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## Advocacy for Fairness in Sports September 2019 Newsletter

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Dear Friend of Advocacy for Fairness in Sports:

Last month's newsletter began with a very disturbing revelation about the NFL Concussion Settlement. In an [Advocacy for Fairness in Sports exclusive](#) that was the result of over two months of investigation, we revealed a nefarious push by the NFL to have players permanently disqualified from settlement participation and face potential criminal fraud charges should it be discovered that any part of their condition or claim was "misrepresented." Of course, the NFL takes broad latitude on what may actually constitute misrepresentation and has enlisted investigators to follow and film players attempting to discredit them.

[We also reported](#) on a new form in use by the claims administrator that seeks details on nearly every aspect of a player's life over the past five years. As we explained, this is a recipe for disaster, for two primary reasons. First, we're talking about guys suffering from dementia. Guys that by nature of their disease forget things. Second, in having players with a propensity for forgetfulness, bound by such documentation, the NFL is given an additional tool for areas in which to use their surveillance to further discredit the players. As an example, if a player states he doesn't attend church but then accepts an invitation to a wedding, christening, or attends a funeral, and the investigators present photos of the player at or in a church, the NFL questions the claim.

***To follow up on this, in a newsletter exclusive***, we can now confirm that Judge Brody has made a ruling-off the docket, of course--for each of the five individual players who were impacted by the NFL objection. One player received a favorable ruling, whereas the other four players were denied and instructed to resubmit their claims after correcting the "misrepresentations." As such, these players along with the settlement class have dodged the bullet for now. I fully expect the NFL to continue pushing the issue and this will likely compel Judge Brody to issue a general order at some point in the future.

Advocacy for Fairness in Sports is also pursuing another investigation of a similar nature regarding a

popular physicians group used by players.

Last month's newsletter also featured a [story about a bizarre multilayered scheme](#) in which a lawyer supposedly representing them in the concussion settlement, embezzled millions from cognitively impaired retired NFL players. We're pleased to follow up on that story with another reporting that the [Securities Exchange Commission \(SEC\), has now charged Tim Howard](#) and the Cambridge Capital Group.

Our featured story this month is written by Brandi Winans. I hope you'll take the time to give it a read.



## Our Sixteen-Year Struggle for NFL Disability

There are many parallels between our stories; those of my husband Jeff and [Charles Dimry](#) reflect on so many other stories. On the battlefield of the NFL and its former players.

As I read Charles' story, it brought back all of the haunting memories of the 16 years We fought to get my husband Jeff's Disability.

Jeff played for Buffalo, Tampa and the Raiders from 1973-1980. Along the way, he suffered multiple injuries: Torn ACL, Torn MCL, Multiple Neck and lower back injuries, a broken foot, and crushed ankles. He also suffered from repeated hits to the head and at 30 years old, it was the last job he would ever have.

We did what everyone is supposed to do: Call your Players' Rep and file for help. Our player rep sent us to a lawyer in Oakland who was supposed to help us file for Total and Permanent Disability (T & P). He told us we had to file for Line of Duty first and then file for T & P.

Upon filing, we were told that we had to be sent to an NFL Neutral Physician...

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Moving on to the NCAA and amateurism, California, South Carolina, and New York have proposed legislation to empower college athletes by giving them back the use of their own names, images, and likenesses. Predictably the NCAA and schools have pushed back, and that's why I found this article, "[The Assassination of California Sports By the Coward Mark Emmert,](#)" in Fresno State's student newspaper both interesting and encouraging.

While the proposed South Carolina legislation is the most ambitious, seeking to pay stipends to college athletes and create a medical fund in addition to use of their own NIL, the California bill has been misconstrued by many in media who seem in alignment with the NCAA. In this article, I set out to do some myth-busting and demonstrate the benefits the California legislation would provide.



### SB 206 Would Benefit More Athletes Than the Narrative Indicates

Somehow the narrative around SB 206, and athlete rights to the name, image, and likeness of their birthright—a right that every other American citizen takes for granted is being distorted in the media both as to what the California bill awaiting the governor's

signature actually entails and the number of college athletes it would benefit.

[Continue reading](#)

In the next story, Derek Helling dives into an aspect of white supremacy in sports not often discussed.



### How American Football Fuels White Supremacy

The game of American football should have as much emphasis placed on the first word as the second. It's uniquely American and because of that, capsulizes American society into an activity that can be studied. The culture surrounding the game mimics culture on a grander scale because the same people with

the same ambitions, attitudes, prejudices and values comprise the individuals involved in the sport as form the larger culture. While American football is by no means the only sport this is true of, it's the most popular sport in the United States and therefore the easiest to discuss and study....

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The next feature isn't really an article but a compilation of several. Sexual abuse in Olympic sports is pandemic. We need to demand that sexual predators are permanently banned from their positions of power before more young people are harmed.



This year alone has seen a 55% increase in reports of sex abuse and other misconduct than last year. That amounts to an average of 239 reports a month... Analysts predict that the number of reports could cap off at 667 per month or 8, 000 per year.

