

1 2. JENNIFER LINDSEY is the natural mother of HELEN MATILDA
2 ANN LINDSEY, a minor of the age of 16 years, date of birth being
3 June 13, 2000.

4 3. HELEN MATILDA ANN LINDSEY is the natural sister of minor
5 plaintiff, LOREN ISAAC LINDSEY.

6 4. Prior to or coincident with the commencement of this
7 action, an Application and Order for Appointment of Guardian Ad
8 Litem having been submitted to the court and the Order Approving
9 Guardian ad Litem having been signed by a Judge of this Court,
10 JENNIFER LINDSEY, was appointed Guardian Ad Litem of the minor
11 plaintiffs, LOREN ISAAC LINDSEY, date of birth being October 30,
12 1998, and HELEN MATILDA ANN LINDSEY, date of birth being June 13,
13 2000, for the purpose of prosecuting this action. That said Order
14 has neither been modified nor vacated nor set aside and that
15 JENNIFER LINDSEY is now the duly appointed, qualified and acting
16 Guardian Ad Litem of the minor plaintiffs LOREN ISAAC LINDSEY and
17 HELEN MATILDA ANN LINDSEY.

18 5. Venue is proper in this civil action in San Luis Obispo
19 County - Paso Robles Branch in that this incident occurred at
20 Templeton High School in the City of Templeton, County of San Luis
21 Obispo, State of California.

22 6. The Defendants, and each of them, were the agents,
23 servants, representatives and employees of the remaining
24 defendants, and each of them, and were at all times herein acting
25 within the purpose and scope of said agency, service,
26 representation and employment.

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1 7. That the true names and capacities, whether individual,
2 corporate, associate, partnership, or otherwise of the defendants,
3 DOES 1 through 25, inclusive are unknown to plaintiffs, who
4 therefore sue said defendants by such fictitious names, and
5 plaintiffs will ask leave of court to amend their pleadings to set
6 forth the true names and capacities of such fictitiously named
7 defendants when the same becomes known to them; that plaintiffs are
8 informed and believe, and upon such information and belief allege,
9 that each of the defendants designated herein by a fictitious name
10 is responsible and liable to plaintiffs in some manner for the
11 acts, conduct, omissions, and events, and happenings hereinafter
12 set forth, and that said negligence or wrongful conduct directly
13 and proximately caused injuries and damages to the plaintiffs as
14 hereinafter alleged.

15 8. Defendants, TEMPLETON UNIFIED SCHOOL DISTRICT; TEMPLETON
16 HIGH SCHOOL; and DOES 1 through 10, are public entities and/or
17 agencies of public entities. These defendants had responsibility
18 on or about September 18, 2015, and for many years before that date
19 for the ownership, maintenance, and operation of the school
20 property and in particular Templeton High School and its sports
21 facilities.

22 9. On or about August 12, 2016, plaintiffs served an
23 Application for Leave to Present Late Claim and Claim For Damages
24 on the TEMPLETON UNIFIED SCHOOL DISTRICT and TEMPLETON HIGH SCHOOL,
25 all in accordance with the California Government Code. On September
26 8, 2016, TEMPLETON UNIFIED SCHOOL DISTRICT granted the Application
27 for Leave to Present a Late Claim on behalf of LOREN ISAAC LINDSEY
28 and HELEN MATILDA ANN EINDSEY for alleged damages which occurred on

1 September 18, 2015. On September 29, 2016, plaintiffs' Claim For
2 Damages was rejected by operation of law by Templeton Unified
3 School District. A true and correct copy of the Claim is attached
4 hereto as Exhibit "A" and incorporated herein by reference.

5 10. Defendants, RIDDELL ALL-AMERICAN SPORTS CORPORATION, were
6 at all times and places mentioned herein, and now are, either a co-
7 partnership, association or corporation, duly organized, formed,
8 licensed to do business and doing business under and by virtue of
9 the laws of the State of California, and in the State of
10 California; or, was and now are either a co-partnership,
11 association or corporation, duly organized, and existing under and
12 by virtue of the laws of a foreign jurisdiction and authorized to
13 do business and doing business in the State of California, under
14 and by virtue of the laws of the State of California, and were at
15 all times and places mentioned herein doing business in the State
16 of California.

