MISCELLANEOUS REMEDIES

CASE TYPES:

- ☐ 007 Confession of Judgment
- ☐ 008 Replevin
- ☐ 009 Tax
- ☐ 015 Condemnation
- ☐ 017 Detinue
- ☐ 029 Unemployment Compensation
- ☐ 031 Foreign Transcript
- ☐ 036 Administrative Review Action
- ☐ 085 Petition to Register Foreign Judgment
- ☐ 099 All Other Extraordinary Remedies

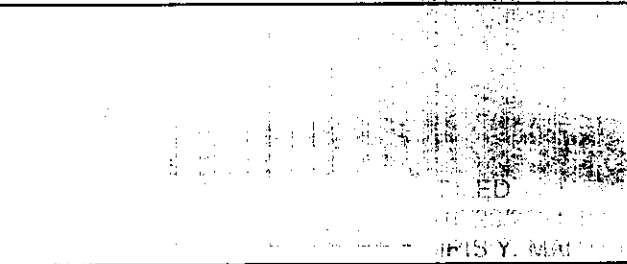
By: _____

(Attorney)

(Pro Se)

Pro Se Only: ☐ I have read and agree to the terms of the Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice from the Clerk's Office for this case at this email address: _____

IRIS Y. MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS



(FILE STAMP)

COMMERCIAL LITIGATION

CASE TYPES:

- ☐ 002 Breach of Contract
- ☐ 070 Professional Malpractice
(other than legal or medical)
- ☐ 071 Fraud (other than legal or medical)
- ☐ 072 Consumer Fraud
- ☐ 073 Breach of Warranty
- ☐ 074 Statutory Action
(Please Signify Below**)
- ☐ 075 Other Commercial Litigation
(Please Signify Below**)
- ☐ 076 Retaliatory Discharge

OTHER ACTIONS

CASE TYPES:

- ☐ 062 Property Damage
- ☐ 066 Legal Malpractice
- ☐ 077 Libel/Slander
- ☐ 079 Petition for Qualified Orders
- ☐ 084 Petition to Issue Subpoena
- ☐ 100 Petition for Discovery

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Primary Email: ccfiling@corboydemetrio.com

Secondary Email: _____

Tertiary Email: _____

#02329 WTG/vus 10/25/2021

2014S-5005

COOK COUNTY, ILLINOIS

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

PAUL MONTADOR, Personal
Representative, Executor and Estate Trustee
of the Estate of STEVEN R. MONTADOR,
Deceased,

Plaintiff,

v.

NATIONAL HOCKEY LEAGUE and
NATIONAL HOCKEY LEAGUE BOARD
OF GOVERNORS,

Defendants.

No.

PLAINTIFF DEMANDS TRIAL BY JURY

COMPLAINT AT LAW

Plaintiff, PAUL MONTADOR, Personal Representative, Executor and Estate Trustee of the Estate of STEVEN R. MONTADOR, by and through his attorneys, CORBOY & DEMETRIO, P.C., complaining of Defendants, NATIONAL HOCKEY LEAGUE and NATIONAL HOCKEY LEAGUE BOARD OF GOVERNORS (collectively "NHL"), states:

INTRODUCTION

1. At age twenty (20), STEVEN R. MONTADOR signed with the Calgary Flames NHL team and began his professional hockey career.
2. From 2001 through 2013, STEVEN R. MONTADOR participated in five hundred-seventy-one (571) NHL regular season hockey games and forty-three (43) NHL playoff games for the Calgary Flames, the Florida Panthers, the Anaheim Ducks, the Boston Bruins, the Buffalo Sabres and the Chicago Blackhawks.

Plaintiff, PAUL MONTADOR, Personal Representative, Executor and Estate Trustee of the Estate of STEVEN R. MONTADOR, by and through his attorneys, CORBOY & DEMETRIO, P.C.,

NATIONAL HOCKEY LEAGUE and NATIONAL HOCKEY LEAGUE BOARD OF GOVERNORS (collectively "NHL"), states:

3. During NHL games, STEVEN R. MONTADOR participated in sixty-nine (69) on-ice fist fights.¹

4. During regular season NHL games, pre-season NHL games, NHL practices and morning skates prior to NHL games, STEVEN R. MONTADOR sustained thousands of sub-concussive brain traumas and multiple concussions,² many of which were undiagnosed and/or undocumented.

5. STEVEN R. MONTADOR'S documented concussions were multitudinous and frequent. For example, in 2003, STEVEN R. MONTADOR sustained at least three (3) concussive brain traumas in six (6) months; in 2010, he sustained at least four (4) concussive brain traumas in nine (9) months; and, in 2012, while with the Chicago Blackhawks, STEVEN R. MONTADOR suffered at least four (4) concussive brain traumas in a three (3) month period.³

6. In 2013, STEVEN R. MONTADOR retired from the NHL.

7. As a result of the repetitive brain traumas sustained during his NHL career, and

¹ <http://www.hockeyfights.com/players/496> details each of STEVEN R. MONTADOR's NHL fights.

² Concussion is defined as "a traumatically induced alteration in brain function manifested by an alteration of awareness or consciousness." Pellman, E, Viano, D, Tucker, A, et.al., *Concussion in Professional Football: Reconstruction of Game Impacts and Injuries*, Neurosurgery, Vol. 53(4) (2003).

³ On January 8, 2012, STEVEN R. MONTADOR suffered an obvious concussion when punched in the face by Johan Franzen in overtime of the Red Wings - Blackhawks game. STEVEN R. MONTADOR's consciousness was briefly altered and he felt hazy. He was diagnosed with a concussion.

On January 10, 2012, STEVEN R. MONTADOR was cleared to perform his duties as an NHL hockey player, including playing in NHL games.

On January 10, 2012, STEVEN R. MONTADOR was involved in an on-ice fight with Jared Boll during which he was punched in the head over ten (10) times.

On January 12, 2012, STEVEN R. MONTADOR played in a game against the Minnesota Wild and was hit in the head on numerous occasions.

On January 13, 2012, STEVEN R. MONTADOR was diagnosed with a concussion.

On January 14, 2012; January 15, 2012; January 18, 2012; January 21, 2012; January 24, 2012; January 31, 2012; February 2, 2012; and February 3, 2012, STEVEN R. MONTADOR played in NHL games, sustaining numerous blows to the head and engaging in one on-ice fight.

On February 7, 2012, during a game against the Avalanche, STEVEN R. MONTADOR again suffered a diagnosed concussion.

On March 24, 2012, STEVEN R. MONTADOR was cleared to perform his duties as an NHL hockey player, including playing in NHL games.