[Continue reading](#)



### Psychology, Sociology and Law Converge in Amon Gordon's Appeal to the Third Circuit

On Tuesday, in response to a show cause order asking why the Third Circuit should accept a concussion settlement claim appeal, Wendy Fleishman of Lieff Cabraser filed two briefs supporting her client Amon Gordon and opposition responses were

filed by the NFL and Lead Class Counsel Christopher Seeger. As you might expect the briefs were a bit on the dry side since purely legal issues were addressed as opposed to delving into the merits of the case, and I'll recap the legalese in a bit, but first, I'll look at an issue that's anything but "dry." As is often the case, I felt another set of eyes would be useful in looking at the briefs to make sure there were no points that I may have inadvertently overlooked, and in this instance, the extra set of eyes landed on something rather revealing...

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The next story is another update on the Gordon claim. Since the stories above and below were written the NFL has fought tooth and nail to try to kill both the appeal and the motion. As of now, no rulings have been made.



### **Player's Concussion Settlement Motion Puts Judge on the Hotseat**

In the story linked above, I noted how in addition to filing an appeal, Amon Gordon's attorney took an additional step by asking the Third Circuit to stay the appeal while she filed a Rule 60 Motion in district court. A Rule 60 motion is a seldom used measure to request that the court correct a mistake that results in "manifest injustice."

This article looks closely at the Rule 60 Motion which essentially tells the judge, "correct the error or we'll air the dirty laundry at the Third Circuit. The Rule 60 Motion also give Gordon two chances to obtain a favorable ruling rather than one.

[Continue reading](#)

In addition to the legal aspects of the Gordon appeal and Rule 60 motion, I went yet another direction showing, that while they were both Stanford Alumni, Amon Gordon and Andrew Luck experienced two very different NFLs. This was one of the most widely read and commented on stories of the month.



# Two Stanford Alumni. Two Very Different NFLs for Andrew Luck and Amon Gordon

Over the weekend Colts' quarterback, Andrew Luck startled the NFL world with his decision to retire at the relatively young age of 29. As [Ken Belson writes](#), in the New York Times, "Luck belongs to a young generation more carefully weighing the dangers of the game against the financial rewards." He's also one of a very small sector of NFL players who are able to walk away from the game on their own terms.

[Continue reading](#)

Fairness in Sports homepage. Often people ask what can be done to help the athletes and stop the rampant abuses.

One of the easiest ways to help is to talk about it and share information. If you use social media, use your Facebook, Twitter, Instagram or other accounts to help share these articles. Forward our newsletter to your friends. With the introduction of legislation permitting college athletes use of their own name, image, and likeness in California, South Carolina, and New York, and now Michigan's Secretary of State taking a closer look, momentum is building but the NCAA won't release its grip without a fight. You can also show your support of college athletes by writing or calling legislators and asking them to support the athletes.

The same can be said about the abuse in Olympic sports, except the momentum doesn't seem to be quite as strong here. As the first article in my compilation stated, budgeting for SafeSport is far short of what's needed and no one seems to want to pick up the tab. It's time for Congress to act decisively.

Reform in professional sports is perhaps the most challenging area of all. The general public seems to have a belief that all pro athletes are rich. This couldn't be further from the truth. NFL players whose careers ended prior to the onset of free agency in 1993 made only a fraction of what today's players make, even accounting for inflation. Many if not most are dealing with severe orthopedic issues, and a large percentage also have experienced neurological problems as a result of their careers. As I demonstrated in the Luck vs. Gordon article, even today's NFL isn't a windfall for all who play in the NFL. There are far more players on minimum contracts that are often voided if a player's team begins to view him as damaged goods. Across the board, when players seek to collect on their collectively bargained disability benefits or compensation in the concussion settlement, they're met with fierce opposition that devastates lives and families compounding the physical and emotional damages.

So....share, share, share, and when you're watching sports with friends, talk about it. Media isn't helping here so we need a grassroots effort to get things rolling for these guys.

You can also help by donating to Advocacy for Fairness in Sports and other organizations that are addressing these problems. As you might imagine, it takes a lot of time and resources to put all of this together every month, but we are committed to our goal of providing investigative journalism with a moral force lacking in mainstream media in hopes of bringing positive change.

100% of the money donated to Advocacy for Fairness in Sports goes toward supporting our work and not inflated salaries that are common with many nonprofit organizations, but we have to meet expenses. This month our site went down and our

previous web host was extremely slow in responding (as in not until the next day.) This forced us to move our site to a different host (with higher fees) that provides 24/7 support to prevent this from happening in the future. The dockets have been extremely busy as of late and with that, increased expense, and these represent just two of the expenses we incur each month.

We received our 501(c)(3) acceptance letter from the IRS in August, effective our incorporation date of April 24, 2019, therefore your donations are tax-deductible to the fullest extent permitted by law. While we're not yet showing up on the IRS website (I'm told probably October or November) our status can be verified by calling the IRS and providing our EIN: 83-4527989. You can make a tax-deductible donation by clicking below. Please accept my heartfelt gratitude for your support.

[Donate Now!](#)



Best wishes,

Sheilla

A handwritten signature in blue ink, appearing to read 'Sheilla', with a large, stylized flourish extending to the right.