17 11. That on or about September 18, 2015, minor plaintiff,
18 LOREN ISAAC LINDSEY was playing football for defendant, TEMPLETON
19 HIGH SCHOOL and TEMPLETON UNIFIED SCHOOL DISTRICT versus San Luis
20 Obispo High School when he collapsed and went into a coma suffering
21 from a severe traumatic brain injury.

22 **FIRST CAUSE OF ACTION**

23 **GENERAL NEGLIGENCE AS TO DEFENDANTS**

24 **TEMPLETON UNIFIED SCHOOL DISTRICT and TEMPLETON HIGH SCHOOL**

25 12. Plaintiffs, restate and reiterate each and all of the
26 paragraphs and allegations set forth above, and makes them part of
27 this cause of action as though fully set forth here.

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1 13. Minor plaintiff, LOREN ISAAC LINDSEY, was a student at
2 TEMPLETON HIGH SCHOOL, in Templeton, California on September 18,
3 2015. Plaintiff was playing in a school sanctioned football game
4 when he went to the sidelines and collapsed and went into coma.
5 These defendants failed the standard of care in multiple ways
6 including but not limited to the supervision of minor plaintiff
7 LOREN ISAAC LINDSEY; the handling and protocols in their concussion
8 program and access and clearing athletes with concussions; the
9 fitting of the Riddell 360 Helmet on the minor plaintiff and the
10 monitoring of the fit of that helmet over the time of school games
11 and practices to include when minor Plaintiff's helmet came off his
12 head; recertification of the helmet in the spring of 2015 and the
13 subsequent fitting of the helmet for the minor plaintiff from that
14 time to September 18, 2015; and the location of the ambulance and
15 inaccessibility some distance across the playing field which
16 directly lead to increased response time by the ambulance crew.
17 Defendants' conduct was negligent, lacked reasonable due care, and
18 was negligent per se in violation of applicable laws, statutes,
19 codes and regulations.

20 14. That the public entities and their agents, servants,
21 representatives, and employees negligently supervised and failed to
22 supervise minor plaintiff, LOREN ISAAC LINDSEY, at the time of his
23 accident which occurred on school grounds and school property and
24 in particular on the football field of defendant TEMPLETON HIGH
25 SCHOOL. These defendants both owned, controlled and maintained the
26 subject property, football field, and equipment at the time of the
27 accident. That their failure to supervise was a legal cause of
28 injuries and damages to the minor plaintiff.

1 15. That the public entities and their agents, servants,
2 representatives, and employees are liable for injury to the minor
3 plaintiff LOREN ISAAC LINDSEY which was legally caused by acts
4 and/or omissions of said parties acting within the scope of their
5 employment and in particular negligent acts in the supervision of
6 minor plaintiff, LOREN ISAAC LINDSEY, and maintenance of the
7 subject school grounds, football field, and equipment including
8 the Riddell 360 Helmet as previously stated.

9 16. That the public entities and their agents, servants,
10 representatives, and employees had mandatory duties and they failed
11 to comply with said duties and are liable for the injury to minor
12 plaintiff LOREN ISAAC LINDSEY, legally caused by said failures.

13 17. As a direct and proximate result of the acts, conduct and
14 omissions of the defendants, and each of them, Plaintiff, LOREN
15 ISAAC LINDSEY, suffered severe and painful injuries including, but
16 not limited to, second impact syndrome resulting in, traumatic
17 brain injury status post right ventricular catheterization for
18 intracranial pressure monitoring; left frontotemporal subdural
19 hematoma; diffuse traumatic subarachnoid hemorrhage; cerebral
20 edema; intracranial hypertension; leukocytosis; acute liver
21 syndrome; rhabdomyolysis; coma; left frontotemporoparietal
22 craniectomy for intracranial pressure decompression; placement of
23 skull bone in the abdomen; lower extremity paralysis; pneumonia;
24 hyponatremia resolved; as well as great physical pain and mental
25 suffering and shock, and said plaintiff has been made to endure and
26 will continue to endure great physical pain and mental suffering
27 and has been totally impaired in his physical capacity, all of
28 which will result in certain total and permanent physical

1 disabilities to plaintiff, all to his general damages according to
2 proof and in excess of this Court's jurisdictional limits.