On March 27, 2012, during a game against the New Jersey Devils, STEVEN R. MONTADOR again suffered a diagnosed concussion.

STEVEN R. MONTADOR had brain damage, resulting in him experiencing significant memory issues, sleep disturbances, chronic pain, a substance abuse problem, photosensitivity, mood and behavioral changes, decreased appetite, anxiety, and depression, both during and after his NHL career.

8. On February 15, 2015, STEVEN R. MONTADOR, age thirty-five (35), died.

9. Post-mortem, Neuro-pathological review of STEVEN R. MONTADOR's brain at Krembil Neuroscience Centre's Canadian Sports Concussion Project determined that STEVEN R. MONTADOR was suffering from progressive, advanced brain damage, commonly referred to as Chronic Traumatic Encephalopathy ("CTE").⁴

10. CTE caused progressive deterioration in STEVEN R. MONTADOR's brain, specifically, in the areas of his brain that control judgment, inhibition and impulse control, mood, behavior and memory, resulting in STEVEN R. MONTADOR experiencing headaches, poor memory, a lack of impulse control, mood and behavioral disturbances, and executive dysfunction.

11. CTE caused, or contributed to cause, STEVEN R. MONTADOR's death.

THE PARTIES

12. On May 26, 2015, PAUL MONTADOR was appointed by the Ontario Superior Court of Justice at Brampton as Estate Trustee for the Estate of STEVEN R. MONTADOR and

⁴ CTE is found exclusively in the brains of humans that have been subjected to repetitive head trauma. CTE has been discovered in the brains of former NHL players, Reggie Fleming, Bob Probert, Rick Martin and Derek Boogaard (Todd Ewen's brain is not currently being examined). Remarkably, the NHL's Commissioner, Gary Bettman, publicly states that "from a medical and science standpoint, there is no evidence yet that [repetitive head trauma in NHL hockey] necessarily leads to [CTE]." (NHL.com)

named Executor of STEVEN R. MONTADOR's Estate. In that representative capacity, PAUL MONTADOR brings this action on behalf of STEVEN R. MONTADOR's estate and surviving family members: Morrison Montador Robidoux, son; Paul Montador, father; Donna Montador, mother; Lindsay Montador, sister; and Chris Montador, brother, each of whom have and/or will experience grief and sorrow as well as a significant loss of love, affection, guidance, comfort, counsel and support as a result of STEVEN R. MONTADOR's death.

13. At the time of his death, STEVEN R. MONTADOR was a Canadian resident.

14. The NHL is an unincorporated association, organized as a joint venture to operate a professional ice hockey league consisting of thirty-two Member Clubs and the NHL has an office in New York, New York.

15. The Chicago Blackhawks are an NHL franchise located at 1901 W. Madison St., Chicago, IL 60612 – MONTADOR played for the Blackhawks and engaged in on-ice fights while a member of the Blackhawks.

16. The NHL is governed by the NHL BOARD OF GOVERNORS which establishes the policies of the League.

17. The NHL and the NHL BOARD OF GOVERNORS have the ultimate authority to establish and determine the playing rules and policies of NHL hockey and the environment in which the game is played. As the stewards of the game of professional hockey in the United States and Canada, these Defendants control how the game is played and if, and when, players are provided warnings of injury risk(s).

18. The Defendants have the power to implement changes to the game to promote player safety, including, but not limited to, controlling the playing environment (i.e., the ice conditions, the boards and glass) and imposing Supplemental Discipline in reaction to certain

actions on the ice.

19. In addition, the NHL has evaluated and addressed certain matters related to player safety and have provided related education to active players with respect to those matters in furtherance of their stated commitment to keep NHL players safe during and after their NHL careers.

20. The NHL's studies, throughout the years, have purported to inform interventional strategies intended to reduce the risks of injury in NHL hockey. These interventional strategies include certain warnings to players of certain injury risks (both patent and latent).

21. The NHL has long known that its players were susceptible to developing CTE and other neurodegenerative brain diseases as a result of the fist-fighting it allowed and promoted, the hard hits it encouraged and marketed, and/or the blows to the head that it steadfastly refused to eliminate from its game.

22. But, the NHL, armed with vastly superior managerial, medical, legal, and other resources to gather, analyze, and understand sub-concussion, concussion and head injury data, failed to keep STEVEN R. MONTADOR reasonably safe during his career and misled him on the permanent ramifications of brain trauma.

COUNT I

NHL's Culture of Violence Caused Personal Injury – Survival Action

Plaintiff re-alleges paragraphs 1-22 above and incorporates each allegation herein.

23. At all relevant times, the NHL permitted and promoted fighting in the NHL game despite knowing the dangers of head trauma to its players.

24. Fighting is an easily identifiable and readily eliminated cause of concussive and sub-concussive brain traumas. Eliminating fighting obviously and necessarily reduces the

incidence of trauma to the brain. Reducing the incidence of concussions and MTBI obviously and necessarily reduces the risk of long-term neurodegenerative diseases and conditions. But, fully aware of this commonsense logic, and aware that fighting results in brain injuries that lead to the tragedy of long-term neurodegenerative diseases and their consequences, the NHL has steadfastly continued to permit and promote fighting in its game because it cares more about profit than players' long-term health.

25. The NHL permitting and promoting fighting despite its knowledge of the long-term health risks associated with fighting is demonstrative of the NHL's desire to sacrifice the health of their players' brains in exchange for profit.⁵

26. Fighting causes a very dangerous combination of physical and emotional turmoil for NHL players. The emotional and physical toll exacted on the NHL players who fought throughout their careers, such as STEVEN MONTADOR, lead to severe brain injuries and emotional trauma.

27. The NHL has long known that its fans stand up for two occurrences – "goals and fisticuffs." The NHL permitted and promoted fisticuffs because it favored increased attendance.

⁵ In December of 2011, Commissioner Bettman infamously stated, in an article titled, *Cox: Boogaard's death won't change NHL*, that the repeat deaths of NHL enforcers represented a "limited data base"; the need not to "jump to conclusions"; the "gap in the science"; and the science being "in its infancy." The article then states that when Mr. Bettman was asked at the end of a Board of Governors meeting whether fighting in hockey is dangerous, he replied, "Maybe it is, maybe it's not." When faced with the question of whether head trauma goes hand in hand with hockey fights, Bettman responded, "Sometimes it is, sometimes it's not." When asked about the fact that the brains of deceased NHL players Boogaard, Rick Martin, Bob Probert and Reggie Fleming all showed signs of CTE, Bettman replied, "[w]e don't know everything that went on in their lives . . . We don't know what else they had in common, if anything." This cavalier dismissal was, and unfortunately continues to be, the NHL's default attitude towards its player safety.

and, therefore, revenues; further, it knew that once fighting was removed it would be impossible to reinstate without a media backlash.⁶

28. The NHL is both hypocritical and negligent by expressing concern for player safety on the one hand and promoting and encouraging fighting on the other.

