

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

BEVERLY J. MORGAN,	)	Case No. _____
	)	
Plaintiff,	)	
	)	<b>COMPLAINT AND PRAECIPE</b>
vs.	)	
	)	
BO PELINI FOUNDATION, INC.,	)	
a Nebraska corporation, TIM BECK,	)	
JOHN DOES 1-3 (real names	)	
unknown) and JANE ROES 1-3	)	
(real names unknown),	)	
	)	
Defendants.	)	

COMES NOW the Plaintiff Beverly J. Morgan and for her cause of action against the Defendants Bo Pelini Foundation, Inc., Tim Beck, John Does 1-3 and Jane Roes 1-3, alleges:

1. Plaintiff Beverly J. Morgan (hereinafter "Plaintiff") is and was at all times relevant a Nebraska resident living in Lincoln, Lancaster County, Nebraska. Plaintiff was at the time 64 years of age on the date in question.
2. Defendant Bo Pelini Foundation, Inc. (hereinafter "BPF") is and was at all times relevant a Nebraska corporation registered to do business in the state of Nebraska. BPF's principal place of business is One Memorial Stadium, P.O. Box 880154, Lincoln, Lancaster County, Nebraska 68588. Defendant BPF at all times relevant organized and sponsored an annual football clinic primarily for women called "Football 101".
3. Defendant Tim Beck (hereinafter "Beck"), is and was at all times relevant a resident of Lincoln, Lancaster County, Nebraska with his business address at One

Memorial Stadium, P.O. Box 880154, Lincoln, Lancaster County, Nebraska 68588.

Defendant Beck was, upon information and belief, a volunteer coach in charge of a “Football 101” drill called a gauntlet drill on the day in question.

4. Defendants John Does 1-3 and Jane Roes 1-3 are at present unknown as to an exact name and address. Plaintiff could not discover their true names prior to filing this Complaint. Plaintiff anticipates particulars regarding additional defendants will be provided as discovery develops.

5. Plaintiff was a participant in the “Football 101” clinic held at Memorial Stadium and the Hawk’s Championship Training Center on the University of Nebraska Campus in Lincoln, Lancaster County, Nebraska on June 2, 2010.

6. Plaintiff was assigned to a group of participants in a drill referred to as a gauntlet drill where several women formed two lines and were provided blocking pads while other women, including the Plaintiff, were given a football and challenged to run through the lines of women holding the blocking pads. Defendant Beck told the ball carriers their goal was to not drop the ball; Defendant Beck told the women with pads their goal was to knock the ball out of the hands of the ball carrier. The women with the pads were encouraged by Defendant Beck and/or others in charge of the drill to “Hit her!” as the ball carrier attempted to get through the gauntlet line.

7. Plaintiff, before June 2, 2010, was unfamiliar with football other than as a Cornhusker fan. Prior to performing the drill, she asked Defendant Beck how to hold the ball. Defendant Beck demonstrated to Plaintiff to hold the ball with arms crossed across the chest. No other instructions or warnings were given to the participants about the

drill. Plaintiff was the third or fourth person to attempt the drill.

8. Plaintiff held the ball as shown by Defendant Beck, took one or two steps and was struck by one or both of the women at the front of the gauntlet lines so hard she was knocked off her feet hitting the back of her head on the Hawk's Championship Training Center floor causing her cap and earrings to fly off. Plaintiff experienced immediate headache, became nauseated, and her right foot was dragging. Defendant Beck and a woman helped Plaintiff to a chair on the sidelines and left. Another individual came over to Plaintiff and told her someone on the medical staff would come by to check on her. No one did. Plaintiff did not participate in any further drills.

9. On June 6, 2010 Plaintiff experienced involuntary foot spasms and continued headaches. She was seen by Dr. Roth on June 7, 2010. He scheduled her for an MRI on June 8, 2010. The results of the June 8, 2010 were negative which is not unusual with what is described as a slow bleed inside Plaintiff's skull.

10. Plaintiff's headaches continued, her speech patterns worsened, she began to experience unusual memory loss, lost the ability to concentrate or multi-task, suffered vision blurriness and pain and weakness in her right leg, and experienced tremors and intermittent foot dragging on the right. Plaintiff lost her ability to function normally, particularly with her work as a trucking industry logistics coordinator.

11. While Plaintiff was attempting to exercise at the YMCA on August 9, 2010, she became disoriented and could no longer exercise. She asked a friend for assistance and was taken home. Her right foot was again dragging, as it had been with increasing frequency during the previous weeks.

12. Plaintiff contacted her doctor and was instructed to go to the hospital emergency room right away. Her friend took her to Bryan LGH East emergency room. While there, Plaintiff underwent a CT scan and was directed to go to Bryan LGH West immediately. Plaintiff was admitted that afternoon for traumatic brain injury. Neurosurgeon David Tomes performed a left frontal temporoparietal supratentorial craniotomy for evacuation of subdural hematoma that evening.