3 18. As a further direct and proximate result of the acts,
4 conduct and omissions of the defendants, and each of them, Minor
5 Plaintiff, LOREN ISAAC LINDSEY, was required to and did employ
6 physicians, surgeons and nurses to examine, treat and care for him
7 and did incur medical and incidental expenses in an amount not now
8 known to him, and plaintiff is informed and believes, and upon such
9 information and belief alleges that he will incur additional such
10 expenses in the future in an amount not now know to him, and will
11 ask leave of court to amend his pleadings to set forth the amount
12 thereof when the same becomes known to him.

13 19. As a further direct and proximate result of the acts,
14 conduct and omissions of the defendants, and each of them, minor
15 Plaintiff, LOREN ISAAC LINDSEY, has been prevented from pursuing
16 his ususal occupation and activities, and plaintiff is informed and
17 believes, and upon such information and belief alleges that he will
18 be prevented from pursuing his usual occupation and activities from
19 time to time in the future, all to his damages in an amount not now
20 known to him. Plaintiffs will ask leave of court to amend their
21 pleadings to set forth the exact amount thereof when the same
22 becomes known to them.

23 Wherefore, plaintiffs pray judgment against defendants, and
24 each of them, as set forth below.

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1 **THIRD CAUSE OF ACTION**

2 **STRICT PRODUCTS LIABILITY AS TO DEFENDANTS**

3 **RIDDELL ALL-AMERICAN SPORTS CORPORATION**

4 27. Plaintiffs, restate and reiterate each and all of the
5 paragraphs and allegations set forth above, and makes them part of
6 this cause of action as though fully set forth here.

7 28. Plaintiffs are informed and believe and upon such
8 information and belief allege, that at all times and places
9 mentioned herein, Defendant RIDDELL ALL-AMERICAN SPORTS
10 CORPORATION, and DOES 11-25, and each of them, are in the business
11 of manufacturing for sale, testing, inspecting, conditioning,
12 reconditioning, packaging, marketing, distributing, recommending,
13 selling, maintaining and repairing football equipment, or component
14 parts of the football equipment to include Riddell 360 football
15 helmets including the one purchased by minor plaintiff LOREN ISAAC
16 LINDSEY from defendant RIDDELL ALL-AMERICAN SPORTS CORPORATION in
17 June of 2014. Defendants' conduct was negligent, lacked reasonable
18 due care, and was negligent per se in violation of applicable laws,
19 statutes, codes and regulations.

20 29. Plaintiffs are informed and believe, and upon such
21 information and belief allege, that Defendants RIDDELL ALL-AMERICAN
22 SPORTS CORPORATION and DOES 11-25, and each of them, sold minor
23 Plaintiff, LOREN ISAAC LINDSEY, a Riddell 360 Helmet which bares
24 Product Code 41177, in the United States of America and that said
25 helmet was intended by the minor Plaintiff to be used a protective
26 device and helmet for playing football to include high school
27 football practices and games.

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1 30. Defendants RIDDELL ALL-AMERICAN SPORTS CORPORATION and
2 DOES 11-25, and each of them, knew that minor Plaintiff would
3 purchase and use the subject Riddell 360 Helmet without inspection
4 for defects by the purchaser or user.

5 31. Defendant RIDDELL ALL-AMERICAN SPORTS CORPORATION'S
6 helmet, a Riddell 360 Helmet, which was manufactured in June of
7 2014 and bares Product Code 41177, was unsafe for its intended use
8 by reason of defects in the design, manufacture, assembly,
9 inspection, distribution, recommendation for sale, packaging,
10 marketing, distributing, and maintenance in that, among other
11 things, it had leaking from the Riddell 360 Helmet in the airpads
12 and the valves which failed on three separate occasions before the
13 football season of 2015 to include the failure and leaking of the
14 earpads; the occipital pads; and the back/side pads; all leading to
15 an improper fitting, an ill fitting, and loose fitting helmet
16 during the football season preceding and up to the football game
17 versus San Luis Obispo High School on September 18, 2015, which
18 directly and proximately lead to the severe traumatic brain injury
19 suffered by the minor plaintiff on September 18, 2015, described
20 herein above.