29. The NHL knows, or should know, fighting causes brain trauma. As Dr. Robert Cantu, a renowned neuro-scientist stated, "The brain does not know what causes it to be shaken – whether it's a helmet-to-helmet hit, a left-hook, or a check."

30. The NHL also knew, or should have known, that brain trauma sustained in fights can lead to permanent brain injury, including, but not limited to, memory loss, dementia, depression, CTE, and related symptoms, including addiction.

31. Yet, despite this knowledge and mounting evidence of the dangers, the NHL encouraged fighting and encouraged players to "play through the pain."

32. The NHL has glorified the violent aspects of the game, including, but not limited to, the vicious bare-knuckle fistfights during the game.

33. Throughout its history, people have questioned the NHL's wisdom in permitting and promoting such gratuitous violence in its game. For example, in 1974 the Ontario Cabinet appointed Canadian lawyer William McMurtry to issue a report on violence in hockey. As part of his research, McMurtry interviewed numerous NHL players. His official report concluded:

In talking to numerous players in the NHL...they all feel that most advertising and selling of the game is over-emphasizing the fighting and brawling at the expense of educating the crowds about

⁶ In 1992, President/Legal Counsel, Gil Stein, received a comprehensive report on fighting from the President, General Manager and Head Coach of the Vancouver Canucks, J.B. Patrick Quinn. Document labeled NHL0016000 and NHL0016001 (Designated); Produced In Re: National Hockey League Players' Concussion Injury Litigation, MDL No. 14-2551.

the skill and finesse. This past season the advertising for the NBC Game of the Week showed a film clip of a hockey fight. Can you conceive of any other sport promoting itself in this fashion?

34. In 1975, players proposed the imposition of an automatic suspension for the balance of the game in which a fight occurred and at least a one-game suspension. The NHL chose not to enact a rule change at the time. In rejecting the proposal, one team's president stated the League's stance is "We believe in fighting. It's an exciting part of the sport."

35. One of the NHL players advocating for a ban on fighting, Bobby Hull, staged a one-game strike in protest of the NHL's commoditization of violence, stating "the game is no pleasure anymore. It's an ordeal." Hull further stated:

It's time we took some action...because, if something isn't done soon, it will ruin the game for all of us. I've never seen so much stuff like this. I never thought it could be so bad...It's becoming a disaster...The idiot owners, the incompetent coaches, the inept players are dragging the game into the mud. They're destroying it with their senseless violence.

36. The NHL did not adhere to Hull's request, instead, NHL continued to promote and encourage fighting, and fighting increased over the next decade. The NHL has referred to the 1980s as The Golden Era of Fighting – during these days, the League averaged approximately one fight for every game played.

37. On February 17, 1986, Sports Illustrated published an article entitled, "*Hockey? Call It Sockey: Hockey's designated hit men are making a travesty of the game. It's high time to get rid of all the goons.*" Sports Illustrated firmly criticized the NHL for its failure to take action against violence in its sport:

[M]any NHL executives are scared to death that if fighting were banned from hockey, thousands of season-ticket holders who get their jollies from watching grown men in short pants in a quasi-legal, bare-knuckle battle would bail out on the spot. Violence

sells. That's not news, so does sex. If that's what's important, why doesn't the league hire a bunch of bikini clad bimbos to skate around behind the Zambonis holding up placards showing each team's penalty totals?

38. By 1992, many involved in the NHL began realizing permitting fighting in its games was foolish and it must do more to keep its players safe.⁷ However, at the 1992 Board of Governors' Meeting a discussion regarding the introduction of a game misconduct penalty for a player who fights was never brought to a vote, despite at least seven clubs expressing a strong desire for such a rule.

39. Despite repeated criticisms from players and media, as well as its own realization it must continue to move towards eliminating fighting from its game, the NHL refused to ban fighting and, in the 1990s and 2000s, its prevalence continued. During these years, "staged fighting" happened nearly every game:

The golden age of the hockey enforcer was born, stretching through [Marty] McSorley and Bob Probert, Tie Domi, Georges Laraque, Rob Ray and Donal Brashear. They increasingly settled their teammates' scores by fighting each other. Imagine in American football, if a linebacker hit a quarterback with what the quarterback's team believed was too much force. Or if a baseball pitcher plunked a star batter with a ball, or a basketball player committed a hard foul on a top scorer. The equivalent to hockey's brand of justice would find those teams sending a specific player from their bench—someone hardly valued for his skill as a player, perhaps rarely used—and having them fight one another.

Their bouts combined the brutality of boxing and the showmanship of professional wrestling. The men sometimes fought for no purpose other than to satisfy the expectation of fans or the chance to be relevant. Coaches used them to stem the opposing team's

⁷ Document labeled NHL0015999-6001 (De-designated); Produced In Re: National Hockey League Players' Concussion Injury Litigation, MDL No. 14-2551.

momentum or change the tenor of the game--maybe "send a message" for the next time teams played. It felt like a sideshow. But the punches were real.

When enforcers fought, the game clock stopped. Other players, restricted by stricter rules barring entry into a fight, backed away and watched. Fans, invariably, stood and cheered, often more vociferously than when a goal was scored.

Television cameras zoomed in, and a graphic providing each fighter's height and weight often appeared on the screen. Play-by-play men took on the role of boxing announcers, their hyper-charged voices rising and falling with every blow. Punches produced a reflexive chorus of ooooohs from the crowd. The volume ratcheted with the sight of blood, flying equipment, maybe a dislodged tooth. The fight ended only when one of the players fell to the ice or when the violence slowed, like the dwindling energy of popcorn when nearly every kernel has popped...

Fans gave standing ovations. Teammates banged their sticks on the boards in appreciation. Replays of the fight, usually in slow motion, filled the giant video screens in the arenas and the television screens at home. Fights were staples of the nightly sports highlight packages.⁸

40. The NHL obviously knew that it was extremely dangerous when two players "square off" to fight, but instead of eliminating fighting, the NHL enhanced its visibility and promoted the fights in an effort to get more fans through the turnstiles.