13. Plaintiff also developed right shoulder pain following the incident, and on February 3, 2011, after recovering from brain surgery, underwent rotator cuff surgery to repair torn tendons.

14. As a direct and proximate result of Plaintiff being knocked to the ground on June 2, 2010 she suffered the following injuries:

A. Traumatic brain injury resulting in subdural hematoma (bleeding on the brain beneath the skull); and

B. Right rotator cuff injury requiring surgery to repair tendons.

15. Plaintiff's injuries were due to the Defendants' negligence in one or more of the following particulars:

A. The Defendants BPF and Beck offered a dangerous activity to unsuspecting participants and knew or should have known the participants would not understand or appreciate the dangers;

B. The Defendants BPF and Beck failed to warn participants of the dangers of the gauntlet drill and, in fact, escalated the danger by encouraging aggressive physical contact;

C. The Defendants BPF and Beck failed to properly supervise or instruct parties participating as pad holders regarding physical contact with the ball carriers;

- D. The Defendants BPF and Beck failed to provide participants with proper equipment, e.g., helmets, when they knew of the potential dangers associated with head trauma;
- E. The Defendants BPF and Beck failed to properly instruct the ball carriers on how to safely perform the drill;
- F. The Defendants BPF and Beck failed to come to the aid of Plaintiff following the incident, and failed to ensure Plaintiff was provided adequate medical treatment for her injuries, the immediate symptoms of which could have alerted medical personnel to a potentially serious medical condition requiring urgent medical attention;
- G. The Defendants BPF and Beck encouraged gauntlet drill pad holders to strike the ball carriers as they attempted to get through the gauntlet line; and
- H. The Defendants BPF and Beck continued the gauntlet drill and failed to stop it as the participants' encouraged aggressiveness increased.

16. The action of the Defendants constituted willful misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the safety of Plaintiff.

17. As a direct and proximate result of Defendants' negligence Plaintiff was seriously injured as set forth in paragraphs 8 through 13 hereinabove and incurred the following medical and hospital bills which were fair, reasonable and necessary for the Plaintiff's injuries and treatment:

MEDICAL BILLS

A.	Associated Anesthesiology	\$ 1,105.00
B.	Bryan LGH	45,074.44
C.	Heartland Surgical	740.00
D.	Inpatient Physicians	1,140.00
E.	Lincoln Radiology	406.00
F.	Nebraska Emergency Medicine	563.00
G.	Neurological Surgery	5,643.00

H.	Professional Medical Imaging	1,500.00
I.	South Lincoln Family Physicians	1,269.00
J.	CVS Pharmacy	32.45
K.	J Misko	166.63
L.	Arias Neuropsychology	7,481.23
M.	Orthopaedic Anesthesiology	2,667.00
N.	Nebraska Orthopaedic Hospital	10,397.15
O.	Ortho West	9,971.00
P.	Extrom Physical Therapy	3,310.00
Q.	Bryan Heart Institute	35.00
R.	Roxbury Surgical	250.00
S.	Arthritis Center	251.00
T.	Lincoln Aesthetic	<u>562.00</u>
		\$ 92,563.90

18. As a further direct and proximate result of the negligence of the Defendants, Plaintiff experienced the following additional injuries and damages:

- A. Physical pain and suffering and loss of enjoyment of life in the past, present and future in an amount to be determined at trial;
- B. Loss of society, comfort and companionship;
- C. Future medical expenses in an amount to be determined at trial;
- D. Temporary and permanent physical impairment past, present and future in an amount to be determined at trial;
- E. Impairment of earning capacity in the past, present and future in an amount to be determined at trial; and
- F. Permanent scarring and disfigurement.

WHEREFORE, Plaintiff Beverly J. Morgan prays for judgment against Defendants Bo Pelini Foundation, Inc., Tim Beck, John Does 1-3 and Jane Roes 1-3

and each of them for her special damages and general damages as allowed by law,  
plus the costs of this action.

BEVERLY J. MORGAN, Plaintiff

By: KINSEY ROWE BECKER & KISTLER, LLP  
and ROBERT D. KINSEY, JR. -12232  
121 So. 13th Street, Suite 601  
P. O. Box 85778  
Lincoln, NE 68501-5778  
(402) 438-1313  
(402) 438-1654 (FAX)

By: /s/ Robert D. Kinsey, Jr.  
One of Said Attorneys

**PRAECIPE FOR SUMMONS**

TO THE CLERK OF SAID COURT:

Please issue Summonses in the above-entitled matter upon Bo Pelini Foundation, Inc. and Tim Beck. Please deliver the Summons to Plaintiff's attorney in order that he may affect service upon the aforementioned Defendant(s) by certified mail, return receipt requested, to the address below:

Bo Pelini Foundation, Inc.  
Tim Clare, Registered Agent  
Rembolt Ludtke LLP  
1201 Lincoln Mall #102  
Lincoln, NE 68508

Tim Beck  
One Memorial Stadium  
Lincoln, NE 68588

/s/Robert D. Kinsey, Jr.  
Attorney for Plaintiffs