21 32. These defects all rendered minor Plaintiff, LOREN ISAAC
22 LINDSEY's, Riddell 360 football helmet unsafe and exposed the minor
23 plaintiff to foreseeable and serious injuries.

24 33. As a direct and proximate result of the acts, conduct and
25 omissions of the defendants, and each of them, Plaintiff, LOREN
26 ISAAC LINDSEY, suffered severe and painful injuries including, but
27 not limited to, second impact syndrome resulting in, traumatic
28 brain injury status post right ventricular catheterization for

1 intracranial pressure monitoring; left frontotemporal subdural
2 hematoma; diffuse traumatic subarachnoid hemorrhage; cerebral
3 edema; intracranial hypertension; leukocytosis; acute liver
4 syndrome; rhabdomyolysis; coma; left frontotemporoparietal
5 craniectomy for intracranial pressure decompression; placement of
6 skull bone in the abdomen; lower extremity paralysis; pneumonia;
7 hyponatremia resolved; as well as great physical pain and mental
8 suffering and shock, and said plaintiff has been made to endure and
9 will continue to endure great physical pain and mental suffering
10 and has been totally impaired in his physical capacity, all of
11 which will result in certain total and permanent physical
12 disabilities to plaintiff, all to his general damages according to
13 proof and in excess of this Court's jurisdictional limits.

14 34. As a further direct and proximate result of the acts,
15 conduct and omissions of the defendants, and each of them, minor
16 Plaintiff, LOREN ISAAC LINDSEY, was required to and did employ
17 physicians, surgeons and nurses to examine, treat and care for him
18 and did incur medical and incidental expenses in an amount not now
19 known to him, and plaintiff is informed and believes, and upon such
20 information and belief alleges that he will incur additional such
21 expenses in the future in an amount not now know to him, and will
22 ask leave of court to amend his pleadings to set forth the amount
23 thereof when the same becomes known to him.

24 35. As a further direct and proximate result of the acts,
25 conduct and omissions of the defendants, and each of them, minor
26 Plaintiff, LOREN ISAAC LINDSEY, has been prevented from pursuing
27 his usual occupation and activities, and plaintiff is informed and
28 believes, and upon such information and belief alleges that he will

1 be prevented from pursuing his usual occupation and activities from
2 time to time in the future, all to his damages in an amount not now
3 known to him. Plaintiffs will ask leave of court to amend their
4 pleadings to set forth the exact amount thereof when the same
5 becomes known to them.

6 Wherefore, plaintiffs pray judgment against defendants, and
7 each of them, as set forth below.

8 **FOURTH CAUSE OF ACTION**

9 **PRODUCT LIABILITY - NEGLIGENCE AS TO**

10 **DEFENDANTS RIDDELL ALL-AMERICAN SPORTS CORPORATION**

11 36. Plaintiffs, restate and reiterate each and all of the
12 paragraphs and allegations set forth above, and makes them part of
13 this cause of action as though fully set forth here.

14 37. Plaintiffs allege Defendants RIDDELL ALL-AMERICAN SPORTS
15 CORPORATION, and DOES 11-25, and each of them, acted negligently,
16 recklessly, carelessly, without due care and in breach of all
17 applicable duties to the public at large and to plaintiffs in
18 particular, and omitted to act with due care in the design,
19 manufacture, assembly, inspection, distribution, recommendation for
20 sale, packaging, marketing, distributing, and maintenance of the
21 subject Riddell 360 Helmet, and component parts thereof, and other
22 similar helmets and failure to warn and repair defective pads and
23 valves after being given notice multiple times by Plaintiffs.

24 38. As a direct and proximate result of the acts, conduct and
25 omissions of the defendants, and each of them, the plaintiffs, and
26 each of them, suffered damages as alleged herein above.

27 Wherefore, plaintiffs pray judgment against defendants, and
28 each of them, as set forth below.

1 **FIFTH CAUSE OF ACTION**

2 **PRODUCT LIABILITY - BREACH OF WARRANTY**

3 **AS TO DEFENDANT RIDDELL ALL-AMERICAN SPORTS CORPORATION**

4 39. Plaintiffs, restate and reiterate each and all of the
5 paragraphs and allegations set forth above, and makes them part of
6 this cause of action as though fully set forth here.