41. Armed with the knowledge fighting was physically dangerous and emotionally perilous, the NHL still promoted fighting in many ways, including, but not limited to:

- (a) Promoting the HBO documentary, *Broad Street Bullies*, on its Philadelphia Flyers affiliated website. The trailer for the film, viewable on www.flyers.nhl.com, features clip after clip of fighting and violent head shots, accompanied by voice-over testimonials extolling the virtues of winning the sport's through "intimidation" over talent.

⁸ Branch, John. *Boy On Ice: The Life and Death of Derek Boogaard*. New York: W.W. Norton & Company, 2014. 61-63. Print.

- (b) Creating, through NHL Original Products— an agent and instrumentality of the NHL devoted to producing promotional films for the NHL—numerous features that focus on the hardest hits that take place on the ice, further advancing the NHL's culture of violence as entertainment.
- (c) Displaying on www.nhl.com its Enforcer/Fighters and fisticuffs in the main news story rotation on a nightly basis.
- (d) Producing on the NHL Network, a weekly program segment called "Top 10 Hits of the Week."
- (e) Permitting individual teams to show in-game replays of violent hits, with the marquee "Hit of the Game" above the jumbo television screens.
- (f) Creating through NHL Films, an agent and instrumentality of the NHL devoted to producing promotional films, numerous highlight features that focus solely on the hardest hits that take place on the ice. These featured videos are marketed and sold to advance the NHL's culture of violence as entertainment.
- (g) Licensing NHL-sponsored video games including fighting and vicious body checking. For example, the NHL licensed EA Sports to produce NHL 14, released on September 10, 2013, and which featured a completely revamped fighting system called the "Enforcer Engine." Those new features included: (a) Enforcers/Fighters coming to the aid of downed superstars and initiated fights; (b) "physics-based punch targeting" that make blows more realistic; and (c) real-time facial damage such that bruising and black eyes remain throughout the game.

42. The NHL was negligent and its conduct demonstrates a conscious disregard for the safety and welfare of its players, including STEVEN MONTADOR, because it encouraged and promoted fighting for its profit. The NHL has long known that its players involved in fights were susceptible to brain damage, depression, and/or substance abuse because of the extreme physical and emotional toll fighting placed on them, but failed to end or correct the problem.

43. For almost a century, while unnecessary violence, including brutal fist-fighting, has permeated NHL games, the NHL has been on notice that multiple blows to the head can lead to long-term brain injury, including but not limited to memory loss, dementia, depression, addiction and CTE and its related symptoms. Yet, the NHL said nothing to its players about any of it.

44. In 2007, during STEVEN MONTADOR's sixth year in the league, the NHL was queried on the juxtaposition of "knocked out" boxers sitting out from further fights for 60-90 days, while the NHL Enforcers/Fighters, even when knocked out, can come back into the game almost immediately. The NHL thought this was a good question,⁹ but did nothing to act on the provocative reality.

45. Violence in hockey persists for one simple reason: Today, as in 1975, the men who control the game have no interest in eliminating it. Any reasonable analysis would conclude players should not be policed by other players, the threat of retaliation should not be used to enforce good behavior, and infractions of the rules should not be used to market the NHL game.

46. However, for nearly a century, the NHL has permitted and promoted fighting because it has continued to profit from its culture of violence; notwithstanding the brain injuries inflicted on NHL players such as STEVEN MONTADOR, the NHL created, and refused to change, a culture in which the "toughest" players are glorified – and maintain job security – for their ability to dish out and endure severe violence on the ice.

⁹ Document labeled NHL0029626 (De-designated); Produced In Re: National Hockey League Players' Concussion Injury Litigation, MDL No. 14-2551.

47. By promoting and glorifying fighting, the NHL continues to perpetuate its message, blows to the head should not be considered serious injuries, to players, coaches, and fans.

48. The NHL knew eliminating fights from their game would decrease drug addiction, depression, and severe head injuries to the men it enlisted to play these barbaric roles.

49. The NHL, in breach of its self-imposed and self-declared duties to keep STEVEN MONTADOR safe, to advise him of all risks, and to not increase his risk of permanent brain damage and/or addiction, permitted and promoted his NHL fights.

50. Additionally, the NHL breached its duty to disclose to STEVEN MONTADOR relevant and highly material health information it possessed regarding the significant risks associated with the head traumas endured during NHL fights, including, but not limited to, permanent brain damage.

51. As a result of the NHL's breaches of its duties, STEVEN MONTADOR suffered injuries, including, but not limited to, CTE and its resulting symptoms.

52. As a proximate result of one or more of the foregoing negligent acts or omissions, STEVEN MONTADOR suffered personal and pecuniary injuries, including conscious pain and suffering and emotional distress prior to his death on February 15, 2015, and had he survived he would have been entitled to bring an action for his injuries, and such action has survived him.

53. Plaintiff, PAUL MONTADOR, Personal Representative and Executor and Estate Trustee of the Estate of STEVEN MONTADOR, Deceased, brings this Survival Action, pursuant to 755 ILCS 5/27-6, commonly known as the Survival Act of the State of Illinois.

WHEREFORE, plaintiff, PAUL MONTADOR, Personal Representative and Executor and Estate Trustee of the Estate of STEVEN MONTADOR, Deceased, demands judgment

against defendants, NATIONAL HOCKEY LEAGUE and NATIONAL HOCKEY LEAGUE BOARD OF GOVERNORS, in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

COUNT II

NHL's Culture of Violence Caused Wrongful Death

Plaintiff re-alleges paragraphs 1-22 above and incorporates each allegation herein.

54. At all relevant times, the NHL permitted and promoted fighting in the NHL game despite knowing the dangers of head trauma to its players.

55. Fighting is an easily identifiable and readily eliminated cause of concussive and sub-concussive brain traumas. Eliminating fighting obviously and necessarily reduces the incidence of trauma to the brain. Reducing the incidence of concussions and MTBI obviously and necessarily reduces the risk of long-term neurodegenerative diseases and conditions. But, fully aware of this commonsense logic, and aware that fighting results in brain injuries that lead to the tragedy of long-term neurodegenerative diseases and their consequences, the NHL has steadfastly continued to permit and promote fighting in its game because it cares more about profit than players' long-term health.

56. The NHL permitting and promoting fighting despite its knowledge of the long-term health risks associated with fighting is demonstrative of the NHL's desire to sacrifice the health of their players' brains in exchange for profit.¹⁰

¹⁰ In December of 2011, Commissioner Bettman infamously stated, in an article titled, *Cox: Boogaard's death won't change NHL*, that the repeat deaths of NHL enforcers represented a "limited data base"; the need not to "jump to conclusions"; the "game in the science"; and the science being "in its infancy." The article then states that when Mr. Bettman was asked at the end of a Board of Governors meeting whether fighting in hockey is dangerous, he replied, "Maybe it is, maybe it's not." When faced with the question of whether head trauma goes hand in hand with hockey fights, Bettman responded, "Sometimes it is, sometimes it's not." When asked about the fact that the brains of deceased NHL players Boogaard, Rick Martin, Bob Probert and Reggie Fleming all showed signs of CTE, Bettman replied, "[w]e don't know everything that went on in their lives. We don't know

57. Fighting causes a very dangerous combination of physical and emotional turmoil for NHL players. The emotional and physical toll exacted on the NHL players who fought throughout their careers, such as STEVEN MONTADOR, lead to severe brain injuries and emotional trauma.

58. The NHL has long known that its fans stand up for two occurrences — "goals and fisticuffs." The NHL permitted and promoted fisticuffs because it favored increased attendance and, therefore, revenues; further, it knew that once fighting was removed it would be impossible to reinstate without a media backlash.¹¹

59. The NHL is both hypocritical and negligent by expressing concern for player safety on the one hand and promoting and encouraging fighting on the other.

60. The NHL knows, or should know, fighting causes brain trauma. As Dr. Robert Cantu, a renowned neuro-scientist stated, "The brain does not know what causes it to be shaken — whether it's a helmet-to-helmet hit, a left-hook, or a check."

61. The NHL also knew, or should have known, that brain trauma sustained in fights can lead to permanent brain injury, including, but not limited to, memory loss, dementia, depression, CTE, and related symptoms, including addiction.

62. Yet, despite this knowledge and mounting evidence of the dangers, the NHL encouraged fighting and encouraged players to "play through the pain."

what else they had in common, if anything." This cavalier dismissal was, and unfortunately continues to be, the NHL's default attitude towards its player safety.

¹¹ In 1992, President/Legal Counsel, Gil Stein, received a comprehensive report on fighting from the President, General Manager and Head Coach of the Vancouver Canucks, J.B. Patrick Quinn. Document labeled NHL0016000 and NHL0016001 (Designated); Produced In Re: National Hockey League Players' Concussion Injury Litigation, MDL No. 14-2551.

63. The NHL has glorified the violent aspects of the game, including, but not limited to, the vicious bare-knuckle fistfights during the game.

64. Throughout its history, people have questioned the NHL's wisdom in permitting and promoting such gratuitous violence in its game. For example, in 1974 the Ontario Cabinet appointed Canadian lawyer William McMurtry to issue a report on violence in hockey. As part of his research, McMurtry interviewed numerous NHL players. His official report concluded:

In talking to numerous players in the NHL...they all feel that most advertising and selling of the game is over-emphasizing the fighting and brawling at the expense of educating the crowds about the skill and finesse. This past season the advertising for the NBC Game of the Week showed a film clip of a hockey fight. Can you conceive of any other sport promoting itself in this fashion?

65. In 1975, players proposed the imposition of an automatic suspension for the balance of the game in which a fight occurred and at least a one-game suspension. The NHL chose not to enact a rule change at the time. In rejecting the proposal, one team's president stated the League's stance is "We believe in fighting. It's an exciting part of the sport."

66. One of the NHL players advocating for a ban on fighting, Bobby Hull, staged a one-game strike in protest of the NHL's commoditization of violence, stating "the game is no pleasure anymore. It's an ordeal." Hull further stated:

It's time we took some action...because, if something isn't done soon, it will ruin the game for all of us. I've never seen so much stuff like this. I never thought it could be so bad...It's becoming a disaster...The idiot owners, the incompetent coaches, the inept players are dragging the game into the mud. They're destroying it with their senseless violence.

67. The NHL did not adhere to Hull's request, instead, NHL continued to promote and encourage fighting and fighting increased over the next decade. The NHL has referred to the 1980s as The Golden Era of Fighting – during these days, the League averaged approximately one fight for every game played.

68. On February 17, 1986, Sports Illustrated published an article entitled, *Hockey! Call It Sockey: Hockey's designated hit men are making a travesty of the game. It's high time to get rid of all the goons.* Sports Illustrated firmly criticized the NHL for its failure to take action against violence in its sport:

[M]any NHL executives are scared to death that if fighting were banned from hockey, thousands of season-ticket holders who get their jollies from watching grown men in short pants in a quasi-legal, bare-knuckle battle would bail out on the spot. Violence sells. That's not news, so does sex. If that's what's important, why doesn't the league hire a bunch of bikini clad bimbos to skate around behind the Zambonis holding up placards showing each team's penalty totals?

69. By 1992, many involved in the NHL began realizing permitting fighting in its games was foolish and it must do more to keep its players safe.¹² However, at the 1992 Board of Governors' Meeting a discussion regarding the introduction of a game misconduct penalty for a player who fights was never brought to a vote, despite at least seven clubs expressing a strong desire for such a rule.

70. Despite repeated criticisms from players and media, as well as its own realization it must continue to move towards eliminating fighting from its game, the NHL refused to ban

¹² Document labeled NHL0015999-6001 (De-designated), Produced In Re: National Hockey League Players' Concussion Injuries Litigation, MDL No. 14-2551.

fighting and, in the 1990s and 2000s, its prevalence continued. During these years, "staged fighting" happened nearly every game:

The golden age of the hockey enforcer was born, stretching through [Marty] McSorley and Bob Probert, Tie Domi, Georges Laraque, Rob Ray and Donal Brashear. They increasingly settled their teammates' scores by fighting each other. Imagine in American football, if a linebacker hit a quarterback with what the quarterback's team believed was too much force. Or if a baseball pitcher plunked a star batter with a ball, or a basketball player committed a hard foul on a top scorer. The equivalent to hockey's brand of justice would find those teams sending a specific player from their bench—someone hardly valued for his skill as a player, perhaps rarely used—and having them fight one another.

Their bouts combined the brutality of boxing and the showmanship of professional wrestling. The men sometimes fought for no purpose other than to satisfy the expectation of fans or the chance to be relevant. Coaches used them to stem the opposing team's momentum or change the tenor of the game—maybe "send a message" for the next time teams played. It felt like a sideshow. But the punches were real.

When enforcers fought, the game clock stopped. Other players, restricted by stricter rules barring entry into a fight, backed away and watched. Fans, invariably, stood and cheered, often more vociferously than when a goal was scored.