7 40. Prior to and on the date of the purchase of minor
8 Plaintiff, LOREN ISAAC LINDSEY's, Riddell 360 Helmet, (Product Code
9 41177), Defendants RIDDELL ALL-AMERICAN SPORTS CORPORATION, and
10 DOES 11-25, and each of them, expressly represented and warranted
11 to the general public, including Plaintiffs, that said helmet and
12 its component parts were free from defects and in all respects safe
13 for the use and in the manner for which they were designed,
14 manufactured and sold and expressly warranted that said helmet and
15 its component parts were of merchantable quality and fit for the
16 purpose intended, namely, to be worn while participating in
17 football practices and games at the high school level. Said
18 warranties were both oral and in written form.

19 41. Plaintiffs relied on said warranties and representations
20 of said defendants, RIDDELL ALL-AMERICAN SPORTS CORPORATION, and
21 Does 11-25, and each of them, and on the defendants' skill and
22 judgment in purchase of the said helmet and said affirmations,
23 promises and warranties became part of the basis of the bargain.

24 42. Defendant's helmet was not safe for the use and purpose
25 for which it was intended and was not of merchantable quality and
26 fitness for use as a result of the defects as herein above alleged,
27 and as a direct and proximate result of the said breach of
28 warranties, and the incident of September 18, 2015, plaintiffs

1 suffered injuries and damages as set forth herein.

2 Wherefore, plaintiffs pray judgment against defendants, and
3 each of them, as set forth below.

4 **SIXTH CAUSE OF ACTION**

5 **EMOTIONAL DISTRESS**

6 43. Plaintiffs, restate and reiterate each and all of the
7 paragraphs and allegations set forth above, and makes them part of
8 this cause of action as though fully set forth here.

9 44. Plaintiff HELEN MATILDA ANN LINDSEY is the natural sister
10 of Minor Plaintiff LOREN ISAAC LINDSEY.

11 45. That at all times and places mentioned herein, Plaintiff
12 HELEN MATILDA ANN LINDSEY was in close proximity to her brother as
13 the above-described incident took place, in that she was on the
14 sidelines at the time of the incident which resulted in injuries
15 and damages to minor Plaintiff LOREN ISAAC LINDSEY. Plaintiff,
16 HELEN MATILDA ANN LINDSEY, experienced contemporaneous sensory
17 awareness of injuries sustained by her brother at that time, and of
18 the causal connection between the injury-causing incident caused by
19 defendants herein and the resulting injuries to Plaintiff, LOREN
20 ISAAC LINDSEY, causing minor Plaintiff, HELEN MATILDA ANN LINDSEY,
21 to suffer severe emotional distress.

22 46. Further, as a direct and proximate result of the fault,
23 acts, conduct and omissions of the defendants, and each of them,
24 minor Plaintiff, HELEN MATILDA ANN LINDSEY, sustained certain
25 severe and painful emotional injuries, including, but not limited
26 to, great emotional distress and shock to the nerves and nervous
27 system, as well as mortification, humiliation, horror, grief,
28 fright, shame, ridicule, nausea and embarrassment, and said

1 plaintiff is informed and believes, and upon such information and
2 belief alleges that she will continue to suffer from the emotional
3 injuries for some indefinite period of time in the future, and
4 that as a direct and proximate result of the said negligence,
5 acts, conduct, and omissions of the defendants, and each of them,
6 said plaintiff has been generally damaged in an amount in excess of
7 the jurisdictional limits.

8 47. As a further direct and proximate result of the fault,
9 acts, conduct and omissions of the defendants, and each of them,
10 said minor Plaintiff, HELEN MATILDA ANN LINDSEY, was required to
11 and did employ physicians, counselors, therapists, and nurses to
12 examine, treat and care for her, and did incur medical and
13 incidental expenses in an amount not now known to her, and these
14 plaintiffs are informed and believe, and upon such information and
15 belief allege, that they will incur additional such expenses in the
16 future in an amount within the jurisdiction of this Court.