Television cameras zoomed in, and a graphic providing each fighter's height and weight often appeared on the screen. Play-by-play men took on the role of boxing announcers, their hyper-charged voices rising and falling with every blow. Punches produced a reflexive chorus of oooooohs from the crowd. The volume ratcheted with the sight of blood, flying equipment, maybe a dislodged tooth. The fight ended only when one of the players fell to the ice or when the violence slowed, like the dwindling energy of popcorn when nearly every kernel has popped.

Fans gave standing ovations. Teammates banged their sticks on the boards in appreciation. Replays of the fight, usually in slow motion, filled the giant video screens in the arenas and the

television screens at home. Fights were staples of the nightly sports highlight packages.¹³

The NHL obviously knew that it was extremely dangerous when two players “square off” to fight, but instead of eliminating fighting, the NHL enhanced its visibility and promoted the fights in an effort to get more fans through the turnstiles.

72. Armed with the knowledge fighting was physically dangerous and emotionally perilous, the NHL still promoted fighting in many ways, including, but not limited to:

- (a) Promoting the HBO documentary, *Broad Street Bullies*, on its Philadelphia Flyers affiliated website. The trailer for the film, viewable on www.flyers.nhl.com features clip after clip of fighting and violent head shots, accompanied by voice-over testimonials extolling the virtues of winning through “intimidation” over talent.
- (b) Creating, through NHL Original Products— an agent and instrumentality of the NHL devoted to producing promotional films for the NHL— numerous features that focus on the hardest hits that take place on the ice, further advancing the NHL’s culture of violence as entertainment.
- (c) Displaying on www.nhl.com its Enforcer/Fighters and fistcuffs in the main news story rotation on a nightly basis.
- (d) Producing, on the NHL Network, a weekly program segment called “Top 10 Hits of the Week.”
- (e) Permitting individual teams to show in-game replays of violent hits, with the marquee “Hit of the Game” above the jumbo television screens.
- (f) Creating through NHL Films, an agent and instrumentality of the NHL, devoted to producing promotional films, numerous highlight features that focus solely on the hardest hits that take place on the ice. These featured videos are marketed and sold to advance the NHL’s culture of violence as entertainment.
- (g) Licensing NHL-sponsored video games including fighting and vicious body checking. For example, the NHL licensed EA Sports to produce NHL 14, released on September 10, 2013, and which featured a completely revamped fighting system called the “Enforcer Engine.” Those

¹³ Branch, John, *Boy On Ice: The Life and Death of Derek Boogaard*. New York: W.W. Norton & Company, 2013. 103. Print.

new features included: (a) Enforcers/Fighters coming to the aid of downed superstars and initiated fights; (b) "physics-based punch targeting" that make blows more realistic; and (c) real-time facial damage such that bruising and black eyes remain throughout the game.

73. The NHL was negligent and its conduct demonstrates a conscious disregard for the safety and welfare of its players, including STEVEN MONTADOR, because it encouraged and promoted fighting for its profit. The NHL has long known that its players involved in fights were susceptible to brain damage, depression, and/or substance abuse because of the extreme physical and emotional toll fighting placed on them, but failed to end or correct the problem.

74. For almost a century, while unnecessary violence, including brutal fist-fighting, has permeated NHL games, the NHL has been on notice that multiple blows to the head can lead to long-term brain injury, including but not limited to memory loss, dementia, depression, addiction and CTE and its related symptoms. Yet, the NHL said nothing to its players about any of it.

75. In 2007, during STEVEN MONTADOR's sixth year in the league, the NHL was queried on the juxtaposition of "knocked out" boxers sitting out from further fights for 60-90 days, while the NHL Enforcers/Fighters, even when knocked out, can come back into the game almost immediately. The NHL thought this was a good question,¹⁴ but did nothing to act on the provocative reality.

76. Violence in hockey persists for one simple reason: Today, as in 1975, the men who control the game have no interest in eliminating it. Any reasonable analysis would conclude

¹⁴ Document labeled NHL0029626 (De-designated); Produced In Re: National Hockey League Players' Concussion Injury Litigation, MDL No. 14-2551.

players should not be policed by other players, the threat of retaliation should not be used to enforce good behavior, infractions of the rules should not be used to market the NHL game.

77. However, for nearly a century, the NHL has permitted and promoted fighting because it has continued to profit from its culture of violence, notwithstanding the brain injury inflicted on NHL players such as STEVEN MONTADOR, the NHL created, and refused to change a culture in which the "toughest" players are glorified – and maintain job security – for their ability to dish out and endure severe violence on the ice.

78. By promoting and glorifying fighting, the NHL continues to perpetuate its message, blows to the head should not be considered serious injuries, to players, coaches, and fans.

79. The NHL knew eliminating fights from their game would decrease drug addiction, depression, and severe head injuries to the men it enlisted to play these barbaric roles.

80. The NHL, in breach of its self-imposed and self-declared duties to keep STEVEN MONTADOR safe, to advise him of all risks, and to not increase his risk of permanent brain damage and/or addiction, permitted and promoted his NHL fights.

81. Additionally, the NHL breached its duty to disclose to STEVEN MONTADOR relevant and highly material health information it possessed regarding the significant risks associated with the head traumas endured during NHL fights, including, but not limited to, permanent brain damage.

82. As a result of the NHL's breaches of its duties, STEVEN MONTADOR suffered injuries, including, but not limited to, CTE and its resulting symptoms.

83. As a proximate result of the NHL's breaches of its duties, STEVEN MONTADOR suffered injury, including but not limited to, CTE, which caused, or contributed to his premature death.

84. Plaintiff's Decedent, STEVEN MONTADOR, left his son, Morrison Montador Robidoux, surviving him as his heir and next of kin.

85. Plaintiff, PAUL MONTADOR, Personal Representative and Executor and Estate Trustee of the Estate of STEVEN MONTADOR, Deceased, and in such capacity brings this cause of action on behalf of the Estate of STEVEN MONTADOR for pecuniary damages pursuant to the Illinois Wrongful Death Statute, 740 ILCS 180/1, *et seq.*

WHEREFORE, plaintiff, PAUL MONTADOR, Personal Representative and Executor and Estate Trustee of the Estate of STEVEN MONTADOR, Deceased demands judgment against defendants, NATIONAL HOCKEY LEAGUE and NATIONAL HOCKEY LEAGUE BOARD OF GOVERNORS, in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

COUNT III

NHL's Misrepresentations and Omissions Caused Personal Injury – Survival Action

Plaintiff re-alleges paragraphs 1-22 above and incorporates each allegation herein.

86. The NHL gratuitously committed to studying the issue of repetitive head trauma sustained by NHL players.

87. Beginning in 1997, the NHL endeavored into the study of repetitive concussive and sub-concussive brain traumas amongst its players.¹⁵

¹⁵ The NHL consistently characterizes this 'concussion program' as a 'jointly administered' program with the NHLPA. This characterization is misleading—while certain aspects of the program may have enlisted a NLHPA representatives' involvement,

88. In furtherance of its study, the League collected and analyzed data on every player, including, but not limited to, birth date, educational background, playing history, contract history, injury,¹⁶ and retirement data. Additionally, the NHL supposedly tracked all NHL concussions and stored video clips¹⁷, of all NHL players who experienced concussions.

89. The NHL, utilizing the data, supposedly studied the frequency, timing, duration of symptoms, and mechanism of injury patterns for concussive brain traumas sustained by NHL players from 1997 through 2004.

90. NHL players highly anticipated the results of the NHL's study.

91. NHL players, including STEVEN MONTADOR, reasonably believed the NHL's compiling of player medical reports of brain traumas, memorializing video imagery of those NHL players who sustained concussive brain trauma, and maintaining their neuropsychological testing results would provide the NHL with sufficient data to thoroughly study issues and provide them with the most up-to-date information on the immediate and long-term risks of repetitive brain trauma in the NHL.

92. NHL players, including STEVEN MONTADOR, hoped the NHL's study would address the critical question: "Does repetitive head trauma in NHL hockey lead to long-term neurocognitive or neurodegenerative changes in NHL players' brains?"

the scope and focus of the program's activities were unilaterally dictated by the League. By way of example, the League determined which issues should be studied and which should be avoided.

¹⁶ Originally using the NHL Injury Surveillance System (NHLISS), the NHL collects, processes, stores and analyzes injury and exposure data for the NHL teams.

¹⁷ A study on the mechanisms of brain injury was performed by way of a video analysis of every concussion suffered by an NHL player.

93. During and after this study period, the NHL had, and confirmed, a duty to analyze all issues related to repetitive brain trauma in the NHL and inform its players of the findings including, but not limited to, long-term risk exposure to its players.

94. In violation of this duty, the NHL sat on the data it collected and did not publish its data for fourteen years.¹⁸

95. Once it finally published the data, the NHL downplayed the effects of repetitive brain trauma. The NHL only stated its findings found more conservative or precautionary measures should be taken in the short-term after a post-concussion period. The NHL misled its players, including STEVEN MONTADOR, about the long-term effects of repetitive brain trauma and took no steps to help protect its own players.

96. The NHL failed to report that its players, including STEVEN MONTADOR, were at increased risk of developing a neurodegenerative disease or condition because of repetitive head hits while playing or fighting. Additionally, the NHL did not notify its players of the risk of brain damage.

97. Even to this day,¹⁹ after repeatedly informing its players and the public it is the "leader" in concussion care, knowledge, and research, the NHL boldly informs all its players past, present, and future, that there is no proven scientific or statistical evidence demonstrating a

¹⁸ That report, was, at best, watered down - discussing only the number of concussions in the NHL for the regular seasons from 1997-2004. Listing nine specific study limitations, the report, fourteen years in the making, boiled down to a "more study needed" dodge. The NHL's delay in publishing the Concussion Program report provided NHL players with a false sense of security that they were not at risk of permanent damage to their brains.

¹⁹ After STEVEN R. MONTADOR's death and subsequent discovery of CTE, challenging the link between concussions and CTE, Gary Bettman said, "from a medical and science standpoint, there is no evidence that one necessarily leads to the other."

connection or correlation between repeated impacts to the head sustained during NHL play and long-term neurodegenerative diseases.

98. The NHL misleading its players about the dangers of repetitive head trauma has, is, and will continue to put its players at risk of suffering severe neurodegenerative brain disease.

99. STEVEN MONTADOR not only thought he could, but should, play in a violent manner and continue play after a head injury because of the NHL's misrepresentation that doing so posed no danger to his long-term mental health. The NHL induced him into continuing to play and fight, in NHL games and practices.

100. At the time of each of STEVEN MONTADOR's concussions and head injuries, the NHL knew, or should have known, about scientific evidence demonstrating a correlation between repetitive head trauma and chronic neurocognitive and neurodegenerative illness and disabilities.

101. The NHL misrepresented the long-term dangers of repeated brain trauma to Steven Montador by:

- (a) intentionally concealing information about the century-old scientific research on the negative health effects of head trauma and about anecdotal evidence from the negative health effects of head trauma from its own NHL players;
- (b) concealing the potential negative effects of head injuries suffered while playing in the NHL, including but not limited to, that they are an increased risk for developing one or more serious, neurodegenerative diseases or conditions including, but not limited to, CTE, dementia, ALS, Alzheimer's disease, and Parkinson's disease, and the debilitating symptoms from each of them;
- (c) avoiding any proper study of the long-term risks of concussions and other head injuries;

(d) impeding concussed players from being told of the permanent dangers that could befall them if they continued to sustain further head injuries; and/or

(e) representing there were no long-term dangers posed by repetitive head trauma.

102. As a result of the NHL's misrepresentations, STEVEN MONTADOR suffered injuries, including, but not limited to, CTE and its resulting symptoms.

103. As a proximate result of one or more of the foregoing negligent acts or omissions, STEVEN MONTADOR suffered personal and pecuniary injuries, including conscious pain and suffering and emotional distress prior to his death on February 15, 2015, and had he survived he would have been entitled to bring an action for his injuries, and such action has survived him.

104. Plaintiff, PAUL MONTADOR, Personal Representative and Executor and Estate Trustee of the Estate of STEVEN MONTADOR, Deceased, brings this Survival Action pursuant to 755 ILCS 5/27-6, commonly known as the Survival Acts of the State of Illinois.

WHEREFORE, Plaintiff, PAUL MONTADOR, Personal Representative and Executor and Estate Trustee of the Estate of STEVEN MONTADOR, Deceased demands judgment against defendants, NATIONAL HOCKEY LEAGUE and NATIONAL HOCKEY LEAGUE BOARD OF GOVERNORS, in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

COUNT IV

NHL's Misrepresentations and Omissions Caused Wrongful Death

Plaintiff re-alleges paragraphs 1-22 above and incorporates each allegation herein.

105. The NHL gratuitously committed to studying the issue of repetitive head trauma sustained by NHL players.

106. Beginning in 1997, the NHL endeavored into the study of repetitive concussive and sub-concussive brain traumas amongst its players.²⁰

107. In furtherance of its study, the League collected and analyzed data on every player, including, but not limited to, birth date, educational background, playing history, contract history, injury,²¹ and retirement data. Additionally, the NHL supposedly tracked all NHL concussions and stored video clips²² of all NHL players who experienced concussions.