17 48. As a further direct and proximate result of the fault,
18 acts, conduct and omissions of the defendants, and each of them,
19 said minor Plaintiff, HELEN MATILDA ANN LINDSEY, was prevented from
20 pursuing her usual occupation and activities, and plaintiffs are
21 informed and believe, and upon such information and belief allege,
22 that they will be prevented from pursuing their usual occupation
23 and activities in the future, all to their damage in an amount
24 within the jurisdiction of this Court.

25 Wherefore, plaintiffs pray judgment against defendants, and
26 each of them, as set forth below.

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1 SEVENTH CAUSE OF ACTION

2 PUNITIVE DAMAGES AS TO

3 DEFENDANT RIDDELL ALL-AMERICAN SPORTS CORPORATION

4 49. Plaintiffs, restate and reiterate each and all of the
5 paragraphs and allegations set forth above, and makes them part of
6 this cause of action as though fully set forth here.

7 50. Defendants RIDDELL ALL-AMERICAN SPORTS CORPORATION and
8 DOES 11-25, by engaging in the conduct alleged herein above, and in
9 the design and manufacture of the Riddell 360 Helmet, which was
10 manufactured in June of 2014 and bares Product Code 41177, and in
11 the design and manufacture of the helmet, acted with malice and
12 oppression, and acted with a willful and conscious disregard of the
13 rights or safety of others, including minor Plaintiff, LOREN ISAAC
14 LINDSEY, in that, among other things, the said defendants knew of
15 the defects incorporated into the subject Riddell 360 Helmet,
16 including but not limited to the subject helmet had leaking from
17 the Riddell 360 Helmet in the airpads and the valves which failed
18 on three separate occasions before the football season of 2015 to
19 include the failure of the earpads; the occipital pads; and the
20 back/side pads and Defendant, RIDDELL ALL-AMERICAN SPORTS
21 CORPORATION was placed on notice of each failure; all leading to an
22 improper fitting, an ill fitting, and loose fitting helmet during
23 the football season preceding and up to the football game versus
24 San Luis Obispo High School on September 18, 2015, said helmet
25 lacked any warning whatsoever to users of the hazards resulting
26 from these defects. Despite such knowledge, and despite their
27 awareness of the probable dangerous consequences of their conduct,
28 these defendants willfully and deliberately failed to avoid those

1 consequences. Furthermore, the corporate state of mind of these
2 defendants was malicious and despicable, in that these defendants
3 willfully, intentionally and deliberately, and with all requisite
4 authorization and ratification by their officers and managing
5 agents, chose to incorporate such designs into the helmet
6 referenced herein above, and willfully and deliberately exposed
7 plaintiffs and other members of the public to injury, even though
8 such defendants knew that it was highly probable harm would result
9 from such conduct, choices and designs. These Defendants were
10 aware of complaints regarding the subject Riddell 360 Helmet by the
11 plaintiffs and failed to warn the plaintiffs, and willfully and
12 deliberately failed to take any retroactive steps to correct the
13 danger, and Plaintiff LOREN ISAAC LINDSEY is therefore entitled to
14 ask the jury to award punitive and exemplary damages against
15 Defendant RIDDELL ALL-AMERICAN SPORTS CORPORATION in an amount
16 sufficient to punish and make an example of Defendant RIDDELL ALL-
17 AMERICAN SPORTS CORPORATION, according to proof.

18 WHEREFORE, Minor Plaintiffs, LOREN ISAAC LINDSEY and HELEN
19 MATILDA ANN LINDSEY, pray judgment against defendants, and each of
20 them as follows:

- 21 a. General/Non-Economic damages to be specified
22 at a later date;
- 23 b. Medical and incidental expenses, according to
24 proof;
- 25 c. All losses incurred because of plaintiffs
26 inability to pursue their usual occupation and
27 activities;
- 28 d. For costs of suit incurred herein;

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- e. For prejudgment interest in accordance with law;
- f. For punitive and exemplary damages against Defendant Riddell All-American Sports Corporation; and
- g. For such other and further relief as to the court deems just and proper.

DATED: October 16, 2016

MILES, SEARS & EANNI

By: 
RICHARD C. WATTERS
Attorneys for Plaintiffs