108. The NHL, utilizing the data, supposedly studied the frequency, timing, duration of symptoms, and mechanism of injury patterns for concussive brain traumas sustained by NHL players from 1997 through 2004.

109. NHL players highly anticipated the results of the NHL's study.

110. NHL players, including STEVEN MONTADOR, reasonably believed the NHL's compiling of player medical reports of brain traumas, memorializing video imagery of those NHL players who sustained concussive brain trauma, and maintaining their neuropsychological testing results would provide the NHL with sufficient data to thoroughly study issues and provide them with the most up-to-date information on the immediate and long-term risks of repetitive brain trauma in the NHL.

²⁰ The NHL consistently characterizes this 'concussion program' as a 'jointly administered' program with the NHLPA. This characterization is misleading—while certain aspects of the program may have enlisted a NHLPA representative involvement, the scope and focus of the program's activities were unilaterally dictated by the League. By way of example, the League determined which issues should be studied and which should be avoided.

²¹ Originally using the NHL Injury Surveillance System (NHLISS), the NHL collects, processes, stores and analyzes injury and exposure data for the NHL teams.

²² A study on the mechanisms of brain injury was performed by way of a video analysis of every concussion suffered by an NHL player.

111. NHL players, including STEVEN MONTADOR, hoped the NHL's study would address the critical question: "Does repetitive head trauma in NHL hockey lead to long-term neurocognitive or neurodegenerative changes in NHL players' brains?"

112. During and after this study period, the NHL had, and confirmed, a duty to analyze all issues related to repetitive brain trauma in the NHL and inform its players of the findings – including, but not limited to, long-term risk exposure to its players.

113. In violation of this duty, the NHL sat on the data it collected and did not publish its data for fourteen years.²³

114. Once it finally published the data, the NHL downplayed the effects of repetitive brain trauma. The NHL only stated its findings found more conservative or precautionary measures should be taken in the short-term after a post-concussion period. The NHL misled its players, including STEVEN MONTADOR, about the long-term effects of repetitive brain trauma and took no steps to help protect its own players.

115. The NHL failed to report that its players, including STEVEN MONTADOR, were at increased risk of developing a neurodegenerative disease or condition because of repetitive head hits while playing or fighting. Additionally, the NHL did not notify its players of the risk of brain damage.

²³ That report, was, at best, watered down - discussing only the number of concussions in the NHL for the regular seasons from 1997-2004. Listing nine specific study limitations, the report, fourteen years in the making, boiled down to a "more study is needed" dodge. The NHL's delay in publishing the Concussion Program report provided NHL players with a false sense of security that they were not at risk of permanent damage to their brains.

116. Even to this day,²⁴ after repeatedly informing its players and the public it is the “leader” in concussion care, knowledge, and research, the NHL boldly informs all its players, past, present, and future, that there is no proven scientific or statistical evidence demonstrating a connection or correlation between repeated impacts to the head sustained during NHL play and long-term neurodegenerative diseases.

117. The NHL misleading its players about the dangers of repetitive head trauma has, is, and will continue to put its players at risk of suffering severe neurodegenerative brain disease.

118. STEVEN MONTADOR not only thought he could, but should, play in a violent manner and continue play after a head injury because of the NHL’s misrepresentation that doing so posed no danger to his long-term mental health. The NHL induced him into continuing to play, and fight, in NHL games and practices.

119. At the time of each of STEVEN MONTADOR’s concussions and head injuries, the NHL knew, or should have known, about scientific evidence demonstrating a correlation between repetitive head trauma and chronic neurocognitive and neurodegenerative illness and disabilities.

120. In breach of its duty, the NHL misrepresented the long-term dangers of repeated brain trauma to Steven Montador by:

- (a) intentionally concealing information about the century-old scientific research on the negative health effects of head trauma and about anecdotal evidence from the negative health effects of head trauma from its own NHL players;
- (b) concealing the potential negative effects of head injuries suffered while playing in the NHL, including but not limited to, that they are at an increased risk for developing one or more serious, neurodegenerative

²⁴ After STEVEN R. MONTADOR’s death and subsequent discovery of CTE, challenging the link between concussions and CTE, Gary Bettman said, “from a medical and science standpoint, there is no evidence that one necessarily leads to the other.”

diseases or conditions including, but not limited to, CTE, dementia, ALS, Alzheimer's disease, and Parkinson's disease, and the debilitating symptoms from each of them;

- (c) avoiding any proper study of the long-term risks of concussions and other head injuries;
- (d) impeding concussed players from being told of the permanent dangers that could befall them if they continued to sustain further head injuries; and
- (e) representing there were no long-term dangers posed by repetitive head trauma.

121. As a result of the NHL's misrepresentations to STEVEN MONTADOR,

STEVEN MONTADOR developed progressive and degenerative brain damage and addiction issues because of the numerous concussions sustained during his NHL career and the psychological impact of fighting in the NHL.

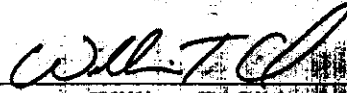
122. As a proximate result of the NHL's breaches of its duties, STEVEN MONTADOR suffered injury, including but not limited to, CTE, which caused, or contributed to his premature death.

123. Plaintiff's Decedent, STEVEN MONTADOR, left his son, Morrison Montador Robidoux, surviving him as his heir and next of kin.

124. Plaintiff, PAUL MONTADOR, has been appointed Personal Representative and Executor and Estate Trustee of the Estate of STEVEN MONTADOR, Deceased, and in such capacity brings this cause of action on behalf of the Estate of STEVEN MONTADOR for pecuniary damages pursuant to the Illinois Wrongful Death Statute, 740 ILCS 180/1, et seq.

WHEREFORE, Plaintiff, PAUL MONTADOR, Personal Representative and Executor and Estate Trustee of the Estate of STEVEN MONTADOR, Deceased demands judgment against defendants, NATIONAL HOCKEY LEAGUE and NATIONAL HOCKEY LEAGUE BOARD OF GOVERNORS, in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

CORBOY & DEMETRIO, P.C.



William T. Gibbs

William T. Gibbs
Corboy & Demetrio, P.C.
Attorneys for Plaintiff
33 North Dearborn Street, 21st Floor
Chicago, Illinois 60602
(312) 346-3191
Firm I.D. No. 02329
Primary E-Mail: ccfiling@corboydemetrio.com